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 2018 Regular and Special Session of the General Assembly.

HOUSE ENROLLED ACT No. 1187

AN ACT to amend the Indiana Code concerning general provisions.

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

SECTION 1. IC 2-6-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. ~~(a)~~ The symbolism of the logotype is as follows:

(1) The outer ring represents the unity of the United States.

(2) The inner ring represents the unity of the people of Indiana.

(3) The outer circle of thirteen (13) stars represents the original thirteen (13) colonies of the United States.

(4) The six (6) inner stars represent the first six (6) states to be admitted to the union of states after the original thirteen (13) of which Indiana was the sixth.

(5) The dome represents the Indiana state capitol building in which the general assembly holds its sessions.

(6) The flag represents the flag of the United States.

SECTION 2. IC 3-8-1-9.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 9.5. (a) This section applies to a candidate for governor who seeks election by filing:

(1) a petition of nomination under IC 3-8-6; or

(2) a declaration of intent to be a write-in candidate under IC 3-8-2-2.5.

(b) The petition or declaration must contain the name of a candidate for lieutenant governor to permit the candidates to comply with Article ~~4~~, **5,** Section 4 of the Constitution of the State of Indiana by running

jointly in the general election as candidates for governor and lieutenant governor.

SECTION 3. IC 3-9-7 IS REPEALED [EFFECTIVE JULY 1, 2019]. (Miscellaneous Provisions in Campaign Law).

SECTION 4. IC 3-10-4-2.1, AS ADDED BY P.L.58-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2.1. (a) This section applies when an optical scan ballot card is used.

(b) The names of the nominees for President and Vice President of the United States for each political party or group of petitioners grouped as described in section ~~1(b)(4)~~ **1(b)(3)** of this chapter must be:

(1) listed together so that a voter is aware that the voter votes for both offices with a single vote; and

(2) printed behind or beside a single connectable arrow, oval, circle, or square.

(c) The nominees for President and Vice President of the United States must be grouped under the names of the offices in the order established by IC 3-11-13-11.

SECTION 5. IC 4-13-1-22, AS AMENDED BY P.L.130-2018, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 22. (a) As used in this section, "professional services" means the furnishing of services by any of the following:

(1) A person licensed, certified, or registered under IC 25-2.1 or by ~~any board listed in IC 25-1-5-3.~~ **an entity described in IC 25-0.5-5.**

(2) An attorney.

(3) An expert witness, a court reporter, or an investigator retained by the state in connection with judicial or administrative proceedings involving the state.

(4) A minister, priest, rabbi, or another person empowered by the person's religious faith to conduct religious services or to provide spiritual counseling or guidance.

(5) A person who performs services, the satisfactory rendition of which depends upon the person's unique training or skills.

(b) Before August 15 of each year, each state agency shall file with the commissioner a report concerning the professional services contracts that:

(1) were awarded by that state agency during the previous state fiscal year; and

(2) were not procured through the Indiana department of administration.

(c) The commissioner shall include in the annual report made under

section 27 of this chapter information concerning the professional services contracts awarded by each state agency during the preceding state fiscal year.

SECTION 6. IC 4-21.5-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. **(a)** The office consists of the following employees:

(1) A director, appointed by the governor, who may serve as an environmental law judge.

(2) Environmental law judges, employed by the director.

(3) Any other staff, employed by the director, that are necessary to carry out the functions of the office.

(b) In the event of a vacancy, the governor shall appoint the director based upon recommendations by a four **(4)** member ~~(4)~~ panel. Not more than two (2) members of the panel may be affiliated with the same political party. The panel shall consist of:

(1) one (1) person, who shall serve as the chair of the panel, appointed by the chief justice of the supreme court of Indiana;

(2) one (1) person appointed by the governor;

(3) one (1) person appointed by the speaker of the house of representatives; **and**

(4) one (1) person appointed by the president pro tempore of the senate.

The panel shall nominate three (3) candidates for each vacancy and certify them to the governor as promptly as possible, but not later than sixty (60) days from the date a vacancy occurs. Not later than thirty (30) days after receipt of the panel's list of three (3) candidates, the governor may select one (1) candidate from the panel's list, or the governor may request that the panel nominate three (3) additional candidates. The panel shall meet whenever there is a vacancy in the director position.

SECTION 7. IC 4-23-7.1-26, AS AMENDED BY P.L.72-2018, SECTION 11, AND AS AMENDED BY P.L.42-2018, SECTION 12, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 26. (a) Subject to subsections (b) and (c), every state agency that issues public documents shall furnish the state library twenty-five (25) *printed* copies of all publications issued by them, whether *originally* printed or published electronically, which are not issued solely for use within the issuing office. However, if the library requests, as many as twenty-five (25) additional copies of each public document shall be supplied.

(b) If other provision is made by law for the distribution of the session laws of the general assembly, the journals of the house and

senate of the general assembly, the supreme court and court of appeals reports, or the publications of the Indiana historical bureau, any of the public documents for which distribution is provided are exempted from the depository requirements under subsection (a) *and sections 25 and 27 of this chapter*. ~~*However, two (2) copies of each document exempted under this subsection from the general depository requirements shall be deposited with the state library.*~~

(c) If a public document issued by an agency is published in the Indiana Register in full or in summary form, the agency is exempt from providing copies of the published public document to the state library under subsection (a) *and sections 25 and 27 of this chapter.*

(d) Publications of the various schools, colleges, divisions, and departments of the state universities and their regional campuses are exempt from the depository requirements under subsection (a). However, two (2) copies of each publication of these divisions shall be deposited in the state library.

(e) Publications of state university presses, directives for internal administration, intraoffice and interoffice publications, and forms are completely exempt from all depository requirements.

SECTION 8. IC 5-1-4-15, AS AMENDED BY P.L.136-2018, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 15. In the discretion of any authority any bonds issued under the provisions of this chapter may be secured by a trust agreement by and between such authority and a corporate trustee or trustees, which may be any trust company or bank having the powers of a trust company within or without the state. The trust agreement or the resolution providing for the issuance of bonds may pledge or assign the revenues to be received or proceeds of any contract or contracts pledged and may convey or mortgage the project or any portion of the project. Any pledge or assignment made by an authority pursuant **to this section** shall be valid and binding from the time that the pledge or assignment is made, and the revenues pledged and received by the authority shall immediately be subject to the lien of the pledge or assignment without physical delivery or further act. The lien of the pledge or assignment shall be valid and binding against all parties having claims of any kind in tort, contract, or otherwise against the authority irrespective of whether the parties have notice. Neither the resolution nor any trust agreement by which a pledge is created or assignment made need be filed or recorded in any public records in order to perfect a lien against third parties except that a copy of the records shall be filed in the records of the authority. The trust agreement or resolution providing for the issuance of bonds may

contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including particularly provisions as have been specifically authorized to be included in any resolution or resolutions of an authority authorizing bonds. Any bank or trust company incorporated under the laws of this state which may act as depository of the proceeds of bonds or of revenues or other moneys may furnish indemnifying bonds or pledge securities as may be required by an authority. Any trust agreement may set forth the rights and remedies of the bondholders and of the trustee or trustees, and may restrict the individual right of action by bondholders. Any trust agreement or resolution may contain other provisions as the authority may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of the trust agreement or resolution may be treated as a part of the cost of the operation of a project.

SECTION 9. IC 5-1.2-2-5, AS ADDED BY P.L.189-2018, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. "Bonds" means any bonds, mortgage credit certificates, notes, debentures, interim certificates, revenue anticipation notes, warrants, or ~~any~~ other evidence of indebtedness of the authority, and, for purposes of a refunding issue, means the same types of such evidence of indebtedness of the authority and types of evidence of indebtedness of a unit (as defined in IC 36-1-2-23) issued for the purpose of refunding, renewing, paying, or otherwise providing for the payment of any such evidence of indebtedness.

SECTION 10. IC 5-1.2-2-36, AS ADDED BY P.L.189-2018, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 36. "Indiana brownfields program" refers to the Indiana brownfields ~~revolving~~ ~~loan~~ program established by IC 5-1.2-12-2.

SECTION 11. IC 5-1.2-2-83, AS ADDED BY P.L.189-2018, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 83. "Water infrastructure assistance program" refers to the **water** infrastructure assistance program established by IC 5-1.2-14.

SECTION 12. IC 5-1.2-4-1, AS ADDED BY P.L.189-2018, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) The authority is granted all powers necessary or appropriate to carry out and effectuate its public and corporate purposes under the referenced statutes, including the following:

(1) Have perpetual succession as a body politic and corporate and an independent instrumentality exercising essential public functions.

(2) Without complying with IC 4-22-2, adopt, amend, and repeal bylaws, rules, guidelines, and policies not inconsistent with the referenced statutes, and necessary or convenient to regulate its affairs and to carry into effect the powers, duties, and purposes of the authority and conduct its business under the referenced statutes. These bylaws, rules, guidelines, and policies must be made by a resolution of the authority introduced at one (1) meeting and approved at a subsequent meeting of the authority.

(3) Sue and be sued in its own name.

(4) Have an official seal and alter it at will.

(5) Maintain an office or offices at a place or places within the state as it may designate.

(6) Make, execute, and enforce contracts and all other instruments necessary, convenient, or desirable for the purposes of the authority or pertaining to:

(A) a purchase, acquisition, or sale of securities or other investments; or

(B) the performance of the authority's duties and execution of any of the authority's powers under the referenced statutes.

(7) Employ architects, engineers, attorneys, space planners, construction managers, inspectors, accountants, agriculture experts, silviculture experts, aquaculture experts, health care experts, and financial experts, and any other advisers, consultants, and agents as may be necessary in its judgment and to fix their compensation and contract for the creation of plans and specifications for a facility.

(8) Procure insurance against any loss in connection with its property and other assets, including loans and loan notes in amounts and from insurers as it may consider advisable.

(9) Borrow money, make guaranties, issue bonds, and otherwise incur indebtedness for any of the authority's purposes, and issue debentures, notes, or other evidence of indebtedness, whether secured or unsecured, to any person, as provided by the referenced statutes. Notwithstanding any other law, the:

(A) issuance by the authority of any indebtedness that establishes a procedure for the authority or a person acting on behalf of the authority to certify to the general assembly the amount needed to restore a debt service reserve fund or another fund to required levels; or

(B) execution by the authority of any other agreement that creates a moral obligation of the state to pay all or part of any indebtedness issued by the authority;

is subject to review by the budget committee and approval by the budget director.

(10) Procure insurance or guaranties from any public or private entities, including any department, agency, or instrumentality of the United States, to guarantee, insure, coinsure, and reinsure against political and commercial risk of loss, and any other insurance the authority considers necessary, including insurance to secure payment:

(A) on a loan, lease, or purchase payment owed by a participating provider to the authority; and

(B) of any bonds issued by the authority, including the power to pay premiums on any insurance, reinsurance, or guarantee.

(11) Purchase, receive, take by grant, gift, devise, bequest, or otherwise, and accept, from any source, aid or contributions of money, property, labor, or other things of value to be held, used, and applied to carry out the purposes of the referenced statutes, subject to the conditions upon which the grants or contributions are made, including but not limited to gifts or grants from any department, agency, or instrumentality of the United States, and lease (as lessee or lessor) or otherwise acquire, own, hold, improve, employ, use, or otherwise deal in and with real or personal property or any interest in real or personal property, wherever situated, for any purpose consistent with the referenced statutes.

(12) Enter into agreements with any department, agency, or instrumentality of the United States or this state and with lenders and enter into loan agreements, sales contracts, financial assistance agreements, and leases with contracting parties, including participants for any purpose allowed under IC 5-1.2-10, IC 5-1.2-11, or IC 5-1.2-14, borrowers, lenders, developers, or users, for the purpose of planning, regulating, and providing for the financing and refinancing of any economic development project, for any purpose allowed under IC 5-1.2-10, IC 5-1.2-11, or IC 5-1.2-14, or intrastate and interstate sales, transactions and business activities or international exports, and distribute data and information concerning the encouragement and improvement of economic development projects, intrastate and interstate sales, transactions and business activities, international exports, and other types of employment in the state undertaken with the

assistance of the authority under this article.

(13) Enter into contracts or agreements with lenders and lessors for the servicing and processing of loans and leases pursuant to the referenced statutes.

(14) Provide technical assistance to local public bodies and to for profit and nonprofit entities in the development or operation of economic development projects.

(15) To the extent allowed under its contract with the holders of the bonds of the authority, consent to any modification with respect to the rate of interest, time, and payment of any installment of principal or interest, or any other term of any contract, loan, loan note, loan note commitment, contract, lease, or agreement of any kind to which the authority is a party.

(16) To the extent allowed under its contract with the holders of bonds of the authority, enter into contracts with any lender containing provisions enabling it to reduce the rental or carrying charges to persons unable to pay the regular schedule of charges when, by reason of other income or payment by any department, agency, or instrumentality of the United States or of this state, the reduction can be made without jeopardizing the economic stability of the economic development project being financed.

(17) Notwithstanding IC 5-13, but subject to the requirements of any trust agreement entered into by the authority, invest:

(A) the authority's money, funds, and accounts;

(B) any money, funds, and accounts in the authority's custody; and

(C) proceeds of bonds or notes;

in the manner provided by an investment policy established by resolution of the authority.

(18) Fix and revise periodically, and charge and collect, fees and charges as the authority determines to be reasonable in connection with:

(A) the authority's loans, guarantees, advances, insurance, commitments, and servicing; and

(B) the use of the authority's services or facilities.

(19) Cooperate and exchange services, personnel, and information with any federal, state, or local government agency, or instrumentality of the United States or this state.

(20) Sell, at public or private sale, with or without public bidding, any loan or other obligation held by the authority.

(21) Enter into agreements concerning, and acquire, hold, and dispose **of** by any lawful means, land or interests in land, building

improvements, structures, personal property, franchises, patents, accounts receivable, loans, assignments, guarantees, and insurance needed for the purposes of the referenced statutes.

(22) Purchase, lease as lessee, construct, remodel, rebuild, enlarge, or substantially improve economic development projects, including land, machinery, equipment, or any combination of these.

(23) Lease economic development projects to users or developers, with or without an option to purchase.

(24) Sell economic development projects to users or developers, for consideration to be paid in installments or otherwise.

(25) Make direct loans from the proceeds of the bonds to users or developers for:

(A) the cost of acquisition, construction, or installation of economic development projects, including land, machinery, equipment, or any combination of these; or

(B) eligible expenditures for an educational facility project;

with the loans to be secured by the pledge of one (1) or more bonds, notes, warrants, or other secured or unsecured debt obligations of the users or developers.

(26) Lend or deposit the proceeds of bonds to or with a lender for the purpose of furnishing funds to the lender to be used for making a loan to a developer or user for the financing of economic development projects under this article.

