



February 16, 2016

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## ENGROSSED HOUSE BILL No. 1036

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DIGEST OF HB 1036 (Updated February 11, 2016 11:17 am - DI 106)

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

**Synopsis:** Technical corrections. Resolves technical problems in the Indiana Code, including incorrect statutory references, nonstandard tabulation, and various grammatical problems. Provides that the technical corrections bill may be referred to as the "technical corrections bill of the 2016 general assembly". Specifies that the title may be used in the lead-in line of each SECTION of another bill to identify the provisions added, amended, or repealed by the technical corrections bill that are also amended or repealed in another bill being considered during the 2016 legislative session. Provides the publisher of the Indiana Code with guidance concerning resolution of amend/repeal conflicts between the technical corrections bill and other bills passed during the 2016 legislative session. Specifies that if there is a conflict between a provision in the technical corrections bill and a provision being repealed in another bill, the other bill's repealer is law. (The introduced version of this bill was prepared by the code revision commission.)

**Effective:** Upon passage; July 1, 2015 (retroactive); January 1, 2016 (retroactive).

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### Washburne, Kersey

(SENATE SPONSORS — YOUNG R MICHAEL, BRAY,  
RANDOLPH LONNIE M)

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January 5, 2016, read first time and referred to Committee on Judiciary.  
January 11, 2016, reported — Do Pass.  
January 14, 2016, read second time, ordered engrossed. Engrossed.  
January 19, 2016, read third time, passed. Yeas 93, nays 0.

SENATE ACTION

February 3, 2016, read first time and referred to Committee on Civil Law.  
February 15, 2016, reported favorably — Do Pass.

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EH 1036—LS 6074/DI 112





February 16, 2016

Second Regular Session of the 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1036

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

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

- 1 SECTION 1. IC 2-2.2-1-3 IS REPEALED [EFFECTIVE UPON  
2 PASSAGE]. Sec. 3. (a) "~~Close relative~~" refers to the following relatives  
3 of an individual:  
4 (1) The individual's parent.  
5 (2) The individual's spouse.  
6 (3) The individual's children.  
7 (b) A relative by adoption, half-blood, marriage, or remarriage is  
8 considered as a relative of whole kinship.  
9 SECTION 2. IC 2-7-1-1.7, AS AMENDED BY P.L.123-2015,  
10 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 UPON PASSAGE]: Sec. 1.7. (a) "Close relative" ~~has the meaning set~~  
12 ~~forth in IC 2-2.2-1-3.~~ refers to the following relatives of an  
13 individual:  
14 (1) The individual's parent.  
15 (2) The individual's spouse.  
16 (3) The individual's children.

EH 1036—LS 6074/DI 112



1           **(b) A relative by adoption, half-blood, marriage, or remarriage**  
 2 **is considered as a relative of whole kinship.**

3           SECTION 3. IC 2-7-1-7.5 IS REPEALED [EFFECTIVE UPON  
 4 PASSAGE]. Sec. 7.5: "**Legislative liaison**" has the meaning set forth in  
 5 ~~IC 5-14-7-3.~~

6           SECTION 4. IC 2-7-4-5.5, AS AMENDED BY P.L.165-2013,  
 7 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 UPON PASSAGE]: Sec. 5.5. ~~(a)~~ The commission shall make copies of  
 9 all the following available on the Internet:

10           (1) Reports, statements, other documents required to be filed  
 11 under this article.

12           (2) Manuals, indices, summaries, and other documents the  
 13 commission is required to compile, publish, or maintain under  
 14 this article.

15           ~~(b) The commission shall make copies of all reports required to be~~  
 16 ~~made by the employers of legislative liaisons under IC 5-14-7 available~~  
 17 ~~on the Internet.~~

18           SECTION 5. IC 2-7-5-7, AS ADDED BY P.L.58-2010, SECTION  
 19 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON  
 20 PASSAGE]: Sec. 7. (a) An individual who is a member of the general  
 21 assembly after December 31, 2011, may not be

22           ~~(1)~~ registered as a lobbyist under this article ~~or~~

23           ~~(2) employed as a legislative liaison;~~

24 during the period described in subsection (b).

25           (b) The period referred to in subsection (a):

26           (1) begins on the day the individual ceases to be a member of the  
 27 general assembly; and

28           (2) ends three hundred sixty-five (365) days after the date the  
 29 individual ceases to be a member of the general assembly.

30           SECTION 6. IC 2-7-6-2, AS AMENDED BY P.L.123-2015,  
 31 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 UPON PASSAGE]: Sec. 2. (a) This section does not apply to failure to  
 33 file a report or statement under ~~IC 2-7-2-2, IC 2-7-3-2, IC 2-7-2-1,~~  
 34 **IC 2-7-3-1**, IC 2-7-3-3.3, or IC 2-7-3-7 if the person failing to file the  
 35 report or statement files a late report or statement not more than ten  
 36 (10) business days after the commission notifies the person by certified  
 37 mail, return receipt requested, that the person did not file a timely  
 38 report or statement.

39           (b) Any person who knowingly or intentionally violates any  
 40 provision of IC 2-7-2, IC 2-7-3, or IC 2-7-5 commits unlawful  
 41 lobbying, a Level 6 felony. In addition to any penalty imposed on the  
 42 defendant under IC 35-50-2-7 for unlawful lobbying, the court may



1 order the defendant not to engage in lobbying for a period of up to ten  
2 (10) years, IC 2-7-5-6 notwithstanding.

3 (c) Any person who lobbies in contravention of a court order under  
4 subsection ~~(a)~~ **(b)** commits a Level 6 felony.

5 SECTION 7. IC 3-10-1-4.6, AS AMENDED BY P.L.216-2015,  
6 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
7 UPON PASSAGE]: Sec. 4.6. (a) This section applies to precinct  
8 committeemen elected by the Indiana Republican Party.

9 (b) Precinct committeemen shall be elected on the first Tuesday  
10 after the first Monday in May 2016 and every four (4) years thereafter.

11 (c) The rules of the Indiana Republican Party may specify whether  
12 a precinct committeeman elected under subsection ~~(a)~~ **(b)** continues to  
13 serve as a precinct committeeman after the boundaries of the precinct  
14 are changed by a precinct establishment order issued under  
15 IC 3-11-1.5.

16 SECTION 8. IC 3-11-8-10.3, AS AMENDED BY P.L.169-2015,  
17 SECTION 109, IS AMENDED TO READ AS FOLLOWS  
18 [EFFECTIVE UPON PASSAGE]: Sec. 10.3. (a) A reference to an  
19 electronic poll list in a vote center plan adopted under IC 3-11-18.1  
20 before July 1, 2014, is considered to be a reference to an electronic poll  
21 book (as defined by IC 3-5-2-20.5), unless otherwise expressly  
22 provided in the vote center plan.

23 (b) An electronic poll book must satisfy all of the following:

24 (1) An electronic poll book must be programmed so that the  
25 coordinated action of two (2) election officers who are not  
26 members of the same political party is necessary to access the  
27 electronic poll book.

28 (2) An electronic poll book may not be connected to a voting  
29 system. However, the electronic poll book may be used in  
30 conjunction with a voting system if both of the following apply:

31 (A) The electronic poll book contains a device that must be  
32 physically removed from the electronic poll book by a person  
33 and the device is inserted into the voting system, with no  
34 hardware or software connection existing between the  
35 electronic poll book and the voting system.

36 (B) All data on the device is erased when the device is  
37 removed from the voting system and before the device is  
38 reinserted into an electronic poll book.

39 (3) An electronic poll book may not permit access to voter  
40 information other than:

41 (A) information provided on the certified list of voters  
42 prepared under IC 3-7-29-1; or



- 1 (B) information concerning any of the following received or  
 2 issued after the electronic poll list has been downloaded by the  
 3 county election board under IC 3-7-29-6:
- 4 (i) The county's receipt of an absentee ballot from the voter.  
 5 (ii) The county's receipt of additional documentation  
 6 provided by the voter to the county voter registration office.  
 7 (iii) The county's issuance of a certificate of error.
- 8 (4) The information contained on an electronic poll book must be  
 9 secure and placed on a dedicated, private server to secure  
 10 connectivity between a precinct polling place or satellite absentee  
 11 office and the county election board. The electronic poll book  
 12 must have the capability of:
- 13 (A) storing (in external or internal memory) the current local  
 14 version of the electronic poll list; and
- 15 (B) producing a list of audit records that reflect all of the  
 16 idiosyncrasies of the system, including in-process audit  
 17 records that set forth all transactions.
- 18 (5) The electronic poll book must permit a poll clerk to enter  
 19 information regarding an individual who has appeared to vote to  
 20 verify whether the individual is eligible to vote, and if so, whether  
 21 the voter has:
- 22 (A) already received a ballot at the election;  
 23 (B) returned an absentee ballot; or  
 24 (C) submitted any additional documentation required under  
 25 IC 3-7-33-4.5.
- 26 (6) After the voter has been provided with a ballot, the electronic  
 27 poll book must permit a poll clerk to enter information indicating  
 28 that the voter has received a ballot.
- 29 (7) The electronic poll book must transmit the information in  
 30 subdivision (6) to the county server so that:
- 31 (A) the server may transmit the information immediately to  
 32 every other polling place or satellite absentee office in the  
 33 county; or
- 34 (B) the server makes the information immediately available to  
 35 every other polling place or satellite office in the county.
- 36 (8) The electronic poll book must permit reports to be:
- 37 (A) generated by a county election board for a watcher  
 38 appointed under IC 3-6-8 at any time during election day; and  
 39 (B) electronically transmitted by the county election board to  
 40 a political party or independent candidate who has appointed  
 41 a watcher under IC 3-6-8.
- 42 (9) On each day after absentee ballots are cast before an absentee



- 1 voter board in the circuit court clerk's office, a satellite office, or  
 2 a vote center, and after election day, the electronic poll book must  
 3 permit voter history to be quickly and accurately uploaded into  
 4 the computerized list (as defined in IC 3-7-26.3-2).
- 5 (10) The electronic poll book must be able to display an electronic  
 6 image of the signature of a voter taken from:  
 7 (A) the voter's registration application; or  
 8 (B) a more recent signature of a voter from an absentee  
 9 application, poll list, electronic poll book, or registration  
 10 document.
- 11 (11) The electronic poll book must be used with a signature pad,  
 12 tablet, or other signature capturing device that permits the voter  
 13 to make an electronic signature for comparison with the signature  
 14 displayed under subdivision (10). An image of the electronic  
 15 signature made by the voter on the signature pad, tablet, or other  
 16 signature capturing device must be retained and identified as the  
 17 signature of the voter for the period required for retention under  
 18 IC 3-10-1-31.1.
- 19 (12) The electronic poll book must include a bar code capturing  
 20 device that:  
 21 (A) permits a voter who presents an Indiana driver's license or  
 22 a state identification card issued under IC 9-24-16 to scan the  
 23 license or card through the bar code reader or tablet; and  
 24 (B) has the capability to display the voter's registration record  
 25 upon processing the information contained within the bar code  
 26 on the license or card.
- 27 (13) A printer separate from the electronic poll book used in a  
 28 vote center county may be programmed to print on the back of a  
 29 ballot card, immediately before the ballot card is delivered to the  
 30 voter, the printed initials of the poll clerks captured through the  
 31 electronic signature pad or tablet at the time the poll clerks log  
 32 into the electronic poll book system.
- 33 (14) The electronic poll book must be compatible with:  
 34 (A) any hardware attached to the electronic poll book, such as  
 35 signature capturing devices, bar code capturing devices, and  
 36 network cards;  
 37 (B) the statewide voter registration system; and  
 38 (C) any software system used to prepare voter information to  
 39 be included on the electronic poll book.
- 40 (15) The electronic poll book must have the ability to be used in  
 41 conformity with this title for:  
 42 (A) any type of election conducted in Indiana; or



- 1 (B) any combination of elections held concurrently with a  
 2 general election, municipal election, primary election, or  
 3 special election.
- 4 (16) The procedures for setting up, using, and shutting down a  
 5 electronic poll book must be reasonably easy for a precinct  
 6 election officer to learn, understand, and perform. After  
 7 December 31, 2015, a vendor shall provide sufficient training to  
 8 election officials and poll workers to completely familiarize them  
 9 with the operations essential for carrying out election activities.  
 10 A vendor shall provide an assessment of learning goals achieved  
 11 by the training in consultation with VSTOP (as described in  
 12 IC 3-11-18.1-12).
- 13 (17) The electronic poll book must enable a precinct election  
 14 officer to verify that the electronic poll book:
- 15 (A) has been set up correctly;
  - 16 (B) is working correctly so as to verify the eligibility of the  
 17 voter;
  - 18 (C) is correctly recording that a voter received a ballot; and
  - 19 (D) has been shut down correctly.
- 20 (18) The electronic poll book must include the following  
 21 documentation:
- 22 (A) Plainly worded, complete, and detailed instructions  
 23 sufficient for a precinct election officer to set up, use, and shut  
 24 down the electronic poll book.
  - 25 (B) Training materials that:
    - 26 (i) may be in written or video form; and
    - 27 (ii) must be in a format suitable for use at a polling place,  
 28 such as simple "how to" guides.
  - 29 (C) Failsafe data recovery procedures for information included  
 30 in the electronic poll book.
  - 31 (D) Usability tests:
    - 32 (i) that are conducted by the manufacturer of the electronic  
 33 poll book or an independent testing facility using  
 34 individuals who are representative of the general public;
    - 35 (ii) that include the setting up, using, and shutting down of  
 36 the electronic poll book; and
    - 37 (iii) that report their results using industry standard reporting  
 38 formats.
  - 39 (E) A clear model of the electronic poll book system  
 40 architecture and the following documentation:
    - 41 (i) End user documentation.
    - 42 (ii) System-level and administrator level documentation.





- 1 (iii) Developer documentation.
- 2 (F) Detailed information concerning:
- 3 (i) electronic poll book consumables; and
- 4 (ii) the vendor's supply chain for those consumables.
- 5 (G) Vendor internal quality assurance procedures and any
- 6 internal or external test data and reports available to the
- 7 vendor concerning the electronic poll book.
- 8 (H) Repair and maintenance policies for the electronic poll
- 9 book.
- 10 (I) As of the date of the vendor's application for approval of
- 11 the electronic poll book by the secretary of state as required by
- 12 IC 3-11-18.1-12, the following:
- 13 (i) A list of customers who are using or have previously used
- 14 the vendor's electronic poll book.
- 15 (ii) A description of any known anomalies involving the
- 16 functioning of the electronic poll book, including how those
- 17 anomalies were resolved.
- 18 (19) The electronic poll book and any hardware attached to the
- 19 electronic poll book must be designed to prevent injury or damage
- 20 to any individual or the hardware, including fire and electrical
- 21 hazards.
- 22 (20) The electronic poll book must demonstrate that it correctly
- 23 processes all activity regarding each voter registration record,
- 24 including the use, alteration, storage, receipt, and transmittal of
- 25 information that is part of the record. Compliance with this
- 26 subdivision requires the mapping of the data life cycle of the voter
- 27 registration record as processed by the electronic poll book.
- 28 (21) The electronic poll book must successfully perform in
- 29 accordance with all representations concerning functionality,
- 30 usability, security, accessibility, and sustainability made in the
- 31 vendor's application for approval of the electronic poll book by
- 32 the secretary of state as required by IC 3-11-18.1-12.
- 33 (22) The electronic poll book must have the capacity to transmit
- 34 all information generated by the voter or poll clerk as part of the
- 35 process of casting a ballot, including the time and date stamp
- 36 indicating when the voter signed the electronic poll book, and the
- 37 electronic signature of the voter, for retention on the dedicated
- 38 private server maintained by the county election board for the
- 39 period required by Indiana and federal law.
- 40 (23) The electronic poll book must:
- 41 (A) permit a voter to check in and sign the electronic poll book
- 42 even when there is a temporary interruption in connectivity to



1 the Internet; and

2 (B) provide for the uploading of each signature so that the  
3 signature may be assigned to the voter's registration record.

4 SECTION 9. IC 4-6-2-1.5, AS AMENDED BY P.L.239-2015,  
5 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
6 UPON PASSAGE]: Sec. 1.5. (a) Whenever any state governmental  
7 official or employee, whether elected or appointed, is made a party to  
8 a suit, and the attorney general determines that said suit has arisen out  
9 of an act which such official or employee in good faith believed to be  
10 within the scope of the official's or employee's duties as prescribed by  
11 statute or duly adopted regulation, the attorney general shall defend  
12 such person throughout such action.

13 (b) Whenever a teacher (as defined in IC 20-18-2-22) is made a  
14 party to a civil suit, and the attorney general determines that the suit  
15 has arisen out of an act that the teacher in good faith believed was  
16 within the scope of the teacher's duties in enforcing discipline policies  
17 developed under IC 20-33-8-12, the attorney general shall defend the  
18 teacher throughout the action.

19 (c) Not later than July 30 of each year, the attorney general, in  
20 consultation with the Indiana education employment relations board  
21 established in IC 20-29-3-1, shall draft and disseminate a letter by first  
22 class mail to the residence of teachers providing a summary of the  
23 teacher's rights and protections under state and federal law, including  
24 a teacher's rights and protections relating to the teacher's performance  
25 evaluation under IC 20-28-11.5.

26 (d) The department of education, in consultation with the Indiana  
27 education employment relations board, shall develop a method to  
28 provide the attorney general with the names and addresses of active  
29 teachers in Indiana in order for the attorney general to disseminate the  
30 letter described in subsection (c). Names and addresses collected and  
31 provided to the attorney general under this subsection are confidential  
32 and excepted from public disclosure as provided in IC 5-14-3-4.

33 (e) Whenever a school corporation (as defined in IC 20-26-2-4) is  
34 made a party to a civil suit and the attorney general determines that the  
35 suit has arisen out of an act authorized under IC 20-30-5-0.5 or  
36 IC 20-30-5-4.5, the attorney general shall defend the school corporation  
37 throughout the action.

38 (f) A determination by the attorney general under subsection (a), (b),  
39 or ~~(d)~~ (e) shall not be admitted as evidence in the trial of any such civil  
40 action for damages.

41 (g) Nothing in this chapter shall be construed to deprive any such  
42 person of the person's right to select counsel of the person's own choice



1 at the person's own expense.

2 SECTION 10. IC 4-22-2-21, AS AMENDED BY P.L.123-2006,  
3 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 UPON PASSAGE]: Sec. 21. (a) If incorporation of the text in full  
5 would be cumbersome, expensive, or otherwise inexpedient, an agency  
6 may incorporate by reference into a rule part or all of any of the  
7 following matters:

- 8 (1) A federal or state statute, rule, or regulation.  
9 (2) A code, manual, or other standard adopted by an agent of the  
10 United States, a state, or a nationally recognized organization or  
11 association.  
12 (3) A manual of the department of local government finance  
13 adopted in a rule described in IC 6-1.1-31-9.

14 (b) Each matter incorporated by reference under subsection (a) must  
15 be fully and exactly described.

16 (c) An agency may refer to a matter that is directly or indirectly  
17 referred to in a primary matter by fully and exactly describing the  
18 primary matter.

19 (d) Whenever an agency submits a rule to the attorney general, the  
20 governor, or the publisher under this chapter, the agency shall also  
21 submit a copy of the full text of each matter incorporated by reference  
22 under subsection (a) into the rule, other than the following:

- 23 (1) An Indiana statute or rule.  
24 (2) A form or instructions for a form numbered by the  
25 ~~commission on public records~~ **Indiana archives and record**  
26 **administration** under IC 5-15-5.1-6.  
27 (3) The source of a statement that is quoted or paraphrased in full  
28 in the rule.

29 (4) Any matter that has been previously filed with the:

- 30 (A) secretary of state before July 1, 2006; or  
31 (B) publisher after June 30, 2006.

32 (5) Any matter referred to in subsection (c) as a matter that is  
33 directly or indirectly referred to in a primary matter.

34 (e) An agency may comply with subsection (d) by submitting a  
35 paper or an electronic copy of the full text of the matter incorporated  
36 by reference.

37 SECTION 11. IC 4-31-7-1, AS AMENDED BY P.L.255-2015,  
38 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
39 JULY 1, 2015 (RETROACTIVE)]: Sec. 1. (a) A person holding a  
40 permit to conduct a horse racing meeting or a license to operate a  
41 satellite facility may provide a place in the racing meeting grounds or  
42 enclosure or the satellite facility at which the person may conduct and



1 supervise the pari-mutuel system of wagering by patrons of legal age  
 2 on the horse races conducted or simulcast by the person. The person  
 3 may not permit or use:

- 4 (1) another place other than that provided and designated by the  
 5 person; or  
 6 (2) another method or system of betting or wagering.

7 However, a permit holder licensed to conduct gambling games under  
 8 IC 4-35 may permit wagering on gambling games at a racetrack as  
 9 permitted by IC 4-35.

10 (b) Except as provided in ~~sections section 7 and 10~~ of this chapter  
 11 **and** IC 4-31-5.5, ~~and IC 4-31-7.5~~, the pari-mutuel system of wagering  
 12 may not be conducted on any races except the races at the racetrack,  
 13 grounds, or enclosure for which the person holds a permit.

14 SECTION 12. IC 4-33-12-6, AS AMENDED BY P.L.192-2015,  
 15 SECTION 1, AND AS AMENDED BY P.L.255-2015, SECTION 15,  
 16 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 17 [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The department shall  
 18 place in the state general fund the tax revenue collected under this  
 19 chapter.

20 (b) Except as provided by ~~subsections subsection (c), and (d), and~~  
 21 ~~IC 6-3-1-20-7~~, the treasurer of state shall quarterly pay the following  
 22 amounts:

- 23 (1) Except as provided in subsection ~~(h)~~, (j), one dollar (\$1) of the  
 24 admissions tax collected by the licensed owner for each person  
 25 embarking on a gambling excursion during the quarter or  
 26 admitted to a riverboat that has implemented flexible scheduling  
 27 under IC 4-33-6-21 during the quarter shall be paid to:

28 (A) the city in which the riverboat is docked, if the city:

- 29 (i) is located in a county having a population of more than  
 30 one hundred eleven thousand (111,000) but less than one  
 31 hundred fifteen thousand (115,000); or

32 (ii) is contiguous to the Ohio River and is the largest city in  
 33 the county; and

34 (B) the county in which the riverboat is docked, if the  
 35 riverboat is not docked in a city described in clause (A).

- 36 (2) Except as provided in subsection ~~(h)~~, (j), one dollar (\$1) of the  
 37 admissions tax collected by the licensed owner for each person:

38 (A) embarking on a gambling excursion during the quarter; or

39 (B) admitted to a riverboat during the quarter that has  
 40 implemented flexible scheduling under IC 4-33-6-21;

41 shall be paid to the county in which the riverboat is docked. In the  
 42 case of a county described in subdivision (1)(B), this one dollar



- 1 (\$1) is in addition to the one dollar (\$1) received under  
 2 subdivision (1)(B).  
 3 (3) Except as provided in subsection ~~(k)~~, (j), ten cents (\$0.10) of  
 4 the admissions tax collected by the licensed owner for each  
 5 person:  
 6 (A) embarking on a gambling excursion during the quarter; or  
 7 (B) admitted to a riverboat during the quarter that has  
 8 implemented flexible scheduling under IC 4-33-6-21;  
 9 shall be paid to the county convention and visitors bureau or  
 10 promotion fund for the county in which the riverboat is docked.  
 11 (4) Except as provided in subsection ~~(k)~~, (j), fifteen cents (\$0.15)  
 12 of the admissions tax collected by the licensed owner for each  
 13 person:  
 14 (A) embarking on a gambling excursion during the quarter; or  
 15 (B) admitted to a riverboat during a quarter that has  
 16 implemented flexible scheduling under IC 4-33-6-21;  
 17 shall be paid to the state fair commission, for use in any activity  
 18 that the commission is authorized to carry out under IC 15-13-3.  
 19 (5) Except as provided in subsection ~~(k)~~, (j), ten cents (\$0.10) of  
 20 the admissions tax collected by the licensed owner for each  
 21 person:  
 22 (A) embarking on a gambling excursion during the quarter; or  
 23 (B) admitted to a riverboat during the quarter that has  
 24 implemented flexible scheduling under IC 4-33-6-21;  
 25 shall be paid to the division of mental health and addiction. The  
 26 division shall allocate at least twenty-five percent (25%) of the  
 27 funds derived from the admissions tax to the prevention and  
 28 treatment of compulsive gambling.  
 29 (6) Except as provided in subsection ~~(k)~~, (j), sixty-five cents  
 30 (\$0.65) of the admissions tax collected by the licensed owner for  
 31 each person embarking on a gambling excursion during the  
 32 quarter or admitted to a riverboat during the quarter that has  
 33 implemented flexible scheduling under IC 4-33-6-21 shall be paid  
 34 to the state general fund.  
 35 *(c) With respect to tax revenue collected from a riverboat located*  
 36 *in a historic hotel district, the treasurer of state shall quarterly pay the*  
 37 *following:*  
 38 *(1) With respect to admissions taxes collected for a person*  
 39 *admitted to the riverboat before July 1, 2010, the following*  
 40 *amounts:*  
 41 *(A) Twenty-two percent (22%) of the admissions tax collected*  
 42 *during the quarter shall be paid to the county treasurer of the*



1 county in which the riverboat is located. The county treasurer  
 2 shall distribute the money received under this clause as  
 3 follows:

4 (i) Twenty-two and seventy-five hundredths percent  
 5 (22.75%) shall be quarterly distributed to the county  
 6 treasurer of a county having a population of more than forty  
 7 thousand (40,000) but less than forty-two thousand (42,000)  
 8 for appropriation by the county fiscal body after receiving  
 9 a recommendation from the county executive. The county  
 10 fiscal body for the receiving county shall provide for the  
 11 distribution of the money received under this item to one (1)  
 12 or more taxing units (as defined in IC 6-1.1-1-21) in the  
 13 county under a formula established by the county fiscal  
 14 body after receiving a recommendation from the county  
 15 executive.

16 (ii) Twenty-two and seventy-five hundredths percent  
 17 (22.75%) shall be quarterly distributed to the county  
 18 treasurer of a county having a population of more than ten  
 19 thousand seven hundred (10,700) but less than twelve  
 20 thousand (12,000) for appropriation by the county fiscal  
 21 body. The county fiscal body for the receiving county shall  
 22 provide for the distribution of the money received under this  
 23 item to one (1) or more taxing units (as defined in  
 24 IC 6-1.1-1-21) in the county under a formula established by  
 25 the county fiscal body after receiving a recommendation  
 26 from the county executive.

27 (iii) Fifty-four and five-tenths percent (54.5%) shall be  
 28 retained by the county where the riverboat is located for  
 29 appropriation by the county fiscal body after receiving a  
 30 recommendation from the county executive.

31 (B) Five percent (5%) of the admissions tax collected during  
 32 the quarter shall be paid to a town having a population of  
 33 more than two thousand (2,000) but less than three thousand  
 34 five hundred (3,500) located in a county having a population  
 35 of more than nineteen thousand five hundred (19,500) but less  
 36 than twenty thousand (20,000). At least twenty percent (20%)  
 37 of the taxes received by a town under this clause must be  
 38 transferred to the school corporation in which the town is  
 39 located.

40 (C) Five percent (5%) of the admissions tax collected during  
 41 the quarter shall be paid to a town having a population of  
 42 more than three thousand five hundred (3,500) located in a



1 county having a population of more than nineteen thousand  
 2 five hundred (19,500) but less than twenty thousand (20,000):  
 3 At least twenty percent (20%) of the taxes received by a town  
 4 under this clause must be transferred to the school  
 5 corporation in which the town is located:

6 (D) Twenty percent (20%) of the admissions tax collected  
 7 during the quarter shall be paid in equal amounts to each  
 8 town that:

9 (i) is located in the county in which the riverboat is located;  
 10 and

11 (ii) contains a historic hotel.

12 At least twenty percent (20%) of the taxes received by a town  
 13 under this clause must be transferred to the school  
 14 corporation in which the town is located:

15 (E) Ten percent (10%) of the admissions tax collected during  
 16 the quarter shall be paid to the Orange County development  
 17 commission established under IC 36-7-11.5. At least one-third  
 18 ( $\frac{1}{3}$ ) of the taxes paid to the Orange County development  
 19 commission under this clause must be transferred to the  
 20 Orange County convention and visitors bureau.

21 (F) Thirteen percent (13%) of the admissions tax collected  
 22 during the quarter shall be paid to the West Baden Springs  
 23 historic hotel preservation and maintenance fund established  
 24 by IC 36-7-11.5-11(b).

25 (G) Twenty-five percent (25%) of the admissions tax collected  
 26 during the quarter shall be paid to the Indiana economic  
 27 development corporation to be used by the corporation for the  
 28 development and implementation of a regional economic  
 29 development strategy to assist the residents of the county in  
 30 which the riverboat is located and residents of contiguous  
 31 counties in improving their quality of life and to help promote  
 32 successful and sustainable communities. The regional  
 33 economic development strategy must include goals concerning  
 34 the following issues:

35 (i) Job creation and retention:

36 (ii) Infrastructure, including water, wastewater, and storm  
 37 water infrastructure needs:

38 (iii) Housing:

39 (iv) Workforce training:

40 (v) Health care:

41 (vi) Local planning:

42 (vii) Land use:



1 (viii) Assistance to regional economic development groups.

2 (ix) Other regional development issues as determined by the  
3 Indiana economic development corporation.

4 (2) With respect to admissions taxes collected for a person  
5 admitted to the riverboat after June 30, 2010, the following  
6 amounts:

7 (A) Twenty-nine and thirty-three hundredths percent (29.33%)  
8 to the county treasurer of Orange County. The county  
9 treasurer shall distribute the money received under this clause  
10 as follows:

11 (i) Twenty-two and seventy-five hundredths percent  
12 (22.75%) to the county treasurer of Dubois County for  
13 distribution in the manner described in subdivision (1)(A)(i).

14 (ii) Twenty-two and seventy-five hundredths percent  
15 (22.75%) to the county treasurer of Crawford County for  
16 distribution in the manner described in subdivision  
17 (1)(A)(ii).

18 (iii) Fifty-four and five-tenths percent (54.5%) to be retained  
19 by the county treasurer of Orange County for appropriation  
20 by the county fiscal body after receiving a recommendation  
21 from the county executive.

22 (B) Six and sixty-seven hundredths percent (6.67%) to the  
23 fiscal officer of the town of Orleans. At least twenty percent  
24 (20%) of the taxes received by the town under this clause must  
25 be transferred to Orleans Community Schools.

26 (C) Six and sixty-seven hundredths percent (6.67%) to the  
27 fiscal officer of the town of Paoli. At least twenty percent  
28 (20%) of the taxes received by the town under this clause must  
29 be transferred to the Paoli Community School Corporation.

30 (D) Twenty-six and sixty-seven hundredths percent (26.67%)  
31 to be paid in equal amounts to the fiscal officers of the towns  
32 of French Lick and West Baden Springs. At least twenty  
33 percent (20%) of the taxes received by a town under this  
34 clause must be transferred to the Springs Valley Community  
35 School Corporation.

36 (E) Thirty and sixty-six hundredths percent (30.66%) to the  
37 Indiana economic development corporation to be used the  
38 manner described in subdivision (1)(G).

39 (d) (c) With respect This subsection applies to tax revenue collected  
40 from a riverboat that operates from a county having a population of  
41 more than four hundred thousand (400,000) but less than seven  
42 hundred thousand (700,000); Lake County. Except as provided by





- 1 IC 6-3.1-20-7, the treasurer of state shall quarterly pay the following  
 2 amounts:
- 3 (1) *The lesser of:*  
 4 (A) *eight hundred seventy-five thousand dollars (\$875,000);*  
 5 *or*  
 6 (B) *one dollar (\$1) of the admissions tax collected by the*  
 7 *licensed owner for each person admitted to a riverboat*  
 8 *operating from East Chicago during the preceding calendar*  
 9 *quarter;*  
 10 *to the fiscal officer of the northwest Indiana regional*  
 11 *development authority to satisfy, in whole or in part, East*  
 12 *Chicago's funding obligation to the authority under*  
 13 *IC 36-7.5-4-2.*
- 14 (2) *The lesser of:*  
 15 (A) *eight hundred seventy-five thousand dollars (\$875,000);*  
 16 *or*  
 17 (B) *one dollar (\$1) of the admissions tax collected by the*  
 18 *licensed owner for each person admitted to a riverboat*  
 19 *operating from Gary during the preceding calendar quarter;*  
 20 *to the fiscal officer of the northwest Indiana regional*  
 21 *development authority to satisfy, in whole or in part, Gary's*  
 22 *funding obligation to the authority under IC 36-7.5-4-2.*
- 23 (3) *The lesser of:*  
 24 (A) *eight hundred seventy-five thousand dollars (\$875,000);*  
 25 *or*  
 26 (B) *one dollar (\$1) of the admissions tax collected by the*  
 27 *licensed owner for each person admitted to a riverboat*  
 28 *operating from Hammond during the preceding calendar*  
 29 *quarter;*  
 30 *to the fiscal officer of the northwest Indiana regional*  
 31 *development authority to satisfy, in whole or in part, Hammond's*  
 32 *funding obligation to the authority under IC 36-7.5-4-2.*
- 33 (4) *The lesser of:*  
 34 (A) *eight hundred seventy-five thousand dollars (\$875,000);*  
 35 *or*  
 36 (B) *one dollar (\$1) of the admissions tax collected by the*  
 37 *licensed owner for each person admitted to a riverboat*  
 38 *operating from Lake County during the preceding calendar*  
 39 *quarter;*  
 40 *to the fiscal officer of the northwest Indiana regional*  
 41 *development authority to satisfy, in whole or in part, Lake*  
 42 *County's funding obligation to the authority under IC 36-7.5-4-2.*



1 ~~(f)~~ (5) Except as provided in subsection ~~(f)~~, (j), the remainder, if  
 2 any, of:

3 (A) one dollar (\$1) of the admissions tax collected by the  
 4 licensed owner for each person

5 ~~(A) embarking on a gambling excursion during the quarter; or~~  
 6 ~~(B)~~ admitted to a riverboat during the preceding calendar  
 7 quarter; ~~that has implemented flexible scheduling under~~  
 8 ~~IC 4-33-6-21; minus~~

9 (B) the amount distributed to the northwest Indiana regional  
 10 development authority under subdivision (1), (2), or (3),  
 11 whichever is applicable, for ~~that~~ the calendar quarter;

12 shall be paid to the city in which the riverboat is docked.

13 ~~(g)~~ (6) Except as provided in subsection ~~(f)~~, (j), the remainder, if  
 14 any, of:

15 (A) one dollar (\$1) of the admissions tax collected by the  
 16 licensed owner for each person

17 ~~(A) embarking on a gambling excursion during the quarter; or~~  
 18 ~~(B)~~ admitted to a riverboat during the preceding calendar  
 19 quarter; ~~that has implemented flexible scheduling under~~  
 20 ~~IC 4-33-6-21; minus~~

21 (B) the amount distributed to the northwest Indiana regional  
 22 development authority under subdivision (4) for ~~that~~ the  
 23 calendar quarter;

24 shall be paid to the county in which the riverboat is docked.

25 ~~(h)~~ (7) Except as provided in subsection ~~(f)~~, (j), nine cents (\$0.09)  
 26 of the admissions tax collected by the licensed owner for each  
 27 person

28 ~~(A) embarking on a gambling excursion during the quarter; or~~  
 29 ~~(B)~~ admitted to a riverboat during the preceding calendar  
 30 quarter ~~that has implemented flexible scheduling under~~  
 31 ~~IC 4-33-6-21;~~

32 shall be paid to the county convention and visitors bureau or  
 33 promotion fund for the county in which the riverboat is docked.

34 ~~(i)~~ (8) Except as provided in subsection ~~(f)~~, (j), one cent (\$0.01)  
 35 of the admissions tax collected by the licensed owner for each  
 36 person

37 ~~(A) embarking on a gambling excursion during the quarter; or~~  
 38 ~~(B)~~ admitted to a riverboat during the preceding calendar  
 39 quarter ~~that has implemented flexible scheduling under~~  
 40 ~~IC 4-33-6-21;~~

41 shall be paid to the northwest Indiana law enforcement training  
 42 center.



1 ~~(5)~~ (9) Except as provided in subsection ~~(k)~~, (j), fifteen cents  
 2 (\$0.15) of the admissions tax collected by the licensed owner for  
 3 each person

4 ~~(A) embarking on a gambling excursion during the quarter; or~~  
 5 ~~(B) admitted to a riverboat during the preceding calendar~~  
 6 ~~quarter that has implemented flexible scheduling under~~  
 7 ~~IC 4-33-6-21;~~

8 shall be paid to the state fair commission for use in any activity  
 9 that the commission is authorized to carry out under IC 15-13-3.

10 ~~(6)~~ (10) Except as provided in subsection ~~(k)~~, (j), ten cents (\$0.10)  
 11 of the admissions tax collected by the licensed owner for each  
 12 person

13 ~~(A) embarking on a gambling excursion during the quarter; or~~  
 14 ~~(B) admitted to a riverboat during the preceding calendar~~  
 15 ~~quarter that has implemented flexible scheduling under~~  
 16 ~~IC 4-33-6-21;~~

17 shall be paid to the division of mental health and addiction. The  
 18 division shall allocate at least twenty-five percent (25%) of the  
 19 funds derived from the admissions tax to the prevention and  
 20 treatment of compulsive gambling.

21 ~~(7)~~ (11) Except as provided in subsection ~~(k)~~, Sixty-five cents  
 22 (\$0.65) of the admissions tax collected by the licensed owner for  
 23 each person *embarking on a gambling excursion during the*  
 24 *quarter or* admitted to a riverboat during the *preceding calendar*  
 25 *quarter that has implemented flexible scheduling under*  
 26 ~~IC 4-33-6-21~~ shall be paid to the state general fund.

27 ~~(e)~~ (d) Money paid to a unit of local government under subsection  
 28 (b) or (c): ~~or (d)~~:

29 (1) must be paid to the fiscal officer of the unit and may be  
 30 deposited in the unit's general fund or riverboat fund established  
 31 under IC 36-1-8-9, or both;

32 (2) may not be used to reduce the unit's maximum levy under  
 33 IC 6-1.1-18.5 but may be used at the discretion of the unit to  
 34 reduce the property tax levy of the unit for a particular year;

35 (3) may be used for any legal or corporate purpose of the unit,  
 36 including the pledge of money to bonds, leases, or other  
 37 obligations under IC 5-1-14-4; and

38 (4) is considered miscellaneous revenue.

39 ~~(f)~~ (e) Money paid by the treasurer of state under subsection (b)(3)  
 40 or ~~(d)(3)~~ ~~(d)(7)~~ (c)(7) shall be:

41 (1) deposited in:

42 (A) the county convention and visitor promotion fund; or



- 1 (B) the county's general fund if the county does not have a  
 2 convention and visitor promotion fund; and  
 3 (2) used only for the tourism promotion, advertising, and  
 4 economic development activities of the county and community.  
 5 ~~(g)~~ (f) Money received by the division of mental health and  
 6 addiction under subsections (b)(5) and ~~(d)(6): (d)(10): (c)(10):~~  
 7 (1) is annually appropriated to the division of mental health and  
 8 addiction;  
 9 (2) shall be distributed to the division of mental health and  
 10 addiction at times during each state fiscal year determined by the  
 11 budget agency; and  
 12 (3) shall be used by the division of mental health and addiction  
 13 for programs and facilities for the prevention and treatment of  
 14 addictions to drugs, alcohol, and compulsive gambling, including  
 15 the creation and maintenance of a toll free telephone line to  
 16 provide the public with information about these addictions. The  
 17 division shall allocate at least twenty-five percent (25%) of the  
 18 money received to the prevention and treatment of compulsive  
 19 gambling.  
 20 ~~(h)~~ (g) This subsection applies to the following:  
 21 (1) Each entity receiving money under subsection (b)(1) through  
 22 (b)(5).  
 23 (2) Each entity receiving money under subsection ~~(d)(1) (d)(5)~~  
 24 ~~(c)(5) through (d)(2): (d)(6): (c)(6).~~  
 25 (3) Each entity receiving money under subsection ~~(d)(5) (d)(9)~~  
 26 ~~(c)(9) through (d)(6): (d)(10): (c)(10).~~  
 27 The treasurer of state shall determine the total amount of money paid  
 28 by the treasurer of state to an entity subject to this subsection during  
 29 the state fiscal year 2002. The amount determined under this subsection  
 30 is the base year revenue for each entity subject to this subsection. The  
 31 treasurer of state shall certify the base year revenue determined under  
 32 this subsection to each entity subject to this subsection.  
 33 ~~(i)~~ (h) This subsection applies to an entity receiving money under  
 34 subsection ~~(d)(3) (d)(7) (c)(7) or (d)(4): (d)(8): (c)(8).~~ The treasurer of  
 35 state shall determine the total amount of money paid by the treasurer  
 36 of state to the entity described in subsection ~~(d)(3) (d)(7) (c)(7)~~ during  
 37 state fiscal year 2002. The amount determined under this subsection  
 38 multiplied by nine-tenths (0.9) is the base year revenue for the entity  
 39 described in subsection ~~(d)(3): (d)(7): (c)(7).~~ The amount determined  
 40 under this subsection multiplied by one-tenth (0.1) is the base year  
 41 revenue for the entity described in subsection ~~(d)(4): (d)(8): (c)(8).~~ The  
 42 treasurer of state shall certify the base year revenue determined under



1 this subsection to each entity subject to this subsection.

2 ~~(f)~~ (i) *This subsection does not apply to an entity receiving money*  
 3 *under subsection (e).* The total amount of money distributed to an  
 4 entity under this section during a state fiscal year may not exceed the  
 5 entity's base year revenue as determined under subsection ~~(f)~~ (g) or ~~(f)~~  
 6 (h). *For purposes of this section, the treasurer of state shall treat any*  
 7 *amounts distributed under subsection ~~(d)~~ (c) to the northwest Indiana*  
 8 *regional development authority as amounts constructively received by*  
 9 *East Chicago, Gary, Hammond, and Lake County, as appropriate.* If  
 10 the treasurer of state determines that the total amount of money:

11 (1) distributed to an entity; and

12 (2) constructively received by an entity;

13 under this section during a state fiscal year is less than the entity's base  
 14 year revenue, the treasurer of state shall make a supplemental  
 15 distribution to the entity under IC 4-33-13-5.

16 ~~(f)~~ (j) *This subsection does not apply to an entity receiving money*  
 17 *under subsection (e).* The treasurer of state shall pay that part of the  
 18 riverboat admissions taxes that:

19 (1) exceeds a particular entity's base year revenue; and

20 (2) would otherwise be due to the entity under this section;

21 to the state general fund instead of to the entity.

22 SECTION 13. IC 4-35-8.3-4, AS ADDED BY P.L.255-2015,  
 23 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 UPON PASSAGE]: Sec. 4. ~~(a)~~ Before December 1 of each year, the  
 25 auditor of state shall distribute an amount equal to the fees deposited  
 26 in that year under section 3 of this chapter to communities and schools  
 27 located near a historic hotel district and the Indiana economic  
 28 development corporation as follows:

29 (1) Twenty-two and four-tenths percent (22.4%) to be paid as  
 30 follows:

31 (A) Fifty percent (50%) to the fiscal officer of the town of  
 32 French Lick.

33 (B) Fifty percent (50%) to the fiscal officer of the town of  
 34 West Baden Springs.

35 (2) Fourteen and eight-tenths percent (14.8%) to the county  
 36 treasurer of Orange County for distribution among the school  
 37 corporations in the county. The governing bodies for the school  
 38 corporations in the county shall provide a formula for the  
 39 distribution of the money received under this subdivision among  
 40 the school corporations by joint resolution adopted by the  
 41 governing body of each of the school corporations in the county.  
 42 Money received by a school corporation under this subdivision



- 1 must be used to improve the educational attainment of students  
 2 enrolled in the school corporation receiving the money. Not later  
 3 than the first regular meeting in the school year of a governing  
 4 body of a school corporation receiving a distribution under this  
 5 subdivision, the superintendent of the school corporation shall  
 6 submit to the governing body a report describing the purposes for  
 7 which the receipts under this subdivision were used and the  
 8 improvements in educational attainment realized through the use  
 9 of the money. The report is a public record.
- 10 (3) Thirteen and one-tenth percent (13.1%) to the county treasurer  
 11 of Orange County.
- 12 (4) Five and three-tenths percent (5.3%) to the county treasurer of  
 13 Dubois County for appropriation by the county fiscal body after  
 14 receiving a recommendation from the county executive. The  
 15 county fiscal body shall provide for the distribution of the money  
 16 received under this subdivision to one (1) or more taxing units (as  
 17 defined in IC 6-1.1-1-21) in the county under a formula  
 18 established by the county fiscal body after receiving a  
 19 recommendation from the county executive.
- 20 (5) Five and three-tenths percent (5.3%) to the county treasurer of  
 21 Crawford County for appropriation by the county fiscal body. The  
 22 county fiscal body shall provide for the distribution of the money  
 23 received under this subdivision to one (1) or more taxing units (as  
 24 defined in IC 6-1.1-1-21) in the county under a formula  
 25 established by the county fiscal body after receiving a  
 26 recommendation from the county executive.
- 27 (6) Six and thirty-five hundredths percent (6.35%) to the fiscal  
 28 officer of the town of Paoli.
- 29 (7) Six and thirty-five hundredths percent (6.35%) to the fiscal  
 30 officer of the town of Orleans.
- 31 (8) Twenty-six and four-tenths percent (26.4%) to the Indiana  
 32 economic development corporation for transfer to Radius Indiana  
 33 or a successor regional entity or partnership for the development  
 34 and implementation of a regional economic development strategy  
 35 to assist the residents of Orange County and the counties  
 36 contiguous to Orange County in improving their quality of life  
 37 and to help promote successful and sustainable communities.  
 38 However if the amount distributed under IC 4-33-13-5(b)(2)(H)  
 39 to the Orange County development commission is insufficient to  
 40 meet the obligations described in IC 4-33-13-5(b)(2)(H), an  
 41 amount sufficient to meet current obligations to retire or refinance  
 42 indebtedness or leases for which tax revenues under IC 4-33-13-5



1 were pledged before January 1, 2015, by the Orange County  
 2 development commission shall be paid to the Orange County  
 3 development commission before making a distribution to Radius  
 4 Indiana or a successor regional entity or partnership. The amount  
 5 paid to the Orange County development commission reduces the  
 6 amount payable to Radius Indiana or its successor entity or  
 7 partnership.

8 SECTION 14. IC 4-35-8.3-5, AS ADDED BY P.L.255-2015,  
 9 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 UPON PASSAGE]: Sec. 5. (a) Money distributed to a political  
 11 subdivision under section 4 of this chapter:

12 (1) must be paid to the fiscal officer of the political subdivision  
 13 and may be deposited in the political subdivision's general fund  
 14 or riverboat fund established under IC 36-1-8-9, or both;

15 (2) may not be used to reduce the maximum levy under  
 16 IC 6-1.1-18.5 of a county, city, or town or the maximum tax rate  
 17 of a school corporation, but, except as provided in section ~~4(a)(2)~~  
 18 **4(2)** of this chapter, may be used at the discretion of the political  
 19 subdivision to reduce the property tax levy of the county, city, or  
 20 town for a particular year;

21 (3) except as provided in section ~~4(a)(2)~~ **4(2)** of this chapter, may  
 22 be used for any legal or corporate purpose of the political  
 23 subdivision, including the pledge of money to bonds, leases, or  
 24 other obligations under IC 5-1-14-4; and

25 (4) is considered miscellaneous revenue.

26 (b) Money distributed under section ~~4(a)(2)~~ **4(2)** of this chapter  
 27 must be used for the purposes specified in section ~~4(a)(2)~~ **4(2)** of this  
 28 chapter.

29 SECTION 15. IC 4-35-8.7-3, AS AMENDED BY P.L.213-2015,  
 30 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 JULY 1, 2015 (RETROACTIVE)]: Sec. 3. (a) The gaming integrity  
 32 fund is established.

33 (b) The fund shall be administered by the Indiana horse racing  
 34 commission.

35 (c) The fund consists of gaming integrity fees deposited in the fund  
 36 under this chapter and money distributed to the fund under  
 37 IC 4-35-7-12.5 and IC 4-35-7-15. **Fifteen percent (15%) of the**  
 38 **money deposited in the fund shall be transferred to the Indiana**  
 39 **state board of animal health to be used by the state board to pay**  
 40 **the costs associated with equine health and equine care programs**  
 41 **under IC 15-17.**

42 (d) The treasurer of state shall invest the money in the fund not



1 currently needed to meet the obligations of the fund in the same  
2 manner as other public funds may be invested.

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

5 (f) Money in the fund may be used by the Indiana horse racing  
6 commission only for the following purposes:

7 (1) To pay the cost of taking and analyzing equine specimens  
8 under IC 4-31-12-6(b) or another law or rule and the cost of any  
9 supplies related to the taking or analysis of specimens.

10 (2) To pay dues to the Drug Testing Standards and Practices  
11 (DTSP) Committee of the Association of Racing Commissioners  
12 International.

13 (3) To provide grants for research for the advancement of equine  
14 drug testing. Grants under this subdivision must be approved by  
15 the Drug Testing Standards and Practices (DTSP) Committee of  
16 the Association of Racing Commissioners International or by the  
17 Racing Mediation and Testing Consortium.

18 (4) To pay the costs of post-mortem examinations under  
19 IC 4-31-12-10.

20 (5) To pay other costs incurred by the commission to maintain the  
21 integrity of pari-mutuel racing.

22 SECTION 16. IC 5-1-17.5-30, AS AMENDED BY P.L.213-2015,  
23 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
24 UPON PASSAGE]: Sec. 30. (a) If a motorsports investment district is  
25 established under this chapter, the commission, or the authority for and  
26 on behalf of the commission, shall establish a motorsports investment  
27 district fund for the motorsports investment district. The fund shall be  
28 administered by the commission. Except as provided in subsection ~~(f)~~;  
29 **(g)**, money in the fund does not revert to the state general fund at the  
30 end of a state fiscal year.

31 (b) The commission shall deposit amounts appropriated to the  
32 commission in the motorsports investment district fund as provided in  
33 this chapter.

34 (c) The commission shall request that the general assembly make an  
35 appropriation not to exceed five million dollars (\$5,000,000) to the  
36 commission for deposit in the motorsports investment district fund in  
37 each state fiscal year following the creation of the motor sports  
38 investment district fund, until the earlier of:

39 (1) the date that is twenty-two (22) years after the date on which  
40 appropriations are first deposited in the motorsports investment  
41 district fund; or

42 (2) the date on which all bonds issued by the authority under





1 section 37 of this chapter are no longer deemed outstanding.  
 2 The commission may use money in the motorsports investment district  
 3 fund for the purposes of this chapter.

4 (d) Amounts held in the motorsports investment district fund may  
 5 be distributed to a trustee of any bonds that are issued or to be issued  
 6 by the authority under section 37 of this chapter and that are secured by  
 7 rent to be paid by the commission under a lease entered into with the  
 8 authority under section 32 of this chapter.

9 (e) In addition, to the extent the rent due in a state fiscal year under  
 10 leases of structures or other capital improvements that are within a  
 11 motorsports investment district is anticipated to be insufficient to pay  
 12 debt service on bonds issued under section 37 of this chapter, when due  
 13 in that state fiscal year, the authority shall make the request under  
 14 subsection (c) upon reaching the determination.

15 (f) Money in the motorsports investment district fund may be used  
 16 by the commission, the authority, or a trustee for the following:

17 (1) Payment of the rent due under leases of structures or other  
 18 capital improvements that are located within a motorsports  
 19 investment district.

20 (2) Payment of all expenses incurred by the commission or the  
 21 authority in connection with the exercise of its duties and  
 22 obligations set forth in this chapter, including those incurred in  
 23 connection with the establishment of the motorsports investment  
 24 district.

25 (3) Payment of debt service on bonds issued under section 37 of  
 26 this chapter, but only to the extent of any deposit made to the  
 27 motorsports investment district fund from appropriations  
 28 requested under subsection (e) or section 30.5(d) of this chapter.

29 (g) On the date that all bonds issued by the authority under section  
 30 37 of this chapter are no longer deemed outstanding and all expenses  
 31 incurred by the commission or the authority in connection with the  
 32 exercise of its duties and obligations set forth in this chapter have been  
 33 paid, all money then remaining on deposit in the motorsports  
 34 investment district fund reverts to the state general fund.

35 SECTION 17. IC 5-3-1-2.3, AS AMENDED BY P.L.183-2014,  
 36 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 37 UPON PASSAGE]: Sec. 2.3. (a) A notice published in accordance with  
 38 this chapter or any other Indiana statute is valid even though the notice  
 39 contains errors or omissions, as long as:

40 (1) a reasonable person would not be misled by the error or  
 41 omission; and

42 (2) the notice is in substantial compliance with the time and



1 publication requirements applicable under this chapter or any  
2 other Indiana statute under which the notice is published.

3 (b) This subsection applies if:

4 (1) a county auditor publishes a notice concerning a tax rate, tax  
5 levy, or budget of a political subdivision in the county;

6 (2) the notice contains an error or omission that causes the notice  
7 to inaccurately reflect the tax rate, tax levy, or budget actually  
8 proposed or fixed by the political subdivision; and

9 (3) the county auditor is responsible for the error or omission  
10 described in subdivision (2):

11 Notwithstanding any other law, the department of local government  
12 finance may correct an error or omission described in subdivision (2)  
13 at any time. If an error or omission described in subdivision (2) occurs,  
14 the county auditor must publish, at the county's expense, a notice  
15 containing the correct tax rate, tax levy, or budget as proposed or fixed  
16 by the political subdivision. This subsection expires January 1, 2015.

17 SECTION 18. IC 5-10-8-14.9, AS ADDED BY P.L.209-2015,  
18 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
19 UPON PASSAGE]: Sec. 14.9. (a) This section applies to an employee  
20 health plan that is established, entered into, amended, or renewed after  
21 June 30, 2015.

22 (b) As used in this section, "covered individual" means an  
23 individual who is entitled to coverage under a state employee health  
24 plan.

25 (c) As used in this section, "state employee health plan" means  
26 one (1) of the following:

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

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

31 (d) (c) A state employee health plan may provide coverage for  
32 methadone if the drug is prescribed for the treatment of pain or pain  
33 management as follows:

34 (1) If the daily dosage is not more than sixty (60) milligrams.

35 (2) If the daily dosage is more than sixty (60) milligrams, only if:

36 (A) prior authorization is obtained; and

37 (B) a determination of medical necessity has been shown by  
38 the provider.

39 SECTION 19. IC 5-11-1-7, AS AMENDED BY P.L.181-2015,  
40 SECTION 11, AND AS AMENDED BY P.L.213-2015, SECTION 61,  
41 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
42 [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The state examiner shall



1 appoint assistants not exceeding the number required to administer this  
 2 article. The assistants are to be known as "field examiners" and are at  
 3 all times subject to the order and direction of the state examiner. Field  
 4 examiners shall inspect and examine accounts of all state agencies,  
 5 municipalities, and other governmental units, entities, or  
 6 instrumentalities.

7 (b) The state examiner may engage or, *in accordance with section*  
 8 *24 of this chapter*, allow the engagement of private examiners to the  
 9 extent the state examiner determines necessary to satisfy the  
 10 requirements of this article. These examiners are subject to the  
 11 direction of the state examiner while performing examinations under  
 12 this article. *The state examiner shall allow the engagement of private*  
 13 *examiners for any state college or university subject to examination*  
 14 *under this article if the state examiner finds that the private examiner*  
 15 *is an independent certified public accountant firm with specific*  
 16 *expertise in the financial affairs of educational organizations. These*  
 17 *private examiners are subject to the direction of the state examiner*  
 18 *while performing examinations under this article.*

19 (c) The state examiner may engage experts to assist the state board  
 20 of accounts in carrying out its responsibilities under this article.

21 SECTION 20. IC 6-1.1-4-43, AS ADDED BY P.L.249-2015,  
 22 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 UPON PASSAGE]: Sec. 43. (a) This section applies to a real property  
 24 assessment for:

- 25 (1) the 2014 assessment date and assessment dates thereafter; and  
 26 (2) real property that is:  
 27 (A) a limited market or special purpose property that would  
 28 commonly be regarded as a big box retail building under  
 29 standard appraisal practices and is at least fifty thousand  
 30 (50,000) square feet; and  
 31 (B) occupied by the original owner or by a tenant for which the  
 32 improvement was built.

33 (b) This section does not ~~to~~ apply to the assessment of multi-tenant  
 34 income producing shopping centers (as defined by the Appraisal  
 35 Institute Dictionary of Real Estate Appraisal (5th Edition)).

36 (c) In determining the true tax value of real property under this  
 37 section which has improvements with an effective age ~~is of~~ ten (10)  
 38 years or less under the rules of the department, assessing officials shall  
 39 apply the cost approach, less depreciation and obsolescence under the  
 40 rules and guidelines of the department. For purposes of this subsection,  
 41 the land value shall be assessed separately. The assessed value of the  
 42 land underlying the improvements assessed under this section may be



1 assessed or challenged based on the market value of comparable land.

2 (d) This subsection applies to a taxpayer that files a notice under  
 3 IC 6-1.1-15 after April 30, 2015, requesting a review of the assessment  
 4 of the taxpayer's real property that is subject to this section. If the  
 5 effective age of the improvements is ten (10) years or less under the  
 6 rules of the department, a taxpayer must provide to the appropriate  
 7 county or township assessing official information concerning the actual  
 8 construction costs for the real property. Notwithstanding IC 6-1.1-15,  
 9 if a taxpayer does not provide all relevant and reasonably available  
 10 information concerning the actual construction costs for the real  
 11 property before the hearing scheduled by the county property tax  
 12 assessment board of appeals regarding the assessment of the real  
 13 property, the appeal may not be reviewed until all the information is  
 14 provided. If a taxpayer does provide the information concerning the  
 15 actual construction costs for the real property and the construction costs  
 16 for the real property are greater than the cost values determined by  
 17 using the cost tables under the rules and guidelines of the department  
 18 of local government finance, then ~~the~~ for purposes of applying the cost  
 19 approach under subsection ~~(b)~~ or (c) the depreciation and obsolescence  
 20 shall be deducted from the construction costs rather than the ~~than the~~  
 21 cost values determined by using the cost tables under the rules and  
 22 guidelines of the department of local government finance.

23 SECTION 21. IC 6-1.1-15-1, AS AMENDED BY P.L.148-2015,  
 24 SECTION 15, AS AMENDED BY P.L.248-2015, SECTION 1, AND  
 25 AS AMENDED BY P.L.249-2015, SECTION 12, IS CORRECTED  
 26 AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON  
 27 PASSAGE]: Sec. 1. (a) *Except as provided in section 1.5 of this*  
 28 *chapter, a taxpayer may obtain a review by the county board of a*  
 29 *county or township official's action with respect to either or both any*  
 30 *of the following, or any combination of the following:*

- 31 (1) The assessment of the taxpayer's tangible property.  
 32 (2) A deduction for which a review under this section is  
 33 authorized by any of the following:  
 34 (A) IC 6-1.1-12-25.5.  
 35 (B) IC 6-1.1-12-28.5.  
 36 (C) IC 6-1.1-12-35.5.  
 37 (D) IC 6-1.1-12.1-5.  
 38 (E) IC 6-1.1-12.1-5.3.  
 39 (F) IC 6-1.1-12.1-5.4.  
 40 (3) *A determination concerning a common area under*  
 41 *IC 6-1.1-10-37.5.*  
 42 (b) At the time that notice of an action referred to in subsection (a)



- 1 is given to the taxpayer, the taxpayer shall also be informed in writing  
 2 of:
- 3 (1) the opportunity for a review under this section, including a  
 4 preliminary informal meeting under subsection (h)(2) with the  
 5 county or township official referred to in this subsection; and  
 6 (2) the procedures the taxpayer must follow in order to obtain a  
 7 review under this section.
- 8 (c) In order to obtain a review of an assessment or deduction  
 9 effective for the assessment date to which the notice referred to in  
 10 subsection (b) applies, the taxpayer must file a notice in writing with  
 11 the county or township official referred to in subsection (a) not later  
 12 than forty-five (45) days after the date of the notice referred to in  
 13 subsection (b).
- 14 (d) A taxpayer may obtain a review by the county board of the  
 15 assessment of the taxpayer's tangible property effective for an  
 16 assessment date for which a notice of assessment is not given as  
 17 described in subsection (b). To obtain the review, the taxpayer must file  
 18 a notice in writing with the township assessor, or the county assessor  
 19 if the township is not served by a township assessor. The right of a  
 20 taxpayer to obtain a review under this subsection for an assessment  
 21 date for which a notice of assessment is not given does not relieve an  
 22 assessing official of the duty to provide the taxpayer with the notice of  
 23 assessment as otherwise required by this article. The notice to obtain  
 24 a review must be filed not later than the later of:
- 25 (1) May 10 of the year; or  
 26 (2) forty-five (45) days after the date of the tax statement mailed  
 27 by the county treasurer, regardless of whether the assessing  
 28 official changes the taxpayer's assessment.
- 29 (e) A change in an assessment made as a result of a notice for  
 30 review filed by a taxpayer under subsection (d) after the time  
 31 prescribed in subsection (d) becomes effective for the next assessment  
 32 date. A change in an assessment made as a result of a notice for review  
 33 filed by a taxpayer under subsection (c) or (d) remains in effect from  
 34 the assessment date for which the change is made until the next  
 35 assessment date for which the assessment is changed under this article.
- 36 (f) The written notice filed by a taxpayer under subsection (c) or (d)  
 37 must include the following information:
- 38 (1) The name of the taxpayer.  
 39 (2) The address and parcel or key number of the property.  
 40 (3) The address and telephone number of the taxpayer.
- 41 (g) The filing of a notice under subsection (c) or (d):  
 42 (1) initiates a review under this section; and



- 1 (2) constitutes a request by the taxpayer for a preliminary  
 2 informal meeting with the official referred to in subsection (a).  
 3 (h) A county or township official who receives a notice for review  
 4 filed by a taxpayer under subsection (c) or (d) shall:  
 5 (1) immediately forward the notice to the county board; and  
 6 (2) attempt to hold a preliminary informal meeting with the  
 7 taxpayer to resolve as many issues as possible by:  
 8 (A) discussing the specifics of the taxpayer's assessment or  
 9 deduction;  
 10 (B) reviewing the taxpayer's property record card;  
 11 (C) explaining to the taxpayer how the assessment or  
 12 deduction was determined;  
 13 (D) providing to the taxpayer information about the statutes,  
 14 rules, and guidelines that govern the determination of the  
 15 assessment or deduction;  
 16 (E) noting and considering objections of the taxpayer;  
 17 (F) considering all errors alleged by the taxpayer; and  
 18 (G) otherwise educating the taxpayer about:  
 19 (i) the taxpayer's assessment or deduction;  
 20 (ii) the assessment or deduction process; and  
 21 (iii) the assessment or deduction appeal process.  
 22 (i) Not later than ten (10) days after the informal preliminary  
 23 meeting, the official referred to in subsection (a) shall forward to the  
 24 county auditor and the county board the results of the conference on a  
 25 form prescribed by the department of local government finance that  
 26 must be completed and signed by the taxpayer and the official. *The*  
 27 *official referred to in subsection (a) must attest on the form that the*  
 28 *official described to the taxpayer the taxpayer's right to a review of the*  
 29 *issues by the county board under this chapter and the taxpayer's right*  
 30 *to appeal to the Indiana board of tax review and to the Indiana tax*  
 31 *court. The form must indicate the following:*  
 32 (1) *Notwithstanding section 2.5 of this chapter, if the taxpayer*  
 33 *and the official agree on the resolution of all assessment or*  
 34 *deduction issues in the review, a statement of:*  
 35 (A) those issues; and  
 36 (B) the assessed value of the tangible property or the amount  
 37 of the deduction that results from the resolution of those issues  
 38 in the manner agreed to by the taxpayer and the official.  
 39 (2) If the taxpayer and the official do not agree on the resolution  
 40 of all assessment or deduction issues in the review:  
 41 (A) a statement of those issues; and  
 42 (B) the identification of:



- 1 (i) the issues on which the taxpayer and the official agree;  
 2 and  
 3 (ii) the issues on which the taxpayer and the official  
 4 disagree.
- 5 *(1) If the taxpayer and the official agree on the resolution of all*  
 6 *assessment or deduction issues in the review, a statement of:*  
 7 *(A) those issues; and*  
 8 *(B) the assessed value of the tangible property or the amount*  
 9 *of the deduction that results from the resolution of those issues*  
 10 *in the manner agreed to by the taxpayer and the official.*
- 11 *(2) If the taxpayer and the official do not agree on the resolution*  
 12 *of all assessment or deduction issues in the review:*  
 13 *(A) a statement of those issues; and*  
 14 *(B) the identification of:*  
 15 *(i) the issues on which the taxpayer and the official agree;*  
 16 *and*  
 17 *(ii) the issues on which the taxpayer and the official*  
 18 *disagree.*
- 19 (j) If the county board receives a form referred to in subsection  
 20 (i)(1) before the hearing scheduled under subsection (k):  
 21 (1) the county board shall cancel the hearing;  
 22 (2) the county official referred to in subsection (a) shall give  
 23 notice to the taxpayer, the county board, the county assessor, and  
 24 the county auditor of the assessment or deduction in the amount  
 25 referred to in subsection (i)(1)(B); and  
 26 (3) if the matter in issue is the assessment of tangible property,  
 27 the county board may reserve the right to change the assessment  
 28 under IC 6-1.1-13.
- 29 (k) If:  
 30 (1) subsection (i)(2) applies; or  
 31 (2) the county board does not receive a form referred to in  
 32 subsection (i) not later than one hundred twenty (120) days after  
 33 the date of the notice for review filed by the taxpayer under  
 34 subsection (c) or (d);  
 35 the county board shall hold a hearing on a review under this subsection  
 36 not later than one hundred eighty (180) days after the date of that  
 37 notice. The county board shall, by mail, give at least thirty (30) days  
 38 notice of the date, time, and place fixed for the hearing to the taxpayer,  
 39 *the taxpayer's representative (if any)*, and the county or township  
 40 official with whom the taxpayer filed the notice for review. The  
 41 taxpayer and the county or township official with whom the taxpayer  
 42 filed the notice for review are parties to the proceeding before the



1 county board. A taxpayer may request a continuance of the hearing by  
 2 filing, at least twenty (20) days before the hearing date, a request for  
 3 continuance with the board and the county or township official with  
 4 evidence supporting a just cause for the continuance. The board shall,  
 5 not later than ten (10) days after the date the request for a continuance  
 6 is filed, either find that the taxpayer has demonstrated a just cause for  
 7 a continuance and grant the taxpayer the continuance, or deny the  
 8 continuance. A taxpayer may request that the board take action without  
 9 the taxpayer being present and that the board make a decision based on  
 10 the evidence already submitted to the board by filing, at least eight (8)  
 11 days before the hearing date, a request with the board and the county  
 12 or township official. A taxpayer may withdraw a petition by filing, at  
 13 least eight (8) days before the hearing date, a notice of withdrawal with  
 14 the board and the county or township official.