(27) Enter into agreements with users or developers to allow the users or developers, directly or as agents for the authority, to wholly or partially construct economic development projects to be leased from or to be acquired by the authority.

(28) Establish reserves from the proceeds of the sale of bonds, other funds, or both, in the amount determined to be necessary by the authority to secure the payment of the principal of and interest on the bonds.

(29) Adopt rules and guidelines governing its activities authorized under the referenced statutes.

(30) Purchase, discount, sell, and negotiate, with or without guaranty, notes and other evidence of indebtedness.

(31) Sell and guarantee securities.

(32) Procure letters of credit or other credit facilities or agreements from any national or state banking association or other entity authorized to issue a letter of credit or other credit facilities or agreements to secure the payment of any bonds issued by the authority or to secure the payment of any loan, lease, or

purchase payment owed by a participating provider to the authority, including the power to pay the cost of obtaining such letter of credit or other credit facilities or agreements.

(33) Accept gifts, grants, or loans from, and enter into contracts or other transactions with, any federal or state agency, municipality, private organization, or other source.

(34) Sell, convey, mortgage, pledge, assign, lease, exchange, transfer, or otherwise dispose of property or any interest in property, wherever the property is located.

(35) Reimburse from bond proceeds expenditures for economic development projects under this article.

(36) Acquire, hold, use, and dispose of the authority's income, revenues, funds, and money.

(37) Purchase, acquire, or hold debt securities or other investments for the authority's own account at prices and in a manner the authority considers advisable, and sell or otherwise dispose of those securities or investments at prices without relation to cost and in a manner the authority considers advisable.

(38) Fix and establish terms and provisions with respect to:

(A) a purchase of securities by the authority, including dates and maturities of the securities;

(B) redemption or payment before maturity; and

(C) any other matters that in connection with the purchase are necessary, desirable, or advisable in the judgment of the authority.

(39) To the extent allowed under the authority's contracts with the holders of bonds or notes, amend, modify, and supplement any provision or term of:

(A) a bond, a note, or any other obligation of the authority; or

(B) any agreement or contract of any kind to which the authority is a party.

(40) Subject to the authority's investment policy, do any act and enter into any agreement pertaining to a swap agreement (as defined in IC 8-9.5-9-4) related to the purposes of the referenced statutes in accordance with IC 8-9.5-9-5 and IC 8-9.5-9-7, whether the action is incidental to the issuance, carrying, or securing of bonds or otherwise.

(41) Do any act necessary or convenient to the exercise of the powers granted by the referenced statutes, or reasonably implied from those statutes, including compliance with requirements of federal law imposed from time to time for the issuance of bonds.

(b) The authority's powers under this article shall be interpreted

broadly to effectuate the purposes of this article and may not be construed as a limitation of powers. The omission of a power from the list in subsection (a) does not imply that the authority lacks that power. The authority may exercise any power that is not listed in subsection (a) but is consistent with the powers listed in subsection (a) to the extent that the power is not expressly denied by the Constitution of the State of Indiana or by another statute.

(c) This chapter does not authorize the financing of economic development projects for a developer unless any written agreement that may exist between the developer and the user at the time of the bond resolution is fully disclosed to and approved by the authority.

(d) The authority shall work with and assist the Indiana housing and community development authority created by IC 5-20-1-3, the ports of Indiana created under IC 8-10-1-3, and the state fair commission established by IC 15-13-2-1 in the issuance of bonds, notes, or other indebtedness. The Indiana housing and community development authority, the ports of Indiana, and the state fair commission shall work with and cooperate with the authority in connection with the issuance of bonds, notes, or other indebtedness.

SECTION 13. IC 5-1.2-4-3, AS ADDED BY P.L.189-2018, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) The authority may issue bonds or notes and invest or loan the proceeds of those bonds or notes to a participant for the purposes of one (1) or more programs.

(b) If the authority loans money to or purchases debt securities of a political subdivision, the authority may, by the resolution approving the bonds or notes, provide that subsection (c) is applicable to the political subdivision.

(c) Notwithstanding any other law or any other right in an agreement with the authority, any state department or state agency, including the treasurer of state, that is the custodian of money payable to a political subdivision, other than money in payment for goods or services provided by the political subdivision, at any time after written notice from the public finance director that the political subdivision is in default on the payment of principal or interest on the obligations then held or owned by or arising from an agreement with the authority, the state department or state agency shall:

(1) withhold payment of money from that political subdivision; and

(2) pay over the money to the authority for the purpose of paying principal of and interest on the bonds or notes of the authority.

However, the withholding of payment from the political subdivision

and payment to the authority under this section must not adversely affect the validity of the obligation in default.

(d) Upon receiving notice from the authority that the political subdivision has failed to pay when due the principal or interest on the obligations of the political subdivision then held or owned by or arising from an agreement with the authority, the fiscal officer (as defined in IC 36-1-2-7) of the county, for any county in which the political subdivision is wholly or partially located, shall do the following:

(1) Reduce the amount of any revenues or other money or property that:

(A) is held, possessed, maintained, controlled, or otherwise in the custody of the county or a department, an agency, or an instrumentality of the county; and

(B) would otherwise be available for distribution to the political subdivision under any other law;

by an amount equal to the amount of the political subdivision's unpaid obligations.

(2) Pay the amount by which the revenues or other money or property is reduced under subdivision (1) to the authority to pay the principal of and interest on bonds or other obligations of the authority.

(3) Notify the political subdivision that the revenues or other money or property, which would otherwise be available for distribution to the political subdivision, has been reduced by an amount necessary to satisfy all or part of the political subdivision's unpaid obligations to the authority.

(e) This subsection applies to securities of a political subdivision acquired by the authority, or arising from an agreement with the authority, that ~~is~~ **are** covered by subsection (d). A reduction under subsection (d) must be made as follows:

(1) First, from local income tax distributions under IC 6-3.6-9 that would otherwise be distributed to the political subdivision under the schedules in IC 6-3.6-9-12 and IC 6-3.6-9-16.

(2) Second, from any other revenues or other money or property that:

(A) is held, possessed, maintained, or controlled by, or otherwise in the custody of, the county or a department, an agency, or an instrumentality of the county; and

(B) would otherwise be available for distribution to the political subdivision under any other law.

SECTION 14. IC 5-1.2-4-19, AS ADDED BY P.L.189-2018, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2019]: Sec. 19. All money received by the authority, except as provided in the referenced statutes, shall be deposited as soon as practical in a separate account or accounts in banks or trust companies organized under the laws of this state or in national banking associations. The money in these accounts shall be paid out on checks signed by the chair or other officers or employees of the authority that the authority authorizes or by wire transfer or other electronic means authorized by the authority. All deposits of money shall, if required by the authority, be secured in a manner that the authority determines to be prudent, and all banks or trust companies are authorized to give security for the deposits. Notwithstanding any other law to the contrary, all money received pursuant to the referenced statutes ~~are trust funds~~ **is a trust fund** to be held and applied solely as provided in the referenced statutes. The resolution authorizing any obligations, or trust agreement or indenture securing the same, may provide that any of the money may be temporarily invested pending the disbursement of the money, and shall provide that any officer with whom or any bank or trust company with which the money is deposited shall act as trustee of the money and shall hold and apply the money for the authorized purposes of the authority, subject to the referenced statutes, the authority's investment policy, and the resolution or trust agreement or indenture.

SECTION 15. IC 5-1.2-4-32, AS ADDED BY P.L.189-2018, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 32. (a) Notwithstanding any other law, the authority, program, or ~~the~~ program related fund, or any person or agent acting on behalf of the authority, the program, or the program related fund, is not liable in damages or otherwise to any participant or party seeking to be a participant for any act or omission in connection with a loan or other financial assistance, or any application, service, or other undertaking, allowed by or taken under this article applicable to any program or any related fund or under any financial assistance agreement or related agreement or understanding.

(b) No direction given by or service or other undertaking allowed or taken under this article applicable to any program or related fund or under any financial assistance agreement or related agreement or understanding by the authority is a defense for or otherwise excuses any act or omission of a participant otherwise required or imposed by law upon a participant under any chapter applicable to any program or related fund or under any financial assistance agreement or related agreement or understanding.

SECTION 16. IC 5-1.2-6-7, AS ADDED BY P.L.189-2018,

SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. If the cost of a contract for construction or for the purchase of equipment, materials, or supplies involves an expenditure of more than twenty thousand dollars ($20,000), the authority shall make a written contract with the lowest and best bidder after advertisement for not less than two (2) consecutive weeks in a newspaper of general circulation in Marion County, Indiana, and in other publications if the authority determines **appropriate.** The notice must state the general character of the work and the general character of the materials to be furnished, the place where the plans and specifications may be examined, and the time and place for receiving bids. Each bid must contain the full name of every person or company interested in the bid and must be accompanied by a sufficient bond or certified check on a solvent bank so that if the bid is ~~accepted~~ **accepted,** a contract will be entered into and the performance of the bidder's proposal secured. The authority may reject any and all bids. A bond with good and sufficient surety approved by the authority is required of all contractors in an amount equal to at least fifty percent (50%) of the contract price conditioned upon the faithful performance of the contract.

SECTION 17. IC 5-1.2-7-5, AS ADDED BY P.L.189-2018, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) The authority has all the powers necessary to carry out and effectuate its public purposes under this chapter, including initiating a program of providing health facility property to be operated by participating providers in health facilities. In furtherance of this objective, the authority may also do one (1) or more of the following:

(1) Provide, or cause to be provided by a participating provider, by acquisition, lease, construction, fabrication, repair, restoration, reconditioning, refinancing, or installation, health facility property to be located within a health facility.

(2) Lease as lessor any item of health facility property for those rentals and upon the terms and conditions as the authority considers advisable and are not in conflict with this chapter.

(3) To charge to and apportion among participating providers its administrative costs and expenses incurred in the exercise of the powers and duties conferred by this chapter and IC 5-1.2-4.

(4) Assist, coordinate, and participate with other issuers of tax exempt bonds and public officials in other states in connection with financings or refinancings on behalf of multiple state health facilities. Assistance, coordination, and participation provided

under this subdivision may include conducting any hearings required by state or federal law in order for bonds to be issued by public officials in other states if part of the proceeds of the bonds will be used by participating providers in Indiana. Neither the state of Indiana nor the authority, nor any officers, agents, or employees of the state or the authority, are subject to any liability resulting from assistance to or coordination or participation with other issuers of tax exempt bonds under this subsection. Any assistance, coordination, or participation provided under this subdivision is given with the understanding that the issuers of tax exempt bonds or borrowers will agree to indemnify and hold harmless the state of Indiana and the authority and their officers, agents, and employees from all claims and liability arising from any action against the state of Indiana or the authority relating to the bonds.

(5) Employ and enter into agreements with, and delegate ~~to~~ **to,** any person as the authority sees fit, the power to manage the routine affairs of the authority, including the originating and processing of any applications from participating providers for the lease or purchase from the authority, or financing, reimbursing, or refinancing by the authority, of health facility property and to service the leases, installment purchase contracts, and loan agreements between the authority and the participating providers.

(6) Establish eligibility standards for participating providers, without complying with IC 4-22-2. However, these standards have the force of law if the standards are adopted after a public hearing for which notice has been published in a newspaper published in the city of Indianapolis, at least ten (10) days in advance of the hearing.

(7) Contract with any entity securing the payment of bonds under IC 5-1.2-4-1(a)(10) and ~~IC 5-1.2-4-1(a)(33),~~ **IC 5-1.2-4-1(a)(32),** authorizing the entity to approve the participating providers that can finance or refinance health facility property with proceeds from the bond issue secured by that entity.

(8) Lease to a participating provider specific items of health facility property upon terms and conditions that the authority considers proper, to charge and collect rents for the health facility property, to terminate such a lease upon the failure of the lessee to comply with any of its obligations under the lease or otherwise as the lease provides, **and** to include in the lease provisions that the lessee has the option to renew the term of the lease for the periods and at the rents as may be determined by the authority or

to purchase any or all of the health facility property to which the lease applies.

(9) Loan to a participating provider under an installment purchase contract or loan agreement money to finance, reimburse, or refinance the cost of specific items of health facility property and to take back a secured or unsecured promissory note evidencing such a loan and a security interest in the health facility property financed or refinanced with the loan, upon the terms and conditions as the authority considers proper.

(10) Sell or otherwise dispose of any unneeded or obsolete health facility property under terms and conditions as determined by the authority.

(11) Maintain, repair, replace, and otherwise improve or cause to be maintained, repaired, replaced, and otherwise improved any health facility property owned by the authority.

(12) Obtain or aid in obtaining property insurance on all health facility property owned or financed, or to accept payment if any health facility property is damaged or destroyed.

(13) Enter into any agreement, contract, or other instrument with respect to any insurance, guarantee, or letter of credit, accepting payment in the manner and form as provided in the insurance, guarantee, or letter of credit if a participating provider defaults, and to assign the insurance, guarantee, or letter of credit as security for bonds issued by the authority.

(b) No part of the revenues or assets of the authority may inure to the benefit of or be distributable to its members or officers or other private persons. Any net earnings of the authority beyond that necessary for retirement of authority indebtedness or to implement the public purposes of this chapter inure to the benefit of the state. Upon termination or dissolution of the authority, all rights and properties of the authority pass to and are vested in the state, subject to the rights of lienholders and other creditors.

SECTION 18. IC 5-1.2-8-16, AS ADDED BY P.L.189-2018, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 16. (a) In connection with any lease entered into between the authority and any nonprofit college or university, the authority shall fix, revise, charge, and collect rents for the use of each educational facility project and contract with any person, partnership, association, limited liability company, or corporation, or other body, public or private, with respect to the educational facility project.

(b) Each lease entered into by the authority with a nonprofit college or university must provide that the rents or other money payable by the

nonprofit college or university is sufficient at all times:

(1) to pay the private institution's share of the administrative costs and expenses of the authority;

(2) to pay the principal of, the premium **on** (if any), and the interest on outstanding bonds of the authority issued in respect of the educational facility project as the bonds become due and payable; and

(3) to create and maintain reserves that may be required or provided for in the bond resolution relating to the bonds of the authority.

(c) The authority shall pledge the revenues derived and to be derived from an educational facility project for the purposes specified in subsection (b).

SECTION 19. IC 5-1.2-9-18, AS ADDED BY P.L.189-2018, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 18. If the authority retains an interest in the economic development project, the financing agreement must require the user or the developer to pay all costs of maintenance, repair, taxes, assessments, insurance premiums, trustee's fees, and any other expenses relating to the economic development ~~projects,~~ **project,** so that the authority will not incur any expenses on account of the economic development ~~projects~~ **project** other than those that are covered by the payments provided for in the financing agreement.