15 (l) At the hearing required under subsection (k):

16 (1) the taxpayer may present the taxpayer's reasons for  
 17 disagreement with the assessment or deduction; and

18 (2) the county or township official with whom the taxpayer filed  
 19 the notice for review must present:

20 (A) the basis for the assessment or deduction decision; and

21 (B) the reasons the taxpayer's contentions should be denied.

22 A penalty of fifty dollars (\$50) shall be assessed against the taxpayer  
 23 if the taxpayer or representative fails to appear at the hearing and,  
 24 under subsection (k), the taxpayer's request for continuance is denied,  
 25 or the taxpayer's request for continuance, request for the board to take  
 26 action without the taxpayer being present, or withdrawal is not timely  
 27 filed. A taxpayer may appeal the assessment of the penalty to the  
 28 Indiana board or directly to the tax court. The penalty may not be added  
 29 as an amount owed on the property tax statement under IC 6-1.1-22 or  
 30 IC 6-1.1-22.5.

31 (m) The official referred to in subsection (a) may not require the  
 32 taxpayer to provide documentary evidence at the preliminary informal  
 33 meeting under subsection (h). The county board may not require a  
 34 taxpayer to file documentary evidence or summaries of statements of  
 35 testimonial evidence before the hearing required under subsection (k).  
 36 If the action for which a taxpayer seeks review under this section is the  
 37 assessment of tangible property, the taxpayer is not required to have an  
 38 appraisal of the property in order to do the following:

39 (1) Initiate the review.

40 (2) Prosecute the review.

41 (n) The county board shall prepare a written decision resolving all  
 42 of the issues under review. *The written decision may be in the form of*





1 *a stipulated determination under section 2.5 of this chapter.* The  
 2 county board shall, by mail, give notice of its determination not later  
 3 than:

- 4 (1) one hundred twenty (120) days after the hearing under  
 5 subsection (k); *or*  
 6 (2) *thirty (30) days after an entry of a stipulated determination*  
 7 *under section 2.5 of this chapter;*

8 to the taxpayer, the official referred to in subsection (a), the county  
 9 assessor, and the county auditor.

10 (o) If the maximum time elapses:

- 11 (1) under subsection (k) for the county board to hold a hearing; or  
 12 (2) under subsection (n) for the county board to give notice of its  
 13 determination;

14 the taxpayer may initiate a proceeding for review before the Indiana  
 15 board by taking the action required by section 3 of this chapter at any  
 16 time after the maximum time elapses.

17 SECTION 22. IC 6-1.1-15-2.5, AS ADDED BY P.L.248-2015,  
 18 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19 UPON PASSAGE]: Sec. 2.5. (a) This section applies to a notice of  
 20 review filed by a taxpayer under section 1 of this chapter with respect  
 21 to the assessment of the taxpayer's tangible property.

22 (b) Instead of a hearing before the county board, a taxpayer and a  
 23 township or county official may enter into an agreement in which both  
 24 parties:

- 25 (1) agree to waive a determination by the county board and  
 26 submit the dispute directly to the Indiana board; or  
 27 (2) stipulate to the assessed value of the tangible property in  
 28 dispute as determined by an independent appraisal under terms  
 29 and conditions in subsection (e).

30 A taxpayer and a township or county official may still enter into an  
 31 agreement under section 1(i) of this chapter and not be subject to the  
 32 requirements of this section.

33 (c) An agreement under this section may not be entered into more  
 34 than one hundred twenty (120) days after the date of the notice under  
 35 subsection (a).

36 (d) The township or county official shall immediately forward an  
 37 agreement entered into under this section to the county board.

38 (e) An agreement entered into by a taxpayer and a township or  
 39 county official under subsection ~~(b)~~ **(b)(2)** must include the following  
 40 provisions:

- 41 (1) The county board shall select three (3) Indiana registered  
 42 appraisers as potential appraisers to conduct an independent



- 1 appraisal under the agreement.
- 2 (2) Not later than fifteen (15) days after the county board's
- 3 selection of potential appraisers, the:
- 4 (A) taxpayer; and
- 5 (B) township or county official;
- 6 may each strike one (1) appraiser from the list of potential
- 7 appraisers by providing written notice to the county board of the
- 8 name of the appraiser to strike from the list.
- 9 (3) Not later than sixty (60) days after the date of the agreement,
- 10 an appraisal shall be conducted by the Indiana registered
- 11 appraiser who is:
- 12 (A) not struck from the list of potential appraisers, if two (2)
- 13 potential appraisers are struck from the list under subdivision
- 14 (2); or
- 15 (B) selected by the county board from the list of potential
- 16 appraisers, if fewer than two (2) potential appraisers are struck
- 17 from the list under subdivision (2).
- 18 (4) The appraisal conducted under subdivision (3) shall be:
- 19 (A) prepared in accordance with usual and customary
- 20 professional standards for an Indiana registered appraiser;
- 21 (B) notarized; and
- 22 (C) filed with the county board not later than three (3) days
- 23 after its completion.
- 24 (5) The taxpayer and the township or county official stipulate for
- 25 purposes of review by the county board that the correct assessed
- 26 value of the tangible property in dispute is the appraised value of
- 27 the tangible property as determined by the appraisal conducted
- 28 under subdivision (3).
- 29 (6) The taxpayer and the township or county official retain the
- 30 right to initiate a proceeding for review of a stipulated
- 31 determination entered by the county board under subsection (g)
- 32 before the Indiana board under section 3 of this chapter.
- 33 (7) Any other provision the department of local government
- 34 finance considers appropriate.
- 35 (f) The department of local government finance shall prescribe a
- 36 standard form agreement that must be used for purposes of this section.
- 37 The department shall require the form agreement to be notarized.
- 38 (g) Upon receipt of an independent appraisal conducted under this
- 39 section, the county board shall enter a stipulated determination of
- 40 assessed value:
- 41 (1) based on the agreement of the parties under ~~this section;~~
- 42 **subsection (b)(2); and**



1           (2) equal to the appraised value of the property as determined by  
 2           the independent appraisal.

3           (h) A taxpayer or a township or county official may initiate a  
 4 proceeding for review of a stipulated determination entered by a county  
 5 board under this section before the Indiana board as required by section  
 6 3 of this chapter.

7           SECTION 23. IC 6-1.1-17-16, AS AMENDED BY P.L.183-2014,  
 8 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9 UPON PASSAGE]: Sec. 16. (a) Subject to the limitations and  
 10 requirements prescribed in this section, the department of local  
 11 government finance may revise, reduce, or increase a political  
 12 subdivision's budget by fund, tax rate, or tax levy which the department  
 13 reviews under section 8 or 10 of this chapter.

14           (b) Subject to the limitations and requirements prescribed in this  
 15 section, the department of local government finance may review,  
 16 revise, reduce, or increase the budget by fund, tax rate, or tax levy of  
 17 any of the political subdivisions whose tax rates compose the aggregate  
 18 tax rate within a political subdivision whose budget, tax rate, or tax  
 19 levy is the subject of an appeal initiated under this chapter.

20           (c) Except as provided in section 16.1 of this chapter, the  
 21 department of local government finance is not required to hold a public  
 22 hearing before the department of local government finance reviews,  
 23 revises, reduces, or increases a political subdivision's budget by fund,  
 24 tax rate, or tax levy under this section.

25           (d) Except as provided in subsection (i), IC 20-46, or IC 6-1.1-18.5,  
 26 the department of local government finance may not increase a political  
 27 subdivision's budget by fund, tax rate, or tax levy to an amount which  
 28 exceeds the amount originally fixed by the political subdivision.  
 29 However, if the department of local government finance determines  
 30 that IC 5-3-1-2.3(b) (before its expiration) applies to the tax rate, tax  
 31 levy, or budget of the political subdivision, the maximum amount by  
 32 which the department may increase the tax rate, tax levy, or budget is  
 33 the amount originally fixed by the political subdivision, and not the  
 34 amount that was incorrectly published or omitted in the notice  
 35 described in IC 5-3-1-2.3(b) (before its expiration). The department of  
 36 local government finance shall give the political subdivision  
 37 notification electronically in the manner prescribed by the department  
 38 of local government finance specifying any revision, reduction, or  
 39 increase the department proposes in a political subdivision's tax levy  
 40 or tax rate. The political subdivision has ten (10) calendar days from  
 41 the date the political subdivision receives the notice to provide a  
 42 response electronically in the manner prescribed by the department of



1 local government finance. The response may include budget  
 2 reductions, reallocation of levies, a revision in the amount of  
 3 miscellaneous revenues, and further review of any other item about  
 4 which, in the view of the political subdivision, the department is in  
 5 error. The department of local government finance shall consider the  
 6 adjustments as specified in the political subdivision's response if the  
 7 response is provided as required by this subsection and shall deliver a  
 8 final decision to the political subdivision.

9 (e) The department of local government finance may not approve a  
 10 levy for lease payments by a city, town, county, library, or school  
 11 corporation if the lease payments are payable to a building corporation  
 12 for use by the building corporation for debt service on bonds and if:

- 13 (1) no bonds of the building corporation are outstanding; or
- 14 (2) the building corporation has enough legally available funds on  
 15 hand to redeem all outstanding bonds payable from the particular  
 16 lease rental levy requested.

17 (f) The department of local government finance shall certify its  
 18 action to:

- 19 (1) the county auditor;
- 20 (2) the political subdivision if the department acts pursuant to an  
 21 appeal initiated by the political subdivision;
- 22 (3) the taxpayer that initiated an appeal under section 13 of this  
 23 chapter, or, if the appeal was initiated by multiple taxpayers, the  
 24 first ten (10) taxpayers whose names appear on the statement filed  
 25 to initiate the appeal; and
- 26 (4) a taxpayer that owns property that represents at least ten  
 27 percent (10%) of the taxable assessed valuation in the political  
 28 subdivision.

29 (g) The following may petition for judicial review of the final  
 30 determination of the department of local government finance under  
 31 subsection (f):

- 32 (1) If the department acts under an appeal initiated by a political  
 33 subdivision, the political subdivision.
- 34 (2) If the department:
  - 35 (A) acts under an appeal initiated by one (1) or more taxpayers  
 36 under section 13 of this chapter; or
  - 37 (B) fails to act on the appeal before the department certifies its  
 38 action under subsection (f);
 39 a taxpayer who signed the statement filed to initiate the appeal.
- 40 (3) If the department acts under an appeal initiated by the county  
 41 auditor under section 14 of this chapter, the county auditor.
- 42 (4) A taxpayer that owns property that represents at least ten



1           percent (10%) of the taxable assessed valuation in the political  
2           subdivision.

3           The petition must be filed in the tax court not more than forty-five (45)  
4           days after the department certifies its action under subsection (f).

5           (h) The department of local government finance is expressly  
6           directed to complete the duties assigned to it under this section not later  
7           than February 15 of each year for taxes to be collected during that year.

8           (i) Subject to the provisions of all applicable statutes, **and**  
9           **notwithstanding IC 6-1.1-18-1**, the department of local government  
10          finance shall, unless the department finds extenuating circumstances,  
11          increase a political subdivision's tax levy to an amount that exceeds the  
12          amount originally advertised or adopted by the political subdivision if:

13               (1) the increase is requested in writing by the officers of the  
14               political subdivision;

15               (2) the requested increase is published on the department's  
16               advertising Internet web site and (before January 1, 2015) is  
17               published by the political subdivision according to a notice  
18               provided by the department; and

19               (3) notice is given to the county fiscal body of the error and the  
20               department's correction.

21          If the department increases a levy beyond what was advertised or  
22          adopted under this subsection, it shall, unless the department finds  
23          extenuating circumstances, reduce the certified levy affected below the  
24          maximum allowable levy by the lesser of five percent (5%) of the  
25          difference between the advertised or adopted levy and the increased  
26          levy, or one hundred thousand dollars (\$100,000).

27          (j) The department of local government finance shall annually  
28          review the budget by fund of each school corporation not later than  
29          April 1. The department of local government finance shall give the  
30          school corporation written notification specifying any revision,  
31          reduction, or increase the department proposes in the school  
32          corporation's budget by fund. A public hearing is not required in  
33          connection with this review of the budget.

34          SECTION 24. IC 6-1.1-18-1 IS AMENDED TO READ AS  
35          FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. **Except as**  
36          **provided in IC 6-1.1-17-16(i)**, when fixing a budget, tax rate, and tax  
37          levy under IC 6-1.1-17-5, the officers of a political subdivision may not  
38          fix a budget or tax levy which exceeds the amount published by the  
39          political subdivision. The portion of a budget or tax levy which exceeds  
40          the published amount is void.

41          SECTION 25. IC 6-1.1-20-3.6, AS AMENDED BY P.L.203-2015,  
42          SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 UPON PASSAGE]: Sec. 3.6. (a) Except as provided in sections 3.7 and  
 2 3.8 of this chapter, this section applies only to a controlled project  
 3 described in section 3.5(a) of this chapter.

4 (b) If a sufficient petition requesting the application of the local  
 5 public question process has been filed as set forth in section 3.5 of this  
 6 chapter, a political subdivision may not impose property taxes to pay  
 7 debt service on bonds or lease rentals on a lease for a controlled project  
 8 unless the political subdivision's proposed debt service or lease rental  
 9 is approved in an election on a local public question held under this  
 10 section.

11 (c) Except as provided in subsection (k), the following question  
 12 shall be submitted to the eligible voters at the election conducted under  
 13 this section:

14 "Shall \_\_\_\_\_ (insert the name of the political subdivision)  
 15 issue bonds or enter into a lease to finance \_\_\_\_\_ (insert  
 16 a brief description of the controlled project), which is estimated  
 17 to cost not more than \_\_\_\_\_ (insert the total cost of the project)  
 18 and is estimated to increase the property tax rate for debt service  
 19 by \_\_\_\_\_ (insert increase in tax rate as determined by the  
 20 department of local government finance)?"

21 The public question must appear on the ballot in the form approved by  
 22 the county election board. If the political subdivision proposing to issue  
 23 bonds or enter into a lease is located in more than one (1) county, the  
 24 county election board of each county shall jointly approve the form of  
 25 the public question that will appear on the ballot in each county. The  
 26 form approved by the county election board may differ from the  
 27 language certified to the county election board by the county auditor.  
 28 If the county election board approves the language of a public question  
 29 under this subsection, the county election board shall submit the  
 30 language to the department of local government finance for review.

31 (d) The department of local government finance shall review the  
 32 language of the public question to evaluate whether the description of  
 33 the controlled project is accurate and is not biased against either a vote  
 34 in favor of the controlled project or a vote against the controlled  
 35 project. The department of local government finance may either  
 36 approve the ballot language as submitted or recommend that the ballot  
 37 language be modified as necessary to ensure that the description of the  
 38 controlled project is accurate and is not biased. The department of local  
 39 government finance shall certify its approval or recommendations to  
 40 the county auditor and the county election board not more than ten (10)  
 41 days after the language of the public question is submitted to the  
 42 department for review. If the department of local government finance



1 recommends a modification to the ballot language, the county election  
 2 board shall, after reviewing the recommendations of the department of  
 3 local government finance, submit modified ballot language to the  
 4 department for the department's approval or recommendation of any  
 5 additional modifications. The public question may not be certified by  
 6 the county auditor under subsection (e) unless the department of local  
 7 government finance has first certified the department's final approval  
 8 of the ballot language for the public question.

9 (e) The county auditor shall certify the finally approved public  
 10 question under IC 3-10-9-3 to the county election board of each county  
 11 in which the political subdivision is located. The certification must  
 12 occur not later than noon:

- 13 (1) seventy-four (74) days before a primary election if the public  
 14 question is to be placed on the primary or municipal primary  
 15 election ballot; or  
 16 (2) August 1 if the public question is to be placed on the general  
 17 or municipal election ballot.

18 Subject to the certification requirements and deadlines under this  
 19 subsection and except as provided in subsection (k), the public  
 20 question shall be placed on the ballot at the next primary election,  
 21 general election, or municipal election in which all voters of the  
 22 political subdivision are entitled to vote. However, if a primary  
 23 election, general election, or municipal election will not be held during  
 24 the first year in which the public question is eligible to be placed on the  
 25 ballot under this section and if the political subdivision requests the  
 26 public question to be placed on the ballot at a special election, the  
 27 public question shall be placed on the ballot at a special election to be  
 28 held on the first Tuesday after the first Monday in May or November  
 29 of the year. The certification must occur not later than noon  
 30 seventy-four (74) days before a special election to be held in May (if  
 31 the special election is to be held in May) or noon on August 1 (if the  
 32 special election is to be held in November). The fiscal body of the  
 33 political subdivision that requests the special election shall pay the  
 34 costs of holding the special election. The county election board shall  
 35 give notice under IC 5-3-1 of a special election conducted under this  
 36 subsection. A special election conducted under this subsection is under  
 37 the direction of the county election board. The county election board  
 38 shall take all steps necessary to carry out the special election.

39 (f) The circuit court clerk shall certify the results of the public  
 40 question to the following:

- 41 (1) The county auditor of each county in which the political  
 42 subdivision is located.



- 1           (2) The department of local government finance.
- 2           (g) Subject to the requirements of IC 6-1.1-18.5-8, the political  
3 subdivision may issue the proposed bonds or enter into the proposed  
4 lease rental if a majority of the eligible voters voting on the public  
5 question vote in favor of the public question.
- 6           (h) If a majority of the eligible voters voting on the public question  
7 vote in opposition to the public question, both of the following apply:
- 8           (1) The political subdivision may not issue the proposed bonds or  
9 enter into the proposed lease rental.
- 10           (2) Another public question under this section on the same or a  
11 substantially similar project may not be submitted to the voters  
12 earlier than three hundred fifty (350) days after the date of the  
13 election.
- 14           (i) IC 3, to the extent not inconsistent with this section, applies to an  
15 election held under this section.
- 16           (j) A political subdivision may not artificially divide a capital  
17 project into multiple capital projects in order to avoid the requirements  
18 of this section and section 3.5 of this chapter. A person that owns  
19 property within a political subdivision or a person that is a registered  
20 voter residing within a political subdivision may file a petition with the  
21 department of local government finance objecting that the political  
22 subdivision has artificially divided a capital project into multiple  
23 capital projects in order to avoid the requirements of this section and  
24 section 3.5 of this chapter. The petition must be filed not more than ten  
25 (10) days after the political subdivision makes the preliminary  
26 determination to issue the bonds or enter into the lease for the project.  
27 If the department of local government finance receives a petition under  
28 this subsection, the department shall not later than thirty (30) days after  
29 receiving the petition make a final determination on the issue of  
30 whether the capital projects were artificially divided.
- 31           (k) This subsection applies to a political subdivision for which a  
32 petition requesting a public question has been submitted under section  
33 3.5 of this chapter. The legislative body (as defined in IC 36-1-2-9) of  
34 the political subdivision may adopt a resolution to withdraw a  
35 controlled project from consideration in a public question. If the  
36 legislative body provides a certified copy of the resolution to the county  
37 auditor and the county election board not later than sixty-three (63)  
38 days before the election at which the public question would be on the  
39 ballot, the public question on the controlled project shall not be placed  
40 on the ballot and the public question on the controlled project shall not  
41 be held, regardless of whether the county auditor has certified the  
42 public question to the county election board. If the withdrawal of a





1 public question under this subsection requires the county election  
 2 board to reprint ballots, the political subdivision withdrawing the  
 3 public question shall pay the costs of reprinting the ballots. If a political  
 4 subdivision withdraws a public question under this subsection that  
 5 would have been held at a special election and the county election  
 6 board has printed the ballots before the legislative body of the political  
 7 subdivision provides a certified copy of the withdrawal resolution to  
 8 the county auditor and the county election board, the political  
 9 subdivision withdrawing the public question shall pay the costs  
 10 incurred by the county in printing the ballots. If a public question on a  
 11 controlled project is withdrawn under this subsection, a public question  
 12 under this section on the same controlled project or a substantially  
 13 similar controlled project may not be submitted to the voters earlier  
 14 than three hundred fifty (350) days after the date the resolution  
 15 withdrawing the public question is adopted.

16 (l) If a public question regarding a controlled project is placed on  
 17 the ballot to be voted on at a ~~public question~~ **an election** under this  
 18 section, the political subdivision shall submit to the department of local  
 19 government finance, at least thirty (30) days before the election, the  
 20 following information regarding the proposed controlled project for  
 21 posting on the department's Internet web site:

22 (1) The cost per square foot of any buildings being constructed as  
 23 part of the controlled project.

24 (2) The effect that approval of the controlled project would have  
 25 on the political subdivision's property tax rate.

26 (3) The maximum term of the bonds or lease.

27 (4) The maximum principal amount of the bonds or the maximum  
 28 lease rental for the lease.

29 (5) The estimated interest rates that will be paid and the total  
 30 interest costs associated with the bonds or lease.

31 (6) The purpose of the bonds or lease.

32 (7) In the case of a controlled project proposed by a school  
 33 corporation:

34 (A) the current and proposed square footage of school building  
 35 space per student;

36 (B) enrollment patterns within the school corporation; and

37 (C) the age and condition of the current school facilities.

38 SECTION 26. IC 6-1.1-24-5.3, AS AMENDED BY P.L.251-2015,  
 39 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 UPON PASSAGE]: Sec. 5.3. (a) This section applies to the following:

41 (1) A person who:

42 (A) owns a fee interest, a life estate interest, or the equitable



- 1 interest of a contract purchaser in an unsafe building or unsafe  
 2 premises; and  
 3 (B) is subject to an order issued under IC 36-7-9-5(a)(2),  
 4 IC 36-7-9-5(a)(3), IC 36-7-9-5(a)(4), or IC 36-7-9-5(a)(5)  
 5 regarding which the conditions set forth in IC 36-7-9-10(a)(1)  
 6 through IC 36-7-9-10(a)(4) exist.
- 7 (2) A person who:  
 8 (A) owns a fee interest, a life estate interest, or the equitable  
 9 interest of a contract purchaser in an unsafe building or unsafe  
 10 premises; and  
 11 (B) is subject to an order issued under IC 36-7-9-5(a), other  
 12 than an order issued under IC 36-7-9-5(a)(2),  
 13 IC 36-7-9-5(a)(3), IC 36-7-9-5(a)(4), or IC 36-7-9-5(a)(5),  
 14 regarding which the conditions set forth in IC 36-7-9-10(b)(1)  
 15 through IC 36-7-9-10(b)(4) exist.
- 16 (3) A person who is the defendant in a court action brought under  
 17 IC 36-7-9-18, IC 36-7-9-19, IC 36-7-9-20, IC 36-7-9-21, or  
 18 IC 36-7-9-22 that has resulted in a judgment in favor of the  
 19 plaintiff and the unsafe condition that caused the action to be  
 20 brought has not been corrected.
- 21 (4) A person who has any of the following relationships to a  
 22 person, partnership, corporation, or legal entity described in  
 23 subdivision (1), (2), or (3):  
 24 (A) A partner of a partnership.  
 25 (B) An officer or majority stockholder of a corporation.  
 26 (C) The person who directs the activities or has a majority  
 27 ownership in a legal entity other than a partnership or  
 28 corporation.
- 29 (5) A person who owes:  
 30 (A) delinquent taxes;  
 31 (B) special assessments;  
 32 (C) penalties;  
 33 (D) interest; or  
 34 (E) costs directly attributable to a prior tax sale;  
 35 on a tract or an item of real property listed under section 1 of this  
 36 chapter.
- 37 (6) A person who owns a fee interest, a life estate interest, or the  
 38 equitable interest of a contract purchaser in a vacant or abandoned  
 39 structure subject to an enforcement order under IC 32-30-6,  
 40 IC 32-30-7, IC 32-30-8, or IC 36-7-9, or a court order under  
 41 IC 36-7-37.
- 42 (7) A person who is an agent of the person described in this



1 subsection.

2 (b) A person subject to this section may not purchase a tract offered  
3 for sale under section 5 or 6.1 of this chapter. However, this section  
4 does not prohibit a person from bidding on a tract that is owned by the  
5 person and offered for sale under section 5 of this chapter.

6 (c) The county treasurer shall require each person who will be  
7 bidding at the tax sale to sign a statement in a form substantially  
8 similar to the following:

9 "Indiana law prohibits a person who owes delinquent taxes,  
10 special assessments, penalties, interest, or costs directly  
11 attributable to a prior tax sale of a tract or item of real property  
12 listed under ~~section 4 of this chapter~~ **IC 6-1.1-24-1** from  
13 purchasing tracts or items of real property at a tax sale. I hereby  
14 affirm under the penalties for perjury that I do not owe delinquent  
15 taxes, special assessments, penalties, interest, costs directly  
16 attributable to a prior tax sale, amounts from a final adjudication  
17 in favor of a political subdivision, any civil penalties imposed for  
18 the violation of a building code or county ordinance, or any civil  
19 penalties imposed by a county health department. Further, I  
20 hereby acknowledge that any successful bid I make in violation of  
21 this statement is subject to forfeiture. In the event of forfeiture,  
22 the amount by which my bid exceeds the minimum bid on the  
23 tract or item or real property under IC 6-1.1-24-5(e), if any, shall  
24 be applied to the delinquent taxes, special assessments, penalties,  
25 interest, costs, judgments, or civil penalties I owe, and a  
26 certificate will be issued to the county executive."

27 (d) If a person purchases a tract that the person was not eligible to  
28 purchase under this section, the sale of the property is subject to  
29 forfeiture. If the county treasurer determines or is notified not more  
30 than six (6) months after the date of the sale that the sale of the  
31 property should be forfeited, the county treasurer shall:

32 (1) notify the person in writing that the sale is subject to forfeiture  
33 if the person does not pay the amounts that the person owes  
34 within thirty (30) days of the notice;

35 (2) if the person does not pay the amounts that the person owes  
36 within thirty (30) days after the notice, apply the surplus amount  
37 of the person's bid to the person's delinquent taxes, special  
38 assessments, penalties, and interest;

39 (3) remit the amounts owed from a final adjudication or civil  
40 penalties in favor of a political subdivision to the appropriate  
41 political subdivision; and

42 (4) notify the county auditor that the sale has been forfeited.



1 Upon being notified that a sale has been forfeited, the county auditor  
2 shall issue a certificate to the county executive under section 6 of this  
3 chapter.

4 (e) A county treasurer may decline to forfeit a sale under this section  
5 because of inadvertence or mistake, lack of actual knowledge by the  
6 bidder, substantial harm to other parties with interests in the tract or  
7 item of real property, or other substantial reasons. If the treasurer  
8 declines to forfeit a sale, the treasurer shall:

9 (1) prepare a written statement explaining the reasons for  
10 declining to forfeit the sale; and

11 (2) retain the written statement as an official record.

12 (f) If a sale is forfeited under this section and the tract or item of real  
13 property is redeemed from the sale, the county auditor shall deposit the  
14 amount of the redemption into the county general fund and notify the  
15 county executive of the redemption. Upon being notified of the  
16 redemption, the county executive shall surrender the certificate to the  
17 county auditor.

18 SECTION 27. IC 6-1.1-28-12, AS ADDED BY P.L.248-2015,  
19 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
20 UPON PASSAGE]: Sec. 12. (a) This section applies beginning January  
21 1, 2016.

22 (b) Each county property tax assessment board of appeals (referred  
23 to as the "county PTABOA" in this section) shall submit annually a  
24 report of the notices for review filed with the county PTABOA under  
25 IC 6-1.1-15-1(c) and IC 6-1.1-15-1(d) in the preceding year to the  
26 department of local government finance, the Indiana board of tax  
27 review, and the legislative services agency before April 1 of each year.  
28 A report submitted to the legislative services agency must be in an  
29 electronic format under IC 5-14-6.

30 (c) The report required by subsection (b) must include the following  
31 information:

32 (1) The total number of notices for review filed with the county  
33 PTABOA.

34 (2) The notices for review, either filed or pending during the year,  
35 that were resolved during the year by a preliminary informal  
36 meeting under IC 6-1.1-15-1(h)(2) and IC 6-1.1-15-1(j).

37 (3) The notices for review, either filed or pending during the year,  
38 in which a hearing was conducted during the year by the county  
39 PTABOA under IC 6-1.1-15-1(k).

40 (4) The number of written decisions issued during the year by the  
41 county PTABOA under ~~IC 6-1.1-15-1(o)~~. **IC 6-1.1-15-1(n)**.