SECTION 20. IC 5-1.2-11-2, AS ADDED BY P.L.189-2018, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. The supplemental drinking water and wastewater assistance program (referred to in this chapter as **"supplemental** program") is established.

SECTION 21. IC 5-1.2-11-3, AS ADDED BY P.L.189-2018, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) The supplemental drinking water and wastewater assistance fund (referred to in this chapter as **"supplemental** fund") is established.

(b) The authority shall administer, hold, and manage the supplemental fund.

(c) The cost of administering the supplemental fund may be paid from money in the supplemental fund.

(d) All money accruing to the supplemental fund is appropriated continuously for the purposes specified in this chapter.

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

SECTION 22. IC 5-1.2-11.5-3, AS ADDED BY P.L.189-2018,

SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. The ~~IFA~~ **authority** shall monitor and study events and conditions that bear upon the ability of utilities to provide clean and safe drinking water in Indiana for the foreseeable future, including the ability of utilities to directly or indirectly fund the increasing costs of meeting governmental requirements.

SECTION 23. IC 5-1.2-11.5-4, AS ADDED BY P.L.189-2018, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. The powers of the ~~IFA~~ **authority** under section 3 of this chapter include the following:

(1) Assessing issues related to service line ownership and replacement.

(2) Assessing the challenges that utilities are likely to encounter as they become subject to more stringent governmental requirements.

(3) Studying cost recovery mechanisms that enable utilities to respond quickly to system needs.

(4) Monitoring the growing costs for utilities in complying with consent decrees related to governmental requirements.

(5) Studying regional water ownership issues, including cross-border issues.

SECTION 24. IC 5-1.2-12-3, AS ADDED BY P.L.189-2018, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) The Indiana brownfields fund is established to provide money for grants, loans, and other financial assistance to or for the benefit of political subdivisions under this chapter. The authority shall administer, hold, and manage the Indiana brownfields fund.

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

(c) Expenses of administering the Indiana brownfields fund shall be paid from money in the Indiana brownfields fund.

(d) The Indiana brownfields fund consists of the following:

(1) Appropriations made by the general assembly.

(2) Grants and gifts intended for deposit in the Indiana brownfields fund.

(3) Repayments of loans and other financial assistance from the Indiana brownfields fund, including premiums, interest, and penalties.

(4) Proceeds from the sale of loans and other financial assistance under section ~~7~~ **8** of this chapter.

(5) Interest, premiums, gains, or other earnings on the Indiana

brownfields fund.

(6) Money transferred from the hazardous substances response trust fund under IC 13-25-4-1(a)(9).

(7) Fees collected under section 6 of this chapter.

(8) Money transferred from the underground petroleum storage tank excess liability trust fund under IC 13-23-7 for the purpose of environmental assessment and remediation on a property containing at least one (1) underground storage tank.

(9) Money transferred from the petroleum trust fund under IC 13-23-12-4(1) for the purpose of corrective actions that involve releases of regulated substances from underground storage tanks and are ineligible to receive funds from the underground petroleum storage tank excess liability trust fund under IC 13-23-7.

(e) The authority shall invest the money in the Indiana brownfields fund not currently needed to meet the obligations of the Indiana brownfields fund in accordance with an investment policy adopted by the authority. Interest, premiums, gains, or other earnings from the investments shall be credited to and deposited in the Indiana brownfields fund.

(f) As an alternative to subsection (e), the authority may invest or cause to be invested all or a part of the Indiana brownfields fund in a fiduciary account or accounts with a trustee that is a financial institution. Notwithstanding any other law, any investment may be made by the trustee in accordance with one (1) or more trust agreements or indentures. A trust agreement or indenture may allow disbursements by the trustee to the authority, a participant, or any other person as provided in the trust agreement or indenture.

SECTION 25. IC 5-1.2-15-6, AS ADDED BY P.L.189-2018, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) If the authority finds that the local transportation infrastructure project:

(1) will be of benefit to the health, safety, morals, and general welfare of the area where the local transportation infrastructure project is to be located; and

(2) complies with the purposes and provisions of this chapter;

the authority may by resolution approve the proposed financial assistance agreement.

(b) A financial assistance agreement approved under this section in connection with bonds must provide for payments in an amount sufficient to pay the principal of, premium **on** (if any), and interest on the bonds issued for the financing of the local transportation

infrastructure project. Interest payments for the anticipated construction period, plus a period of not more than one (1) year, may be funded in the bond issue. The term of a financial assistance agreement may not exceed twenty (20) years from the date of any bonds issued under the financial assistance agreement. However, a financial assistance agreement does not terminate after twenty (20) years if a default under that financial assistance agreement remains uncured, unless the termination is authorized by the terms of the financial assistance agreement.

(c) The authority may do any of the following:

(1) Establish eligibility standards for a participant and local transportation infrastructure projects, without complying with IC 4-22-2. However, these standards have the force of law if the standards are adopted after a public hearing for which notice has been given by publication under IC 5-3-1.

(2) Contract with any entity securing, in whole or in part, the payment of bonds issued under this chapter and authorizing the entity to approve the participant that can finance or refinance local transportation infrastructure projects with proceeds from the bond issue secured by that entity.

(3) Finance for participants in connection with their local transportation infrastructure projects:

(A) the cost of their local transportation infrastructure projects, including costs of planning, designing, feasibility studies, construction, expansion, renovation, or improvement;

(B) capitalized interest for the anticipated construction period plus one (1) year; and

(C) in the case of a program funded from the proceeds of taxable bonds or sources other than tax exempt bonds, working capital associated with the operation of such local transportation infrastructure projects;

in amounts determined to be appropriate by the authority.

(d) The authority may provide financial assistance to participants in the form of forgiveness of principal of a loan.

SECTION 26. IC 5-1.2-15-12, AS ADDED BY P.L.189-2018, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 12. The authority may invest money in funds as provided in IC 5-1.2-4-1(a)(17) and ~~IC 5-1.2-4-1(a)(41).~~ **IC 5-1.2-4-1(a)(40).**

SECTION 27. IC 5-1.2-16-4, AS ADDED BY P.L.189-2018, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) On or before January 1 of each year, the

authority shall determine the dollar amount of the volume cap for that year.

(b) Each year the volume cap shall be allocated among the categories specified in section 3 of this chapter as follows:

Type of Bonds	Percentage of Volume Cap
Bonds issued by the ~~IFA~~ **authority**	9%
Bonds issued by the IHCDA	28%
Bonds issued by the ISMEL	1%
Bonds issued by local units or other issuers under section 3(a)(4) of this chapter	42%
Bonds issued by local units or other issuers under section 3(a)(5) of this chapter	20%

(c) Except as provided in subsection (d), the amount allocated to a category represents the maximum amount of the volume cap that will be reserved for bonds included within that category.

(d) The authority may adopt a resolution to alter the allocations made by subsection (b) for a year if the authority determines that the change is necessary to allow maximum usage of the volume cap and to promote the health and well-being of the residents of Indiana by promoting the public purposes served by the bond categories then subject to the volume cap.

(e) The governor may, by executive order, establish for a year a different dollar amount for the volume cap, different bond categories, and different allocations among the bond categories than those set forth in or established under this section and section 3 of this chapter if it becomes necessary to adopt a different volume cap and bond category allocation system in order to allow maximum usage of the volume cap among the bond categories then subject to the volume cap and to promote the health, welfare, and well-being of the residents of Indiana by promoting the public purposes served by the bond categories then subject to the volume cap.

SECTION 28. IC 5-1.3-4-2, AS ADDED BY P.L.189-2018, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. A contract may include the following:

(1) Provisions for payment by the IFA to the NWIRDA and the NICTD of all costs incurred by the NWIRDA or the NICTD in the performance of the ~~contracts,~~ **contract,** including all costs of construction, salaries, wages, and associated costs of NWIRDA or NICTD personnel attributable to performance of the contract.

(2) Other terms and conditions that the IFA, the NWIRDA, and the NICTD consider appropriate.

SECTION 29. IC 5-1.3-5-10, AS ADDED BY P.L.189-2018, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 10. The IFA shall certify to the NWIRDA and the NICTD that all bonds, notes issued, and leases or other obligations entered into with respect to the **rail project or** rail projects have been paid to their final maturity. At that time, the rail project or rail projects shall be transferred to the NICTD and neither the IFA or the NWIRDA shall have any further obligation with respect to the rail project or rail projects.

SECTION 30. IC 5-1.3-6-14, AS ADDED BY P.L.189-2018, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 14. (a) The IFA may obtain from the NWIRDA or **an** agency of the state or of the United States, or from a nongovernmental insurer, available insurance or guaranty for the payment or repayment of interest or principal, or both, or any part of interest or principal, or any debt service reserve funds, on bonds or notes issued by the IFA, or on securities purchased or held by the IFA.

(b) The NWIRDA may obtain from the IFA or **an** agency of the state or of the United States, or from a nongovernmental insurer, available insurance or guaranty for the payment or repayment of interest or principal, or both, or any part of interest or principal, or any debt service reserve funds, on bonds or notes issued by the NWIRDA, or on securities purchased or held by the NWIRDA.

SECTION 31. IC 5-13-9-11, AS AMENDED BY P.L.117-2018, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 11. (a) The following definitions apply throughout this section:

(1) "Clearinghouse" refers to the clearinghouse registered with the department of state revenue under IC 6-8.1-9.5-3.5.

(2) "Investment pool" means the local government investment pool established by subsection (b).

(b) The local government investment pool is established within the office and custody of the treasurer of state.

(c) An officer designated in section 1 of this chapter may pay any funds held by the officer into the investment pool for the purpose of deposit, investment, and reinvestment of the funds by the treasurer of state on behalf of the unit of government paying the funds into the investment pool.

(d) The treasurer of state may pay state funds into the investment pool for the purpose of deposit, investment, and reinvestment of the

state funds.

(e) The treasurer of state shall establish an account in the investment pool for the operator of the clearinghouse. The treasurer shall hold amounts paid by the department of state revenue for deposit in the clearinghouse operator's account in the investment pool.

(f) Upon signed written request of the operator of the clearinghouse, the treasurer of state shall distribute the money in the operator's account established under subsection (e):

(1) to the operator of the clearinghouse; or

(2) to specific investment pool accounts of political subdivisions represented by the clearinghouse, if the written request submitted under this subsection specifies:

(A) the political subdivision to which the funds are to be disbursed;

(B) the specific amount of the funds to be disbursed; and

(C) the specific investment pool account **to which** the disbursement is owed.

The clearinghouse shall assume **liability for** any legal or administrative claims filed against a disbursement made by the treasurer of state that complies with this section.

(g) Any interest accrued by the investment pool on funds held in the operator's account shall be distributed to the political subdivisions at a rate equal to the percentage owed to that political subdivision based on the overall setoff paid by the department of state revenue. No interest shall accrue under this subsection on any fees owed to the clearinghouse under IC 6-8.1-9.5-10(b).

(h) The treasurer of state shall invest the funds in the investment pool in the same manner, in the same type of instruments, and subject to the same limitations provided for the deposit and investment of state funds by the treasurer of state under IC 5-13-10.5.

(i) The treasurer of state:

(1) shall administer the investment pool; and

(2) may contract with accountants, attorneys, regulated investment advisors, money managers, and other finance and investment professionals to make investments and provide for the public accounting and legal compliance necessary to ensure and maintain the safety, liquidity, and yield of the investment pool.

(j) The treasurer of state shall establish and make public the policies that the treasurer of state will follow to ensure the efficient administration of and accounting for the investment pool. The policies must provide the following:

(1) There is not a minimum time for which funds paid into the

investment pool must be retained by the investment pool.

(2) The administrative expenses of the investment pool shall be accounted for by the treasurer of state and shall be paid from the earnings of the investment pool.

(3) The earnings of the investment pool in excess of the administrative expenses of the investment pool shall be credited to the state and each unit of government participating in the investment pool in a manner that equitably reflects the different amounts and terms of the state's investment and each unit's investment in the investment pool.

(4) There is not a limit on the number of accounts that the state or a unit of government participating in the investment pool may establish within the investment pool.

(5) The state and each unit of government participating in the investment pool shall receive electronic or paper reports, including:

(A) a daily transaction confirmation, reflecting any activity in the state's or unit's account; and

(B) a monthly report showing:

(i) the state's or unit's investment activity in the investment pool; and

(ii) the performance and composition of the investment pool.

(6) The investment pool shall be audited at least annually by an independent auditing firm, with an electronic or a paper copy of the audit provided to the state and each unit of government participating in the pool.

(7) No less than fifty percent (50%) of funds available for investment shall be deposited in banks qualified to hold deposits of participating local government entities.

(k) A unit of government participating in the investment pool may elect to have any funds due from the state wired directly to the custodian bank of the investment pool for credit to the unit's investment pool account by submitting in writing a request to the auditor of state to wire the funds as directed. An election made by a unit of government under this subsection may be revoked at any time by the unit by submitting in writing a request to the auditor of state to cease wiring the funds as previously directed by the unit.

SECTION 32. IC 5-14-1.5-5, AS AMENDED BY P.L.171-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) Public notice of the date, time, and place of any meetings, executive sessions, or of any rescheduled or reconvened meeting, shall be given at least forty-eight (48) hours (excluding

Saturdays, Sundays, and legal holidays) before the meeting. This requirement does not apply to reconvened meetings (not including executive sessions) where announcement of the date, time, and place of the reconvened meeting is made at the original meeting and recorded in the memoranda and minutes thereof, and there is no change in the agenda.

(b) Public notice shall be given by the governing body of a public agency as follows:

(1) The governing body of a public agency shall give public notice by posting a copy of the notice at the principal office of the public agency holding the meeting or, if no such office exists, at the building where the meeting is to be held.

(2) The governing body of a public agency shall give public notice by delivering notice to all news media which deliver an annual written request for the notices not later than December 31 for the next succeeding calendar year to the governing body of the public agency. The governing body shall give notice by one (1) of the following methods, which shall be determined by the governing body:

(A) Depositing the notice in the United States mail with postage prepaid.

(B) Transmitting the notice by electronic mail, if the public agency has the capacity to transmit electronic mail.

(C) Transmitting the notice by facsimile (fax).

(3) This subdivision applies only to the governing body of a public agency of a political subdivision described in section 2(a)(2), 2(a)(4), or 2(a)(5) of this chapter that adopts a policy to provide notice under this subdivision. Notice under this ~~subsection~~ **subdivision** is in addition to providing notice under subdivisions (1) and (2). If the governing body adopts a policy under this subdivision, the governing body of a public agency shall give public notice by delivering notice to any person (other than news media) who delivers to the governing body of the public agency an annual written request for the notices not later than December 31 for the next succeeding calendar year. The governing body shall give notice by one (1) of the following methods, which shall be determined by the governing body:

(A) Transmitting the notice by electronic mail, if the public agency has the capacity to send electronic mail.

(B) Publishing the notice on the public agency's Internet web site at least forty-eight (48) hours in advance of the meeting, if the public agency has an Internet web site.

A court may not declare void any policy, decision, or final action under section 7 of this chapter based on a failure to give a person notice under subdivision (3) if the public agency made a good faith effort to comply with subdivision (3). If a governing body comes into existence after December 31, it shall comply with this subsection upon receipt of a written request for notice. In addition, a state agency (as defined in IC 4-13-1-1) shall provide electronic access to the notice through the computer gateway administered by the office of technology established by IC 4-13.1-2-1.

(c) Notice of regular meetings need be given only once each year, except that an additional notice shall be given where the date, time, or place of a regular meeting or meetings is changed. This subsection does not apply to executive sessions.

(d) If a meeting is called to deal with an emergency involving actual or threatened injury to person or property, or actual or threatened disruption of the governmental activity under the jurisdiction of the public agency by any event, then the time requirements of notice under this section shall not apply, but:

(1) news media which have requested notice of meetings under subsection (b)(2) must be given the same notice as is given to the members of the governing body; and

(2) the public must be notified by posting a copy of the notice according to subsection (b)(1).

(e) This section shall not apply where notice by publication is required by statute, ordinance, rule, or regulation.

(f) This section shall not apply to the following:

(1) The department of local government finance, the Indiana board of tax review, or any other governing body which meets in continuous session, except that this section applies to meetings of these governing bodies which are required by or held pursuant to statute, ordinance, rule, or regulation.

(2) The executive of a county or the legislative body of a town if the meetings are held solely to carry out the administrative functions related to the county executive or town legislative body's executive powers. "Administrative functions" means only routine activities that are reasonably related to the everyday internal management of the county or town, including conferring with, receiving information from, and making recommendations to staff members and other county or town officials or employees. "Administrative functions" does not include:

(A) taking final action on public business;

(B) the exercise of legislative powers; or

(C) awarding of or entering into contracts, or any other action creating an obligation or otherwise binding the county or town.

(g) This section does not apply to the general assembly.

(h) Notice has not been given in accordance with this section if a governing body of a public agency convenes a meeting at a time so unreasonably departing from the time stated in its public notice that the public is misled or substantially deprived of the opportunity to attend, observe, and record the meeting.

SECTION 33. IC 5-22-7.3-5, AS ADDED BY P.L.160-2006, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. ~~(a)~~ The purchasing agency shall:

(1) give notice of the invitation for bids in the manner required by IC 5-3-1; and

(2) provide electronic access to the notice through the computer gateway administered by the office of technology.

SECTION 34. IC 5-28-29-9, AS AMENDED BY P.L.146-2018, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 9. As used in this chapter, "lender" means:

(1) a financial institution (as defined in IC 5-13-4-10); or

(2) alternatively, during the period beginning after June 30, 2018, and ending before July 1, 2021:

(A) a credit corporation (as defined in IC 23-6-4-1);

(B) an entity that:

(i) extends more than seventy-five percent (75%) of all eligible loans made in the previous twelve (12) month period to minority ~~owned~~ businesses (as defined in IC 5-28-20-4); and

(ii) is approved by the corporation as a lender in accordance with the policy guidelines adopted by the board of the corporation; or

(C) a qualified "eligible intermediary" participating in the federal Small Business Administration Microloan Program pursuant to 15 U.S.C. 636(m), as amended from time to time, and ~~who~~ **that** is approved by the corporation as a lender in accordance with the policy guidelines adopted by the board of the corporation;

that has entered into an agreement with the corporation to participate in the program.

SECTION 35. IC 5-28-29-17, AS AMENDED BY P.L.146-2018, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 17. (a) The following types of loans are eligible loans under the program:

(1) Loans for industrial or commercial purposes.

(2) Loans to refinance loans made for the purposes in subdivision (1).

(3) Loans for line of credit agreements established between the lender and borrower that are used for the purposes in subdivision (1).

(b) Eligible loans must meet the following criteria:

(1) The lender has not made the loan to enroll in the program prior debt that is not covered under the program and that is or was owed by the borrower to the lender.

(2) The proceeds of the loan will not be used for that part of a project or development devoted to housing.

(3) The proceeds of the loan will not be used to finance passive real estate ownership.

(4) The proceeds of the loan will be used to finance a project or enterprise that is located in Indiana and that will foster economic development in Indiana.

(c) An eligible loan may provide for an interest rate, fees, and other terms and conditions agreed to by the lender and borrower. If the loan amount to be borrowed is determined by a commitment agreement that establishes a line of credit, the amount of the loan is the maximum amount available to the borrower under the agreement.

(d) Notwithstanding any other provision of this chapter, a loan:

(1) originated by an entity:

(A) that is a qualified "eligible intermediary" participating in the federal Small Business Administration Microloan Program pursuant to 15 U.S.C. 636(m), as amended from time to time; and

(B) ~~who~~ **that** is approved as a lender in accordance with the policy guidelines adopted by the board of the corporation; and

(2) with a principal loan amount that exceeds fifty thousand dollars ($50,000);

is not an eligible loan under the program.

SECTION 36. IC 5-28-30-12, AS ADDED BY P.L.162-2007, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 12. The corporation may guarantee an unsecured loan for:

(1) working capital purposes, if the corporation determines, under criteria that it establishes, that the loan for working capital:

(A) is for an industrial development project, a mining operation, or an agricultural operation that involves the processing of agricultural products; and

(B) will lead directly to increased production or job creation or retention through sales of products or provision of services to federal, state, or local government, private businesses, or individuals, or through exports to foreign markets; or

(2) capital expenditures, if the corporation determines, under criteria that the corporation establishes, that the loan is for an industrial development project described in ~~IC 5-28-30-5(7).~~ **section 5(6) of this chapter.**

The loan guarantee may not exceed five hundred thousand dollars ($500,000) for any single project or operation, and may be in addition to any other guarantees of the corporation under this chapter. The guarantee terms must include a time limit for working capital loan guarantees that may not exceed eighteen (18) months. However, the guarantees are renewable. A loan guarantee may not exceed eighty percent (80%) of the unpaid principal balance from time to time outstanding of the loan being guaranteed. The corporation may impose any additional terms it considers appropriate for any particular project or operation.

SECTION 37. IC 6-1.1-20.3-6.8, AS AMENDED BY P.L.213-2018(ss), SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6.8. (a) This section applies only to the Gary Community School Corporation.

(b) The general assembly finds that the provisions of this section:

(1) are necessary to address the unique issues faced by the Gary Community School Corporation; and

(2) are not precedent for and may not be appropriate for addressing issues faced by other school corporations.

(c) As used in this section, the following definitions apply:

(1) "Chief academic officer" means the chief academic officer appointed under subsection (j).

(2) "Chief financial officer" means the chief financial officer appointed under subsection (i).

(3) "School corporation" refers to the Gary Community School Corporation.

(d) The Gary Community School Corporation is designated as a distressed political subdivision for purposes of this chapter until the school corporation's designation as a distressed political subdivision is terminated as provided in section 13(b) of this chapter. This designation as a distressed political subdivision is effective regardless of whether the school corporation has submitted a petition requesting to be designated as a distressed political subdivision. Until the school corporation's designation as a distressed political subdivision is

terminated as provided in section 13(b) of this chapter, the Gary Community ~~Schools~~ **School Corporation** advisory board may not hold a public meeting more often than once every three (3) months. This limit on the number of meetings of the advisory board does not apply to the emergency manager. The emergency manager shall hold a monthly forum to provide an update on the Gary Community School Corporation within the school district that is open to the general public. During the period that the Gary Community School Corporation is designated as a distressed political subdivision, the advisory board may vote to:

(1) fill vacancies;

(2) select officers; or

(3) make appointments;

of the advisory board, and to present awards, recognition, and certificates to employees or supporters of the school corporation.

(e) Until the school corporation's designation as a distressed political subdivision is terminated as provided in section 13(b) of this chapter, the following apply to the emergency manager appointed under section 7.5 of this chapter for the school corporation:

(1) The emergency manager has the powers and duties specified in this chapter.

(2) The emergency manager shall consider recommendations from the fiscal management board and the advisory board, but the emergency manager has full responsibility and authority related to financial and academic matters of the school corporation, and the emergency manager may act, as specified in this chapter, on these financial and academic matters without the approval of the fiscal management board or the advisory board.

(3) Notwithstanding section 7.5(d) of this chapter, the distressed unit appeal board shall:

(A) determine the compensation of the emergency manager, chief financial officer, and chief academic officer; and

(B) subject to subsections (i) and (j), pay the emergency manager's, chief financial officer's, and chief academic officer's compensation and reimburse the emergency manager, chief financial officer, and chief academic officer for actual and necessary expenses from funds appropriated to the distressed unit appeal board.

(4) Before appointing the emergency manager, the distressed unit appeal board shall interview at least one (1) resident of the city of Gary as a candidate for the position. If the distressed unit appeal board is not able to interview a resident of the city of Gary as a

candidate for the position, the distressed unit appeal board shall interview at least one (1) individual who is a resident of Lake County or northwest Indiana as a candidate for the position.

The appointment of the emergency manager for the school corporation is terminated on the date the school corporation's designation as a distressed political subdivision is terminated as provided in section 13(b) of this chapter.

(f) In addition to any other actions that the distressed unit appeal board may take under this chapter concerning a distressed political subdivision, for a distressed school corporation, the distressed unit appeal board may also do any of the following:

(1) The distressed unit appeal board may delay or suspend, for a period determined by the board, any payments of principal or interest, or both, that would otherwise be due from the school corporation on loans or advances from the common school fund.

(2) The distressed unit appeal board may recommend to the state board of finance that the state board of finance make an interest free loan to the school corporation from the common school fund. The distressed unit appeal board shall determine the payment schedule and the commencement date for the loan. If the distressed unit appeal board makes a recommendation that such a loan be made, the state board of finance may, notwithstanding IC 20-49, make such a loan for a term of not more than ten (10) years.

(3) The distressed unit appeal board may establish benchmarks of financial improvement for the school corporation.

(4) The distressed unit appeal board may provide a grant or grants to the school corporation from funds appropriated to the distressed unit appeal board, in amounts determined by the distressed unit appeal board, to assist the school corporation in overcoming short term financial problems.

(5) The distressed unit appeal board may make a recommendation to the general assembly concerning the possible restructuring of advances made to the school corporation from the common school fund, including forgiveness of principal and interest on those advances.

(g) The fiscal management board is established. The fiscal management board consists of the following members:

(1) One (1) member appointed by the advisory board.

(2) One (1) member appointed by the mayor of the city of Gary.

(3) One (1) member, who must have experience working with or for an urban school corporation, appointed by the superintendent

of public instruction.

(4) One (1) member, who must have experience working with or for an urban school corporation, appointed by the state board of education.

(h) The following apply to the fiscal management board and to the members of the fiscal management board:

(1) The term of office of a member of the fiscal management board is four (4) years, beginning on the date of appointment. A member of the fiscal management board may be reappointed to the fiscal management board. A member of the fiscal management board may be removed for cause by the appointing authority.

(2) A member of the fiscal management board must have the following:

(A) At least three (3) years experience in financial management.

(B) A meaningful background and work experience in finance and business.

(C) An understanding of government contracts.

(D) Knowledge and experience in organizational effectiveness, operations management, and implementing best practices.

(E) Experience in budget development and oversight.

(F) A demonstrated commitment to high professional and ethical standards and a diverse workplace.

(G) An understanding of tax and other compliance implications.

(3) A member of the advisory board may not serve as a member of the fiscal management board.

(4) The fiscal management board:

(A) shall make recommendations to the emergency manager; and

(B) shall advise the emergency manager as requested by the emergency manager.

(5) The members of the fiscal management board are not entitled to any compensation for their service on the fiscal management board.

(6) The fiscal management board is abolished, and the terms of the members of the fiscal management board are terminated, on the date the school corporation's designation as a distressed political subdivision is terminated as provided in section 13(b) of this chapter.

(7) Under the supervision of the emergency manager, the fiscal management board shall serve as a liaison to and shall work

jointly with the distressed unit appeal board, the mayor of the city of Gary, and the department of education to develop a transition plan to address issues or questions related to:

(A) the designation of the school corporation as a distressed political subdivision and the transfer of powers and duties to the emergency manager under this chapter; and

(B) the potential impact of the transition on the community and the school corporation.

(8) Under the supervision of the emergency manager, the fiscal management board shall work jointly with the distressed unit appeal board, the mayor of the city of Gary, and the department of education to provide information on a regular basis to parents, students, employees of the school corporation, and the public on the status of the transition.

(i) The emergency manager shall employ a chief financial officer for the school corporation. The chief financial officer is an employee of the school corporation. The chief financial officer shall report to the emergency manager and shall assist the emergency manager appointed for the school corporation and the fiscal management board in carrying out the day to day financial operations of the school corporation. Before July 1, 2019, the compensation of the chief financial officer shall be determined by the distressed unit appeal board. Before July 1, 2019, the compensation of the chief financial officer shall be paid from the funds appropriated to the distressed unit appeal board. After June 30, 2019, the compensation of the chief financial officer shall be determined by and paid by the school corporation. The chief financial officer:

(1) must possess, through both education and experience, an understanding of finance and financial management; and

(2) must possess any other experience and must meet any other requirements as required by the distressed unit appeal board to ensure that the chief financial officer is qualified to carry out the financial restructuring of the school corporation.

Before employing a chief financial officer under this subsection, the emergency manager shall interview at least one (1) resident of the city of Gary as a candidate for the position. If the emergency manager is not able to interview a resident of the city of Gary as a candidate for the position, the emergency manager shall interview at least one (1) individual who is a resident of Lake County or northwest Indiana as a candidate for the position.

(j) The emergency manager shall employ a chief academic officer for the school corporation, after consultation with the department of education, who must have experience working with or for an urban

school corporation. The chief academic officer is an employee of the school corporation. The chief academic officer shall report to the emergency manager and shall assist the emergency manager appointed for the school corporation and the fiscal management board in carrying out the academic matters of the school corporation. Before July 1, 2019, the compensation of the chief academic officer shall be determined by the distressed unit appeal board. Before July 1, 2019, the compensation of the chief academic officer shall be paid from the funds appropriated to the distressed unit appeal board. After June 30, 2019, the compensation of the chief academic officer shall be determined by and paid by the school corporation. The chief academic officer must:

(1) hold a valid license to teach in a public school under IC 20-28-5;

(2) possess, through both education and experience, an understanding of curriculum and academics; and

(3) possess any other experience and meet any other requirements as required by the distressed unit appeal board to ensure that the chief academic officer is qualified to carry out the academic goals of the school corporation.