42 (5) The number of notices for review pending with the county



1 PTABOA on December 31 of the reporting year.  
 2 (6) The number of reviews resolved through a preliminary  
 3 informal meeting under IC 6-1.1-15-1(h)(2) and IC 6-1.1-15-1(j)  
 4 that were:  
 5 (A) resolved in favor of the taxpayer;  
 6 (B) resolved in favor of the assessor; or  
 7 (C) resolved in some other manner.  
 8 (7) The number of reviews resolved through a written decision  
 9 issued during the year by the county PTABOA under  
 10 ~~IC 6-1.1-15-1(o)~~ **IC 6-1.1-15-1(n)** that were:  
 11 (A) resolved in favor of the taxpayer;  
 12 (B) resolved in favor of the assessor; or  
 13 (C) resolved in some other manner.  
 14 The report may not include any confidential information.  
 15 SECTION 28. IC 6-1.1-37-10, AS AMENDED BY P.L.56-2012,  
 16 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 UPON PASSAGE]: Sec. 10. (a) Except as provided in ~~sections 10.1~~  
 18 **and section 10.7** of this chapter, if an installment of property taxes is  
 19 not completely paid on or before the due date, a penalty shall be added  
 20 to the unpaid portion in the year of the initial delinquency. The penalty  
 21 is equal to an amount determined as follows:  
 22 (1) If:  
 23 (A) an installment of real property taxes is completely paid on  
 24 or before the date thirty (30) days after the due date; and  
 25 (B) the taxpayer is not liable for delinquent property taxes first  
 26 due and payable in a previous installment for the same parcel;  
 27 the amount of the penalty is equal to five percent (5%) of the  
 28 amount of delinquent taxes.  
 29 (2) If:  
 30 (A) an installment of personal property taxes is completely  
 31 paid on or before the date thirty (30) days after the due date;  
 32 and  
 33 (B) the taxpayer is not liable for delinquent property taxes first  
 34 due and payable in a previous installment for a personal  
 35 property tax return for property in the same taxing district;  
 36 the amount of the penalty is equal to five percent (5%) of the  
 37 amount of delinquent taxes.  
 38 (3) If subdivision (1) or (2) does not apply, the amount of the  
 39 penalty is equal to ten percent (10%) of the amount of delinquent  
 40 taxes.  
 41 (b) With respect to property taxes due in two (2) equal installments  
 42 under IC 6-1.1-22-9(a), on the day immediately following the due dates



1 of the first and second installments in each year following the year of  
 2 the initial delinquency, an additional penalty equal to ten percent (10%)  
 3 of any taxes remaining unpaid shall be added. With respect to property  
 4 taxes due in installments under IC 6-1.1-22-9.5, an additional penalty  
 5 equal to ten percent (10%) of any taxes remaining unpaid shall be  
 6 added on the day immediately following each date that succeeds the  
 7 last installment due date by:

- 8 (1) six (6) months; or
- 9 (2) a multiple of six (6) months.

10 (c) The penalties under subsection (b) are imposed only on the  
 11 principal amount of the delinquent taxes.

12 (d) If the department of local government finance determines that  
 13 an emergency has occurred which precludes the mailing of the tax  
 14 statement in any county at the time set forth in IC 6-1.1-22-8.1, the  
 15 department shall establish by order a new date on which the installment  
 16 of taxes in that county is due and no installment is delinquent if paid by  
 17 the date so established.

18 (e) If any due date falls on a Saturday, a Sunday, a national legal  
 19 holiday recognized by the federal government, or a statewide holiday,  
 20 the act that must be performed by that date is timely if performed by  
 21 the next succeeding day that is not a Saturday, a Sunday, or one (1) of  
 22 those holidays.

23 (f) Subject to subsections (g) and (h), a payment to the county  
 24 treasurer is considered to have been paid by the due date if the payment  
 25 is:

- 26 (1) received on or before the due date by the county treasurer or
- 27 a collecting agent appointed by the county treasurer;
- 28 (2) deposited in United States first class mail:
  - 29 (A) properly addressed to the principal office of the county
  - 30 treasurer;
  - 31 (B) with sufficient postage; and
  - 32 (C) postmarked by the United States Postal Service as mailed
  - 33 on or before the due date;
- 34 (3) deposited with a nationally recognized express parcel carrier
- 35 and is:
  - 36 (A) properly addressed to the principal office of the county
  - 37 treasurer; and
  - 38 (B) verified by the express parcel carrier as:
    - 39 (i) paid in full for final delivery; and
    - 40 (ii) received by the express parcel carrier on or before the
    - 41 due date;
  - 42 (4) deposited to be mailed through United States registered mail,



- 1 United States certified mail, or United States certificate of  
 2 mailing:  
 3 (A) properly addressed to the principal office of the county  
 4 treasurer;  
 5 (B) with sufficient postage; and  
 6 (C) with a date of registration, certification, or certificate, as  
 7 evidenced by any record authenticated by the United States  
 8 Postal Service, on or before the due date; or  
 9 (5) made by an electronic funds transfer and the taxpayer's bank  
 10 account is charged on or before the due date.

11 For purposes of this subsection, "postmarked" does not mean the date  
 12 printed by a postage meter that affixes postage to the envelope or  
 13 package containing a payment.

14 (g) If a payment is mailed through the United States mail and is  
 15 physically received after the due date without a legible correct  
 16 postmark, the person who mailed the payment is considered to have  
 17 made the payment on or before the due date if the person can show by  
 18 reasonable evidence that the payment was deposited in the United  
 19 States mail on or before the due date.

20 (h) If a payment is sent via the United States mail or a nationally  
 21 recognized express parcel carrier but is not received by the designated  
 22 recipient, the person who sent the payment is considered to have made  
 23 the payment on or before the due date if the person:

- 24 (1) can show by reasonable evidence that the payment was  
 25 deposited in the United States mail, or with the express parcel  
 26 carrier, on or before the due date; and  
 27 (2) makes a duplicate payment within thirty (30) days after the  
 28 date the person is notified that the payment was not received.

29 SECTION 29. IC 6-3.6-6-9, AS ADDED BY P.L.243-2015,  
 30 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 UPON PASSAGE]: Sec. 9. (a) This section applies to the allocation of  
 32 additional revenue from a tax under this chapter for economic  
 33 development purposes.

34 (b) Money designated for economic development purposes shall be  
 35 allocated to the county, cities, and towns for use by the taxing unit's  
 36 fiscal body for any of the purposes described in IC 6-3.6-10. Except as  
 37 provided in subsections (c) and (d), and subject to adjustment as  
 38 provided in IC 36-8-19-7.5, the amount of the certified distribution  
 39 allocated to economic development purposes that the county and each  
 40 city or town in a county is entitled to receive each month of each year  
 41 equals the amount determined using the following formula:

42 STEP ONE: Determine the sum of:

**EH 1036—LS 6074/DI 112**



- 1 (A) the total property taxes being imposed by the county, city,  
 2 or town during the calendar year of the distribution; plus  
 3 (B) for a county, the welfare allocation amount.
- 4 STEP TWO: Determine the quotient of:  
 5 (A) The STEP ONE amount; divided by  
 6 (B) the sum of the total property taxes that are first due and  
 7 payable to the county and all cities and towns of the county  
 8 during the calendar year in which the month falls, plus the  
 9 welfare allocation amount.
- 10 STEP THREE: Determine the product of:  
 11 (A) the amount of the certified distribution allocated to  
 12 economic development purposes for that month; multiplied by  
 13 (B) the STEP TWO amount.
- 14 (c) The body imposing the tax may adopt an ordinance before  
 15 August 2 of a year to provide for a distribution of the amount allocated  
 16 to economic development purposes based on population instead of a  
 17 distribution under subsection (b). The following apply if an ordinance  
 18 is adopted under this subsection:
- 19 (1) The ordinance is effective January 1 of the following year.  
 20 (2) The amount of the certified distribution allocated to economic  
 21 development purposes that the county and each city and town in  
 22 the county are entitled to receive during each month of each year  
 23 equals the product of:  
 24 (A) the amount of the certified distribution that is allocated to  
 25 economic development purposes for the month; multiplied by  
 26 (B) the quotient of:  
 27 ~~(A)~~ (i) for a city or town, the population of the city or the  
 28 town that is located in the county and for a county, the  
 29 population of the part of the county that is not located in a  
 30 city or town; divided by  
 31 ~~(B)~~ (ii) the population of the entire county.
- 32 (3) The ordinance may be made irrevocable for the duration of  
 33 specified lease rental or debt service payments.
- 34 (d) In a county having a consolidated city, only the consolidated city  
 35 is entitled to the amount of the certified distribution that is allocated to  
 36 economic development purposes.
- 37 (e) This subsection applies to Porter County. Three million five  
 38 hundred thousand dollars (\$3,500,000) of the additional revenue that  
 39 is allocated each year for economic development purposes shall be  
 40 used by the county or by eligible municipalities (as defined in  
 41 IC 36-7.5-1-11.3) in the county to make transfers as provided in and  
 42 required under IC 36-7.5-4-2 (before its repeal).





1 SECTION 30. IC 6-6-5-9, AS AMENDED BY P.L.149-2015,  
 2 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 UPON PASSAGE]: Sec. 9. (a) The bureau, in the administration and  
 4 collection of the annual license excise tax imposed by this chapter, may  
 5 utilize the services and facilities of license branches operated under  
 6 IC 9-16 in its administration of the motor vehicle registration laws of  
 7 the state of Indiana. The license branches may be so utilized in  
 8 accordance with such procedures, in such manner, and to such extent  
 9 as the bureau shall deem necessary and proper to implement and  
 10 effectuate the administration and collection of the excise tax imposed  
 11 by this chapter. However, in the event the bureau shall utilize such  
 12 license branches in the collection of excise tax, the following apply:

13 (1) The bureau of motor vehicles shall report the excise taxes  
 14 collected on at least a weekly basis to the county auditor of the  
 15 county to which the collections are due.

16 (2) If the services of a license branch are used by the bureau in the  
 17 collection of the excise tax imposed by this chapter, the license  
 18 branch shall collect the service charge prescribed under  
 19 IC 9-29-1-10 for each vehicle registered upon which an excise tax  
 20 is collected by that branch.

21 (3) If the excise tax imposed by this chapter is collected by the  
 22 department of state revenue, the money collected shall be  
 23 deposited in the state general fund to the credit of the appropriate  
 24 county and reported to the bureau of motor vehicles on the first  
 25 working day following the week of collection. Except as provided  
 26 in subdivision (4), any amount collected by the department which  
 27 represents interest or a penalty shall be retained by the department  
 28 and used to pay its costs of enforcing this chapter.

29 (4) This subdivision applies only to interest or a penalty collected  
 30 by the department of state revenue from a person who:

31 (A) fails to properly register a vehicle as required by IC 9-18  
 32 and pay the tax due under this chapter; and

33 (B) during any time after the date by which the vehicle was  
 34 required to be registered under IC 9-18 displays on the vehicle  
 35 a license plate issued by another state.

36 The total amount collected by the department that represents  
 37 interest or a penalty, minus a reasonable amount determined by  
 38 the department to represent its administrative expenses, shall be  
 39 deposited in the state general fund for the credit of the county in  
 40 which the person resides. The amount shall be reported to the  
 41 bureau of motor vehicles on the first working day following the  
 42 week of collection.



1 The bureau may contract with a bank card or credit card vendor for  
2 acceptance of bank or credit cards.

3 (b) On or before April 1 of each year the bureau shall provide to the  
4 auditor of state the amount of motor vehicle excise taxes collected for  
5 each county for the preceding year.

6 (c) On or before May 10 and November 10 of each year the auditor  
7 of state shall distribute to each county one-half (1/2) of:

8 (1) the amount of delinquent taxes; and

9 (2) any penalty or interest described in subsection ~~(a)(3)~~; **(a)(4)**;  
10 that have been credited to the county under subsection (a). There is  
11 appropriated from the state general fund the amount necessary to make  
12 the distributions required by this subsection. The county auditor shall  
13 apportion and distribute the delinquent tax distributions to the taxing  
14 units in the county at the same time and in the same manner as excise  
15 taxes are apportioned and distributed under section 10 of this chapter.

16 (d) The commissioner of insurance shall prescribe the form of the  
17 bonds or crime policies required by this section.

18 SECTION 31. IC 6-8.1-5-2, AS AMENDED BY P.L.242-2015,  
19 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
20 UPON PASSAGE]: Sec. 2. (a) Except as otherwise provided in this  
21 section, the department may not issue a proposed assessment under  
22 section 1 of this chapter more than three (3) years after the latest of the  
23 date the return is filed, or either of the following:

24 (1) The due date of the return.

25 (2) In the case of a return filed for the state gross retail or use tax,  
26 the gasoline tax, the special fuel tax, the motor carrier fuel tax, the  
27 oil inspection fee, or the petroleum severance tax, the end of the  
28 calendar year which contains the taxable period for which the  
29 return is filed.

30 (b) If a person files a utility receipts tax return (IC 6-2.3), an  
31 adjusted gross income tax (IC 6-3), supplemental net income tax  
32 (IC 6-3-8) (repealed), county adjusted gross income tax (IC 6-3.5-1.1),  
33 county option income tax (IC 6-3.5-6), or financial institutions tax  
34 (IC 6-5.5) return that understates the person's income, as that term is  
35 defined in the particular income tax law, by at least twenty-five percent  
36 (25%), the proposed assessment limitation is six (6) years instead of the  
37 three (3) years provided in subsection (a).

38 (c) In the case of the motor vehicle excise tax (IC 6-6-5), the tax  
39 shall be assessed as provided in IC 6-6-5-5 and IC 6-6-5-6 and shall  
40 include the penalties and interest due on all listed taxes not paid by the  
41 due date. A person that fails to properly register a vehicle as required  
42 by IC 9-18 and pay the tax due under IC 6-6-5 is considered to have



1 failed to file a return for purposes of this article.

2 (d) In the case of the commercial vehicle excise tax imposed under  
3 IC 6-6-5.5, the tax shall be assessed as provided in IC 6-6-5.5 and shall  
4 include the penalties and interest due on all listed taxes not paid by the  
5 due date. A person that fails to properly register a commercial vehicle  
6 as required by IC 9-18 and pay the tax due under IC 6-6-5.5 is  
7 considered to have failed to file a return for purposes of this article.

8 (e) In the case of the excise tax imposed on recreational vehicles  
9 and truck campers under IC 6-6-5.1, the tax shall be assessed as  
10 provided in IC 6-6-5.1 and must include the penalties and interest due  
11 on all listed taxes not paid by the due date. A person who fails to  
12 properly register a recreational vehicle as required by IC 9-18 and pay  
13 the tax due under IC 6-6-5.1 is considered to have failed to file a return  
14 for purposes of this article. A person who fails to pay the tax due under  
15 IC 6-6-5.1 on a truck camper is considered to have failed to file a return  
16 for purposes of this article.

17 (f) If a person files a fraudulent, unsigned, or substantially blank  
18 return, or if a person does not file a return, there is no time limit within  
19 which the department must issue its proposed assessment.

20 (g) If any part of a listed tax has been erroneously refunded by the  
21 department, the erroneous refund may be recovered through the  
22 assessment procedures established in this chapter. An assessment  
23 issued for an erroneous refund must be issued:

- 24 (1) within two (2) years after making the refund; or  
25 (2) within five (5) years after making the refund if the refund was  
26 induced by fraud or misrepresentation.

27 (h) If, before the end of the time within which the department may  
28 make an assessment, the department and the person agree to extend  
29 that assessment time period, the period may be extended according to  
30 the terms of a written agreement signed by both the department and the  
31 person. The agreement must contain:

- 32 (1) the date to which the extension is made; and  
33 (2) a statement that the person agrees to preserve the person's  
34 records until the extension terminates.

35 The department and a person may agree to more than one (1) extension  
36 under this subsection.

37 (i) If a taxpayer's federal taxable income, federal adjusted gross  
38 income, or federal income tax liability for a taxable year is modified  
39 due to a modification as provided under IC 6-3-4-6(c) and  
40 IC 6-3-4-6(d) (for the adjusted gross income tax), or a modification or  
41 alteration as provided under IC 6-5.5-6-6(c) and ~~IC 6-5.5-6-6(d)~~  
42 **IC 6-5.5-6-6(e)** (for the financial institutions tax), then the date by



1 which the department must issue a proposed assessment under section  
2 1 of this chapter for tax imposed under IC 6-3 is extended to six (6)  
3 months after the date on which the notice of modification is filed with  
4 the department by the taxpayer.

5 SECTION 32. IC 6-10-1-2, AS ADDED BY P.L.44-2015,  
6 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
7 UPON PASSAGE]: Sec. 2. (a) As used in this chapter, "Internet  
8 access" means a service that enables users to connect to the Internet to  
9 access content, information, or other services offered over the Internet,  
10 without regard to whether the service is referred to as  
11 telecommunications, communications, transmission, or similar  
12 services, and without regard to whether a provider of the service is  
13 subject to regulation by the Federal Communications Commission as  
14 a common carrier under 47 U.S.C. 201 et seq.

15 (b) The term also includes the following:

16 (1) The purchase, use, or sale of communications services,  
17 including telecommunications services (as defined in  
18 IC 6-2.5-1-27.5), by a provider of a service described in  
19 subsection (a), to the extent the communications services are  
20 purchased, used, or sold to provide the service described in  
21 subsection (a) or to otherwise enable users to access content,  
22 information, or other services offered over the Internet.

23 (2) Services that are incidental to the provision of a service  
24 described in subsection (a), when furnished to users as part of  
25 such service, including a home page, electronic mail and instant  
26 messaging (including voice-capable and video-capable electronic  
27 mail and instant messaging), video clips, and personal electronic  
28 storage capacity.

29 (3) A home page, electronic mail and instant messaging  
30 (including voice-capable and video-capable electronic mail and  
31 instant messaging), video clips, and personal electronic storage  
32 capacity that are provided independently or that are not packaged  
33 with Internet access.

34 (c) The term does not include:

35 (1) voice, audio, or video programming; or

36 (2) other products and services, except services described in  
37 subsection (a) or (b), that use Internet protocol or any successor  
38 protocol and for which there is a charge, regardless of whether the  
39 charge is separately stated or aggregated with the charge for  
40 services described in subsection (a) or (b).

41 SECTION 33. IC 8-1-1.1-6.1, AS AMENDED BY P.L.133-2013,  
42 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 UPON PASSAGE]: Sec. 6.1. (a) The consumer counselor may employ  
2 and fix the compensation of, with the approval of the governor and the  
3 budget agency, accountants, utility economists, engineers, attorneys,  
4 stenographers, or other assistance necessary to carry out the duties of  
5 the office. The compensation of the consumer counselor and the  
6 counselor's staff shall be paid from an appropriation made for that  
7 purpose by the general assembly, or with the approval of the governor  
8 and the budget agency, from a contingency fund established under  
9 IC 8-1-6-1.

10 (b) The consumer counselor may make use of engineers, experts,  
11 and accountants employed by the commission or the Indiana  
12 department of transportation and direct them to make appraisals and  
13 audits in the performance of the consumer counselor's duties under this  
14 chapter and IC 8-1-1 and IC 8-1-2. In so doing, the consumer counselor  
15 shall have access to the records and files of the commission or the  
16 Indiana department of transportation.

17 (c) The consumer counselor may employ, with the approval of the  
18 governor and the budget agency, additional stenographers, examiners,  
19 experts, engineers, assistant counselors, accountants, and consulting  
20 firms with expertise in utility, motor carrier, or railroad economics or  
21 management or both, at salaries and compensation and for a length of  
22 time as the governor and the budget agency may approve for a  
23 particular case or investigation. The compensation for the additional  
24 personnel together with the cost of transportation, hotel, telegram, and  
25 telephone bills while traveling on public business shall be paid from  
26 the expert witness fee account, or, with the approval of the governor  
27 and the budget agency, from a contingency fund established under  
28 IC 8-1-6-1 on warrants drawn by the auditor of state, sworn to by the  
29 parties who incurred the expenses.

30 (d) Expenses incurred by the regular staff of the office and approved  
31 by the consumer counselor, or an expense incurred by the commission  
32 or the Indiana department of transportation under subsection (b), shall  
33 be charged and paid in the manner provided in IC 8-1-2-70 or IC 8-1-6,  
34 whichever is appropriate under the circumstances.

35 (e) Nothing in this chapter may be construed to prevent a party  
36 interested in a proceeding, suit, or action from appearing in person or  
37 from being represented by counsel.

38 (f) Persons hired by the consumer counselor as provided by this  
39 section are exempt from the job classifications and compensation  
40 schedules established under IC 4-15.

41 (g) The consumer counselor may purchase, lease, or otherwise  
42 acquire sufficient technical equipment necessary for the consumer



1 counselor to carry out the consumer counselor's statutory duties.

2 (h) The consumer counselor may submit to the budget agency a  
 3 request for funds sufficient to carry out any new duties or  
 4 responsibilities created under IC 8-1-39-12(b). The consumer  
 5 counselor shall include in its annual report to the ~~regulatory flexibility~~  
 6 ~~committee: interim study committee on energy, utilities, and~~  
 7 **telecommunications:**

8 (1) a description of its activities under IC 8-1-39-12(b); and

9 (2) a summary of the costs associated with those activities.

10 SECTION 34. IC 8-1-2.6-13, AS AMENDED BY P.L.107-2014,  
 11 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 UPON PASSAGE]: Sec. 13. (a) As used in this section,  
 13 "communications service" has the meaning set forth in IC 8-1-32.5-3.

14 (b) As used in this section, "communications service provider"  
 15 means a person or an entity that offers communications service to  
 16 customers in Indiana, without regard to the technology or medium used  
 17 by the person or entity to provide the communications service. The  
 18 term includes a provider of commercial mobile service (as defined in  
 19 47 U.S.C. 332).

20 (c) Notwithstanding sections 1.2, 1.4, and 1.5 of this chapter, the  
 21 commission may do the following, except as otherwise provided in this  
 22 subsection:

23 (1) Enforce the terms of a settlement agreement approved by the  
 24 commission before July 29, 2004. The commission's authority  
 25 under this subdivision continues for the duration of the settlement  
 26 agreement.

27 (2) Fulfill the commission's duties under IC 8-1-2.8 concerning  
 28 the provision of dual party relay services to deaf, hard of hearing,  
 29 and speech impaired persons in Indiana.

30 (3) Fulfill the commission's duties under IC 8-1-19.5 concerning  
 31 the administration of the 211 dialing code for communications  
 32 service used to provide access to human services information and  
 33 referrals.

34 (4) Fulfill the commission's responsibilities under IC 8-1-29 to  
 35 adopt and enforce rules to ensure that a customer of a  
 36 telecommunications provider is not:

37 (A) switched to another telecommunications provider unless  
 38 the customer authorizes the switch; or

39 (B) billed for services by a telecommunications provider that  
 40 without the customer's authorization added the services to the  
 41 customer's service order.

42 (5) Fulfill the commission's obligations under:



- 1 (A) the federal Telecommunications Act of 1996 (47 U.S.C.  
 2 151 et seq.); and  
 3 (B) IC 20-20-16;  
 4 concerning universal service and access to telecommunications  
 5 service and equipment, including the designation of eligible  
 6 telecommunications carriers under 47 U.S.C. 214.  
 7 (6) Perform any of the functions described in section 1.5(b) of this  
 8 chapter.  
 9 (7) Perform the commission's responsibilities under IC 8-1-32.5  
 10 to:  
 11 (A) issue; and  
 12 (B) maintain records of;  
 13 certificates of territorial authority for communications service  
 14 providers offering communications service to customers in  
 15 Indiana.  
 16 (8) Perform the commission's responsibilities under IC 8-1-34  
 17 concerning the issuance of certificates of franchise authority to  
 18 multichannel video programming distributors offering video  
 19 service to Indiana customers.  
 20 (9) Require a communications service provider, other than a  
 21 provider of commercial mobile service (as defined in 47 U.S.C.  
 22 332), to report to the commission on an annual basis, or more  
 23 frequently at the option of the provider, and subject to section 4(f)  
 24 4(e) of this chapter, any information needed by the commission to  
 25 prepare the commission's report to the ~~regulatory flexibility~~  
 26 **committee interim study committee on energy, utilities, and**  
 27 **telecommunications** under section 4 of this chapter.  
 28 (10) Perform the commission's duties under IC 8-1-32.4 with  
 29 respect to telecommunications providers of last resort, to the  
 30 extent of the authority delegated to the commission under federal  
 31 law to perform those duties.  
 32 (11) Collect and maintain from a communications service  
 33 provider the following information:  
 34 (A) The address of the provider's Internet web site.  
 35 (B) All toll free telephone numbers and other customer service  
 36 telephone numbers maintained by the provider for receiving  
 37 customer inquiries and complaints.  
 38 (C) An address and other contact information for the provider,  
 39 including any telephone number not described in clause (B).  
 40 The commission shall make any information submitted by a  
 41 provider under this subdivision available on the commission's  
 42 Internet web site. The commission may also make available on the



- 1 commission's Internet web site contact information for the Federal  
 2 Communications Commission and the Cellular Telephone  
 3 Industry Association.
- 4 (12) Fulfill the commission's duties under any state or federal law  
 5 concerning the administration of any universally applicable  
 6 dialing code for any communications service.
- 7 (d) The commission does not have jurisdiction over any of the  
 8 following with respect to a communications service provider:
- 9 (1) Rates and charges for communications service provided by the  
 10 communications service provider, including the filing of  
 11 schedules or tariffs setting forth the provider's rates and charges.
- 12 (2) Depreciation schedules for any of the classes of property  
 13 owned by the communications service provider.
- 14 (3) Quality of service provided by the communications service  
 15 provider.
- 16 (4) Long term financing arrangements or other obligations of the  
 17 communications service provider.
- 18 (5) Except as provided in subsection (c), any other aspect  
 19 regulated by the commission under this title before July 1, 2009.
- 20 (e) The commission has jurisdiction over a communications service  
 21 provider only to the extent that jurisdiction is:
- 22 (1) expressly granted by state or federal law, including:
- 23 (A) a state or federal statute;
- 24 (B) a lawful order or regulation of the Federal  
 25 Communications Commission; or
- 26 (C) an order or a ruling of a state or federal court having  
 27 jurisdiction; or
- 28 (2) necessary to administer a federal law for which regulatory  
 29 responsibility has been delegated to the commission by federal  
 30 law.
- 31 SECTION 35. IC 8-1-8.5-9, AS AMENDED BY P.L.246-2015,  
 32 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 33 UPON PASSAGE]: Sec. 9. (a) For purposes of this section, "DSM  
 34 order" refers to an order of the commission that establishes or  
 35 approves:
- 36 (1) energy efficiency targets or goals for electricity suppliers; or  
 37 (2) an energy efficiency program sponsored by an electricity  
 38 supplier.
- 39 The term includes the December 9, 2009, order of the commission  
 40 concerning demand side management programs.
- 41 (b) For purposes of this section, "electricity supplier" has the  
 42 meaning set forth in IC 8-1-2.3-2(b).





1 (c) For purposes of this section, "energy efficiency program" means  
2 a program that is:

3 (1) sponsored by an electricity supplier or a third party  
4 administrator; and

5 (2) designed to implement energy efficiency improvements (as  
6 defined in 170 IAC 4-8-1(j)) for customers.

7 The term does not include a program designed primarily to reduce  
8 demand.

9 (d) For purposes of this section, "energy efficiency program costs"  
10 include:

11 (1) program costs;

12 (2) lost revenues; and

13 (3) incentives approved by the commission.

14 (e) For purposes of this section, "industrial customer" means a  
15 person that receives services at a single site constituting more than one  
16 (1) megawatt of electric capacity from an electricity supplier.

17 (f) An industrial customer may opt out of participating in an energy  
18 efficiency program that is established by an electricity supplier by  
19 providing notice to the electricity supplier. Except as provided in  
20 subsection (g), an electricity supplier may not charge an industrial  
21 customer that opts out rates that include energy efficiency program  
22 costs that accrue or are incurred after the date on which the industrial  
23 customer opts out. However, an industrial customer remains liable for  
24 rates that include energy efficiency program costs that accrued or were  
25 incurred, or related to investments made, before the date on which the  
26 industrial customer opts out, regardless of the date on which the rates  
27 are actually assessed against the industrial customer.

28 (g) An industrial customer that opts out of participating in an energy  
29 efficiency program may subsequently opt to participate in the same or  
30 a different energy efficiency program. The industrial customer must  
31 participate in the subsequent energy efficiency program for at least  
32 three (3) years after the date on which the industrial customer opts in.  
33 If the industrial customer terminates participation in the subsequent  
34 energy efficiency program during the three (3) year period described  
35 in this subsection, the industrial customer shall continue paying energy  
36 efficiency program rates, including costs described in subsection (f),  
37 for the remainder of the three (3) year period.

38 (h) Energy efficiency targets or goals that are approved or mandated  
39 by the commission in a DSM order must be calculated to exclude all  
40 load from an industrial customer that opts out under subsection (f).

41 (i) The commission may adopt:

42 (1) rules under IC 4-22-2; or



1 (2) guidelines;  
 2 to assist electricity suppliers and industrial customers in complying  
 3 with this section.

4 (j) ~~Not later than August 15, 2014, the commission shall prepare a~~  
 5 ~~status report on all energy efficiency programs implemented under the~~  
 6 ~~DSM order issued by the commission on December 9, 2009. The~~  
 7 ~~commission shall provide the status report in an electronic format~~  
 8 ~~under IC 5-14-6 to the interim study committee on energy, utilities, and~~  
 9 ~~telecommunications established by IC 2-5-1.3-4 and to the legislative~~  
 10 ~~council. The status report must consider the following:~~

11 (1) ~~The status and effectiveness of all energy efficiency programs;~~  
 12 ~~including whether efficiency gains attributable to a federal~~  
 13 ~~conservation program are being measured as part of an energy~~  
 14 ~~efficiency program implemented under the 2009 DSM order.~~

15 (2) ~~The degree to which energy efficiency program costs are~~  
 16 ~~shifted among customer classes.~~

17 (3) ~~Program costs to date.~~

18 (4) ~~Program costs projected to be incurred in complying with all~~  
 19 ~~DSM orders.~~

20 (5) ~~The actual impact of program costs on all customer rates and~~  
 21 ~~the projected impact of program costs on all customer rates upon~~  
 22 ~~full implementation of the 2009 DSM order.~~

23 (6) ~~Current and projected costs and benefits of current and~~  
 24 ~~anticipated energy efficiency programs; including costs and~~  
 25 ~~benefits associated with third party administrators and evaluation;~~  
 26 ~~measurement, and verification contractors.~~

27 (7) ~~The effectiveness of energy efficiency programs in reducing~~  
 28 ~~energy consumption and demand.~~

29 (8) ~~Methods by which the cost effectiveness and long term~~  
 30 ~~resource value of energy efficiency programs may be measured to~~  
 31 ~~assess the effect on rates and charges for all customers.~~

32 (9) ~~Methods by which the interests of customers and electricity~~  
 33 ~~suppliers may be better aligned.~~

34 (10) ~~Any additional information or recommendations the~~  
 35 ~~commission determines is necessary.~~

36 ~~This subsection expires December 31, 2014.~~

37 (k) (j) The commission may not:

38 (1) extend, renew, or require the establishment of an energy  
 39 efficiency program under; or

40 (2) after December 31, 2014, require an electricity supplier to  
 41 meet a goal or target established in;

42 the DSM order issued by the commission on December 9, 2009. An



1 electricity supplier may not renew or extend an existing contract or  
 2 enter into a new contract with a statewide third party administrator for  
 3 an energy efficiency program established or approved by the DSM  
 4 order issued by the commission on December 9, 2009.

5 ~~(h)~~ **(k)** After December 31, 2014, an electricity supplier may  
 6 continue to timely recover energy efficiency program costs that:

7 (1) accrued or were incurred under or relate to an energy  
 8 efficiency program implemented under the DSM order issued by  
 9 the commission on December 9, 2009; and

10 (2) are approved by the commission for recovery.