Before employing a chief academic officer under this subsection, the emergency manager shall interview at least one (1) resident of the city of Gary as a candidate for the position. If the emergency manager is not able to interview a resident of the city of Gary as a candidate for the position, the emergency manager shall interview at least one (1) individual who is a resident of Lake County or northwest Indiana as a candidate for the position.

(k) The chief financial officer and chief academic officer shall assist the emergency manager in carrying out the emergency manager's duties under this chapter.

(l) The annual budget adopted by the emergency manager for the school corporation must dedicate a significant part of the school corporation's budget to eliminating the school corporation's outstanding financial obligations. The emergency manager shall attempt to negotiate with the creditors of the school corporation to establish a plan specifying the schedule for paying each creditor. The emergency manager shall submit the plan to the distressed unit appeal board for approval. The distressed unit appeal board must:

(1) review the plan submitted by the emergency manager; and

(2) not later than sixty (60) days after the plan is submitted, either:

(A) approve the plan as submitted by the emergency manager; or

(B) modify the plan as submitted by the emergency manager and then approve the modified plan.

(m) The emergency manager shall consider any recommendations from the fiscal management board, the advisory board, and the mayor of the city of Gary in developing the school corporation's annual budget. The distressed unit appeal board must review and approve the school corporation's annual budget that is proposed by the emergency manager. When the emergency manager submits the school corporation's proposed annual budget to the distressed unit appeal board, the emergency manager shall provide copies of the proposed annual budget to the fiscal management board and the advisory board.

(n) After considering any recommendations from the fiscal management board, the advisory board, and the mayor of the city of Gary, the emergency manager shall do the following:

(1) Conduct a financial and compliance audit of the operations of the school corporation.

(2) Develop a written financial plan for the school corporation. The object of the plan must be to achieve financial stability for the school corporation, and the plan must include provisions for paying all of the school corporation's outstanding obligations and for paying all future obligations of the school corporation (including any federal, state, or local taxes or assessments) in a timely manner.

(o) In addition to the report required by section 8.5(c)(5) of this chapter, the emergency manager, the chief financial officer, and the chief academic officer shall report quarterly to the distressed unit appeal board in a format specified by the distressed unit appeal board. The report must include:

(1) information concerning the actions that the school corporation is taking to improve the financial condition of the school corporation; and

(2) any other information required by the distressed unit appeal board.

The emergency manager shall report more frequently than quarterly if requested by the distressed unit appeal board. The emergency manager shall provide copies of the report to the fiscal management board, the advisory board, and the mayor of the city of Gary. The emergency manager shall present each report at a public meeting of the fiscal management board.

(p) The school corporation shall do the following:

(1) Publish a copy of each report under subsection (o) on the school corporation's Internet web site, along with a link to the

main page of the Indiana transparency Internet web site established under IC 5-14-3.7 to provide access to financial data for local schools.

(2) Make copies of each report available free of charge to the public upon request.

(3) Provide copies of each report to the mayor of the city of Gary. The mayor shall make copies of the reports available free of charge to the public upon request.

(q) The chief academic officer shall develop an education plan to provide academic services to students in the school corporation and to achieve academic progress. The education plan must include at least the following components:

(1) An academic program designed to meet Indiana's academic standards and to assist students in meeting those academic standards.

(2) A plan to improve the academic performance of all students, including improvement in the performance of students on standardized tests.

(3) A plan to engage parents in school performance and school activities, including regular meetings at each school involving administrators, teachers, parents, and interested members of the community.

(4) A plan to implement performance standards that will attract students and families to the school corporation.

(5) A plan specifying how the school corporation will work directly with the city of Gary:

(A) to make the schools a successful component of life within the city; and

(B) to develop a sense of pride and progress in the operations and accomplishments of the school corporation.

The chief financial officer and the chief academic officer shall submit a report to the advisory board each quarter. The chief financial officer and chief academic officer shall meet at least quarterly with the executive committee of the bargaining unit to inform the executive committee of the academic progress of the school corporation.

SECTION 38. IC 6-1.1-22-13.5, AS ADDED BY P.L.169-2006, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 13.5. (a) A political subdivision acquires a lien on each tract of real property for:

(1) all special assessments levied against the tract, including the land under an improvement or appurtenance described in ~~IC 6-1.1-2-4(b),~~ **IC 6-1.1-2-4(c);** and

(2) all subsequent penalties and costs resulting from the special assessments.

The lien attaches on the installment due date of the year for which the special assessments are certified for collection. The lien is not affected by any sale or transfer of the tract, including the land under an improvement or appurtenance described in ~~IC 6-1.1-2-4(b),~~ **IC 6-1.1-2-4(c),** and including the sale, exchange, or lease of the tract under IC 36-1-11.

(b) The lien of the political subdivision for special assessments, penalties, and costs continues for ten (10) years from May 10 of the year in which special assessments first become due. However, if any proceeding is instituted to enforce the lien within the ten (10) year period, the limitation is extended, if necessary, to permit the termination of the proceeding.

(c) The lien of the state inures to political subdivisions that impose the special assessments on which the lien is based, and the lien is superior to all other liens except the lien of the state for property taxes.

(d) A political subdivision described in subsection (c) may institute a civil suit against a person or an entity liable for delinquent special assessments. The political subdivision may, after obtaining a judgment, collect:

(1) delinquent special assessments;

(2) penalties due to the delinquency; and

(3) costs and expenses incurred in collecting the delinquent special assessments, including reasonable attorney's fees and court costs approved by a court with jurisdiction.

SECTION 39. IC 6-3.6-7-22, AS AMENDED BY P.L.184-2018, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 22. (a) This section applies only to Union County.

(b) Union County possesses unique economic development challenges due to:

(1) the county's heavy agricultural base;

(2) the presence of a large amount of state owned property in the county that is exempt from property taxation; and

(3) recent obligations of the school corporation in the county that have already increased property taxes in the county and imposed additional property tax burdens on the county's agricultural base.

Maintaining low property tax rates is essential to economic development. The use of a tax under this section for the purposes described in this section, rather than the use of property taxes, promotes these purposes.

(c) The county fiscal body may impose a tax on the adjusted gross

income of local taxpayers at a tax rate that does not exceed the lesser of the following:

(1) Twenty-five hundredths percent (0.25%).

(2) The rate necessary to carry out the purposes described in this section.

(d) Revenue raised from a tax under this section may be used only for the following purposes:

(1) To finance, construct, acquire, improve, renovate, or equip the county courthouse.

(2) To repay bonds issued, or leases entered into, for constructing, acquiring, improving, renovating, and equipping the county courthouse.

(3) Subject to subsection (g), for the following purposes:

(A) To operate the county courthouse.

(B) To finance, construct, acquire, improve, renovate, equip, or operate:

(i) the county jail; or

(ii) other county criminal justice facilities.

(C) To repay bonds issued, or leases entered into, for constructing, acquiring, improving, renovating, and equipping:

(i) the county jail; or

(ii) other county criminal justice facilities.

(e) The tax imposed under this section may be imposed only until the last of the following dates:

(1) The date on which the following conditions are satisfied:

(A) The purposes described in subsection (d)(1) are completed.

(B) If an ordinance has been adopted and is in effect under subsection (g), the county fiscal body adopts an ordinance to repeal the tax imposed on the adjusted gross income of local taxpayers under subsection (c).

(2) The date on which the last of any bonds issued (including any refunding bonds) or leases described in subsection (d)(2) are fully paid.

The term of the bonds issued (including any refunding bonds) or a lease entered into under subsection (d)(2) may not exceed twenty-two (22) years.

(f) Funds accumulated from a tax under this section after:

(1) the redemption of the bonds issued;

(2) the final payment of lease rentals due under a lease entered into under this section; or

(3) the adoption of an ordinance to repeal the tax imposed under this section;

shall be transferred to the county rainy day fund established under IC 36-1-8-5.1.

(g) Before revenues from a tax under this section may be used for the purposes described in subsection (d)(3), the county fiscal body must adopt an ordinance that:

(1) specifically authorizes the revenue to be used for those purposes; and

(2) recognizes that if the revenues are used for those purposes, the tax rate will continue after the purposes described in subsection (d)(1) through ~~(d)(3)~~ **(d)(2)** are completed.

SECTION 40. IC 6-3.6-7-24, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 24. (a) This section applies only to a county that is a member of a regional development authority under IC 36-7.6.

(b) The adopting body for the county may impose a tax rate on the adjusted gross income tax of local taxpayers that is not greater than:

(1) in the case of a county described in ~~IC 36-7.6-4-2(b)(2),~~ **IC 36-7.6-4-2(c)(2),** twenty-five thousandths of one percent (0.025%); or

(2) in the case of any other county to which this section applies, five-hundredths of one percent (0.05%).

(c) The revenue from a tax under this section may be used only for the purpose of transferring the revenue in the regional development authority under IC 36-7.6.

SECTION 41. IC 6-6-15-2, AS ADDED BY P.L.188-2018, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. The following definitions apply throughout this chapter:

(1) "Department" refers to the department of state revenue.

(2) "Gross retail income" has the meaning set forth in IC 6-2.5-1-5, except that the term does not include taxes imposed under IC 6-2.5 or the excise tax imposed under this chapter.

(3) "Heavy rental equipment" means personal property (including attachments used in conjunction with the personal property):

(A) that is owned by a person or business that:

(i) is classified under 532412 of the North American Industry Classification System Manual in effect on January 1, 2018; and

(ii) is a retail merchant in the business of renting heavy equipment, including any attachments;

(B) **that** is not intended to be permanently affixed to any real property; and

(C) **that** is not subject to registration under IC 9-18.1 for use on a public highway (as defined in IC 9-25-2-4).

However, the term does not include heavy rental equipment that is rented for mining purposes or heavy rental equipment that is eligible for a property tax abatement deduction under IC 6-1.1-12.1 during the calendar year.

(4) "Person" has the meaning set forth in IC 6-2.5-1-3.

(5) "Rental" means any transfer of possession or control of heavy rental equipment for consideration:

(A) for a period not to exceed three hundred sixty-five (365) days; or

(B) for a period that is open ended under the terms of the rental contract with no specified end date.

(6) "Retail merchant" has the meaning set forth in IC 6-2.5-1-8.

SECTION 42. IC 6-8.1-3-25, AS AMENDED BY P.L.146-2016, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 25. Notwithstanding any other law, the department shall deposit the amounts collected under a tax amnesty program carried out under section 17 of this chapter after June 30, 2015, as follows:

(1) County income tax collected under IC 6-3.5-1.1, IC 6-3.5-6, or IC 6-3.5-7 **(all** repealed January 1, 2017) shall be distributed to counties in the same manner as otherwise provided by the appropriate chapter of the Indiana Code.

(2) Eight percent (8%) of inheritance tax collected for resident decedents shall be distributed to counties in the manner provided under IC 6-4.1-9-6.

(3) County innkeeper's tax collected shall be deposited as required by IC 6-9.

(4) County and municipal food and beverage tax collected shall be deposited as required by IC 6-9.

(5) County admissions taxes collected shall be deposited as required by IC 6-9-13 and IC 6-9-28.

(6) Aircraft license excise tax collected shall be deposited as required by IC 6-6-6.5-21.

(7) Auto rental excise tax collected shall be deposited as required by IC 6-6-9-11.

(8) Supplemental auto rental excise tax shall be deposited as otherwise required by the appropriate chapter of the Indiana Code.

(9) Financial institutions tax collected shall be deposited as required by IC 6-5.5-8-2.

(10) After making the deposits required under subdivisions (1) through (9), the first eighty-four million dollars ($84,000,000) collected must be deposited into the Indiana regional cities development fund established by IC 5-28-38-2.

(11) After making the deposits required under subdivisions (1) through (10), the next six million dollars ($6,000,000) collected shall be transferred to the Indiana department of transportation to reimburse the Indiana department of transportation for money expended by the Indiana department of transportation under IC 8-23-2-18.5 **(before its expiration)** for the operation of the Hoosier State Rail Line. However, the total amount transferred under this subdivision to the Indiana department of transportation may not exceed the lesser of:

(A) six million dollars ($6,000,000); or

(B) the total amount expended by the Indiana department of transportation under IC 8-23-2-18.5 **(before its expiration)** for the operation of the Hoosier State Rail Line after June 30, 2015, and before July 1, 2017.

(12) After making the deposits required under subdivisions (1) through (11), the next forty-two million dollars ($42,000,000) collected must be deposited into the Indiana regional cities development fund established by IC 5-28-38-2. The amount deposited under this subdivision is appropriated to the Indiana economic development corporation for the purposes of the Indiana regional cities development fund.

(13) After making the deposits required under subdivisions (1) through (12), the next twenty-nine million eight hundred seventy thousand dollars ($29,870,000) shall be transferred as follows:

(A) Eight million seven hundred thousand dollars ($8,700,000) to the Indiana public retirement system for credit to the Indiana public ~~employees~~ **employees'** retirement fund established by IC 5-10.3-2-1.

(B) Twenty million seven hundred thousand dollars ($20,700,000) to the Indiana public retirement system for credit to the pre-1996 account of the Indiana state ~~teacher's~~ **teachers'** retirement fund established by IC 5-10.4-2-1.

(C) Seventy thousand dollars ($70,000) to the Indiana public retirement system for credit to the state excise police, gaming agent, gaming control officer, and conservation enforcement officers' retirement plan established by ~~IC 5-10.5-3-1.~~ **IC 5-10-5.5-2.**

(D) Two hundred thousand dollars ($200,000) to the treasurer

of state for credit to the trust fund under IC 10-12-1-11 for the state police pre-1987 benefit system.

(E) Two hundred thousand dollars ($200,000) to the treasurer of state for credit to the trust fund under IC 10-12-1-11 for the state police 1987 benefit system.

The amounts transferred under this subdivision shall be used to pay costs that must be paid for any thirteenth check payments or similar supplemental check payments that are enacted by the general assembly and made to the members and beneficiaries of a public pension plan under HEA 1161-2016. The amounts transferred under this subdivision are appropriated for the purposes of this subdivision.

(14) After making the deposits required under subdivisions (1) through (13), the next ten million dollars ($10,000,000) shall be deposited into the next generation Hoosier educators scholarship fund established by IC 21-12-16-3.

(15) Any remaining amounts collected must be deposited into the state general fund.

SECTION 43. IC 8-14-3-3, AS ADDED BY P.L.218-2017, SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. ~~(a)~~ There is annually appropriated two hundred fifty thousand dollars ($250,000) from the motor vehicle highway account to the department to develop and maintain a centralized electronic statewide asset management data base that may be used to aggregate data on local road conditions. The data base shall be developed in cooperation with the department and the office of management and budget.