11 ~~(m)~~ **(l)** After December 31, 2014, an electricity supplier may offer  
 12 a cost effective portfolio of energy efficiency programs to customers.  
 13 An electricity supplier may submit a proposed energy efficiency  
 14 program to the commission for review. If an electricity supplier submits  
 15 a proposed energy efficiency program for review and the commission  
 16 determines that the portfolio included in the proposed energy efficiency  
 17 program is reasonable and cost effective, the electricity supplier may  
 18 recover energy efficiency program costs in the same manner as energy  
 19 efficiency program costs were recoverable under the DSM order issued  
 20 by the commission on December 9, 2009. The commission may not:

21 (1) require an energy efficiency program to be implemented by a  
 22 third party administrator; or

23 (2) in making its determination, consider whether a third party  
 24 administrator implements the energy efficiency program.

25 ~~(n)~~ **(m)** This section does not affect:

26 (1) an energy efficiency program offered by an energy utility (as  
 27 defined in IC 8-1-2.5-2) that is not an electricity supplier; or

28 (2) the manner in or means by which an energy utility described  
 29 in subdivision (1) may recover costs associated with an energy  
 30 efficiency program described in subdivision (1).

31 SECTION 36. IC 8-1-34-23, AS AMENDED BY P.L.7-2015,  
 32 SECTION 16, AND AS AMENDED BY P.L.228-2015, SECTION 1,  
 33 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 34 [EFFECTIVE UPON PASSAGE]: Sec. 23. (a) Except as provided in  
 35 subsection (b), the holder of a certificate under this chapter shall, at the  
 36 end of each calendar quarter, determine under subsections (c) and (d)  
 37 the gross revenue received during that quarter from the holder's  
 38 provision of video service in each unit included in the holder's service  
 39 area under the certificate.

40 (b) This subsection applies to a holder or other provider providing  
 41 video service in a unit in which a provider of video service is required  
 42 on June 30, 2006, to pay a franchise fee based on a percentage of gross



1 revenues. The holder's or provider's gross revenue shall be determined  
2 as follows:

3 (1) If only one (1) local franchise is in effect on June 30, 2006, the  
4 holder or provider shall determine gross revenue as the term is  
5 defined in the local franchise in effect on June 30, 2006.

6 (2) If:

7 (A) more than one (1) local franchise is in effect on June 30,  
8 2006; and

9 (B) the holder or provider is subject to a local franchise in the  
10 unit on June 30, 2006;

11 the holder or provider shall determine gross revenue as the term  
12 is defined in the local franchise to which the holder or provider is  
13 subject on June 30, 2006.

14 (3) If:

15 (A) more than one (1) local franchise is in effect on June 30,  
16 2006; and

17 (B) the holder is not subject to a local franchise in the unit on  
18 June 30, 2006;

19 the holder shall determine gross revenue as the term is defined in  
20 the local franchise in effect on June 30, 2006, that is most  
21 favorable to the unit.

22 (c) This subsection does not apply to a holder that is required to  
23 determine gross revenue under subsection (b). The holder shall include  
24 the following in determining the gross revenue received during the  
25 quarter with respect to a particular unit:

26 (1) Fees and charges charged to subscribers for video service  
27 provided by the holder. Fees and charges under this subdivision  
28 include the following:

29 (A) Recurring monthly charges for video service.

30 (B) Event based charges for video service, including pay per  
31 view and video on demand charges.

32 (C) Charges for the rental of set top boxes and other  
33 equipment.

34 (D) Service charges related to the provision of video service,  
35 including activation, installation, repair, and maintenance  
36 charges.

37 (E) Administrative charges related to the provision of video  
38 service, including service order and service termination  
39 charges.

40 (2) Revenue received by an affiliate of the holder from the  
41 affiliate's provision of video service, to the extent that treating the  
42 revenue as revenue of the affiliate, instead of revenue of the



- 1 holder, would have the effect of evading the payment of fees that  
 2 would otherwise be paid to the unit. However, revenue of an  
 3 affiliate may not be considered revenue of the holder if the  
 4 revenue is otherwise subject to fees to be paid to the unit.
- 5 (d) This subsection does not apply to a holder that is required to  
 6 determine gross revenue under subsection (b). The holder shall not  
 7 include the following in determining the gross revenue received during  
 8 the quarter with respect to a particular unit:
- 9 (1) Revenue not actually received, regardless of whether it is  
 10 billed. Revenue described in this subdivision includes bad debt.
- 11 (2) Revenue received by an affiliate or any other person in  
 12 exchange for supplying goods and services used by the holder to  
 13 provide video service under the holder's certificate.
- 14 (3) Refunds, rebates, or discounts made to subscribers,  
 15 advertisers, the unit, or other providers leasing access to the  
 16 holder's facilities.
- 17 (4) Revenue from providing service other than video service,  
 18 including revenue from providing:
- 19 (A) telecommunications service (as defined in ~~47 U.S.C.~~  
 20 ~~153(46)~~; 47 U.S.C. 153);
- 21 (B) information service (as defined in ~~47 U.S.C. 153(20)~~; 47  
 22 U.S.C. 153), other than video service; or
- 23 (C) any other service not classified as cable service or video  
 24 programming by the Federal Communications Commission.
- 25 (5) Any fee imposed on the holder under this chapter that is  
 26 passed through to and paid by subscribers, including the franchise  
 27 fee:
- 28 (A) imposed under section 24 of this chapter for the quarter  
 29 immediately preceding the quarter for which gross revenue is  
 30 being computed; and
- 31 (B) passed through to and paid by subscribers during the  
 32 quarter for which gross revenue is being computed.
- 33 (6) Revenue from the sale of video service for resale in which the  
 34 purchaser collects a franchise fee under:
- 35 (A) this chapter; or
- 36 (B) a local franchise agreement in effect on July 1, 2006;  
 37 from the purchaser's customers. This subdivision does not limit  
 38 the authority of a unit, or the commission on behalf of a unit, to  
 39 impose a tax, fee, or other assessment upon the purchaser under  
 40 47 U.S.C. 542(h).
- 41 (7) Any tax of general applicability:
- 42 (A) imposed on the holder or on subscribers by a federal, state,



- 1 or local governmental entity; and  
 2 (B) required to be collected by the holder and remitted to the  
 3 taxing entity;  
 4 including the state gross retail and use taxes (IC 6-2.5) and the  
 5 utility receipts tax (IC 6-2.3).  
 6 (8) Any forgone revenue from providing free or reduced cost  
 7 cable video service to any person, including:  
 8 (A) employees of the holder;  
 9 (B) the unit; or  
 10 (C) public institutions, public schools, or other governmental  
 11 entities, as required or permitted by this chapter or by federal  
 12 law.  
 13 However, any revenue that the holder chooses to forgo in  
 14 exchange for goods or services through a trade or barter  
 15 arrangement shall be included in gross revenue.  
 16 (9) Revenue from the sale of:  
 17 (A) capital assets; or  
 18 (B) surplus equipment that is not used by the purchaser to  
 19 receive video service from the holder.  
 20 (10) Reimbursements that:  
 21 (A) are made by programmers to the holder for marketing  
 22 costs incurred by the holder for the introduction of new  
 23 programming; and  
 24 (B) exceed the actual costs incurred by the holder.  
 25 (11) Late payment fees collected from customers.  
 26 (12) Charges, other than those described in subsection (c)(1), that  
 27 are aggregated or bundled with charges described in subsection  
 28 (c)(1) on a customer's bill, if the holder can reasonably identify  
 29 the charges on the books and records by the holder in the regular  
 30 course of business.  
 31 (e) If, under the terms of the holder's certificate, the holder provides  
 32 video service to any unincorporated area in Indiana, the holder shall  
 33 calculate the holder's gross income received from each unincorporated  
 34 area served in accordance with:  
 35 (1) subsection (b); or  
 36 (2) subsections (c) and (d);  
 37 whichever is applicable.  
 38 (f) If a unit served by the holder under a certificate annexes any  
 39 territory after the certificate is issued or renewed under this chapter, the  
 40 holder shall:  
 41 (1) include in the calculation of gross revenue for the annexing  
 42 unit any revenue generated by the holder from providing video



1 service to the annexed territory; and

2 (2) subtract from the calculation of gross revenue for any unit or  
3 unincorporated area:

4 (A) of which the annexed territory was formerly a part; and

5 (B) served by the holder before the effective date of the  
6 annexation;

7 the amount of gross revenue determined under subdivision (1);  
8 beginning with the calculation of gross revenue for the calendar quarter  
9 in which the annexation becomes effective. The holder shall notify the  
10 commission of the new boundaries of the affected service areas as  
11 required under section 20(a)(7) of this chapter.

12 (g) *This subsection applies to a unit that:*

13 (1) *annexes territory after December 31, 2015; and*

14 (2) *is served on the date of the annexation by the holder of a*  
15 *certificate that is issued or renewed under this chapter before the*  
16 *date of the annexation.*

17 *The unit shall provide the holder a list of all addresses located within*  
18 *the annexed territory not more than thirty (30) days after the date of*  
19 *the annexation. If the holder is required to pay the franchise fee*  
20 *imposed and calculated under this section, the holder is not required*  
21 *to pay the franchise fee with respect to addresses provided under this*  
22 *subsection until ninety (90) days after the unit provides the holder with*  
23 *the addresses under this subsection.*

24 SECTION 37. IC 8-1.5-2-5, AS AMENDED BY P.L.68-2015,  
25 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
26 UPON PASSAGE]: Sec. 5. (a) Each appraiser appointed as provided  
27 by section 4 of this chapter must:

28 (1) by education and experience, have such expert and technical  
29 knowledge and qualifications as to make a proper appraisal and  
30 valuation of the property of the type and nature involved in the  
31 sale;

32 (2) be a disinterested person; and

33 (3) not be a resident or taxpayer of the municipality.

34 (b) The appraisers shall:

35 (1) be sworn to make a just and true valuation of the property; and

36 (2) return their appraisal, in writing, to the municipal legislative  
37 body within the time fixed by the ordinance or resolution  
38 appointing them.

39 (c) If all three (3) appraisers cannot agree as to the appraised value,  
40 the appraisal, when signed by two (2) of the appraisers, constitutes a  
41 good and valid appraisal.

42 (d) If, after the return of the appraisal by the appraisers to the



1 legislative body, the legislative body decides to proceed with the sale  
 2 or disposition of the nonsurplus municipally owned utility property, the  
 3 legislative body shall, not earlier than the thirty (30) day period  
 4 described in subsection (e) and not later than ninety (90) days after the  
 5 return of the appraisal, hold a public hearing to do the following:

- 6 (1) Review and explain the appraisal.
- 7 (2) Receive public comment on the proposed sale or disposition
- 8 of the nonsurplus municipally owned utility property.

9 Not less than thirty (30) days or more than sixty (60) days after the date  
 10 of a hearing under this section, the legislative body may adopt an  
 11 ordinance providing for the sale or disposition of the nonsurplus  
 12 municipally owned utility property, subject to subsections (f) and (g).  
 13 The legislative body is not required to adopt an ordinance providing for  
 14 the sale or disposition of the nonsurplus municipally owned utility  
 15 property if, after the hearing, the legislative body determines it is not  
 16 in the interest of the municipality to proceed with the sale or  
 17 disposition. Notice of a hearing under this section shall be published in  
 18 the manner prescribed by IC 5-3-1.

19 (e) The hearing on the proposed sale or disposition of the  
 20 nonsurplus municipally owned utility property may not be held less  
 21 than thirty (30) days after notice of the hearing is given as required by  
 22 subsection (d).

23 (f) Subject to subsection (j), an ordinance adopted under subsection  
 24 (d) does not take effect until the later of the following:

- 25 (1) The expiration of the thirty (30) day period described in
- 26 subsection (g) if the required number of registered voters set forth
- 27 in subsection (h) do not sign and present a petition to the
- 28 legislative body opposing the sale or disposition within the thirty
- 29 (30) day period described in subsection (g).
- 30 (2) The effective date specified by the legislative body in the
- 31 ordinance.

32 (g) If:

- 33 (1) the legislative body adopts an ordinance under subsection (d);
- 34 and
- 35 (2) not later than thirty (30) days after the date the ordinance is
- 36 adopted at least the number of the registered voters of the
- 37 municipality set forth in subsection (h) sign and present a petition
- 38 to the legislative body opposing the sale or disposition;

39 the legislative body shall submit the question as to whether the sale or  
 40 disposition shall be made to the voters of the municipality at a special  
 41 or general election. In submitting the public question to the voters, the  
 42 legislative body shall certify within the time set forth in IC 3-10-9-3, if





1 applicable, the question to the county election board of the county  
 2 containing the greatest percentage of population of the municipality.  
 3 The county election board shall adopt a resolution setting forth the text  
 4 of the public question and shall submit the question as to whether the  
 5 sale or disposition shall be made to the voters of the municipality at a  
 6 special or general election on a date specified by the municipal  
 7 legislative body. Pending the results of an election under this  
 8 subsection, the municipality may not take further action to sell or  
 9 dispose of the property as provided in the ordinance.

10 (h) The number of signatures required on a petition opposing the  
 11 sale or disposition under subsection (g) is as follows:

12 (1) In a municipality with not more than one thousand (1,000)  
 13 registered voters, thirty percent (30%) of the registered voters.

14 (2) In a municipality with at least one thousand one (1,001)  
 15 registered voters and not more than five thousand (5,000)  
 16 registered voters, fifteen percent (15%) of the registered voters.

17 (3) In a municipality with at least five thousand one (5,001)  
 18 registered voters and not more than twenty-five thousand (25,000)  
 19 registered voters, ten percent (10%) of the registered voters.

20 (4) In a municipality with at least twenty-five thousand one  
 21 (25,001) registered voters, five percent (5%) of the registered  
 22 voters.

23 (i) If a majority of the voters voting on the question vote for the sale  
 24 or disposition, the legislative body shall proceed to sell or dispose of  
 25 the property as provided in the ordinance.

26 (j) If a majority of the voters voting on the question vote against the  
 27 sale or disposition, the ordinance adopted under subsection (d) does not  
 28 take effect and the sale or disposition may not be made.

29 (k) If:

30 (1) the legislative body adopts an ordinance under subsection (d);  
 31 and

32 (2) after the expiration of the thirty (30) day period described in  
 33 subsection (g), a petition is not filed;

34 the municipal legislative body may proceed to sell the property as  
 35 provided in the ordinance.

36 (l) Notwithstanding the procedures set forth in this section, if: a  
 37 ~~municipality:~~

38 (1) before July 1, 2015, a **municipality** adopts an ordinance under  
 39 this section for the sale or disposition of nonsurplus municipally  
 40 owned utility property in accordance with the procedures set forth  
 41 in this section before its amendment on July 1, 2015; and

42 (2) the ordinance adopted takes effect before July 1, 2015, in



1           accordance with the procedures set forth in this section before its  
 2           amendment on July 1, 2015;  
 3           the ordinance is not subject to challenge under subsection (g) after June  
 4           30, 2015, regardless of whether the thirty (30) day period described in  
 5           subsection (g) expires after June 30, 2015. An ordinance described in  
 6           this subsection is effective for all purposes and is legalized and  
 7           validated.

8           SECTION 38. IC 8-15.5-1-2, AS AMENDED BY P.L.213-2015,  
 9           SECTION 103, IS AMENDED TO READ AS FOLLOWS  
 10          [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) This article contains full  
 11          and complete authority for public-private agreements between the  
 12          authority, a private entity, and, where applicable, a governmental  
 13          entity. Except as provided in this article, no law, procedure,  
 14          proceeding, publication, notice, consent, approval, order, or act by the  
 15          authority or any other officer, department, agency, or instrumentality  
 16          of the state or any political subdivision is required for the authority to  
 17          enter into a public-private agreement with a private entity under this  
 18          article, or for a project that is the subject of a public-private agreement  
 19          to be constructed, acquired, maintained, repaired, operated, financed,  
 20          transferred, or conveyed.

21          (b) Before the authority or the department may issue a request for  
 22          proposals for or enter into a public-private agreement under this article  
 23          that would authorize an operator to impose tolls for the operation of  
 24          motor vehicles on all or part of a toll road project, the general assembly  
 25          must adopt a statute authorizing the imposition of tolls. However,  
 26          during the period beginning July 1, 2011, and ending June 30, 2021,  
 27          and notwithstanding subsection (c), the general assembly is not  
 28          required to enact a statute authorizing the authority or the department  
 29          to issue a request for proposals or enter into a public-private agreement  
 30          to authorize an operator to impose tolls for the operation of motor  
 31          vehicles on all or part of the following projects:

32               (1) A project on which construction begins after June 30, 2011,  
 33               not including any part of Interstate Highway 69 other than a part  
 34               described in subdivision (4).

35               (2) The addition of toll lanes, including high occupancy toll lanes,  
 36               to a highway, roadway, or other facility in existence on July 1,  
 37               2011, if the number of nontolled lanes on the highway, roadway,  
 38               or facility as of July 1, 2011, does not decrease due to the addition  
 39               of the toll lanes.

40               (3) The Illiana Expressway, a limited access facility connecting  
 41               Interstate Highway 65 in northwestern Indiana with an interstate  
 42               highway in Illinois.



- 1 (4) A project that is located within a metropolitan planning area  
 2 (as defined by 23 U.S.C. 134) and that connects the state of  
 3 Indiana with the commonwealth of Kentucky.
- 4 (c) Before the authority or an operator may carry out any of the  
 5 following activities under this article, the general assembly must enact  
 6 a statute authorizing that activity:
- 7 (1) Imposing tolls on motor vehicles for use of Interstate Highway  
 8 69.
- 9 (2) Imposing tolls on motor vehicles for use of a nontolled  
 10 highway, roadway, or other facility in existence or under  
 11 construction on July 1, 2011, including nontolled interstate  
 12 highways, U.S. routes, and state routes.
- 13 (d) ~~Except as provided in subsection (c)(1),~~ The general assembly  
 14 is not required to enact a statute authorizing the authority or the  
 15 department to issue a request for proposals or enter into a  
 16 public-private agreement for a freeway project.
- 17 (e) The authority may enter into a public-private agreement for a  
 18 facility project if the general assembly, by statute, authorizes the  
 19 authority to enter into a public-private agreement for the facility  
 20 project.
- 21 (f) As permitted by subsection (e), the general assembly authorizes  
 22 the authority to enter into public-private agreements for the following  
 23 facility projects:
- 24 (1) A state park inn and related improvements in an existing state  
 25 park located in a county with a population of more than two  
 26 hundred thousand (200,000) and less than three hundred thousand  
 27 (300,000).
- 28 (2) Communications systems infrastructure, including:
- 29 (A) towers and associated land, improvements, foundations,  
 30 access roads and rights-of-way, structures, fencing, and  
 31 equipment necessary, proper, or convenient to enable the  
 32 towers to function as part of the communications system;
- 33 (B) any equipment necessary, proper, or convenient to transmit  
 34 and receive voice and data communications; and
- 35 (C) any other necessary, proper, or convenient elements of the  
 36 communications system.
- 37 (3) Larue D. Carter Memorial Hospital in Indianapolis.
- 38 (g) The authority shall transfer money received from an operator  
 39 under a lease agreement for communications systems infrastructure  
 40 under ~~subdivision~~ **subsection** (f)(2) to the state bicentennial capital  
 41 account established under IC 4-12-1-14.9.
- 42 SECTION 39. IC 10-18-1-2, AS AMENDED BY P.L.133-2012,



1 SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 UPON PASSAGE]: Sec. 2. (a) The Indiana war memorials commission  
3 is established.

4 (b) ~~Beginning July 1, 2015,~~ The commission consists of nine (9)  
5 members. Each Indiana congressional district must be represented by  
6 at least one (1) member who is:

- 7 (1) a resident of that congressional district;  
8 (2) a veteran of service in the armed forces of the United States of  
9 America in time of war;  
10 (3) a citizen of Indiana at the time of the service; and  
11 (4) appointed:

- 12 (A) in the manner;  
13 (B) for the terms;  
14 (C) to have the powers; and  
15 (D) to perform the duties;  
16 as provided in this chapter.

17 (c) The commission:

- 18 (1) as the commission and in the commission's name, may  
19 prosecute and defend suits; and  
20 (2) has all other duties, rights, and powers that are:  
21 (A) necessary to implement this chapter; and  
22 (B) not inconsistent with this chapter.

23 (d) The members of the commission are not liable in their individual  
24 capacity, except to the state, for any act done or omitted in connection  
25 with the performance of their duties under this chapter.

26 (e) A suit against the commission must be brought in a court with  
27 jurisdiction in Marion County. Notice or summons of the suit shall be  
28 served upon the president, vice president, or secretary of the  
29 commission. In a suit against the commission, it is not necessary to  
30 name the individual members of the commission as either plaintiff or  
31 defendant. Commission members may sue and be sued in the name of  
32 the Indiana war memorials commission.

33 (f) The commission shall:

- 34 (1) report to the governor through the adjutant general; and  
35 (2) be under the adjutant general for administrative supervision.

36 ~~(g) The reduction in the membership of the commission from ten~~  
37 ~~(10) to nine (9) under subsection (b) shall be accomplished as the terms~~  
38 ~~of members end and new members are appointed. This subsection~~  
39 ~~expires July 1, 2015.~~

40 SECTION 40. IC 11-12-2-1, AS AMENDED BY P.L.209-2015,  
41 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
42 UPON PASSAGE]: Sec. 1. (a) For the purpose of encouraging counties



1 to develop a coordinated local corrections-criminal justice system and  
 2 providing effective alternatives to imprisonment at the state level, the  
 3 commissioner shall, out of funds appropriated for such purposes, make  
 4 grants to counties for the establishment and operation of community  
 5 corrections programs and court supervised recidivism reduction  
 6 programs. Appropriations intended for this purpose may not be used by  
 7 the department for any other purpose. Money appropriated to the  
 8 department of correction for the purpose of making grants under this  
 9 chapter and any financial aid payments suspended under section 6 of  
 10 this chapter do not revert to the state general fund at the close of any  
 11 fiscal year, but remain available to the department of correction for its  
 12 use in making grants under this chapter.

13 (b) Before March 1 of each year, the department shall estimate the  
 14 amount of any operational cost savings that will be realized in the state  
 15 fiscal year ending June 30 from a reduction in the number of  
 16 individuals who are in the custody or made a ward of the department  
 17 of correction (as described in IC 11-8-1-5) that is attributable to the  
 18 sentencing changes made in HEA 1006-2014 as enacted in the 2014  
 19 session of the general assembly. The department shall make the  
 20 estimate under this subsection based on the best available information.  
 21 If the department estimates that operational cost savings described in  
 22 this subsection will be realized in the state fiscal year, the following  
 23 apply to the department:

24 (1) The department shall certify the estimated amount of  
 25 operational cost savings that will be realized to the budget agency  
 26 and to the auditor of state.

27 (2) The department may, after review by the budget committee  
 28 and approval by the budget agency, make additional grants as  
 29 provided in this chapter to counties for the establishment and  
 30 operation of community corrections programs and court  
 31 supervised recidivism reduction programs from funds  
 32 appropriated to the department for the department's operating  
 33 expenses for the state fiscal year.

34 (3) The maximum aggregate amount of additional grants and  
 35 transfers that may be made by the department under subdivision

36 (2) for the state fiscal year may not exceed the lesser of:

37 (A) the amount of operational cost savings certified under  
 38 subdivision (1); or

39 (B) eleven million dollars (\$11,000,000).

40 Notwithstanding P.L.205-2013 (HEA 1001-2013), the amount of funds  
 41 necessary to make any additional grants authorized and approved under  
 42 this subsection and for any transfers authorized and approved under



1 this subsection, and for providing the additional financial aid to courts  
 2 from transfers authorized and approved under this subsection, is  
 3 appropriated for those purposes for the state fiscal year, and the amount  
 4 of the department's appropriation for operating expenses for the state  
 5 fiscal year is reduced by a corresponding amount.

6 (c) The commissioner shall give priority in issuing community  
 7 corrections and court supervised recidivism reduction program grants  
 8 to programs that provide alternative sentencing projects for persons  
 9 with mental illness, addictive disorders, intellectual disabilities, and  
 10 developmental disabilities. Programs for addictive disorders may  
 11 include:

12 (1) addiction counseling;

13 (2) inpatient detoxification; **and**

14 (3) medication assisted treatment, including a federal Food and  
 15 Drug Administration approved long acting, nonaddictive  
 16 medication for the treatment of opioid or alcohol dependence.

17 (d) Grants awarded under this chapter:

18 (1) must focus on funding evidence based programs, including  
 19 programs that address cognitive behavior, that have as a primary  
 20 goal the purpose of reforming offenders; and

21 (2) may be used for technology based programs, including an  
 22 electronic monitoring program.

23 (e) Before the tenth day of each month, the department shall  
 24 compile the following information with respect to the previous month:

25 (1) The number of persons committed to the department.

26 (2) The number of persons:

27 (A) confined in a department facility;

28 (B) participating in a community corrections program; and

29 (C) confined in a local jail under contract with or on behalf of  
 30 the department.

31 (3) For each facility operated by the department:

32 (A) the number of beds in each facility;

33 (B) the number of inmates housed in the facility;

34 (C) the highest felony classification of each inmate housed in  
 35 the facility; and

36 (D) a list of all felonies for which persons housed in the  
 37 facility have been sentenced.

38 (f) The department shall:

39 (1) quarterly submit a report to the budget committee; and

40 (2) monthly submit a report to the justice reinvestment advisory  
 41 council (as established in IC 33-38-9.5-2);

42 of the information compiled by the department under subsection (e).



1 The report to the budget committee must be submitted in a form  
 2 approved by the budget committee, and the report to the advisory  
 3 council must be in a form approved by the advisory council.

4 SECTION 41. IC 11-13-1-8, AS AMENDED BY P.L.179-2015,  
 5 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 UPON PASSAGE]: Sec. 8. (a) As used in this section, "board" refers  
 7 to the board of directors of the judicial conference of Indiana  
 8 established by IC 33-38-9-3.

9 (b) The board shall adopt rules consistent with this chapter,  
 10 prescribing minimum standards concerning:

- 11 (1) educational and occupational qualifications for employment  
 12 as a probation officer;
- 13 (2) compensation of probation officers;
- 14 (3) protection of probation records and disclosure of information  
 15 contained in those records;
- 16 (4) presentence investigation reports;
- 17 (5) a schedule of progressive probation incentives and violation  
 18 sanctions, including judicial review procedures; and
- 19 (6) qualifications for probation officers to administer probation  
 20 violation sanctions under IC 35-38-2-3(e).

21 (c) The conference shall prepare a written examination to be used  
 22 in establishing lists of persons eligible for appointment as probation  
 23 officers. The conference shall prescribe the qualifications for entrance  
 24 to the examination and establish a minimum passing score and rules for  
 25 the administration of the examination after obtaining recommendations  
 26 on these matters from the probation standards and practices advisory  
 27 committee. The examination must be offered at least once every other  
 28 month.

29 (d) The conference shall, by its rules, establish an effective date for  
 30 the minimum standards and written examination for probation officers.

31 (e) The conference shall provide probation departments with  
 32 training and technical assistance for:

- 33 (1) the implementation and management of probation case  
 34 classification; and
- 35 (2) the development and use of workload information.

36 The staff of the Indiana judicial center may include a probation case  
 37 management coordinator and probation case management assistant.

38 (f) The conference shall, in cooperation with the department of child  
 39 services and the department of education, provide probation  
 40 departments with training and technical assistance relating to special  
 41 education services and programs that may be available for delinquent  
 42 children or children in need of services. The subjects addressed by the



- 1 training and technical assistance must include the following:
- 2 (1) Eligibility standards.
- 3 (2) Testing requirements and procedures.
- 4 (3) Procedures and requirements for placement in programs
- 5 provided by school corporations or special education cooperatives
- 6 under IC 20-35-5.
- 7 (4) Procedures and requirements for placement in residential
- 8 special education institutions or facilities under IC 20-35-6-2. ~~and~~
- 9 ~~511 IAC 7-27-12.~~
- 10 (5) Development and implementation of individual education
- 11 programs for eligible children in:
- 12 (A) accordance with applicable requirements of state and
- 13 federal laws and rules; and
- 14 (B) coordination with:
- 15 (i) individual case plans; and
- 16 (ii) informal adjustment programs or dispositional decrees
- 17 entered by courts having juvenile jurisdiction under
- 18 IC 31-34 and IC 31-37.
- 19 (6) Sources of federal, state, and local funding that is or may be
- 20 available to support special education programs for children for
- 21 whom proceedings have been initiated under IC 31-34 and
- 22 IC 31-37.
- 23 Training for probation departments may be provided jointly with
- 24 training provided to child welfare caseworkers relating to the same
- 25 subject matter.
- 26 (g) The conference shall, in cooperation with the division of mental
- 27 health and addiction (IC 12-21) and the division of disability and
- 28 rehabilitative services (IC 12-9-1), provide probation departments with
- 29 training and technical assistance concerning mental illness, addictive
- 30 disorders, intellectual disabilities, and developmental disabilities,
- 31 including evidence based treatment programs for mental illness and
- 32 addictive disorders and cognitive behavior treatment.
- 33 (h) The conference shall make recommendations to courts and
- 34 probation departments concerning:
- 35 (1) selection, training, distribution, and removal of probation
- 36 officers;
- 37 (2) methods and procedure for the administration of probation,
- 38 including investigation, supervision, workloads, record keeping,
- 39 and reporting; and
- 40 (3) use of citizen volunteers and public and private agencies.
- 41 (i) The conference may delegate any of the functions described in
- 42 this section to the advisory committee or the Indiana judicial center.





1 SECTION 42. IC 12-7-2-64, AS AMENDED BY P.L.110-2010,  
 2 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 UPON PASSAGE]: Sec. 64. "Director" refers to the following:

4 (1) With respect to a particular division, the director of the  
 5 division.

6 (2) With respect to a particular state institution, the director who  
 7 has administrative control of and responsibility for the state  
 8 institution.

9 ~~(3) For purposes of IC 12-8-12.5, the term refers to the director of~~  
 10 ~~the division of family resources.~~

11 ~~(4)~~ (3) For purposes of IC 12-10-15, the term refers to the director  
 12 of the division of aging.

13 ~~(5)~~ (4) For purposes of IC 12-25, the term refers to the director of  
 14 the division of mental health and addiction.

15 ~~(6)~~ (5) For purposes of IC 12-26, the term:

16 (A) refers to the director who has administrative control of and  
 17 responsibility for the appropriate state institution; and

18 (B) includes the director's designee.

19 ~~(7)~~ (6) If subdivisions (1) through ~~(6)~~ (5) do not apply, the term  
 20 refers to the director of any of the divisions.

21 SECTION 43. IC 12-7-2-146, AS AMENDED BY P.L.145-2014,  
 22 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 UPON PASSAGE]: Sec. 146. "Program" refers to the following:

24 ~~(1) For purposes of IC 12-8-12.5, the meaning set forth in~~  
 25 ~~IC 12-8-12.5-1.~~

26 ~~(2)~~ (1) For purposes of IC 12-10-7, the adult guardianship  
 27 services program established by IC 12-10-7-5.

28 ~~(3)~~ (2) For purposes of IC 12-10-10, the meaning set forth in  
 29 IC 12-10-10-5.

30 ~~(4)~~ (3) For purposes of IC 12-10-10.5, the meaning set forth in  
 31 IC 12-10-10.5-4.

32 ~~(5)~~ (4) For purposes of IC 12-17.2-2-14.2, the meaning set forth  
 33 in IC 12-17.2-2-14.2(a).

34 ~~(6)~~ (5) For purposes of IC 12-17.2-3.6, the meaning set forth in  
 35 IC 12-17.2-3.6-7.

36 ~~(7)~~ (6) For purposes of IC 12-17.2-3.8, the meaning set forth in  
 37 IC 12-17.2-3.8-2.

38 ~~(8)~~ (7) For purposes of IC 12-17.6, the meaning set forth in  
 39 IC 12-17.6-1-5.