~~(b) The department shall submit a written report on the department's progress in developing the data base described in subsection (a) to the legislative council in an electronic format under IC 5-14-6 before November 1, 2017. This subsection expires December 31, 2017.~~

SECTION 44. IC 8-16-15.5-12, AS ADDED BY P.L.185-2018, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 12. ~~Bond~~ **Bonds** or notes issued under this chapter are exempt from the registration requirements of IC 23-19 and any other state securities registration statutes.

SECTION 45. IC 9-18.1-9-1, AS AMENDED BY P.L.147-2018, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. ~~(a)~~ A vehicle that is owned or leased and used for official business by the following is exempt from the payment of registration fees under this article:

(1) The state or a state agency (as defined in IC 6-1.1-1-18).

(2) A municipal corporation (as defined in IC 36-1-2-10).

(3) A volunteer fire department (as defined in IC 36-8-12-2).

(4) A volunteer emergency ambulance service that:

(A) meets the requirements of IC 16-31; and

(B) has only members that serve for no compensation or a nominal annual compensation of not more than three thousand five hundred dollars ($3,500).

(5) A rehabilitation center funded under IC 12-12.

(6) A community action agency (IC 12-14-23).

(7) An area agency on aging (IC 12-10-1-6) and a county council on aging that is funded through an area agency.

(8) A community mental health center (IC 12-29-2).

(9) An approved postsecondary educational institution listed in IC 21-7-13-6(a)(1)(C).

SECTION 46. IC 9-24-16-6, AS AMENDED BY P.L.109-2011, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. ~~(a)~~ The bureau shall issue:

(1) an amended identification card if any information contained on the card becomes invalid or obsolete; or

(2) a replacement identification card if the card is lost, stolen, damaged, or destroyed.

SECTION 47. IC 9-30-16-5, AS AMENDED BY P.L.161-2018, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) A person who knowingly or intentionally violates a condition imposed by a court under section 3, 3.5, or 4 of this chapter, or imposed under IC 9-30-10-14.2, commits a Class C misdemeanor. The prosecuting attorney may notify the court that issued the specialized driving privileges order of the alleged violation. If the specialized driving ~~privilege~~ **privileges** order is from a different county, the prosecuting attorney may also notify the prosecuting attorney in that county of the violation.

(b) For a person convicted of an offense under subsection (a), the court that issued the specialized driving ~~privilege~~ **privileges** order that was violated may modify or revoke specialized driving privileges. The court that issued the specialized driving ~~privilege~~ **privileges** order that was violated may order the bureau to lift the stay of a suspension of driving privileges and suspend the person's driving license as originally ordered in addition to any additional suspension.

SECTION 48. IC 9-32-6-6.5, AS AMENDED BY P.L.86-2018, SECTION 150, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6.5. (a) This section applies to dealer license plates issued after December 31, 2014.

(b) Except as provided in subsection (c), dealer license plates issued to licensed dealers under this article are valid from the issue date through the expiration date as follows:

(1) Dealer license plates of a person whose business name begins with the letters A through B expire February 1 of each year.

(2) Dealer license plates of a person whose business name begins with the letters C through D expire March 1 of each year.

(3) Dealer license plates of a person whose business name begins with the letters E through F expire April 1 of each year.

(4) Dealer license plates of a person whose business name begins with the letters G through H expire May 1 of each year.

(5) Dealer license plates of a person whose business name begins with the letters I through J expire June 1 of each year.

(6) Dealer license plates of a person whose business name begins with the letters K through L expire July 1 of each year.

(7) Dealer license plates of a person whose business name begins with the letters M through N expire August 1 of each year.

(8) Dealer license plates of a person whose business name begins with the letters O through P expire September 1 of each year.

(9) Dealer license plates of a person whose business name begins with the letters Q through R expire October 1 of each year.

(10) Dealer license plates of a person whose business name begins with the letters S through T expire November 1 of each year.

(11) Dealer license plates of a person whose business name begins with the letters U through V expire December 1 of each year.

(12) Dealer license plates of a person whose business name begins with the letters W through Z expire January 1 of each year.

(c) Dealer license plates issued to a person whose business name begins with a nonalpha character expire November 1 of each year.

(d) A dealer designee license plate expires as follows:

(1) For a dealer designee license plate issued before July 1, 2017, on the earlier of:

(A) the date designated by the dealer on the application related to the license plate; or

(B) the date on which the dealer license issued to the same person expires.

(2) For a dealer designee license plate issued after June 30, 2017, on the same date each year as the date on which a dealer license issued to the same person expires.

~~(e) This subsection expires December 31, 2017. For a dealer license~~

~~plate issued in 2015, the dealer services division shall impose a fee for the dealer license plate under IC 9-29-17 (before its repeal) in the amount that bears the same proportion to the annual fee for the dealer license plate as the number of months the dealer license plate is valid bears to twelve (12).~~

~~(f)~~ **(e)** The fee to renew the license plates issued under ~~IC 9-32-6-1~~ **section 1 of this chapter** is as follows:

(1) For motorcycle dealer license plates, fifteen dollars ($15).

(2) For dealer license plates not described in subdivision (1), forty dollars ($40).

~~(g)~~ **(f)** Fees collected under subsection ~~(f)~~ **(e)** shall be distributed as follows:

(1) Thirty percent (30%) to the dealer compliance account established by IC 9-32-7-1.

(2) Seventy percent (70%) to the motor vehicle highway account under IC 8-14-1.

~~(h)~~ **(g)** There is an additional service charge of five dollars ($5) for the renewal of each set of license plates issued under ~~IC 9-32-6-1.~~ **section 1 of this chapter.** The service charge shall be deposited in the crossroads 2000 fund.

~~(i)~~ **(h)** The fee to renew each additional license plate issued under ~~IC 9-32-6-5~~ **section 5 of this chapter** is as follows:

(1) For an additional motorcycle dealer license plate, seven dollars and fifty cents ($7.50).

(2) For an additional dealer license plate not described in subdivision (1), fifteen dollars ($15).

~~(j)~~ **(i)** Fees collected under subsection ~~(i)~~ **(h)** shall be distributed as follows:

(1) Thirty percent (30%) to the dealer compliance account established by IC 9-32-7-1.

(2) Seventy percent (70%) to the motor vehicle highway account under IC 8-14-1.

~~(k)~~ **(j)** There is an additional service charge for the renewal of each additional license plate issued under ~~IC 9-32-6-5,~~ **section 5 of this chapter,** as follows:

(1) For an additional motorcycle dealer license plate, two dollars and fifty cents ($2.50).

(2) For an additional dealer license plate not described in subdivision (1), five dollars ($5).

~~(l)~~ **(k)** The service charge under subsection ~~(k)~~ **(j)** shall be deposited in the crossroads 2000 fund.

~~(m)~~ **(l)** The fee to renew a license plate issued under ~~IC 9-32-6-2(b)~~

section 2(b) of this chapter is forty dollars ($40). The fee shall be deposited in the dealer compliance account established by IC 9-32-7-1.

~~(m)~~ **(m)** The fees collected under subsection ~~(o)~~ **(n)** shall be distributed as follows:

(1) Forty percent (40%) to the crossroads 2000 fund.

(2) Forty-nine percent (49%) to the dealer compliance account established by IC 9-32-7-1.

(3) Eleven percent (11%) to the motor vehicle highway account under IC 8-14-1.

~~(o)~~ **(n)** The fee to renew a dealer designee license plate issued under IC 9-32-6.5-1 is twenty-one dollars and thirty-five cents ($21.35).

SECTION 49. IC 10-18-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. ~~(a)~~ The commission shall elect the following:

(1) One (1) member of the commission to serve as president.

(2) One (1) member of the commission to serve as vice president.

(3) One (1) qualified person who is not a member of the commission to serve as secretary of the commission.

The commission shall elect officers each year. Officers shall hold their respective offices for one (1) year or during the pleasure of the commission.

SECTION 50. IC 11-8-5-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 0.5. As used in this chapter, "compelling public interest" means any condition in which there is a question of:**

(1) the proper appropriation or expenditure of public funds;

(2) the official conduct of public employees or any person who provides goods or services to the state for financial compensation under contract or other agreement;

(3) the suitability for receiving a public trust or benefits; or

(4) the public safety or welfare.

SECTION 51. IC 11-8-5-2, AS AMENDED BY P.L.136-2018, SECTION 107, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) The department may, under IC 4-22-2, classify as confidential the following personal information maintained on a person who has been committed to the department or who has received correctional services from the department:

(1) Medical, psychiatric, or psychological data or opinion which might adversely affect that person's emotional well-being.

(2) Information relating to a pending investigation of alleged criminal activity or other misconduct.

(3) Information which, if disclosed, might result in physical harm

to that person or other persons.

(4) Sources of information obtained only upon a promise of confidentiality.

(5) Information required by law or promulgated rule to be maintained as confidential.

(b) The department may deny the person about whom the information pertains and other persons access to information classified as confidential under subsection (a). However, confidential information shall be disclosed:

(1) upon the order of a court;

(2) to employees of the department who need the information in the performance of their lawful duties;

(3) to other agencies in accord with IC 4-1-6-2(13) and IC 4-1-6-8.5;

(4) to the governor or the governor's designee;

(5) for research purposes in accord with ~~IC 4-1-6-8.6(b);~~ **IC 4-1-6-8.6(a);**

(6) to the department of correction ombudsman bureau in accord with IC 11-11-1.5;

(7) to a person who is or may be the victim of inmate fraud (IC 35-43-5-20) if the commissioner determines that the interest in disclosure overrides the interest to be served by nondisclosure; or

(8) if the commissioner determines there exists a compelling public interest ~~as defined in IC 4-1-6-1,~~ for disclosure which overrides the interest to be served by nondisclosure.

(c) The department shall disclose information classified as confidential under subsection (a)(1) to a physician, psychiatrist, or psychologist designated in writing by the person about whom the information pertains.

(d) The department may disclose confidential information to the following:

(1) A provider of sex offender management, treatment, or programming.

(2) A provider of mental health services.

(3) Any other service provider working with the department to assist in the successful return of an offender to the community following the offender's release from incarceration.

(e) This subsection does not prohibit the department from sharing information available on the Indiana sex offender registry with another person.

SECTION 52. IC 12-7-2-111 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 111. (a) "Immediate family", for purposes of the statutes listed in subsection (b), means the following:

(1) If a Medicaid applicant is married, the applicant's spouse and dependent children less than twenty-one (21) years of age.

(2) If a Medicaid applicant is not married, the following:

(A) If the applicant is divorced, the parent having custody.

(B) If the applicant is less than twenty-one (21) years of age:

~~(I)~~ **(i)** the parent having custody; and

(ii) the dependent children less than twenty-one (21) years of age of the parent or parents.

(C) If clauses (A) and (B) do not apply, the applicant's parents.

(b) This section applies to the following statutes:

(1) IC 12-14-1 through ~~IC 12-14-9.5.~~ **IC 12-14-8.**

(2) IC 12-15, except IC 12-15-32, IC 12-15-33, and IC 12-15-34.

SECTION 53. IC 12-7-2-120 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 120. (a) "Insurer", for purposes of the statutes listed in subsection (b), means an insurance company, a health maintenance organization (as defined in IC 27-13-1-19), a self-funded employee benefit plan, a pension fund, a retirement system, or a similar entity that:

(1) does business in Indiana; and

(2) is under an obligation to make payments for medical services as a result of injury, illness, or disease suffered by an individual.

(b) This section applies to the following statutes:

(1) IC 12-14-1 through ~~IC 12-14-9.5.~~ **IC 12-14-8.**

(2) IC 12-15, except IC 12-15-32, IC 12-15-33, and IC 12-15-34.

SECTION 54. IC 12-7-2-127, AS AMENDED BY P.L.143-2011, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 127. "Managed care provider", for purposes of IC 12-14-1 through ~~IC 12-14-9.5~~ **IC 12-14-8** and IC 12-15 (except IC 12-15-21, IC 12-15-33, and IC 12-15-34), means either of the following:

(1) A physician licensed under IC 25-22.5 who:

(A) is primarily engaged in general practice, family practice, internal medicine, pediatric medicine, or obstetrics and gynecology; and

(B) has entered into a provider agreement for the provision of physician services under IC 12-15-11-4.

(2) A partnership, corporation, or other entity that:

(A) employs or contracts with physicians licensed under IC 25-22.5 who are primarily engaged in general practice,

family practice, internal medicine, pediatric medicine, or obstetrics and gynecology; and

(B) has entered into a provider agreement for the provision of physician services under IC 12-15-11-4.

SECTION 55. IC 12-7-2-149.1, AS AMENDED BY P.L.225-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 149.1. "Provider" means the following:

(1) For purposes of IC 12-10-7, the meaning set forth in IC 12-10-7-3.

(2) For purposes of the following statutes, an individual, a partnership, a corporation, or a governmental entity that is enrolled in the Medicaid program under rules adopted under IC 4-22-2 by the office of Medicaid policy and planning:

(A) IC 12-14-1 through ~~IC 12-14-9.5.~~ **IC 12-14-8.**

(B) IC 12-15, except IC 12-15-32, IC 12-15-33, and IC 12-15-34.

(C) IC 12-17.6.

(3) Except as provided in subdivisions (4) and (6), for purposes of IC 12-17.2, a person who operates a child care center or child care home under IC 12-17.2.

(4) For purposes of IC 12-17.2-3.5, a person that:

(A) provides child care; and

(B) is directly paid for the provision of the child care under the federal Child Care and Development Fund voucher program administered under 45 CFR 98 and 45 CFR 99.

The term does not include an individual who provides services to a person described in clauses (A) and (B), regardless of whether the individual receives compensation.

(5) For purposes of IC 12-21-1 through IC 12-29-2, an organization:

(A) that:

(i) provides mental health services, as defined under 42 U.S.C. 300x-2(c);

(ii) provides addiction services; or

(iii) provides children's mental health services;

(B) that has entered into a provider agreement with the division of mental health and addiction under IC 12-21-2-7 to provide services in the least restrictive, most appropriate setting; and

(C) that is operated by one (1) of the following:

(i) A city, town, county, or other political subdivision of the state.

(ii) An agency of the state or of the United States.

(iii) A political subdivision of another state.

(iv) A hospital owned or operated by a unit of government or a building authority that is organized for the purpose of constructing facilities to be leased to units of government.

(v) A corporation incorporated under IC 23-7-1.1 (before its repeal August 1, 1991) or IC 23-17.

(vi) An organization that is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code.

(vii) A university or college.

(6) For purposes of IC 12-17.2-2-10, the following:

(A) A person described in subdivision (4).

(B) A child care center licensed under IC 12-17.2-4.

(C) A child care home licensed under IC 12-17.2-5.

SECTION 56. IC 12-10-11.5-8, AS AMENDED BY P.L.173-2018, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8. (a) As used in this section, "assisted living services" refers to services covered under ~~the~~ **a** waiver and provided in any of the following entities:

(1) A residential care facility licensed under IC 16-28.

(2) Any other housing with services establishment.

(b) Under a Medicaid waiver that provides services to an individual who is aged or disabled, the office shall reimburse for assisted living services.

(c) The office may reimburse for any home and community based services provided to a Medicaid recipient beginning on the date of the individual's Medicaid application.

(d) The office may not do any of the following concerning assisted living services provided in a home and community based services program:

(1) Require the installation of a sink in the kitchenette within any living unit of an entity that participated in the Medicaid home and community based service program before July 1, 2018.

(2) Require all living units within a setting that provides assisted living services to comply with physical plant requirements that are applicable to individual units occupied by a Medicaid recipient.

(3) Require a provider to offer only private rooms.

(4) Require a housing with services establishment provider to provide housing when:

(A) the provider is unable to meet the health needs of a resident without:

(i) undue financial or administrative burden; or

(ii) fundamentally altering the nature of the provider's operations; and

(B) the resident is unable to arrange for services to meet the resident's health needs.

(5) Require a housing with services establishment provider to separate an agreement for housing from an agreement for services.

(6) Prohibit a housing with services establishment provider from offering studio apartments with only a single sink in the unit.

(7) Preclude the use of a shared bathroom between adjoining or shared units if the participants consent to the use of a shared bathroom.

(e) The division may adopt rules under IC 4-22-2 that establish the right, and an appeals ~~process for,~~ **process, for** a resident to appeal a provider's determination that the provider is unable to meet the health needs of the resident as described in subsection (d)(4). The process:

(1) must require an objective third party to review the provider's determination in a timely manner; and

(2) may not be required if the provider is licensed by the state department of health and the licensure requirements include an appellate procedure for such a determination.

(f) Before December 31, 2018, the office shall:

(1) implement a process for; and

(2) resume enrollment of;

a provider with specialized and secure settings for individuals with Alzheimer's disease or other dementia, within a portion of or throughout the setting, to become a provider under a home and community based services program. At least forty-five (45) days before the adoption of an enrollment process under this subsection, the office shall consult with home and community based services providers, case managers, care managers, and persons with expertise in Alzheimer's disease or other dementia. The office's failure to adopt an enrollment process under this subsection shall not prevent the office from processing a provider application.

SECTION 57. IC 12-14-3-1, AS AMENDED BY P.L.161-2007, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. When assistance is granted to a dependent child under IC 12-14-1 through ~~IC 12-14-9.5,~~ **IC 12-14-8,** the award made must be entered on a written notice prescribed by the division that designates the following:

(1) The name and residence of the recipient.

(2) The amount of the award.

(3) The date when the assistance is to begin.

(4) Any other fact required by the division.

SECTION 58. IC 12-14-8-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8. A decision under IC 12-14-1 through ~~IC 12-14-9.5~~ **IC 12-14-8** is subject to review by the division.

SECTION 59. IC 12-14-9.5 IS REPEALED [EFFECTIVE JULY 1, 2019]. (County Reimbursement of Welfare Expenses; Aid to Dependent Children).

SECTION 60. IC 12-15-35.5-9, AS ADDED BY P.L.37-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 9. ~~(a)~~ The office may not reimburse under Medicaid for Subutex, Suboxone, or a similar trade name or generic of the drug if the drug is only indicated for addiction treatment and was prescribed for the treatment of pain or pain management.

SECTION 61. IC 12-21-5-5, AS ADDED BY P.L.254-2017, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) The division shall develop a statewide program for suicide prevention.

(b) The division shall employ a coordinator of the statewide program for suicide prevention to implement and maintain the statewide program for suicide prevention.

(c) The statewide program for suicide prevention must include a state plan for suicide prevention that must address the following:

(1) Educational opportunities and activities to increase awareness and knowledge of the public.

(2) Training for individuals who may have frequent contact with individuals at risk of suicide on warning signs and tendencies that may evidence that an individual is considering suicide.

(3) Materials to increase public awareness of suicide and suicide prevention.

(4) Enhancement of crisis services relating to suicide prevention.

(5) Assistance for school corporations on suicide awareness and intervention training.

(6) Coordination of county and regional advisory groups to support the statewide program.

(7) Coordination with appropriate entities to identify and address barriers in providing services to individuals at risk of suicide.

(8) Maintenance of an Internet web site containing information and resources related to suicide awareness, prevention, and intervention.

(9) Development of recommendations for improved collection of data on suicide and factors related to suicide.

(10) Development and submission of proposals for funding from federal agencies or other sources of funding.

~~(d) The coordinator of the statewide program for suicide prevention shall study and determine:~~

~~(1) the professions that should be required to receive training concerning suicide assessment, treatment, and management; and~~

~~(2) the manner in which to fund the required training for the determined professions.~~

~~The coordinator shall report the determinations made under this subsection to the legislative council in an electronic format under IC 5-14-6 not later than December 31, 2017. This subsection expires January 1, 2018.~~

SECTION 62. IC 12-23-14-13, AS AMENDED BY P.L.161-2018, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 13. (a) As used in this section, "board" refers to the board of directors of the judicial conference of Indiana established by IC 33-38-9-3.

(b) As used in this section, "effective date" means the date established by the board after which minimum employment standards are required for persons employed in court drug and alcohol programs.

(c) A program established under this chapter is subject to the regulatory powers of the office of judicial administration ~~established~~ **created** by ~~IC 33-38-9-4.~~ **IC 33-24-6-1.**

(d) With regard to alcohol and drug services programs established under this chapter, the office of judicial administration may do the following:

(1) Ensure that programs comply with rules adopted under this section and applicable federal regulations.

(2) Revoke the authorization of a program upon a determination that the program does not comply with rules adopted under this section and applicable federal regulations.

(3) Make agreements and contracts with:

(A) another department, authority, or agency of the state;

(B) another state;

(C) the federal government;

(D) a state educational institution or a private postsecondary educational institution; or

(E) a public or private agency;

to effectuate the purposes of this chapter.

(4) Directly, or by contract, approve and certify programs

established under this chapter.

(5) Require, as a condition of operation, that each program created or funded under this chapter be certified according to rules established by the office of judicial administration.

(6) Adopt rules to implement this chapter.

(e) The board shall adopt rules concerning standards, requirements, and procedures for initial certification, recertification, and decertification of alcohol and drug services programs.

(f) The board may adopt rules concerning educational and occupational qualifications needed to be employed by or to provide services to a court alcohol and drug services program. If the board adopts qualifications under this subsection:

(1) the board shall establish an effective date after which any person employed by a court alcohol and drug services program must meet the minimum qualifications adopted under this subsection; and

(2) the minimum employment qualifications adopted under this subsection do not apply to a person who is employed:

(A) by a certified court alcohol and drug program before the effective date; or

(B) as administrative personnel.

(g) The board may delegate any of the functions described in subsections (e) and (f) to the court alcohol and drug program advisory committee or the office of judicial administration.

SECTION 63. IC 13-11-2-191, AS AMENDED BY P.L.127-2009, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 191. (a) "Responsible party", for purposes of IC 13-18-10, means any of the following:

(1) An applicant.

(2) An officer, a corporation director, or a senior management official of any of the following that is an applicant:

(A) A corporation.

(B) A partnership.

(C) A limited liability company.

(D) A business association.

(b) "Responsible party", for purposes of IC 13-19-4, means:

(1) an officer, a corporation director, or a senior management official of a corporation, partnership, limited liability company, or business association that is an applicant; or

(2) an individual, a corporation, a limited liability company, a partnership, or a business association that owns, directly or indirectly, at least a twenty percent (20%) interest in the

applicant.

~~(c) "Responsible party", for purposes of IC 13-20-6, means:~~

~~(1) an officer, a corporation director, or a senior management official of a corporation, partnership, limited liability company, or business association that is an operator; or~~

~~(2) an individual, a corporation, a limited liability company, a partnership, or a business association that owns, directly or indirectly, at least a twenty percent (20%) interest in the operator.~~

~~(d)~~ **(c)** "Responsible party", for purposes of IC 13-24-2, has the meaning set forth in Section 1001 of the federal Oil Pollution Act of 1990 (33 U.S.C. 2701).

~~(e)~~ **(d)** "Responsible party", for purposes of IC 13-25-6, means a person:

(1) who:

(A) owns hazardous material that is involved in a hazardous materials emergency; or

(B) owns a container or owns or operates a vehicle that contains hazardous material that is involved in a hazardous materials emergency; and

(2) who:

(A) causes; or

(B) substantially contributes to the cause of;

the hazardous materials emergency.

SECTION 64. IC 13-21-3-1, AS AMENDED BY P.L.181-2018, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. ~~(a) Except as provided in subsection (b), each county shall, by ordinance of the county executive:~~

~~(1) join with one (1) or more other counties in establishing a joint solid waste management district that includes the entire area of all the acting counties; or~~

~~(2) designate itself as a county solid waste management district. This subsection expires July 1, 2017.~~

~~(b)~~ **(a)** After June 30, 2017, a county may, by ordinance of the county executive:

(1) join with one (1) or more other counties in establishing a joint solid waste management district that includes the entire area of all the acting counties; or

(2) designate itself as a county solid waste management district.

~~(c)~~ **(b)** ~~Notwithstanding subsection (a)(1),~~ If a county withdraws from a joint solid waste management district under IC 13-21-4, the county executive of the county may adopt an ordinance to join another or establish another joint solid waste management district with one (1)

or more other counties:

(1) not earlier than fifteen (15) days; or

(2) not later than forty-five (45) days;

after the date the ordinance is introduced.

~~(d)~~ **(c)** An ordinance adopted under subsection (a)(1) or ~~(c)~~ **(b)** must include the approval of an agreement governing the operation of the joint district.

~~(e) If a county fails to comply with this section, the commissioner shall designate the county as a solid waste management district. This subsection expires July 1, 2017.~~

~~(f)~~ **(d)** After June 30, 2017, a county may do the following:

(1) Dissolve the county solid waste management district of the county through:

(A) the adoption by the county executive of an ordinance in favor of the dissolution of the district;

(B) the adoption by the county fiscal body of an ordinance in favor of the dissolution of the district; and

(C) the action of the county legislative body according to the procedure set forth in IC 36-1-8-17.7, including the adoption of:

(i) a plan concerning the dissolution of the district that is consistent with IC 13-21-15 and includes the content required by IC 36-1-8-17.7(b)(5); and

(ii) an ordinance dissolving the district.

(2) Withdraw from the joint solid waste management district to which the county belongs through the action of the county executive in:

(A) following the procedure set forth in IC 13-21-4;

(B) adopting a plan that is consistent with IC 13-21-15 and includes the content required by IC 36-1-8-17.7(b)(5); and

(C) adopting an ordinance under IC 13-21-15-2(a) exercising the right of the county:

(i) not to be designated as a county solid waste management district; and

(ii) not to be a member of another joint solid waste management district.

~~(g)~~ **(e)** If a county, on June 30, 2017, is designated as a county solid waste management district or belongs to a joint solid waste management district, the expiration of **the former** subsection (a) **on July 1, 2017,** and the taking effect of subsection ~~(b)~~ **(a) on July 1, 2017,** do not affect the county solid waste management district or the county's membership in the joint solid waste management district. A solid waste management district established under **the former**

subsection (a) **before its expiration on July 1, 2017,** (or under IC 13-9.5-2-1, before its repeal) continues in existence after June 30, 2017, unless the county takes action under subsection ~~(f)~~ **(d)** concerning the solid waste management district. The expiration of **the former** subsection (a) **on July 1, 2017,** does not affect:

(1) any rights or liabilities accrued;

(2) any administrative or legal proceedings begun;

(3) any bonds, notes, loans, or other forms of indebtedness issued, incurred, or made;

(4) any tax levies made or authorized;

(5) any fees collected;

(6) any funds established;

(7) any patents issued;

(8) the validity, continuation, or termination of any contracts or leases executed; or

(9) the validity of court decisions entered;

before July 1, 2017.

~~(h)~~ **(f)** A person who is:

(1) a member of:

(A) the county executive;

(B) the county legislative body; or

(C) the county fiscal body; and

(2) an employee of a district;

may not cast a vote on an ordinance under this section or in any other action concerning the dissolution of the district that employs the person.

~~(i)~~ **(g)** The following apply to an individual described in subsection ~~(h)~~ **(f)** after the solid waste management district is dissolved:

(1) Notwithstanding IC 3-5-9, the person may continue to hold the elected office to which the person was elected before the dissolution of the district until the expiration of the term to which the person was elected.

(2) Notwithstanding IC 3-5-9-5, the person is not:

(A) considered to have resigned; or

(B) required to resign;

as an employee of the county, after the dissolution of the district.

(3) The person may not cast a vote on any matter concerning solid waste management as a member of:

(A) the county executive;

(B) the county legislative body; or

(C) the county fiscal body.

SECTION 65. IC 13-21-4-6, AS AMENDED BY P.L.189-2016,

SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) If a county withdraws from or the county executives of a joint district remove a county from a joint district, the county:

(1) before July 1, 2017, must:

(A) designate itself as a new county district;

(B) join one (1) or more other counties to form a new joint district; or

(C) join an existing joint district;

under the procedures set forth in IC 13-21-3; or

(2) after June 30, 2017, may:

(A) take one (1) of the actions set forth in subdivision (1); or

(B) adopt an ordinance under ~~IC 13-21-3-1(f)(2)(C)~~ **IC 13-21-3-1(d)(2)(C)** and IC 13-21-15-2(a) exercising the right of the county:

(i) not to be designated as a county solid waste management district; and

(ii) not to be a member of another joint solid waste management district.

(b) If a county:

(1) designates itself as a new county district; or

(2) joins one (1) or more other counties to form a new joint district;

the county district or new joint district shall submit a district plan to the commissioner as provided under IC 13-21-5.

(c) If a county joins an existing joint district, the joint district shall amend the joint district's district plan as provided under IC 13-21-5.

(d) If a county withdraws or is removed from a joint district that consists of more than two (2) counties, the joint district shall amend the joint district's district plan as provided under IC 13-21-5.

SECTION 66. IC 13-21-15-1, AS ADDED BY P.L.189-2016, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) If a solid waste management district is a county district consisting of only one (1) county, the county may dissolve the district under ~~IC 13-21-3-1(f)(1)~~ **IC 13-21-3-1(d)(1)** and IC 36-1-8-17.7(b).