40 SECTION 44. IC 12-7-2-184.3 IS REPEALED [EFFECTIVE  
 41 UPON PASSAGE]. Sec. 184.3. "State match", for purposes of  
 42 ~~IC 12-8-12.5, means funding that counts toward the state's maintenance~~



1 of effort under TANF (45 CFR 265) to obtain the maximum  
 2 reimbursement available to the state from the TANF emergency fund  
 3 under Division B, Title II, Subtitle B of the federal American Recovery  
 4 and Reinvestment Act of 2009.

5 SECTION 45. IC 12-7-2-189.7, AS AMENDED BY P.L.110-2010,  
 6 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 UPON PASSAGE]: Sec. 189.7. "TANF", for purposes of IC 12-20, and  
 8 ~~IC 12-8-12.5~~, refers to the federal Temporary Assistance for Needy  
 9 Families program under 42 U.S.C. 601 et seq.

10 SECTION 46. IC 13-18-5.5-9, AS ADDED BY P.L.112-2015,  
 11 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 UPON PASSAGE]: Sec. 9. (a) Except as provided in subsection (c) and  
 13 sections 10(b)(3) and 11 of this chapter, the owner or operator of an  
 14 above ground storage tank located in a critical zone of concern shall  
 15 report to the department the following information concerning the  
 16 AST:

- 17 (1) The location of the AST.
- 18 (2) The materials stored in the AST.
- 19 (3) The capacity of the AST.
- 20 (4) The name and contact information of a person who may be  
 21 contacted for information about the AST.

22 The owner or operator shall submit the report before January 1, 2016.

23 (b) After submitting a report under subsection (a), the owner or  
 24 operator of an above ground storage tank shall submit to the  
 25 department a supplemental report concerning the AST whenever:

- 26 (1) the location of the AST;
- 27 (2) the classification of the materials stored in the AST;
- 28 (3) the capacity of the AST; or
- 29 (4) the name or contact information of the person who may be  
 30 contacted for information about the AST;

31 is changed, so that the information concerning the AST in the  
 32 possession of the department will remain accurate.

33 (c) If the owner or operator of an above ground storage tank has  
 34 reported the existence of the AST to the department or another agency  
 35 of the state pursuant to another statute or administrative rule, the owner  
 36 or operator is not required to report to the department concerning the  
 37 AST under this chapter.

38 (d) The owner or operator of an above ground storage tank who is  
 39 required to report under this chapter shall report to the department  
 40 concerning the AST:

- 41 (1) according to rules adopted by the board under section 10 of  
 42 this chapter; and



- 1 (2) either:  
 2 (A) on a form adopted by the board or the department; or  
 3 (B) through an electronic mail or Internet based means  
 4 established by the board or the department;  
 5 until rules concerning reporting are adopted under section 910 of  
 6 this chapter.
- 7 SECTION 47. IC 16-18-2-317.5 IS ADDED TO THE INDIANA  
 8 CODE AS A **NEW SECTION TO READ AS FOLLOWS**  
 9 **[EFFECTIVE UPON PASSAGE]: Sec. 317.5. "Residence", for**  
 10 **purposes of IC 16-21-12, has the meaning set forth in**  
 11 **IC 16-21-12-6.**
- 12 SECTION 48. IC 16-41-8-1, AS AMENDED BY P.L.158-2013,  
 13 SECTION 241, IS AMENDED TO READ AS FOLLOWS  
 14 **[EFFECTIVE UPON PASSAGE]: Sec. 1. (a) As used in this chapter,**  
 15 **"potentially disease transmitting offense" means any of the following:**  
 16 (1) ~~Battery (IC 35-42-2-1(b)(2))~~: **involving placing a bodily fluid**  
 17 **or waste on another person (IC 35-42-2-1).**  
 18 (2) An offense relating to a criminal sexual act (as defined in  
 19 IC 35-31.5-2-216), if sexual intercourse or other sexual conduct  
 20 (as defined in IC 35-31.5-2-221.5) occurred.
- 21 The term includes an attempt to commit an offense, if sexual  
 22 intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5)  
 23 occurred, and a delinquent act that would be a crime if committed by  
 24 an adult.
- 25 (b) Except as provided in this chapter, a person may not disclose or  
 26 be compelled to disclose medical or epidemiological information  
 27 involving a communicable disease or other disease that is a danger to  
 28 health (as defined under rules adopted under IC 16-41-2-1). This  
 29 information may not be released or made public upon subpoena or  
 30 otherwise, except under the following circumstances:
- 31 (1) Release may be made of medical or epidemiologic information  
 32 for statistical purposes if done in a manner that does not identify  
 33 an individual.  
 34 (2) Release may be made of medical or epidemiologic information  
 35 with the written consent of all individuals identified in the  
 36 information released.  
 37 (3) Release may be made of medical or epidemiologic information  
 38 to the extent necessary to enforce public health laws, laws  
 39 described in IC 31-37-19-4 through IC 31-37-19-6, IC 31-37-19-9  
 40 through IC 31-37-19-10, IC 31-37-19-12 through IC 31-37-19-23,  
 41 IC 35-38-1-7.1, and IC 35-45-21-1 or to protect the health or life  
 42 of a named party.



- 1 (4) Release may be made of the medical information of a person  
 2 in accordance with this chapter.
- 3 (c) Except as provided in this chapter, a person responsible for  
 4 recording, reporting, or maintaining information required to be reported  
 5 under IC 16-41-2 who recklessly, knowingly, or intentionally discloses  
 6 or fails to protect medical or epidemiologic information classified as  
 7 confidential under this section commits a Class A misdemeanor.
- 8 (d) In addition to subsection (c), a public employee who violates this  
 9 section is subject to discharge or other disciplinary action under the  
 10 personnel rules of the agency that employs the employee.
- 11 (e) Release shall be made of the medical records concerning an  
 12 individual to:
- 13 (1) the individual;
  - 14 (2) a person authorized in writing by the individual to receive the  
 15 medical records; or
  - 16 (3) a coroner under IC 36-2-14-21.
- 17 (f) An individual may voluntarily disclose information about the  
 18 individual's communicable disease.
- 19 (g) The provisions of this section regarding confidentiality apply to  
 20 information obtained under IC 16-41-1 through IC 16-41-16.
- 21 SECTION 49. IC 16-41-8-5, AS AMENDED BY P.L.158-2013,  
 22 SECTION 242, IS AMENDED TO READ AS FOLLOWS  
 23 [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) This section does not  
 24 apply to medical testing of an individual for whom an indictment or  
 25 information is filed for a sex crime and for whom a request to have the  
 26 individual tested under section 6 of this chapter is filed.
- 27 (b) The following definitions apply throughout this section:
- 28 (1) "Bodily fluid" means blood, human waste, or any other bodily  
 29 fluid.
  - 30 (2) "Dangerous disease" means any of the following:  
 31 (A) Chancroid.  
 32 (B) Chlamydia.  
 33 (C) Gonorrhea.  
 34 (D) Hepatitis.  
 35 (E) Human immunodeficiency virus (HIV).  
 36 (F) Lymphogranuloma venereum.  
 37 (G) Syphilis.  
 38 (H) Tuberculosis.
  - 39 (3) "Offense involving the transmission of a bodily fluid" means  
 40 any offense (including a delinquent act that would be a crime if  
 41 committed by an adult) in which a bodily fluid is transmitted from  
 42 the defendant to the victim in connection with the commission of



1           the offense.  
2           (c) This subsection applies only to a defendant who has been  
3 charged with a potentially disease transmitting offense. At the request  
4 of an alleged victim of the offense, the parent, guardian, or custodian  
5 of an alleged victim who is less than eighteen (18) years of age, or the  
6 parent, guardian, or custodian of an alleged victim who is an  
7 endangered adult (as defined in IC 12-10-3-2), the prosecuting attorney  
8 shall petition a court to order a defendant charged with the commission  
9 of a potentially disease transmitting offense to submit to a screening  
10 test to determine whether the defendant is infected with a dangerous  
11 disease. In the petition, the prosecuting attorney must set forth  
12 information demonstrating that the defendant has committed a  
13 potentially disease transmitting offense. The court shall set the matter  
14 for hearing not later than forty-eight (48) hours after the prosecuting  
15 attorney files a petition under this subsection. The alleged victim, the  
16 parent, guardian, or custodian of an alleged victim who is less than  
17 eighteen (18) years of age, and the parent, guardian, or custodian of an  
18 alleged victim who is an endangered adult (as defined in IC 12-10-3-2)  
19 are entitled to receive notice of the hearing and are entitled to attend  
20 the hearing. The defendant and the defendant's counsel are entitled to  
21 receive notice of the hearing and are entitled to attend the hearing. If,  
22 following the hearing, the court finds probable cause to believe that the  
23 defendant has committed a potentially disease transmitting offense, the  
24 court may order the defendant to submit to a screening test for one (1)  
25 or more dangerous diseases. If the defendant is charged with battery  
26 (~~IC 35-42-2-1(b)(2)~~), **involving placing a bodily fluid or waste on**  
27 **another person (IC 35-42-2-1)**, the court may limit testing under this  
28 subsection to a test only for human immunodeficiency virus (HIV).  
29 However, the court may order additional testing for human  
30 immunodeficiency virus (HIV) as may be medically appropriate. The  
31 court shall take actions to ensure the confidentiality of evidence  
32 introduced at the hearing.

33           (d) This subsection applies only to a defendant who has been  
34 charged with an offense involving the transmission of a bodily fluid. At  
35 the request of an alleged victim of the offense, the parent, guardian, or  
36 custodian of an alleged victim who is less than eighteen (18) years of  
37 age, or the parent, guardian, or custodian of an alleged victim who is  
38 an endangered adult (as defined in IC 12-10-3-2), the prosecuting  
39 attorney shall petition a court to order a defendant charged with the  
40 commission of an offense involving the transmission of a bodily fluid  
41 to submit to a screening test to determine whether the defendant is  
42 infected with a dangerous disease. In the petition, the prosecuting



1 attorney must set forth information demonstrating that:

2 (1) the defendant has committed an offense; and

3 (2) a bodily fluid was transmitted from the defendant to the victim  
4 in connection with the commission of the offense.

5 The court shall set the matter for hearing not later than forty-eight (48)  
6 hours after the prosecuting attorney files a petition under this  
7 subsection. The alleged victim of the offense, the parent, guardian, or  
8 custodian of an alleged victim who is less than eighteen (18) years of  
9 age, and the parent, guardian, or custodian of an alleged victim who is  
10 an endangered adult (as defined in IC 12-10-3-2) are entitled to receive  
11 notice of the hearing and are entitled to attend the hearing. The  
12 defendant and the defendant's counsel are entitled to receive notice of  
13 the hearing and are entitled to attend the hearing. If, following the  
14 hearing, the court finds probable cause to believe that the defendant has  
15 committed an offense and that a bodily fluid was transmitted from the  
16 defendant to the alleged victim in connection with the commission of  
17 the offense, the court may order the defendant to submit to a screening  
18 test for one (1) or more dangerous diseases. If the defendant is charged  
19 with battery (~~IC 35-42-2-1(b)(2)~~); **involving placing bodily fluid or**  
20 **waste on another person (IC 35-42-2-1)**, the court may limit testing  
21 under this subsection to a test only for human immunodeficiency virus  
22 (HIV). However, the court may order additional testing for human  
23 immunodeficiency virus (HIV) as may be medically appropriate. The  
24 court shall take actions to ensure the confidentiality of evidence  
25 introduced at the hearing.

26 (e) The testimonial privileges applying to communication between  
27 a husband and wife and between a health care provider and the health  
28 care provider's patient are not sufficient grounds for not testifying or  
29 providing other information at a hearing conducted in accordance with  
30 this section.

31 (f) A health care provider (as defined in IC 16-18-2-163) who  
32 discloses information that must be disclosed to comply with this  
33 section is immune from civil and criminal liability under Indiana  
34 statutes that protect patient privacy and confidentiality.

35 (g) The results of a screening test conducted under this section shall  
36 be kept confidential if the defendant ordered to submit to the screening  
37 test under this section has not been convicted of the potentially disease  
38 transmitting offense or offense involving the transmission of a bodily  
39 fluid with which the defendant is charged. The results may not be made  
40 available to any person or public or private agency other than the  
41 following:

42 (1) The defendant and the defendant's counsel.



- 1 (2) The prosecuting attorney.  
 2 (3) The department of correction or the penal facility, juvenile  
 3 detention facility, or secure private facility where the defendant  
 4 is housed.  
 5 (4) The alleged victim or the parent, guardian, or custodian of an  
 6 alleged victim who is less than eighteen (18) years of age, or the  
 7 parent, guardian, or custodian of an alleged victim who is an  
 8 endangered adult (as defined in IC 12-10-3-2), and the alleged  
 9 victim's counsel.
- 10 The results of a screening test conducted under this section may not be  
 11 admitted against a defendant in a criminal proceeding or against a child  
 12 in a juvenile delinquency proceeding.
- 13 (h) As soon as practicable after a screening test ordered under this  
 14 section has been conducted, the alleged victim or the parent, guardian,  
 15 or custodian of an alleged victim who is less than eighteen (18) years  
 16 of age, or the parent, guardian, or custodian of an alleged victim who  
 17 is an endangered adult (as defined in IC 12-10-3-2), and the victim's  
 18 counsel shall be notified of the results of the test.
- 19 (i) An alleged victim may disclose the results of a screening test to  
 20 which a defendant is ordered to submit under this section to an  
 21 individual or organization to protect the health and safety of or to seek  
 22 compensation for:  
 23 (1) the alleged victim;  
 24 (2) the alleged victim's sexual partner; or  
 25 (3) the alleged victim's family.
- 26 (j) The court shall order a petition filed and any order entered under  
 27 this section sealed.
- 28 (k) A person that knowingly or intentionally:  
 29 (1) receives notification or disclosure of the results of a screening  
 30 test under this section; and  
 31 (2) discloses the results of the screening test in violation of this  
 32 section;  
 33 commits a Class B misdemeanor.
- 34 SECTION 50. IC 21-13-1-5, AS AMENDED BY P.L.205-2013,  
 35 SECTION 315, IS AMENDED TO READ AS FOLLOWS  
 36 [EFFECTIVE UPON PASSAGE]: Sec. 5. "Fund":  
 37 (1) for purposes of IC 21-13-2, refers to the minority teacher  
 38 scholarship fund established by IC 21-13-2-1;  
 39 (2) for purposes of IC 21-13-4, refers to the National Guard  
 40 tuition supplement program fund established by IC 21-13-4-1;  
 41 (3) for purposes of IC 21-13-5, refers to the National Guard  
 42 scholarship extension fund established by IC 21-13-5-1; and



1 (4) for purposes of IC 21-13-6, refers to the primary care  
 2 physician loan forgiveness fund established by IC 21-13-6-3; and  
 3 **(5) for purposes of IC 21-13-6.5, refers to the medical**  
 4 **residency education fund established by IC 21-13-6.5-1.**

5 SECTION 51. IC 21-38-3-3, AS AMENDED BY P.L.241-2015,  
 6 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 UPON PASSAGE]: Sec. 3. The board of trustees of Ball State  
 8 University may define the duties and provide compensation for faculty  
 9 and staff of the university. Subject to IC 5-10.2-2-20 ~~and~~  
 10 ~~IC 5-10.2-2-21~~, **through IC 5-10.2-2-22**, the authority of the board  
 11 under this section includes the authority to establish fringe benefit  
 12 programs, including retirement benefits, that may be supplemental to,  
 13 or instead of, state retirement programs for teachers or other public  
 14 employees as authorized by law.

15 SECTION 52. IC 21-38-3-4, AS AMENDED BY P.L.241-2015,  
 16 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 UPON PASSAGE]: Sec. 4. The board of trustees of Indiana University  
 18 may:

- 19 (1) elect a president, the professors, and other officers for Indiana  
 20 University as necessary and prescribe the duties and salaries of  
 21 those positions;  
 22 (2) employ other persons as necessary; and  
 23 (3) subject to IC 5-10.2-2-20 ~~and IC 5-10.2-2-21~~, **through**  
 24 **IC 5-10.2-2-22**, establish programs of fringe benefits and  
 25 retirement benefits for Indiana University's officers, faculty, and  
 26 other employees that may be supplemental to, or instead of, state  
 27 retirement programs established by statute for public employees.

28 SECTION 53. IC 21-38-3-5, AS AMENDED BY P.L.241-2015,  
 29 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30 UPON PASSAGE]: Sec. 5. The board of trustees of Indiana State  
 31 University may prescribe the duties and provide the compensation,  
 32 including retirement and other benefits, of the faculty, administration,  
 33 and employees of Indiana State University. The authorization under  
 34 this section to provide retirement benefits to the faculty, administration,  
 35 and employees of Indiana State University is subject to IC 5-10.2-2-20  
 36 ~~and IC 5-10.2-2-21~~. **through IC 5-10.2-2-22.**

37 SECTION 54. IC 21-38-3-7, AS AMENDED BY P.L.241-2015,  
 38 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39 UPON PASSAGE]: Sec. 7. The board of trustees of Ivy Tech  
 40 Community College may do the following:

- 41 (1) Develop a statewide salary structure and classification system,  
 42 including provisions for employee group insurance, employee





1 benefits, and personnel policies.

2 (2) Employ the chief administrator of each region.

3 (3) Authorize the chief administrator of a region to employ the  
4 necessary personnel for the region, determine qualifications for  
5 positions, and fix compensation for positions in accordance with  
6 statewide policies established under subdivision (1).

7 The authorizations under this section to provide for employee benefits  
8 and compensation are subject to IC 5-10.2-2-20 ~~and IC 5-10.2-2-21~~  
9 **through IC 5-10.2-2-22.**

10 SECTION 55. IC 21-38-3-8, AS AMENDED BY P.L.241-2015,  
11 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12 UPON PASSAGE]: Sec. 8. The board of trustees of Purdue University  
13 may elect all professors and teachers, removable at the board's  
14 pleasure; fix and regulate compensations, including programs of fringe  
15 benefits and retirement benefits that may be supplemental to or in lieu  
16 of state retirement programs established by statute for public  
17 employees. The authorization to provide retirement benefits under this  
18 section is subject to IC 5-10.2-2-20 ~~and IC 5-10.2-2-21~~ **through**  
19 **IC 5-10.2-2-22.**

20 SECTION 56. IC 21-38-3-9, AS AMENDED BY P.L.241-2015,  
21 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
22 UPON PASSAGE]: Sec. 9. The University of Southern Indiana may  
23 employ a faculty and staff for the university, define the duties of the  
24 faculty and staff, and provide compensation for the faculty and staff,  
25 including a program of fringe benefits and a program of retirement  
26 benefits that may supplement or supersede the state retirement  
27 programs established by statute for teachers or other public employees.  
28 The authorization to provide retirement benefits under this section is  
29 subject to IC 5-10.2-2-20 ~~and IC 5-10.2-2-21~~ **through IC 5-10.2-2-22.**

30 SECTION 57. IC 21-38-3-11, AS AMENDED BY P.L.241-2015,  
31 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
32 UPON PASSAGE]: Sec. 11. The board of trustees of Vincennes  
33 University may elect and appoint persons of suitable learning and  
34 talents to be president and professors of Vincennes University and,  
35 subject to IC 5-10.2-2-20 ~~and IC 5-10.2-2-21~~, **through IC 5-10.2-2-22**,  
36 agree with them for their salaries and emoluments. The board of  
37 trustees shall appoint a president to preside over and govern Vincennes  
38 University.

39 SECTION 58. IC 21-38-7-3, AS AMENDED BY P.L.241-2015,  
40 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
41 UPON PASSAGE]: Sec. 3. Subject to IC 5-10.2-2-20 ~~and~~  
42 ~~IC 5-10.2-2-21~~, **through IC 5-10.2-2-22**, a state educational institution



1 may establish a retirement benefit system for the employees of the state  
2 educational institution.

3 SECTION 59. IC 21-44-1-8, AS AMENDED BY P.L.190-2015,  
4 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 UPON PASSAGE]: Sec. 8. (a) Except as provided in subsection (b),  
6 "fund" refers to the family practice residency fund established by  
7 IC 21-44-5-18.

8 (b) "Fund", for purposes of IC 21-44-7, refers to the graduate  
9 medical education fund established by ~~IC 21-44-7-6~~. **IC 21-44-7-8.**

10 SECTION 60. IC 22-4-14-3.5, AS ADDED BY P.L.195-2015,  
11 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12 UPON PASSAGE]: Sec. 3.5. (a) For purposes of section 3 of this  
13 chapter, reemployment services and reemployment and eligibility  
14 assessment activities provided to an individual:

15 (1) must include:

16 (A) orientation to the services available through a one stop

17 center (as defined by ~~IC 22-4.5-2-6~~; **IC 22-4.1-1-5**);

18 (B) provision of labor market and career information;

19 (C) assessment of the individual's workforce and other job  
20 related skills; and

21 (D) a review of the individual's work search efforts; and

22 (2) may include:

23 (A) comprehensive and specialized assessments;

24 (B) individual and group career counseling;

25 (C) training services;

26 (D) additional services to assist the individual in becoming  
27 reemployed;

28 (E) job search counseling;

29 (F) development and review of the individual's reemployment  
30 plan that includes the individual's participation in job search  
31 activities and appropriate workshops; and

32 (G) additional job skills assessments as needed.

33 (b) The department may require an individual participating in  
34 reemployment and eligibility assessment activities described in this  
35 section to provide proof of identity.

36 (c) If an individual has been determined to be likely to exhaust  
37 regular benefits and to need reemployment services under a profiling  
38 system established by the department, the department may require the  
39 individual to participate in additional services beyond those provided  
40 in subsection (a).

41 SECTION 61. IC 22-4.1-1-6, AS ADDED BY P.L.69-2015,  
42 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 UPON PASSAGE]: Sec. 6. "WIOA" refers to the federal Workforce  
 2 Innovation and Opportunity Act of 2014 (~~P.L.113-128~~), (**29 U.S.C.**  
 3 **3101 et seq.**), including reauthorizations of WIOA.

4 SECTION 62. IC 22-4.1-22-4, AS ADDED BY P.L.69-2015,  
 5 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 UPON PASSAGE]: Sec. 4. (a) The council shall serve as the state  
 7 advisory body required under the following federal laws:

8 (1) The Workforce Innovation and Opportunity Act of 2014 under  
 9 ~~P.L.113-218~~, **29 U.S.C. 3101 et seq.**, including reauthorizations  
 10 of WIOA.

11 (2) The Wagner-Peyser Act under 29 U.S.C. 49 et seq.

12 (3) The Carl D. Perkins Vocational and ~~Applied Technology~~  
 13 **Technical Education Improvement Act of 2006** under 20  
 14 U.S.C. 2301 et seq.

15 (4) The Adult Education and Family Literacy Act under 20 U.S.C.  
 16 9201 et seq.

17 (b) In addition, the council may be designated to serve as the state  
 18 advisory body required under any of the following federal laws upon  
 19 approval of the particular state agency directed to administer the  
 20 particular federal law:

21 (1) The National and Community Service Act of 1990 under 42  
 22 U.S.C. 12501 et seq.

23 (2) Part A of Title IV of the Social Security Act under 42 U.S.C.  
 24 601 et seq.

25 (3) The employment and training programs established under the  
 26 Food Stamp Act of 1977 under 7 U.S.C. 2011 et seq.

27 (c) The council shall administer the minority training grant program  
 28 established by section 11 of this chapter and the back home in Indiana  
 29 program established by section 12 of this chapter.

30 SECTION 63. IC 22-4.1-22-5, AS ADDED BY P.L.69-2015,  
 31 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 UPON PASSAGE]: Sec. 5. (a) Subject to subsections (b) and (c), the  
 33 membership of the state workforce innovation council established  
 34 under section 3 of this chapter consists of the representatives required  
 35 by ~~the Workforce Investment Act (29 U.S.C. 2801 et seq.)~~, including  
 36 ~~reauthorizations of the Act~~, and WIOA and must represent the diverse  
 37 regions of Indiana.

38 (b) The state superintendent of public instruction or the  
 39 superintendent's designee serves as a member of the state workforce  
 40 innovation council.

41 (c) An individual designated by the governor who has been  
 42 nominated by a recognized adult education organization serves as a



- 1 member of the state workforce innovation council.
- 2 SECTION 64. IC 22-4.1-23-1, AS ADDED BY P.L.69-2015,  
3 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 UPON PASSAGE]: Sec. 1. (a) The department shall establish and  
5 maintain free public employment and training offices in such number  
6 and in such places as may be necessary:
- 7 (1) for the proper administration of this article and IC 22-4; and
  - 8 (2) to perform all duties that are required by 29 U.S.C. 49 et seq.  
9 and 38 U.S.C. ~~2000 4100~~ through ~~2014 4114~~ and any  
10 amendments thereto.
- 11 (b) In connection with the duties described in subsection (a), the  
12 state agrees to the following:
- 13 (1) The state accepts the provisions of 29 U.S.C. 49 et seq. and 38  
14 U.S.C. ~~2000 4100~~ through ~~2014 4114~~ in conformity with the  
15 terms of 29 U.S.C. 49 et seq. and 38 U.S.C. ~~2000 4100~~ through  
16 ~~2014 4114~~.
  - 17 (2) The state commits itself to the observation of and compliance  
18 with the requirements of 29 U.S.C. 49 et seq. and 38 U.S.C. ~~2000~~  
19 ~~4100~~ through ~~2014 4114~~.
  - 20 (3) The department is constituted the agency of the state for all  
21 purposes of 29 U.S.C. 49 et seq. and 38 U.S.C. ~~2000 4100~~  
22 through ~~2014 4114~~.
  - 23 (4) All duties and powers conferred upon any other department,  
24 agency, or officer of the state relating to the establishment,  
25 maintenance, and operation of free public employment offices  
26 shall be vested in the department.
  - 27 (5) The department:
    - 28 (A) shall cooperate with any official or agency of the United  
29 States having powers or duties under the provisions of 29  
30 U.S.C. 49 et seq. and 38 U.S.C. ~~2000 4100~~ through ~~2014~~;  
31 ~~4114~~; and
    - 32 (B) is authorized and empowered to do and perform all things  
33 necessary to secure to the state the benefits of 29 U.S.C. 49 et  
34 seq. and 38 U.S.C. ~~2000 4100~~ through ~~2014 4114~~.
  - 35 (6) The department may cooperate with or enter into agreements  
36 with the United States Railroad Retirement Board for the  
37 establishment, maintenance, and use of free employment service  
38 facilities.
- 39 (c) The department may do all acts and things necessary or proper  
40 to carry out the powers expressly granted under this article.
- 41 SECTION 65. IC 22-4.1-23-2, AS ADDED BY P.L.69-2015,  
42 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 UPON PASSAGE]: Sec. 2. (a) All money received by the state under  
 2 29 U.S.C. 49 et seq. and 38 U.S.C. ~~2000 4100~~ through ~~2014 4114~~ shall  
 3 be paid into the employment and training services administration fund.

4 (b) The money described in subsection (a) is available to the  
 5 department to be expended as provided by this section and by 29  
 6 U.S.C. 49 et seq. and 38 U.S.C. ~~2000 4100~~ through ~~2014 4114~~.

7 (c) For the purpose of establishing and maintaining free public  
 8 employment and training offices, the department is authorized to enter  
 9 into agreements with:

- 10 (1) the United States Railroad Retirement Board;  
 11 (2) any agency of the United States charged with the  
 12 administration of an unemployment compensation law;  
 13 (3) any political subdivision; or  
 14 (4) any private, nonprofit organization.

15 (d) As a part of an agreement described in subsection (c), the  
 16 department may accept money, services, or facilities as a contribution  
 17 to the employment and training services administration fund.

18 (e) The general assembly shall appropriate and make available to  
 19 the department annually an amount sufficient to ensure the state  
 20 receives its full share of funds under 29 U.S.C. 49 et seq. and 38 U.S.C.  
 21 ~~2000 4100~~ through ~~2014 4114~~. Any money appropriated and made  
 22 available to the department shall be deposited in the employment and  
 23 training services administration fund.

24 SECTION 66. IC 22-4.5-9-4, AS AMENDED BY P.L.213-2015,  
 25 SECTION 243, IS AMENDED TO READ AS FOLLOWS  
 26 [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The council shall do all  
 27 of the following:

- 28 (1) Provide coordination to align the various participants in the  
 29 state's education, job skills development, and career training  
 30 system.  
 31 (2) Match the education and skills training provided by the state's  
 32 education, job skills development, and career training system with  
 33 the currently existing and future needs of the state's job market.  
 34 (3) In addition to the department's annual report provided under  
 35 ~~IC 22-4.5-9-4~~, **IC 22-4.1-4-8**, submit, not later than August 1,  
 36 2013, and not later than November 1 each year thereafter, to the  
 37 legislative council in an electronic format under IC 5-14-6 an  
 38 inventory of current job and career training activities conducted  
 39 by:  
 40 (A) state and local agencies; and  
 41 (B) whenever the information is readily available, private  
 42 groups, associations, and other participants in the state's



- 1 education, job skills development, and career training system.  
 2 The inventory must provide at least the information listed in  
 3 ~~IC 22-4.1-9-4(a)(1)~~ **IC 22-4.1-4-8(a)(1)** through  
 4 ~~IC 22-4.1-9-4(a)(5)~~ **IC 22-4.1-4-8(a)(5)** for each activity in the  
 5 inventory.
- 6 (4) Submit, not later than July 1, 2014, to the legislative council  
 7 in an electronic format under IC 5-14-6 a strategic plan to  
 8 improve the state's education, job skills development, and career  
 9 training system. The council shall submit, not later than  
 10 December 1, 2013, to the legislative council in an electronic  
 11 format under IC 5-14-6 a progress report concerning the  
 12 development of the strategic plan. The strategic plan developed  
 13 under this subdivision must include at least the following:
- 14 (A) Proposed changes, including recommended legislation and  
 15 rules, to increase coordination, data sharing, and  
 16 communication among the state, local, and private agencies,  
 17 groups, and associations that are involved in education, job  
 18 skills development, and career training.
- 19 (B) Proposed changes to make Indiana a leader in employment  
 20 opportunities related to the fields of science, technology,  
 21 engineering, and mathematics (commonly known as STEM).
- 22 (C) Proposed changes to address both:
- 23 (i) the shortage of qualified workers for current employment  
 24 opportunities; and  
 25 (ii) the shortage of employment opportunities for individuals  
 26 with a baccalaureate or more advanced degree.
- 27 (5) Complete, not later than August 1, 2014, a return on  
 28 investment and utilization study of career and technical education  
 29 programs in Indiana. The study conducted under this subdivision  
 30 must include at least the following:
- 31 (A) An examination of Indiana's career and technical  
 32 education programs to determine:
- 33 (i) the use of the programs; and  
 34 (ii) the impact of the programs on college and career  
 35 readiness, employment, and economic opportunity.
- 36 (B) A survey of the use of secondary, college, and university  
 37 facilities, equipment, and faculty by career and technical  
 38 education programs.
- 39 (C) Recommendations concerning how career and technical  
 40 education programs:
- 41 (i) give a preference for courses leading to employment in  
 42 high wage, high demand jobs; and



1 (ii) add performance based funding to ensure greater  
 2 competitiveness among program providers and to increase  
 3 completion of industry recognized credentials and dual  
 4 credit courses that lead directly to employment or  
 5 postsecondary study.

6 (6) Coordinate the performance of its duties under this chapter  
 7 with the Indiana works councils established by IC 20-19-6-4.

8 (b) In performing its duties, the council shall obtain input from the  
 9 following:

10 (1) Indiana employers and employer organizations.

11 (2) Public and private institutions of higher education.

12 (3) Regional and local economic development organizations.

13 (4) Indiana labor organizations.

14 (5) Individuals with expertise in career and technical education.

15 (6) Military and veterans organizations.

16 (7) Organizations representing women, African-Americans,  
 17 Latinos, and other significant minority populations and having an  
 18 interest in issues of particular concern to these populations.

19 (8) Individuals and organizations with expertise in the logistics  
 20 industry.

21 (9) Any other person or organization that a majority of the voting  
 22 members of the council determines has information that is  
 23 important for the council to consider.

24 SECTION 67. IC 22-5-3-3 IS AMENDED TO READ AS  
 25 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) An employee  
 26 of a private employer that is under public contract may report in writing  
 27 the existence of:

28 (1) a violation of a federal law or regulation;

29 (2) a violation of a state law or rule;

30 (3) a violation of an ordinance of a political subdivision (as  
 31 defined in IC 36-1-2-13); or

32 (4) the misuse of public resources;

33 concerning the execution of public contract first to the private  
 34 employer, unless the private employer is the person whom the  
 35 employee believes is committing the violation or misuse of public  
 36 resources. In that case, the employee may report the violation or misuse  
 37 of public resources in writing to either the private employer or to any  
 38 official or agency entitled to receive a report from the state ethics  
 39 commission under ~~IC 4-2-6-4(b)(2)(G)~~ **IC 4-2-6-4(b)(2)(J)** or  
 40 ~~IC 4-2-6-4(b)(2)(H)~~ **IC 4-2-6-4(b)(2)(K)**. If a good faith effort is not  
 41 made to correct the problem within a reasonable time, the employee  
 42 may submit a written report of the incident to any person, agency, or



- 1 organization.
- 2 (b) For having made a report under subsection (a), an employee may
- 3 not:
- 4 (1) be dismissed from employment;
- 5 (2) have salary increases or employment related benefits
- 6 withheld;
- 7 (3) be transferred or reassigned;
- 8 (4) be denied a promotion that the employee otherwise would
- 9 have received; or
- 10 (5) be demoted.
- 11 (c) Notwithstanding subsections (a) through (b), an employee must
- 12 make a reasonable attempt to ascertain the correctness of any
- 13 information to be furnished and may be subject to disciplinary actions
- 14 for knowingly furnishing false information, including suspension or
- 15 dismissal, as determined by the employer. However, any employee
- 16 disciplined under this subsection is entitled to process an appeal of the
- 17 disciplinary action as a civil action in a court of general jurisdiction.
- 18 (d) An employer who violates this section commits a Class A
- 19 infraction.
- 20 SECTION 68. IC 23-1-44-8, AS AMENDED BY P.L.93-2015,
- 21 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 22 UPON PASSAGE]: Sec. 8. (a) A shareholder is entitled to dissent
- 23 from, and obtain payment of the fair value of the shareholder's shares
- 24 in the event of, any of the following corporate actions:
- 25 (1) Consummation of a plan of merger to which the corporation
- 26 is a party if:
- 27 (A) shareholder approval is required for the merger by
- 28 IC 23-1-40 or the articles of incorporation; and
- 29 (B) the shareholder is entitled to vote on the merger.
- 30 (2) Consummation of a plan of share exchange to which the
- 31 corporation is a party as the corporation whose shares will be
- 32 acquired, if the shareholder is entitled to vote on the plan.
- 33 (3) Consummation of a sale or exchange of all, or substantially
- 34 all, of the property of the corporation other than in the usual and
- 35 regular course of business, if the shareholder is entitled to vote on
- 36 the sale or exchange, including a sale in dissolution, but not
- 37 including a sale pursuant to court order or a sale for cash pursuant
- 38 to a plan by which all or substantially all of the net proceeds of
- 39 the sale will be distributed to the shareholders within one (1) year
- 40 after the date of sale.
- 41 (4) The approval of a control share acquisition under IC 23-1-42.
- 42 (5) Any corporate action taken pursuant to a shareholder vote to





- 1 the extent the articles of incorporation, bylaws, or a resolution of  
 2 the board of directors provides that voting or nonvoting  
 3 shareholders are entitled to dissent and obtain payment for their  
 4 shares.
- 5 (6) Election to become a benefit corporation under ~~IC 21-1.3-3-2.~~  
 6 **IC 23-1.3-3-2.**
- 7 (b) This section does not apply to the holders of shares of any class  
 8 or series if, on the date fixed to determine the shareholders entitled to  
 9 receive notice of and vote at the meeting of shareholders at which the  
 10 merger, plan of share exchange, or sale or exchange of property is to be  
 11 acted on, the shares of that class or series were a covered security under  
 12 Section 18(b)(1)(A) or 18(b)(1)(B) of the Securities Act of 1933, as  
 13 amended.
- 14 (c) The articles of incorporation as originally filed or any  
 15 amendment to the articles of incorporation may limit or eliminate the  
 16 right to dissent and obtain payment for any class or series of preferred  
 17 shares. However, any limitation or elimination contained in an  
 18 amendment to the articles of incorporation that limits or eliminates the  
 19 right to dissent and obtain payment for any shares:
- 20 (1) that are outstanding immediately before the effective date of  
 21 the amendment; or  
 22 (2) that the corporation is or may be required to issue or sell after  
 23 the effective date of the amendment under any exchange or other  
 24 right existing immediately before the effective date of the  
 25 amendment;
- 26 does not apply to any corporate action that becomes effective within  
 27 one (1) year of the effective date of the amendment if the action would  
 28 otherwise afford the right to dissent and obtain payment.
- 29 (d) A shareholder:
- 30 (1) who is entitled to dissent and obtain payment for the  
 31 shareholder's shares under this chapter; or  
 32 (2) who would be so entitled to dissent and obtain payment but for  
 33 the provisions of subsection (b);
- 34 may not challenge the corporate action creating (or that, but for the  
 35 provisions of subsection (b), would have created) the shareholder's  
 36 entitlement.
- 37 (e) Subsection (d) does not apply to a corporate action that was  
 38 approved by less than unanimous consent of the voting shareholders  
 39 under IC 23-1-29-4 if both of the following apply:
- 40 (1) The challenge to the corporate action is brought by a  
 41 shareholder who did not consent and as to whom notice of the  
 42 approval of the corporate action was not effective at least ten (10)



1 days before the corporate action was effected.

2 (2) The proceeding challenging the corporate action is  
3 commenced not later than ten (10) days after notice of the  
4 approval of the corporate action is effective as to the shareholder  
5 bringing the proceeding.

6 SECTION 69. IC 23-1.3-10-6, AS ADDED BY P.L.93-2015,  
7 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8 UPON PASSAGE]: Sec. 6. (a) The benefit corporation shall deliver,  
9 concurrently with the delivery of the benefit report to shareholders  
10 under section 4 of this chapter, a copy of the benefit report to the  
11 secretary of state for filing. However, the compensation paid to  
12 directors and financial or proprietary information included in the  
13 benefit report may be omitted from the benefit report as delivered to  
14 the secretary of state.

15 (b) The fee established in ~~IC 23-1-18-3(a)(27)~~ **IC 23-1-18-3(a)(25)**  
16 applies to an annual benefit report delivered for filing under this  
17 section.

18 SECTION 70. IC 23-16-3-3.1 IS REPEALED [EFFECTIVE UPON  
19 PASSAGE]. Sec. 3-1. (a) A foreign limited partnership may correct a  
20 document filed with the secretary of state if:

- 21 (1) the document contains an incorrect statement or an  
22 inaccuracy;  
23 (2) the document was defectively signed; attested; sealed;  
24 verified; or acknowledged; or  
25 (3) the electronic transmission of the document was defective.

26 (b) A document is corrected:

- 27 (1) by preparing articles of correction that:  
28 (A) describe the document, including its filing date, or attach  
29 a copy of the document to the articles;  
30 (B) specify the incorrect statement or inaccuracy and the  
31 reason it is incorrect or inaccurate or the manner in which the  
32 execution was defective; and  
33 (C) correct the incorrect statement, inaccuracy, or defective  
34 execution; and

35 (2) by delivering the articles of correction to the secretary of state  
36 for filing.

37 (c) Articles of correction are effective on the effective date of the  
38 document they correct except as to persons reasonably relying on the  
39 uncorrected document and adversely affected by the correction. As to  
40 those persons, articles of correction are effective when filed or when  
41 the reliance ceased to be reasonable, whichever first occurs.

42 SECTION 71. IC 23-16-10-3.1 IS ADDED TO THE INDIANA



1 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 2 [EFFECTIVE UPON PASSAGE]: **Sec. 3.1. (a) A foreign limited**  
 3 **partnership may correct a document filed with the secretary of**  
 4 **state if:**

5 (1) the document contains an incorrect statement or an  
 6 inaccuracy;

7 (2) the document was defectively signed, attested, sealed,  
 8 verified, or acknowledged; or

9 (3) the electronic transmission of the document was defective.

10 (b) A document is corrected:

11 (1) by preparing articles of correction that:

12 (A) describe the document, including its filing date, or  
 13 attach a copy of the document to the articles;

14 (B) specify the incorrect statement or inaccuracy and the  
 15 reason it is incorrect or inaccurate or the manner in which  
 16 the execution was defective; and

17 (C) correct the incorrect statement, inaccuracy, or  
 18 defective execution; and

19 (2) by delivering the articles of correction to the secretary of  
 20 state for filing.

21 (c) Articles of correction are effective on the effective date of the  
 22 document they correct except as to persons reasonably relying on  
 23 the uncorrected document and adversely affected by the  
 24 correction. As to those persons, articles of correction are effective  
 25 when filed or when the reliance ceased to be reasonable, whichever  
 26 first occurs.

27 SECTION 72. IC 23-17-19-2 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2. (a) Without the**  
 29 **prior approval of the circuit court or superior court of the county where**  
 30 **the corporation's principal office or, if the principal office is not located**  
 31 **in Indiana, the corporation's registered office, is located in a proceeding**  
 32 **that the attorney general has been given written notice, a public benefit**  
 33 **or religious corporation may only merge with the following:**

34 (1) A public benefit or religious corporation.

35 (2) A foreign corporation that would qualify under this article as  
 36 a public benefit or religious corporation.

37 (3) A wholly-owned foreign or domestic business or mutual  
 38 benefit corporation if the public benefit or religious corporation  
 39 is the surviving corporation and continues to be a public benefit  
 40 or religious corporation after the merger.

41 (4) A business or mutual benefit corporation if the following  
 42 conditions are met:



1 (A) On or before the effective date of the merger, assets with  
 2 a value equal to the greater of the fair market value of the net  
 3 tangible and intangible assets, including goodwill, of the  
 4 public benefit corporation or the fair market value of the  
 5 public benefit corporation if the corporation were to be  
 6 operated as a business concern are transferred or conveyed to  
 7 a person who would have received the corporation's assets  
 8 under ~~IC 23-17-22-6(a)(5)~~ **IC 23-17-22-5(a)(5)** and  
 9 ~~IC 23-17-22-6(a)(6)~~ **IC 23-17-22-5(a)(6)** had the corporation  
 10 dissolved.

11 (B) The business or mutual benefit corporation returns,  
 12 transfers, or conveys any assets held by the business or mutual  
 13 benefit corporation upon condition requiring return, transfer,  
 14 or conveyance, that occurs by reason of the merger, in  
 15 accordance with the condition.

16 (C) The merger is approved by a majority of directors of the  
 17 public benefit or religious corporation who are not and will not  
 18 become:

- 19 (i) members in;  
 20 (ii) shareholders in; or  
 21 (iii) officers, employees, agents, or consultants of;  
 22 the surviving corporation.

23 (D) The requirements of section 8 of this chapter are met.

24 (b) At least twenty (20) days before consummation of any merger of  
 25 a public benefit corporation or a religious corporation under subsection  
 26 (a)(4), notice, including a copy of the proposed plan of merger, must be  
 27 delivered to the attorney general.

28 (c) Without the prior written consent of the attorney general or of  
 29 the circuit court or superior court of the county where:

- 30 (1) the corporation's principal office is located; or  
 31 (2) if the principal office is not located in Indiana, the  
 32 corporation's registered office is located;

33 in a proceeding in which the attorney general has been given notice, a  
 34 member of a public benefit or religious corporation may not receive or  
 35 keep anything as a result of a merger other than a membership or  
 36 membership in the surviving public benefit or religious corporation.  
 37 The court shall approve the transaction if the transaction is in the  
 38 public interest.

39 SECTION 73. IC 24-11-3-2, AS ADDED BY P.L.172-2015,  
 40 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41 UPON PASSAGE]: Sec. 2. (a) A court may consider the following  
 42 factors as evidence that a person has made an assertion of patent



- 1 infringement in bad faith:
- 2 (1) The person distributed a demand letter that does not contain
- 3 all the following information:
- 4 (A) The patent number of the patent that the person claims is
- 5 being infringed.
- 6 (B) The name and address of:
- 7 (i) a patent owner;
- 8 (ii) if applicable, any assignee of the patent; and
- 9 (iii) if applicable, a patent owner's or assignee's agent who
- 10 is retained by the patent owner or assignee to enforce the
- 11 patent.
- 12 (C) Factual allegations identifying specific areas in which the
- 13 target's products, services, and technology infringe the patent
- 14 or are covered by the claims in the patent.
- 15 (2) The person fails to:
- 16 (A) conduct an analysis comparing the claims in the patent to
- 17 the target's products, services, and technology; or
- 18 (B) identify, if the person conducts an analysis described in
- 19 clause (A), specific areas in which the target's products,
- 20 services, and technology are covered by the claims in the
- 21 patent.
- 22 (3) If the demand letter does not contain the information
- 23 described in subdivision (1), the person that distributed the
- 24 demand letter fails to provide the information within a reasonable
- 25 amount of time after the target requests the information.
- 26 (4) The person demands:
- 27 (A) payment of a license fee; or
- 28 (B) a response from the target;
- 29 within an unreasonably short period of time.
- 30 (5) The person offers to license the patent for an amount that is
- 31 not based on a reasonable estimate of the value of the license.
- 32 (6) The claim or assertion of patent infringement is meritless, and
- 33 the person knew, or should have known, that the claim or
- 34 assertion is meritless.
- 35 (7) The claim or assertion of patent infringement is deceptive.
- 36 (8) The person or the person's subsidiaries or affiliates have
- 37 previously filed or threatened to file a lawsuit based on the same
- 38 or similar claim of patent infringement and the:
- 39 (A) filing or threats to file lacked the information described in
- 40 subdivision (1); or
- 41 (B) person attempted to enforce the claim of patent
- 42 infringement in litigation and a court found the claim to be



1 meritless.

2 (9) Any other factor the court finds relevant.

3 (b) A person may not use the failure of a target to request any  
4 information described in subsection (a)(1) that is not contained in the  
5 demand letter as a defense to an action under this ~~chapter~~ **article**.

6 SECTION 74. IC 24-11-4-1, AS ADDED BY P.L.172-2015,  
7 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8 UPON PASSAGE]: Sec. 1. (a) Subject to subsection (c), upon motion  
9 by a target and a finding by the court that a target has established a  
10 reasonable likelihood that a person has made a bad faith assertion of  
11 patent infringement in violation of this ~~chapter~~ **article**, the court shall  
12 require the person to post a bond in an amount equal to a good faith  
13 estimate of the target's costs to litigate the claim and amounts  
14 reasonably likely to be recovered under IC 24-11-5, conditioned upon  
15 payment of any amounts finally determined to be due to the target.

16 (b) A hearing shall be held upon the request of either party.

17 (c) A bond ordered under this section may not exceed two hundred  
18 fifty thousand dollars (\$250,000).

19 (d) The court may waive the bond requirement if the court finds the  
20 person has available assets equal to the amount of the proposed bond  
21 or for other good cause shown.

22 SECTION 75. IC 24-11-5-1, AS ADDED BY P.L.172-2015,  
23 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
24 UPON PASSAGE]: Sec. 1. (a) A target, or a person aggrieved by a  
25 violation of:

26 (1) this ~~chapter~~ **article**; or

27 (2) rules adopted under this ~~chapter~~ **article**;  
28 may bring an action in a court with jurisdiction.

29 (b) A person shall, not later than thirty (30) days after filing a  
30 complaint with a court in an action under subsection (a), mail or deliver  
31 a copy of the complaint to the office of the attorney general.

32 (c) A court may award reasonable attorney's fees, litigation  
33 expenses, and costs to a person who prevails in an action under  
34 subsection (a).

35 (d) A court may, in addition to fees, expenses, and costs under  
36 subsection (c), award any or all of the following to a complainant who  
37 prevails in an action under subsection (a):

38 (1) Declaratory or equitable relief.

39 (2) The greater of:

40 (A) actual damages; or

41 (B) liquidated damages for each complainant who prevails in  
42 the sum of five thousand dollars (\$5,000) for each demand



- 1 letter that the complainant received.
- 2 (3) Punitive damages in the amount of the greater of:
- 3 (A) fifty thousand dollars (\$50,000); or
- 4 (B) three (3) times the amount of actual damages.
- 5 SECTION 76. IC 25-1-16-8, AS AMENDED BY P.L.112-2014,
- 6 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 7 UPON PASSAGE]: Sec. 8. (a) The committee shall review and
- 8 evaluate each regulated occupation and board. The review and
- 9 evaluation must include the following:
- 10 (1) The functions, powers, and duties of the regulated occupation
- 11 and the board, including any functions, powers, or duties that are
- 12 inconsistent with current or projected practice of the occupation.
- 13 (2) An assessment of the management efficiency of the board.
- 14 (3) An assessment of the regulated occupation's and the board's
- 15 ability to meet the objectives of the general assembly in licensing
- 16 the regulated occupation.
- 17 (4) An assessment of the necessity, burden, and alternatives to the
- 18 licenses issued by the board.
- 19 (5) An assessment of the fees that the board charges for licenses.
- 20 (6) Any other criteria identified by the committee.
- 21 (b) The committee shall prepare a report concerning each regulated
- 22 occupation and board that the committee reviews and evaluates. The
- 23 report must contain the following:
- 24 (1) The number of individuals who are licensed in the regulated
- 25 occupation.
- 26 (2) A summary of the board's functions and actions.
- 27 (3) The budget and other fiscal factors of regulating the regulated
- 28 occupation, including the actual cost of administering license
- 29 applications, renewals, and issuing licenses.
- 30 (4) An assessment of the effect of the regulated occupation on the
- 31 state's economy, including consumers and businesses.
- 32 (5) Any recommendations for legislation, including whether:
- 33 (A) the regulation of a regulated occupation should be
- 34 modified;
- 35 (B) the board should be combined with another board;
- 36 (C) ~~whether~~ the board or the regulation of the regulated
- 37 occupation should be terminated;
- 38 (D) ~~whether~~ a license should be eliminated; or
- 39 (E) ~~whether~~ multiple licenses should be consolidated into a
- 40 single license.
- 41 (6) Any recommendations for administrative changes.
- 42 (7) Information that supports the committee's recommendations.



1 (c) This section does not apply to fees that support dedicated funds.  
 2 After the committee has reviewed and evaluated a regulated occupation  
 3 and board, the committee shall provide the agency and the board that  
 4 is the subject of the committee's evaluation with recommendations for  
 5 fees that the board should charge for application fees, renewal fees, and  
 6 fees to issue licenses. The recommendation for fees must comply with  
 7 the requirements under IC 25-1-8-2. However, the recommendation  
 8 must not exceed the lesser of either one hundred dollars (\$100) or the  
 9 actual administrative cost to process the application or renew or issue  
 10 the license.

11 SECTION 77. IC 25-37.5-1-10, AS ADDED BY P.L.224-2013,  
 12 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 UPON PASSAGE]: Sec. 10. Sections 8 and 9 of this chapter do not  
 14 apply to commercial transactions between two (2) or more of the  
 15 following:

16 (1) An entity licensed by the secretary of state under ~~IC 9-22-4~~

17 **IC 9-32-9** as:

18 (A) an automotive salvage rebuildler;

19 (B) a disposal facility; or

20 (C) a used parts dealer.

21 (2) A valuable metal dealer.

22 (3) An automobile scrapyard (as defined by IC 9-13-2-8).

23 (4) A scrap metal processor (as defined by IC 9-13-2-162).

24 SECTION 78. IC 27-8-32.4-2 IS REPEALED [EFFECTIVE UPON  
 25 PASSAGE]. ~~Sec. 2: As used in this chapter, "insured" means an~~  
 26 ~~individual who is entitled to coverage under a policy of accident and~~  
 27 ~~sickness insurance.~~

28 SECTION 79. IC 28-7-5-16, AS AMENDED BY P.L.186-2015,  
 29 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30 UPON PASSAGE]: Sec. 16. (a) The licensee shall keep and use in the  
 31 licensee's business such books, accounts, and records as will enable the  
 32 department to determine whether the licensee is complying with this  
 33 chapter and with the rules adopted by the department under this  
 34 chapter. Every licensee shall preserve such books, accounts, and  
 35 records, including cards used in the card system for at least two (2)  
 36 years after making the final entry on any loan recorded therein. The  
 37 books and records of the licensee shall be kept so that the pawnbroking  
 38 business transacted in Indiana may be readily separated and  
 39 distinguished from the business of the licensee transacted elsewhere  
 40 and from any other business in which the licensee may be engaged. To  
 41 determine whether the licensee is complying with this chapter and with  
 42 rules adopted by the department under this chapter, the department may





1 examine the books, accounts, and records required to be kept by the  
 2 licensee under this subsection. If the department examines the books,  
 3 accounts, and records of the licensee under this subsection, the licensee  
 4 shall pay all reasonably incurred costs of the examination in  
 5 accordance with the fee schedule adopted under IC 28-11-3-5. ~~A fee~~  
 6 ~~established by the department under IC 28-11-3-5 may be charged for~~  
 7 ~~each day a fee under this subsection is delinquent.~~ Any costs required  
 8 to be paid under this section shall be paid not later than sixty (60) days  
 9 after the person receives a notice from the department of the costs  
 10 being assessed. The department may impose a fee, in an amount fixed  
 11 by the department under IC 28-11-3-5, for each day that the assessed  
 12 costs are not paid, beginning on the first day after the sixty (60) day  
 13 period described in this subsection.

14 (b) If a pawnbroker, in the conduct of the business, purchases a  
 15 article from a seller, the purchase shall be evidenced by a bill of sale  
 16 properly signed by the seller. All bills of sale must be in duplicate and  
 17 must recite the following separate items:

18 (1) Date of bill of sale.

19 (2) Amount of consideration.

20 (3) Name of pawnbroker.

21 (4) Description of each article sold. However, if multiple articles  
 22 of a similar nature that do not contain an identification or serial  
 23 number (such as precious metals, gemstones, musical recordings,  
 24 video recordings, books, or hand tools) are delivered together in  
 25 one (1) transaction, the description of the articles is adequate if  
 26 the description contains the quantity of the articles delivered and  
 27 a physical description of the type of articles delivered, including  
 28 any other unique identifying marks, numbers, names, letters, or  
 29 special features.

30 (5) Signature of seller.

31 (6) Address of seller.

32 (7) Date of birth of the seller.

33 (8) The type of government issued identification used to verify the  
 34 identity of the seller, together with the name of the governmental  
 35 agency that issued the identification, and the identification  
 36 number present on the government issued identification.

37 (c) The original copy of the bill of sale shall be retained by the  
 38 pawnbroker. The second copy shall be delivered to the seller by the  
 39 pawnbroker at the time of sale. The heading on all bill of sale forms  
 40 must be in boldface type.

41 (d) If a pawnbroker, in the conduct of the business, purchases  
 42 precious metal (as defined in IC 24-4-19-6) from a seller, the



1 pawnbroker shall, for at least ten (10) calendar days after the date the  
2 pawnbroker purchases the precious metal, retain the precious metal:

3 (1) at the pawnbroker's permanent place of business where the  
4 pawnbroker purchased the precious metal; and

5 (2) separate from other precious metal.

6 (e) Each licensee shall maintain a record of control indicating the  
7 number of accounts and dollar value of all outstanding pawnbroking  
8 receivables.

9 (f) If a licensee contracts with an outside vendor to provide a service  
10 that would otherwise be undertaken internally by the licensee and be  
11 subject to the department's routine examination procedures, the person  
12 that provides the service to the licensee shall, at the request of the  
13 director, submit to an examination by the department. If the director  
14 determines that an examination under this subsection is necessary or  
15 desirable, the examination may be made at the expense of the person  
16 to be examined. If the person to be examined under this subsection  
17 refuses to permit the examination to be made, the director may order  
18 any licensee that receives services from the person refusing the  
19 examination to:

20 (1) discontinue receiving one (1) or more services from the  
21 person; or

22 (2) otherwise cease conducting business with the person.

23 SECTION 80. IC 28-8-4-41, AS AMENDED BY P.L.186-2015,  
24 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
25 UPON PASSAGE]: Sec. 41. (a) The director may conduct an annual  
26 onsite examination of a licensee or an authorized delegate of a licensee.

27 (b) If the director determines that a reasonable belief exists that a  
28 person is operating without a valid license or in violation of this  
29 chapter, the director has the authority to investigate and examine the  
30 records of that person. The person examined must pay the reasonably  
31 incurred costs of the examination.

32 (c) Except as provided in section 42(a)(2) of this chapter, the  
33 director must give the licensee forty-five (45) days written notice  
34 before conducting an onsite examination.

35 (d) If the director determines, based on the licensee's financial  
36 statements and past history of operations in Indiana, that an onsite  
37 examination is unnecessary, the director may waive the onsite  
38 examination.

39 (e) If the director concludes that an onsite examination of a licensee  
40 is necessary, the licensee shall pay all reasonably incurred costs of such  
41 examination in accordance with the fee schedule adopted under  
42 IC 28-11-3-5. A fee established by the department under IC 28-11-3-5



1 ~~may be charged for each day a fee under this section is delinquent.~~ Any  
 2 costs required to be paid under this section shall be paid not later than  
 3 sixty (60) days after the person receives a notice from the department  
 4 of the costs being assessed. The department may impose a fee, in an  
 5 amount fixed by the department under IC 28-11-3-5, for each day that  
 6 the assessed costs are not paid, beginning on the first day after the sixty  
 7 (60) day period described in this subsection.

8 (f) An onsite examination may be conducted in conjunction with  
 9 examinations to be performed by representatives of agencies of another  
 10 state or states. In lieu of an onsite examination, a director may accept  
 11 the examination report of an agency of another state, or a report  
 12 prepared by an independent accounting firm. A report accepted under  
 13 this subsection shall be considered, for all purposes, to be an official  
 14 report of the director.

15 (g) To discover violations of this chapter or to secure information  
 16 necessary for the enforcement of this chapter, the department may  
 17 investigate any:

18 (1) licensee; or

19 (2) person that the department suspects to be operating:

20 (A) without a license, when a license is required under this  
 21 chapter; or

22 (B) otherwise in violation of this chapter.

23 The department has all investigatory and enforcement authority under  
 24 this chapter that the department has under IC 28-11 with respect to  
 25 financial institutions. If the department conducts an investigation under  
 26 this section, the licensee or other person investigated shall pay all  
 27 reasonably incurred costs of the investigation in accordance with the  
 28 fee schedule adopted under IC 28-11-3-5. Any costs required to be paid  
 29 under this section shall be paid not later than sixty (60) days after the  
 30 person receives a notice from the department of the costs being  
 31 assessed. The department may impose a fee, in an amount fixed by the  
 32 department under IC 28-11-3-5, for each day that the assessed costs are  
 33 not paid, beginning on the first day after the sixty (60) day period  
 34 described in this subsection.

35 (h) If a licensee contracts with an outside vendor to provide a  
 36 service that would otherwise be undertaken internally by the licensee  
 37 and be subject to the department's routine examination procedures, the  
 38 person that provides the service to the licensee shall, at the request of  
 39 the director, submit to an examination by the department. If the director  
 40 determines that an examination under this subsection is necessary or  
 41 desirable, the examination may be made at the expense of the person  
 42 to be examined. If the person to be examined under this subsection



1 refuses to permit the examination to be made, the director may order  
 2 any licensee that receives services from the person refusing the  
 3 examination to:

- 4 (1) discontinue receiving one (1) or more services from the  
 5 person; or  
 6 (2) otherwise cease conducting business with the person.

7 SECTION 81. IC 28-8-5-19, AS AMENDED BY P.L.186-2015,  
 8 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9 UPON PASSAGE]: Sec. 19. (a) The department may examine the  
 10 books, accounts, and records of a licensee and may make investigations  
 11 to determine compliance.

12 (b) If the department examines the books, accounts, and records of  
 13 a licensee, the licensee shall pay all reasonably incurred costs of the  
 14 examination in accordance with the fee schedule adopted under  
 15 IC 28-11-3-5. ~~A fee established by the department under IC 28-11-3-5~~  
 16 ~~may be charged for each day a fee under this section is delinquent.~~ Any  
 17 costs required to be paid under this section shall be paid not later than  
 18 sixty (60) days after the person receives a notice from the department  
 19 of the costs being assessed. The department may impose a fee, in an  
 20 amount fixed by the department under IC 28-11-3-5, for each day that  
 21 the assessed costs are not paid, beginning on the first day after the sixty  
 22 (60) day period described in this subsection.

23 (c) To discover violations of this chapter or to secure information  
 24 necessary for the enforcement of this chapter, the department may  
 25 investigate any:

- 26 (1) licensee; or  
 27 (2) person that the department suspects to be operating:  
 28 (A) without a license, when a license is required under this  
 29 chapter; or  
 30 (B) otherwise in violation of this chapter.

31 The department has all investigatory and enforcement authority under  
 32 this chapter that the department has under IC 28-11 with respect to  
 33 financial institutions. If the department conducts an investigation under  
 34 this section, the licensee or other person investigated shall pay all  
 35 reasonably incurred costs of the investigation in accordance with the  
 36 fee schedule adopted under IC 28-11-3-5. Any costs required to be paid  
 37 under this section shall be paid not later than sixty (60) days after the  
 38 person receives a notice from the department of the costs being  
 39 assessed. The department may impose a fee, in an amount fixed by the  
 40 department under IC 28-11-3-5, for each day that the assessed costs are  
 41 not paid, beginning on the first day after the sixty (60) day period  
 42 described in this subsection.



1 (d) If a licensee contracts with an outside vendor to provide a  
 2 service that would otherwise be undertaken internally by the licensee  
 3 and be subject to the department's routine examination procedures, the  
 4 person that provides the service to the licensee shall, at the request of  
 5 the director, submit to an examination by the department. If the director  
 6 determines that an examination under this subsection is necessary or  
 7 desirable, the examination may be made at the expense of the person  
 8 to be examined. If the person to be examined under this subsection  
 9 refuses to permit the examination to be made, the director may order  
 10 any licensee that receives services from the person refusing the  
 11 examination to:

12 (1) discontinue receiving one (1) or more services from the  
 13 person; or

14 (2) otherwise cease conducting business with the person.

15 SECTION 82. IC 31-9-2-46.7, AS AMENDED BY P.L.104-2015,  
 16 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 UPON PASSAGE]: Sec. 46.7. "Foster care", for purposes of IC 31-25,  
 18 IC 31-26, IC 31-27, IC 31-28-1, IC 31-28-2, IC 31-28-3, ~~IC 31-34-21-7,~~  
 19 IC 31-34-21-7.6, and IC 31-37-22-10, means living in:

20 (1) a place licensed under IC 31-27 or a comparable law of  
 21 another state; or

22 (2) the home of an adult relative who is not licensed as a foster  
 23 family home.

24 SECTION 83. IC 31-41-2-3, AS ADDED BY P.L.66-2015,  
 25 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26 UPON PASSAGE]: Sec. 3. (a) The dual status assessment team shall  
 27 meet within ten (10) days of the date ordered by the juvenile court.

28 (b) The dual status assessment team shall be convened by the  
 29 facilitator described in section ~~2(a)(6)~~ **2(a)(5)** of this chapter.

30 (c) The dual status assessment team shall consider:

31 (1) any allegations of abuse or neglect suffered by the child; and

32 (2) any allegation that the child is a delinquent child under  
 33 IC 31-37-1-1 or IC 31-37-2-1.

34 SECTION 84. IC 31-41-2-5, AS ADDED BY P.L.66-2015,  
 35 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 UPON PASSAGE]: Sec. 5. The dual status assessment team shall  
 37 consider the child's best interests and well-being, including:

38 (1) the child's mental health, including any diagnosis;

39 (2) the child's school records, including attendance and  
 40 achievement level;

41 (3) the child's statements;

42 (4) the statements of the child's parent, guardian, or custodian;



- 1 (5) the impact of the child's behavior on any victim;
- 2 (6) the safety of the community;
- 3 (7) the child's needs, strengths, and ~~risk~~; **risks**;
- 4 (8) the need for a parent participation plan;
- 5 (9) the efficacy and availability of services and community
- 6 providers;
- 7 (10) whether appropriate supervision of the child can be achieved
- 8 by the dismissal of a delinquency adjudication in deference to a
- 9 child in need of services adjudication;
- 10 (11) whether appropriate supervision of the child can be achieved
- 11 by combining a delinquency adjudication or informal adjustment
- 12 with a child in need of services petition;
- 13 (12) the child's placement needs;
- 14 (13) restorative justice practices that may be appropriate;
- 15 (14) whether a child in need of services petition or informal
- 16 adjustment should be filed or dismissed;
- 17 (15) whether a delinquency petition or informal adjustment
- 18 should be filed or dismissed;
- 19 (16) the availability of coordinated services regardless of whether
- 20 the child is adjudicated to be a child in need of services or a
- 21 delinquent child;
- 22 (17) whether the team recommends the exercise of dual
- 23 adjudication and the lead agency to provide supervision of the
- 24 child; and
- 25 (18) any other information considered appropriate by the team.

26 SECTION 85. IC 33-37-5-2, AS AMENDED BY P.L.191-2015,  
 27 SECTION 12, AND AS AMENDED BY P.L.213-2015, SECTION  
 28 256, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 29 [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Each clerk shall establish  
 30 a clerk's record perpetuation fund. The clerk shall deposit all the  
 31 following in the fund:

- 32 (1) Revenue received by the clerk for transmitting documents by
- 33 facsimile machine to a person under IC 5-14-3.
- 34 (2) Document storage fees required under section 20 of this
- 35 chapter.
- 36 (3) The late payment fees imposed under section 22 of this
- 37 chapter that are authorized for deposit in the clerk's record
- 38 perpetuation fund under IC 33-37-7-2.
- 39 (4) The fees required under IC 29-1-7-3.1 for deposit of a will.
- 40 ~~(5) Automated record keeping fees deposited in the fund under~~
- 41 ~~IC 33-37-7-2(m).~~



- 1           ~~(6)~~ **(5)** *Fees for preparing a transcript or copy of any record*
- 2           *under section 1 of this chapter.*
- 3           (b) The clerk may use any money in the fund for the following
- 4 purposes:
- 5           (1) The preservation of records.
- 6           (2) The improvement of record keeping systems and equipment.
- 7           (3) Case management system.
- 8           SECTION 86. IC 34-30-2-99.8, AS ADDED BY P.L.185-2015,
- 9 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 10 UPON PASSAGE]: Sec. 99.8. IC 25-23.4-8-2 (Concerning a physician
- 11 ~~or hospital~~ for the acts or omissions of a certified direct entry midwife
- 12 **and a health care provider for the acts or omissions of a physician**
- 13 **or certified direct entry midwife).**
- 14           SECTION 87. IC 35-31.5-2-67 IS REPEALED [EFFECTIVE
- 15 UPON PASSAGE]. Sec. 67. "Correctional professional", for purposes
- 16 of IC 35-42-2-1, has the meaning set forth in IC 35-42-2-1(b)(2).
- 17           SECTION 88. IC 35-31.5-2-127 IS REPEALED [EFFECTIVE
- 18 UPON PASSAGE]. Sec. 127. "Family housing complex" means a
- 19 building or series of buildings:
- 20           (1) that contains at least twelve (12) dwelling units:
- 21           (A) where children are domiciled or are likely to be domiciled;
- 22           and
- 23           (B) that are owned by a governmental unit or political
- 24 subdivision;
- 25           (2) that is operated as a hotel or motel (as described in
- 26 IC 22-11-18-1);
- 27           (3) that is operated as an apartment complex; or
- 28           (4) that contains subsidized housing.
- 29           SECTION 89. IC 35-37-4-6, AS AMENDED BY P.L.117-2015,
- 30 SECTION 54, AND AS AMENDED BY P.L.238-2015, SECTION 11,
- 31 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
- 32 [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) This section applies to a
- 33 criminal action involving the following offenses where the victim is a
- 34 protected person under subsection (c)(1) or (c)(2):
- 35           (1) Sex crimes (IC 35-42-4).
- 36           (2) Battery upon a child less than fourteen (14) years of age
- 37           (IC 35-42-2-1).
- 38           (3) Kidnapping and confinement (IC 35-42-3).
- 39           (4) Incest (IC 35-46-1-3).
- 40           (5) Neglect of a dependent (IC 35-46-1-4).
- 41           (6) Human and sexual trafficking crimes (IC 35-42-3.5).
- 42           (7) An attempt under IC 35-41-5-1 for an offense listed in



- 1 subdivisions (1) through (6).
- 2 (b) This section applies to a criminal action involving the following
- 3 offenses where the victim is a protected person under subsection (c)(3):
- 4 (1) Exploitation of a dependent or endangered adult
- 5 (IC 35-46-1-12).
- 6 (2) A sex crime (IC 35-42-4).
- 7 (3) Battery (IC 35-42-2-1).
- 8 (4) Kidnapping, confinement, or interference with custody
- 9 (IC 35-42-3).
- 10 (5) Home improvement fraud (IC 35-43-6).
- 11 (6) Fraud (IC 35-43-5).
- 12 (7) Identity deception (IC 35-43-5-3.5).
- 13 (8) Synthetic identity deception (IC 35-43-5-3.8).
- 14 (9) Theft (IC 35-43-4-2).
- 15 (10) Conversion (IC 35-43-4-3).
- 16 (11) Neglect of a dependent (IC 35-46-1-4).
- 17 (12) Human and sexual trafficking crimes (IC 35-42-3.5).
- 18 (c) As used in this section, "protected person" means:
- 19 (1) a child who is less than fourteen (14) years of age;
- 20 (2) an individual with a mental disability who has a disability
- 21 attributable to an impairment of general intellectual functioning
- 22 or adaptive behavior that:
- 23 (A) is manifested before the individual is eighteen (18) years
- 24 of age;
- 25 (B) is likely to continue indefinitely;
- 26 (C) constitutes a substantial impairment of the individual's
- 27 ability to function normally in society; and
- 28 (D) reflects the individual's need for a combination and
- 29 sequence of special, interdisciplinary, or generic care,
- 30 treatment, or other services that are of lifelong or extended
- 31 duration and are individually planned and coordinated; or
- 32 (3) an individual who is:
- 33 (A) at least eighteen (18) years of age; and
- 34 (B) incapable by reason of mental illness, *mental retardation*,
- 35 *intellectual disability*, dementia, or other physical or mental
- 36 incapacity of:
- 37 (i) managing or directing the management of the individual's
- 38 property; or
- 39 (ii) providing or directing the provision of self-care.
- 40 (d) A statement or videotape that:
- 41 (1) is made by a person who at the time of trial is a protected
- 42 person;





- 1 (2) concerns an act that is a material element of an offense listed  
 2 in subsection (a) or (b) that was allegedly committed against the  
 3 person; and  
 4 (3) is not otherwise admissible in evidence;  
 5 is admissible in evidence in a criminal action for an offense listed in  
 6 subsection (a) or (b) if the requirements of subsection (e) are met.  
 7 (e) A statement or videotape described in subsection (d) is  
 8 admissible in evidence in a criminal action listed in subsection (a) or  
 9 (b) if, after notice to the defendant of a hearing and of the defendant's  
 10 right to be present, all of the following conditions are met:  
 11 (1) The court finds, in a hearing:  
 12 (A) conducted outside the presence of the jury; and  
 13 (B) attended by the protected person in person or by using  
 14 closed circuit television testimony as described in section 8(f)  
 15 and 8(g) of this chapter;  
 16 that the time, content, and circumstances of the statement or  
 17 videotape provide sufficient indications of reliability.  
 18 (2) The protected person:  
 19 (A) testifies at the trial; or  
 20 (B) is found by the court to be unavailable as a witness for one  
 21 (1) of the following reasons:  
 22 (i) From the testimony of a psychiatrist, physician, or  
 23 psychologist, and other evidence, if any, the court finds that  
 24 the protected person's testifying in the physical presence of  
 25 the defendant will cause the protected person to suffer  
 26 serious emotional distress such that the protected person  
 27 cannot reasonably communicate.  
 28 (ii) The protected person cannot participate in the trial for  
 29 medical reasons.  
 30 (iii) The court has determined that the protected person is  
 31 incapable of understanding the nature and obligation of an  
 32 oath.  
 33 (f) If a protected person is unavailable to testify at the trial for a  
 34 reason listed in subsection (e)(2)(B), a statement or videotape may be  
 35 admitted in evidence under this section only if the protected person was  
 36 available for cross-examination:  
 37 (1) at the hearing described in subsection (e)(1); or  
 38 (2) when the statement or videotape was made.  
 39 (g) A statement or videotape may not be admitted in evidence under  
 40 this section unless the prosecuting attorney informs the defendant and  
 41 the defendant's attorney at least ten (10) days before the trial of:  
 42 (1) the prosecuting attorney's intention to introduce the statement



- 1 or videotape in evidence; and  
 2 (2) the content of the statement or videotape.  
 3 (h) If a statement or videotape is admitted in evidence under this  
 4 section, the court shall instruct the jury that it is for the jury to  
 5 determine the weight and credit to be given the statement or videotape  
 6 and that, in making that determination, the jury shall consider the  
 7 following:  
 8 (1) The mental and physical age of the person making the  
 9 statement or videotape.  
 10 (2) The nature of the statement or videotape.  
 11 (3) The circumstances under which the statement or videotape  
 12 was made.  
 13 (4) Other relevant factors.  
 14 (i) If a statement or videotape described in subsection (d) is  
 15 admitted into evidence under this section, a defendant may introduce  
 16 a:  
 17 (1) transcript; or  
 18 (2) videotape;  
 19 of the hearing held under subsection (e)(1) into evidence at trial.  
 20 SECTION 90. IC 35-38-2.5-5, AS AMENDED BY P.L.74-2015,  
 21 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 UPON PASSAGE]: Sec. 5. (a) Except as provided in section 5.5 of this  
 23 chapter, as a condition of probation a court may order an offender  
 24 confined to the offender's home for a period of home detention lasting  
 25 at least sixty (60) days.  
 26 (b) The period of home detention may be consecutive or  
 27 nonconsecutive, as the court orders. However, the aggregate time  
 28 actually spent in home detention must not exceed:  
 29 (1) the minimum term of imprisonment prescribed for a felony  
 30 under IC 35-50-2; or  
 31 (2) the maximum term of imprisonment prescribed for a  
 32 misdemeanor under IC 35-50-3;  
 33 for the crime committed by the offender.  
 34 (c) The court may order supervision of an offender's home detention  
 35 to be provided by the probation department for the court or by a  
 36 community corrections program that provides supervision of home  
 37 detention.  
 38 (d) A person's term of confinement on home detention under this  
 39 chapter is computed on the basis of accrued time on home detention  
 40 plus any good time credit.  
 41 (e) A person confined on home detention as a condition of probation  
 42 receives one (1) day of accrued ~~credit~~ **time** for each day the person is



1 confined on home detention.

2 (f) In addition to accrued ~~credit time~~ under subsection (e), a person

3 confined on home detention as a condition of probation is entitled to

4 earn good time credit under IC 35-50-6-3 or IC 35-50-6-3.1. A person

5 confined on home detention as a condition of probation may not earn

6 educational credit under IC 35-50-6-3.3.

7 (g) A person confined on home detention may be deprived of earned

8 good time credit if the person violates a condition of probation.

9 SECTION 91. IC 36-1-3-9, AS AMENDED BY P.L.169-2015,

10 SECTION 169, IS AMENDED TO READ AS FOLLOWS

11 [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) The area inside the

12 boundaries of a county comprises its territorial jurisdiction. However,

13 a municipality has exclusive jurisdiction over bridges (subject to

14 IC 8-16-3-1), streets, alleys, sidewalks, watercourses, sewers, drains,

15 and public grounds inside its corporate boundaries, unless a statute

16 provides otherwise.

17 (b) The area inside the corporate boundaries of a municipality

18 comprises its territorial jurisdiction, except to the extent that a statute

19 expressly authorizes the municipality to exercise a power in areas

20 outside its corporate boundaries.

21 (c) Whenever a statute authorizes a municipality to exercise a power

22 in areas outside its corporate boundaries, the power may be exercised:

23 (1) inside the corporate boundaries of another municipality, only

24 if both municipalities, by ordinance, enter into an agreement

25 under IC 36-1-7; or

26 (2) in a county other than the county in which the municipal hall

27 is located, but not inside the corporate boundaries of another

28 municipality, only if both the municipality and the other county,

29 by ordinance, enter into an agreement under IC 36-1-7.

30 (d) If the two (2) units involved under subsection (c) cannot reach

31 an agreement, either unit may petition the circuit or superior court of

32 the county to hear and determine the matters at issue. The clerk of the

33 court shall issue notice to the other unit as in other civil actions, and the

34 court shall hold the hearing without a jury. There may be a change of

35 venue from the judge but not from the county. The petitioning unit

36 shall pay the costs of the action.

37 (e) If a political subdivision permits or authorizes the placement or

38 display of materials:

39 (1) advocating the election or defeat of a candidate or public

40 question; or

41 (2) supporting or opposing a political party;

42 on the real or personal property of the political subdivision; the



1 political subdivision must permit the placement or display of these  
 2 materials from any person on that real or personal property subject to  
 3 the same time, place, and manner restrictions.

4 SECTION 92. IC 36-1-4-21 IS ADDED TO THE INDIANA CODE  
 5 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**  
 6 **UPON PASSAGE]: Sec. 21. If a political subdivision permits or**  
 7 **authorizes the placement or display of materials:**

8 (1) **advocating the election or defeat of a candidate or public**  
 9 **question; or**

10 (2) **supporting or opposing a political party;**  
 11 **on the real or personal property of the political subdivision, the**  
 12 **political subdivision must permit the placement or display of these**  
 13 **materials from any person on that real or personal property**  
 14 **subject to the same time, place, and manner restrictions.**

15 SECTION 93. IC 36-1-6-9 IS AMENDED TO READ AS  
 16 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) The  
 17 legislative body of a county or municipality may adopt an ordinance  
 18 providing that certain other ordinances may be enforced through a  
 19 proceeding before an administrative body of the county or  
 20 municipality.

21 (b) An ordinance adopted under subsection (a) must designate the  
 22 following:

23 (1) The ordinances that may be enforced through an  
 24 administrative proceeding.

25 (2) The administrative body before which the proceeding may be  
 26 brought.

27 (c) An ordinance may not be designated under subsection (b) for  
 28 enforcement through an administrative proceeding unless the ordinance  
 29 restricts or prohibits actions harmful to the land, air, or water, governs  
 30 use of the public way, or governs the standing or parking of vehicles.

31 (d) In a proceeding to enforce an ordinance brought before an  
 32 administrative body designated under subsection (b):

33 (1) a violation of the ordinance must be proven by a  
 34 preponderance of the evidence; and

35 (2) the administrative body may not impose a penalty other than  
 36 a fine in an amount within the limit set forth in ~~IC 36-1-3-8(10)~~;  
 37 **IC 36-1-3-8(a)(10).**

38 (e) A person who receives a penalty under subsection (d) may  
 39 appeal the order imposing the penalty to a court of record in:

40 (1) the county that brought the enforcement proceeding if the  
 41 proceeding is brought by a county; or

42 (2) the county in which the municipality is located if the



1 proceeding is brought by a municipality.

2 (f) An appeal under subsection (e) from an order imposing a penalty  
3 must be filed not more than sixty (60) days after the day on which the  
4 order is entered.

5 SECTION 94. IC 36-2-5-3.5, AS ADDED BY P.L.167-2015,  
6 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
7 JANUARY 1, 2016 (RETROACTIVE)]: Sec. 3.5. (a) The county fiscal  
8 body shall establish a salary schedule in which the salary of a county  
9 assessor who has attained a level three certification under IC 6-1.1-35.5  
10 is at least one thousand five hundred dollars (\$1,500) more than the  
11 salary of a county assessor who has a level two certification. A salary  
12 schedule established under this subsection may take into account salary  
13 adjustments retained under subsection (c). If a county assessor who  
14 takes office with a level two certification attains a level three  
15 certification not later than January 1 of the third year of the county  
16 assessor's term of office, the county assessor is entitled to be paid the  
17 salary of a county assessor who has attained a level three certification,  
18 beginning on the date the county assessor attains the level three  
19 certification.

20 (b) The county fiscal body shall establish a salary schedule in which  
21 the salary of an elected township assessor of the county who has  
22 attained a level three certification under IC 6-1.1-35.5 is at least one  
23 thousand five hundred dollars (\$1,500) more than the salary of an  
24 elected township assessor who has a level two certification. A salary  
25 schedule established under this subsection may take into account salary  
26 adjustments retained under subsection (c). If a township assessor who  
27 takes office with a level two certification attains a level three  
28 certification not later than January 1 of the third year of the township  
29 assessor's term of office, the township assessor is entitled to be paid the  
30 salary of a township assessor who has attained a level three  
31 certification, beginning on the date the township assessor attains the  
32 level three certification.

33 (c) Beginning January 1, 2016, the following apply:

34 (1) The one thousand dollar (\$1,000) additional annual  
35 compensation paid under section 3(b) of this chapter (~~before its~~  
36 ~~repeat on January 1, 2016~~) **(as it read on December 31, 2015)** to  
37 a county assessor or an elected township assessor who has  
38 attained a level two or level three certification under  
39 IC 6-1.1-35.5 shall be paid as part of the annual compensation of  
40 the assessor.

41 (2) The five hundred dollar (\$500) additional annual  
42 compensation paid under section 3(b) of this chapter (~~before its~~



1           ~~repeat on January 1, 2016~~ **(as it read on December 31, 2015)** to  
 2           a county or township deputy assessor who has attained a level two  
 3           or level three certification under IC 6-1.1-35.5 shall be paid as  
 4           part of the annual compensation of the **deputy** assessor.

5           It is the intent of this subsection that after December 31, 2015, there  
 6           not be a reduction in the annual compensation paid to an individual  
 7           under section 3(b) of this chapter because of its ~~repeat~~ **removal from**  
 8           **the Indiana Code** on January 1, 2016.

9           (d) The county fiscal body shall establish a salary schedule in which  
 10          the salary of county or township deputy assessor who has attained a  
 11          level two or level three certification under IC 6-1.1-35.5 is at least five  
 12          hundred dollars (\$500) more than the salary of a deputy assessor who  
 13          has not attained a level two or a level three certification, beginning on  
 14          the date the township assessor attains the level two or level three  
 15          certification. A salary schedule established under this subsection may  
 16          take into account salary adjustments retained under subsection (c).

17          SECTION 95. IC 36-3-2-8 IS AMENDED TO READ AS  
 18          FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. Whenever the  
 19          consolidated city, or any of its special service districts or special taxing  
 20          districts, provides services outside its boundaries, it may impose a  
 21          service charge for installation and operating expenses, subject to  
 22          ~~IC 36-1-3-8(6)~~; **IC 36-1-3-8(a)(6)**.

23          SECTION 96. IC 36-4-3-5, AS AMENDED BY P.L.228-2015,  
 24          SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 25          JULY 1, 2015 (RETROACTIVE)]: Sec. 5. (a) This subsection applies  
 26          only to a petition requesting annexation that is filed before July 1,  
 27          2015. If the owners of land located outside of but contiguous to a  
 28          municipality want to have territory containing that land annexed to the  
 29          municipality, they may file with the legislative body of the municipality  
 30          a petition:

- 31                 (1) signed by at least:  
 32                         (A) fifty-one percent (51%) of the owners of land in the  
 33                         territory sought to be annexed; or  
 34                         (B) the owners of seventy-five percent (75%) of the total  
 35                         assessed value of the land for property tax purposes; and  
 36                 (2) requesting an ordinance annexing the area described in the  
 37                 petition.

38                 (b) This subsection applies only to a petition requesting annexation  
 39                 that is filed after June 30, 2015. If the owners of land located outside  
 40                 of but contiguous to a municipality want to have territory containing  
 41                 that land annexed to the municipality, they may file with the legislative  
 42                 body of the municipality a petition that meets the following



- 1 requirements:
- 2 (1) The petition is signed by at least one (1) of the following:
- 3 (A) Fifty-one percent (51%) of the owners of land in the
- 4 territory sought to be annexed. An owner of land may not:
- 5 (i) be counted in calculating the total number of owners of
- 6 land in the annexation territory; or
- 7 (ii) have the owner's signature counted;
- 8 with regard to any single property that the owner has an
- 9 interest in that was exempt from property taxes under
- 10 IC 6-1.1-10 or any other state law for the immediately
- 11 preceding year.
- 12 (B) The owners of seventy-five percent (75%) of the total
- 13 assessed value of the land for property tax purposes. Land that
- 14 was exempt from property taxes under IC 6-1.1-10 or any
- 15 other state law for the immediately preceding year may not be
- 16 included in calculating the total assessed valuation of the land
- 17 in the annexation territory. The court may not count an owner's
- 18 signature on a petition with regard to any single property that
- 19 the owner has an interest in that was exempt from property
- 20 taxes under IC 6-1.1-10 or any other state law for the
- 21 immediately preceding year.
- 22 (2) The petition requests an ordinance annexing the area
- 23 described in the petition.
- 24 (c) The petition circulated by the landowners must include on each
- 25 page where signatures are affixed a heading that is substantially similar
- 26 to the following:
- 27 "PETITION FOR ANNEXATION INTO THE (insert whether city
- 28 or town) OF (insert name of city or town)."
- 29 (d) If the legislative body fails to pass the ordinance within one
- 30 hundred fifty (150) days after the date of filing of a petition under
- 31 subsection (a) **or (b)**, the petitioners may file a duplicate copy of the
- 32 petition in the circuit or superior court of a county in which the territory
- 33 is located, and shall include a written statement of why the annexation
- 34 should take place. Notice of the proceedings, in the form of a
- 35 summons, shall be served on the municipality named in the petition.
- 36 The municipality is the defendant in the cause and shall appear and
- 37 answer.
- 38 (e) The court shall hear and determine the petition without a jury,
- 39 and shall order the proposed annexation to take place only if the
- 40 evidence introduced by the parties establishes that:
- 41 (1) essential municipal services and facilities are not available to
- 42 the residents of the territory sought to be annexed;



- 1 (2) the municipality is physically and financially able to provide
- 2 municipal services to the territory sought to be annexed;
- 3 (3) the population density of the territory sought to be annexed is
- 4 at least three (3) persons per acre; and
- 5 (4) the territory sought to be annexed is contiguous to the
- 6 municipality.

7 If the evidence does not establish all four (4) of the preceding factors,  
 8 the court shall deny the petition and dismiss the proceeding.

9 (f) This subsection does not apply to a town that has abolished town  
 10 legislative body districts under IC 36-5-2-4.1. An ordinance adopted  
 11 under this section must assign the territory annexed by the ordinance  
 12 to at least one (1) municipal legislative body district.

13 SECTION 97. IC 36-7-4-1311 IS AMENDED TO READ AS  
 14 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1311. (a) The  
 15 legislative body of a unit may adopt an ordinance imposing an impact  
 16 fee on new development in the geographic area over which the unit  
 17 exercises planning and zoning jurisdiction. The ordinance must  
 18 aggregate the portions of the impact fee attributable to the  
 19 infrastructure types covered by the ordinance so that a single and  
 20 unified impact fee is imposed on each new development.

21 (b) If the legislative body of a unit has planning and zoning  
 22 jurisdiction over the entire geographic area covered by the impact fee  
 23 ordinance, an ordinance adopted under this section shall be adopted in  
 24 the same manner that zoning ordinances are adopted under the 600  
 25 SERIES of this chapter.

26 (c) If the legislative body of a unit does not have planning and  
 27 zoning jurisdiction over the entire geographic area covered by the  
 28 impact fee ordinance but does have jurisdiction over one (1) or more  
 29 infrastructure types in the area, the legislative body shall establish the  
 30 portion of the impact fee schedule or formula for the infrastructure  
 31 types over which the legislative body has jurisdiction. The legislative  
 32 body of the unit having planning and zoning jurisdiction shall adopt an  
 33 impact fee ordinance containing that portion of the impact fee schedule  
 34 or formula if:

- 35 (1) a public hearing has been held before the legislative body
- 36 having planning and zoning jurisdiction; and
- 37 (2) each plan commission that has planning jurisdiction over any
- 38 part of the geographic area in which the impact fee is to be
- 39 imposed has approved the proposed impact fee ordinance by
- 40 resolution.

41 (d) An ordinance adopted under this section is the exclusive means  
 42 for a unit to impose an impact fee. An impact fee imposed on new





1 development to pay for infrastructure may not be collected after  
 2 January 1, 1992, unless the impact fee is imposed under an impact fee  
 3 ordinance adopted under this chapter.

4 (e) Notwithstanding any other provision of this chapter, the  
 5 following charges are not impact fees and may continue to be imposed  
 6 by units:

7 (1) Fees, charges, or assessments imposed for infrastructure  
 8 services under statutes in existence on January 1, 1991, if:

9 (A) the fee, charge, or assessment is imposed upon all users  
 10 whether they are new users or users requiring additional  
 11 capacity or services;

12 (B) the fee, charge, or assessment is not used to fund  
 13 construction of new infrastructure unless the new  
 14 infrastructure is of the same type for which the fee, charge, or  
 15 assessment is imposed and will serve the payer; and

16 (C) the fee, charge, or assessment constitutes a reasonable  
 17 charge for the services provided in accordance with  
 18 ~~IC 36-1-3-8(6)~~ **IC 36-1-3-8(a)(6)** or other governing statutes  
 19 requiring that any fees, charges, or assessments bear a  
 20 reasonable relationship to the infrastructure provided.

21 (2) Fees, charges, and assessments agreed upon under a  
 22 contractual agreement entered into before April 1, 1991, or fees,  
 23 charges, and assessments agreed upon under a contractual  
 24 agreement, if the fees, charges, and assessments are treated as  
 25 impact deductions under section 1321(d) of this chapter if an  
 26 impact fee ordinance is in effect.

27 SECTION 98. IC 36-7-17.1-7, AS AMENDED BY P.L.251-2015,  
 28 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 UPON PASSAGE]: Sec. 7. (a) The conveyance of a dwelling to an  
 30 applicant under this chapter shall be made in return for a fee of:

31 (1) one dollar (\$1); plus

32 (2) the amounts described in ~~IC 6-1.1-24-5(e)~~ **IC 6-1.1-24-5(e)(4)**  
 33 through IC 6-1.1-24-5(e)(6);

34 if the applicant executes an agreement that meets the minimum  
 35 conditions specified in subsection (b).

36 (b) The agreement described in subsection (a) must include the  
 37 following minimum conditions:

38 (1) The applicant must apply for and receive a rehabilitation loan  
 39 with respect to the dwelling and the real property on which it is  
 40 located not later than the period prescribed by the director of the  
 41 agency in the rules and regulations described in section 11 of this  
 42 chapter.



1 (2) Upon receiving the rehabilitation loan described in  
 2 subdivision (1), the applicant must comply with the program  
 3 regulations set forth in 24 CFR 203.50 and 24 CFR 203.440 et  
 4 seq., with respect to the rehabilitation loan described in  
 5 subdivision (1).

6 (3) The applicant must comply with any additional terms,  
 7 conditions, and requirements that the agency may impose to  
 8 ensure that the purposes of this chapter are carried out. This may  
 9 include the requirement that the dwelling be rehabilitated to  
 10 minimum building code standards before possession.

11 SECTION 99. IC 36-7.5-4-16.5, AS ADDED BY P.L.192-2015,  
 12 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 UPON PASSAGE]: Sec. 16.5. (a) This section applies if the  
 14 development board does the following:

15 (1) Finds that a city or county described in IC 36-7.5-2-3 has, at  
 16 any time before July 1, 2015, failed to make a transfer or a part of  
 17 a transfer required by section 2 of this chapter.

18 (2) Finds that the obligation of the city or county to pay the  
 19 unpaid amount of the transfer or transfers has not been satisfied  
 20 under section 16 of this chapter or by any other means.

21 (3) Certifies to the treasurer of state the total amount of the  
 22 arrearage attributable to the failure of the city or county to make  
 23 a transfer or a part of a transfer required by section 2 of this  
 24 chapter.

25 (b) The treasurer of state shall do the following:

26 (1) Deduct from amounts otherwise payable to the city under  
 27 IC 4-33-13-5(a) or to the county under IC 4-33-12-6 an amount  
 28 equal to:

29 (A) the total amount certified under subsection ~~(a)(1)~~; **(a)(3)**;  
 30 plus

31 (B) interest calculated in the same manner that interest on  
 32 delinquent taxes is calculated under IC 6-8.1-10-1.

33 (2) Pay the amount deducted under subdivision (1) to the  
 34 development authority.

35 SECTION 100. [EFFECTIVE UPON PASSAGE] **(a) This act may**  
 36 **be referred to as the "technical corrections bill of the 2016 general**  
 37 **assembly".**

38 **(b) The phrase "technical corrections bill of the 2016 general**  
 39 **assembly" may be used in the lead-in line of an act other than this**  
 40 **act to identify provisions added, amended, or repealed by this act**  
 41 **that are also amended or repealed in the other act.**

42 **(c) This SECTION expires December 31, 2016.**



1 SECTION 101. [EFFECTIVE UPON PASSAGE] (a) This  
2 SECTION applies if a provision of the Indiana Code is:

3 (1) added or amended by this act; and

4 (2) repealed by another act without recognizing the existence  
5 of the amendment made by this act by an appropriate  
6 reference in the lead-in line of the SECTION of the other act  
7 repealing the same provision of the Indiana Code.

8 (b) As used in this SECTION, "other act" refers to an act  
9 enacted in the 2016 session of the general assembly other than this  
10 act. "Another act" has a corresponding meaning.

11 (c) Except as provided in subsections (d) and (e), a provision  
12 repealed by another act shall be considered repealed, regardless of  
13 whether there is a difference in the effective date of the provision  
14 added or amended by this act and the provision repealed by the  
15 other act. Except as provided in subsection (d), the lawful  
16 compilers of the Indiana Code, in publishing the affected Indiana  
17 Code provision, shall publish only the version of the Indiana Code  
18 provision that is repealed by the other act. The history line for an  
19 Indiana Code provision that is repealed by the other act must  
20 reference that act.

21 (d) This subsection applies if a provision described in subsection  
22 (a) that is added or amended by this act takes effect before the  
23 corresponding provision repeal in the other act. The lawful  
24 compilers of the Indiana Code, in publishing the provision added  
25 or amended in this act, shall publish that version of the provision  
26 and note that the provision is effective until the effective date of the  
27 corresponding provision repeal in the other act. On and after the  
28 effective date of the corresponding provision repeal in the other  
29 act, the provision repealed by the other act shall be considered  
30 repealed, regardless of whether there is a difference in the effective  
31 date of the provision added or amended by this act and the  
32 provision repealed by the other act. The lawful compilers of the  
33 Indiana Code, in publishing the affected Indiana Code provision,  
34 shall publish the version of the Indiana Code provision that is  
35 repealed by the other act, and shall note that this version of the  
36 provision is effective on the effective date of the repealed provision  
37 of the other act.

38 (e) If, during the same year, two (2) or more other acts repeal  
39 the same Indiana Code provision as the Indiana Code provision  
40 added or amended by this act, the lawful compilers of the Indiana  
41 Code, in publishing the Indiana Code provision, shall follow the  
42 principles set forth in this SECTION.



1       **(f) This SECTION expires December 31, 2016.**  
2       **SECTION 102. An emergency is declared for this act.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1036, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1036 as introduced.)

STEUERWALD

Committee Vote: Yeas 11, Nays 0

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COMMITTEE REPORT

Madam President: The Senate Committee on Civil Law, to which was referred House Bill No. 1036, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to HB1036 as printed January 12, 2016.)

BRAY, Chairperson

Committee Vote: Yeas 8, Nays 0