(b) The dissolution of a district through the adoption of an ordinance under IC 36-1-8-17.7(b)(7) is effective on the date specified in the ordinance.

(c) Upon the dissolution of a district, the following apply:

(1) Any legal obligations of the district that were incurred under this article before the district was dissolved, including bond

obligations, loan obligations, other contractual liabilities, and civil liabilities, are transferred to the county and become legal obligations of the county, and those legal obligations shall be satisfied from assets of the district as provided in subdivision (2).

(2) Any assets of the district that are needed to satisfy the legal obligations described in subdivision (1) shall be:

(A) used by the district to satisfy those legal obligations; or

(B) transferred to the county and used by the county to satisfy those legal obligations.

(3) To the extent there are assets of the district that are not needed to satisfy the legal obligations described in subdivision (1), those assets:

(A) shall be transferred to the county and become assets of the county; and

(B) shall be used by the county in providing services previously provided by the district.

(d) After the county district of a county is dissolved, the county is no longer subject to this article, except for this chapter, and the county is not a county district or a member of a joint district.

SECTION 67. IC 13-21-15-2, AS ADDED BY P.L.189-2016, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) If a county is a member of a joint solid waste management district and withdraws from the joint district under ~~IC 13-21-3-1(f)(2)~~ **IC 13-21-3-1(d)(2)** and IC 13-21-4, the county executive of the county may adopt an ordinance determining that both of the following apply to the county:

(1) The county will no longer be a member of a joint solid waste management district.

(2) The county will not be designated as a county solid waste management district.

(b) If a county withdraws from a joint solid waste management district under IC 13-21-4 and adopts an ordinance under subsection (a):

(1) the county is responsible for its share of legal obligations (if any) arising from its former membership in the joint district as provided under IC 13-21-4; and

(2) any assets of the joint district that are apportioned to the county under IC 13-21-4-4 become assets of the county and:

(A) shall be used by the county to satisfy the legal obligations described in subdivision (1); or

(B) to the extent that the assets are not needed to satisfy the legal obligations described in subdivision (1), shall be used by the county in providing services previously provided by the

district.

(c) If the county executive of the county adopts an ordinance under subsection (a), the county, after the date on which the withdrawal of the county from the joint solid waste management district is effective under IC 13-21-4:

(1) is no longer subject to this article, except for this chapter; and

(2) is not a county district or a member of a joint district.

SECTION 68. IC 16-18-2-344, AS AMENDED BY P.L.97-2018, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 344. "Superintendent",

~~(1) for purposes of IC 16-21-8-1.8, has the meaning set forth in IC 10-11-1-4; and~~

~~(2)~~ for purposes of IC 16-36-3, has the meaning set forth in IC 12-7-2-188(3).

SECTION 69. IC 16-22-8-56, AS ADDED BY P.L.189-2018, SECTION 146, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 56. (a) This section applies notwithstanding any other law.

(b) A pledge of revenues, other money, or property made by the corporation to secure the repayment of its bonds or leases entered into with the building authority, regardless of when ~~it~~ **the pledge** was made, is binding from the time the pledge is, or was, made. The pledge, as of the date the pledge is or was made, creates a statutory lien upon these revenues, other money, or property of the corporation so pledged at the time the pledge is, or was, made. Revenues, other money, or property pledged and then received by the corporation, or which after the pledge may be held, possessed, maintained or controlled by, or otherwise in the custody of:

(1) any other political subdivision of the state; or

(2) any department, agency, or instrumentality of a political subdivision of the state;

under any other law, are immediately subject to the statutory lien of the pledge, with the statutory lien immediately and automatically attaching to the revenues, other money, or property pledged, without any further act. The statutory lien of a pledge is binding against all parties having claims of any kind in tort, contract, or otherwise, against the corporation, regardless of whether the parties have notice of any lien. No resolution, ordinance, indenture, or ~~any~~ other instrument by which a pledge is created needs to be filed or recorded except in the records of the corporation.

(c) To the extent that the corporation has pledged any revenues, other money, or property to secure the repayment of its bonds or leases

entered into with the building authority, the following apply:

(1) The revenues, other money, or property so pledged and then received by the corporation, or which after the pledge, may be held, possessed, maintained or controlled by, or otherwise in the custody of:

(A) any other political subdivision of the state; or

(B) any department, agency, or instrumentality of a political subdivision of the state;

under any other law, up to an amount necessary to pay debt service on or to maintain a reserve fund or any required coverage ratio in any calendar year or bond year with respect to such an obligation, shall be used for the repayment of the obligation and for no other purpose until the obligation for that calendar year or bond year is fully paid in accordance with its terms.

(2) The corporation is prohibited from consenting to or permitting, and shall never be construed as consenting to or permitting, without the consent of one hundred percent (100%) of the owners of all its bonds then outstanding and those bonds then outstanding that are secured by the leases entered into with the building authority, the use of the pledged revenues for any purpose, except as described in subdivision (1).

(3) The revenues, other money, or property, which after the pledge, may be held, possessed, maintained or controlled by, or otherwise in the custody of:

(A) any other political subdivision of the state; or

(B) any department, agency, or instrumentality of a political subdivision of the state;

under any other law, and that would otherwise be available for distribution to the corporation, are automatically subject to a statutory lien for purposes of section 58 of this chapter.

(4) The corporation has no legal or equitable right to any of these revenues, other money, or property, which after the pledge may be held, possessed, maintained or controlled by, or otherwise in the custody of any other political subdivision of the state, or any department, agency, or instrumentality of a political subdivision of the state under any other law, and that would otherwise be available for distribution to the corporation, until:

(A) any reduction permitted under section 58 of this chapter has been applied; and

(B) the revenues, other money, or property have been or are required to be distributed to and received by the corporation.

(5) The corporation is prohibited from consenting to or

permitting, and shall never be construed as consenting to or permitting, the use of any of the revenues, other money, or property that is reduced pursuant to section 58 of this chapter for any other purpose, other than the purposes described in section 58 of this chapter.

SECTION 70. IC 16-22-8-59, AS ADDED BY P.L.189-2018, SECTION 149, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 59. (a) If the corporation is designated as a "distressed political subdivision" by the distressed unit appeal board pursuant to IC 6-1.1-20.3-6.5, upon receipt of the notice of the designation from the distressed unit appeal board, the controller and the county treasurer of the county in which the corporation is established shall take any and all actions necessary to immediately and automatically distribute to the bond bank, after any reductions required by section 58 of this chapter, any revenues, other money, or property that are pledged to pay the principal of or interest on the obligations of the corporation held or owned by or arising from an agreement with the bond bank, which are held, possessed, maintained, controlled, or otherwise in the custody of the county in which the corporation is established, or any department, agency, or instrumentality of the county, which would otherwise be available for distribution to the corporation under any other law.

(b) Upon receipt of the revenues, ~~or~~ **other** money, **or property,** the bond bank shall retain the amount necessary to pay the debt service on all of its bonds for the one (1) year period following the date of the receipt of the revenues, ~~or~~ **other** money, **or property,** for which bonds the corporation is directly or indirectly obligated to pay, pursuant to the corporation's bonds or leases entered into with the building authority. The bond bank shall deposit the amount retained with the trustee or trustees for the bonds and then distribute the remainder to the corporation. The amounts required to be deposited with the trustee or trustees shall be reduced by any other money held by the trustee or trustees and available for the debt service, except any reserves required to be held by the trustee or trustees, but shall be increased by any amount necessary to restore any reserves to their required levels. The revenues, other money, or property of the corporation that are required to be deposited with the trustee or trustees pursuant to this subsection shall continue in full force and effect until the time the distressed unit appeal board terminates the corporation's status as a distressed political subdivision pursuant to IC 6-1.1-20.3-13.

(c) Notwithstanding any other law, the corporation has no legal or equitable right to any revenues, other money, or property that are

pledged to pay the principal of or interest on the obligations of the corporation held or owned by or arising from an agreement with the bond bank, which are held, possessed, maintained, controlled or otherwise in the custody of:

(1) any other political subdivision of the state; or

(2) any department, agency, or instrumentality of a political subdivision of the state;

that would otherwise be available for distribution to the corporation, unless and until the revenues, other money, or property have been or are required to be distributed to and received by the corporation.

SECTION 71. IC 16-36-6-2, AS AMENDED BY P.L.67-2018, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. As used in this chapter, "declarant" means a qualified person:

(1) who has completed a POST form under section 7(a)(1) of this chapter; or

(2) for whom a representative has completed a POST form under section 7(a)(2) of this chapter;

and whose treating physician, advanced practice **registered** nurse, or physician assistant has executed a POST form under section 8 of this chapter.

SECTION 72. IC 16-36-6-7, AS AMENDED BY P.L.67-2018, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. (a) The following individuals may complete a POST form:

(1) A qualified person who is:

(A) either:

(i) at least eighteen (18) years of age; or

(ii) less than eighteen (18) years of age but authorized to consent under IC 16-36-1-3(a)(2); and

(B) of sound mind.

(2) A qualified person's representative, if the qualified person:

(A) is less than eighteen (18) years of age and is not authorized to consent under IC 16-36-1-3(a)(2); or

(B) has been determined to be incapable of making decisions about the qualified person's health care by a treating physician, advanced practice **registered** nurse, or physician assistant acting in good faith and the representative has been:

(i) appointed by the individual under IC 16-36-1-7 to serve as the individual's health care representative;

(ii) authorized to act under IC 30-5-5-16 and IC 30-5-5-17 as the individual's attorney in fact with authority to consent to or

refuse health care for the individual;

(iii) appointed by a court as the individual's health care representative under IC 16-36-1-8; or

(iv) appointed by a court as the guardian of the person with the authority to make health care decisions under IC 29-3.

(b) In order to complete a POST form, a person described in subsection (a) and the qualified person's treating physician, advanced practice **registered** nurse, or physician assistant or the physician's, advanced practice **registered** nurse's, or physician assistant's designee must do the following:

(1) Discuss the qualified person's goals and treatment options available to the qualified person based on the qualified person's health.

(2) Complete the POST form, to the extent possible, based on the qualified person's preferences determined during the discussion in subdivision (1).

(c) When completing a POST form on behalf of a qualified person, a representative shall act:

(1) in good faith; and

(2) in:

(A) accordance with the qualified person's express or implied intentions, if known; or

(B) the best interest of the qualified person, if the qualified person's express or implied intentions are not known.

(d) A copy of the executed POST form shall be maintained in the qualified person's medical file.

SECTION 73. IC 16-36-6-8, AS AMENDED BY P.L.67-2018, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8. (a) A POST form may be executed only by an individual's treating physician, advanced practice **registered** nurse, or physician assistant and only if:

(1) the treating physician, advanced practice **registered** nurse, or physician assistant has determined that:

(A) the individual is a qualified person; and

(B) the medical orders contained in the individual's POST form are reasonable and medically appropriate for the individual; and

(2) the qualified person or representative has completed the POST form in accordance with section 7 of this chapter.

(b) A POST form is effective if the following conditions are met:

(1) The POST form contains the qualified person's name and code status orders.

(2) The treating physician, advanced practice **registered** nurse, or

physician assistant and the qualified person or representative have signed and dated the POST form.

(3) The POST form is in English.

(c) A qualified person who is unable to sign the POST form may direct another person, in the presence of the treating physician, advanced practice **registered** nurse, or physician assistant and the qualified person, to sign the POST form on the qualified person's behalf.

SECTION 74. IC 16-36-6-9, AS AMENDED BY P.L.67-2018, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 9. (a) The state department shall develop a standardized POST form and distribute the POST form.

(b) The POST form developed under this section must include the following:

(1) A medical order specifying whether cardiopulmonary resuscitation (CPR) should be performed if the qualified person is in cardiopulmonary arrest.

(2) A medical order concerning the level of medical intervention that should be provided to the qualified person, including the following:

(A) Comfort measures.

(B) Limited additional interventions.

(C) Full intervention.

(3) A medical order specifying whether antibiotics should be provided to the qualified person.

(4) A medical order specifying whether artificially administered nutrition should be provided to the qualified person.

(5) A signature line for the treating physician, advanced practice **registered** nurse, or physician assistant, including the following information:

(A) The physician's, advanced practice **registered** nurse's, or physician assistant's printed name.

(B) The physician's, advanced practice **registered** nurse's, or physician assistant's telephone number.

(C) The physician's medical license number, advanced practice **registered** nurse's nursing license number, or physician assistant's state license number.

(D) The date of the physician's, advanced practice **registered** nurse's, or physician assistant's signature.

As used in this subdivision, "signature" includes an electronic or physician, advanced practice **registered** nurse, or physician assistant controlled stamp signature.

(6) A signature line for the qualified person or representative, including the following information:

(A) The qualified person's or representative's printed name.

(B) The relationship of the representative signing the POST form to the qualified person covered by the POST form.

(C) The date of the signature.

As used in this subdivision, "signature" includes an electronic signature.

(7) A section presenting the option to allow a declarant to appoint a representative (as defined in IC 16-36-1-2) under IC 16-36-1-7 to serve as the declarant's health care representative.

(c) The state department shall place the POST form on its Internet web site.

(d) The state department is not liable for any use or misuse of the POST form.

SECTION 75. IC 16-36-6-10, AS AMENDED BY P.L.67-2018, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 10. (a) The declarant or representative shall keep the original executed POST form. The POST form is considered the personal property of the declarant. The treating physician, advanced practice **registered** nurse, or physician assistant who executes the POST form shall maintain a copy of the POST form in the declarant's medical records. If the POST form is executed at a health care facility (as defined in IC 16-18-2-161), a copy of the POST form shall be maintained in the health care facility's medical records.

(b) A health care provider or health care facility shall treat a facsimile, paper, or electronic copy of a valid POST form as an original document.

(c) A health care provider, a health care facility, or an entity acting in good faith may not be considered to have knowledge of a POST form solely on the basis of the POST form's entry into a medical record that can be accessed by a person described in this subsection.

SECTION 76. IC 16-36-6-11, AS AMENDED BY P.L.67-2018, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 11. (a) A declarant or representative subject to subsection (b) may at any time revoke a POST form by any of the following:

(1) A signed and dated writing.

(2) Physical cancellation or destruction of the POST form by:

(A) the declarant;

(B) the representative; or

(C) another individual at the direction of the declarant or

representative.

(3) An oral expression by the declarant or representative of an intent to revoke the POST form.

(b) A representative may revoke the POST form only if:

(1) the declarant is incapable of making decisions regarding the declarant's health care; and

(2) the representative acts:

(A) in good faith; and

(B) in:

(i) accordance with the qualified person's express or implied intentions, if known; or

(ii) the best interests of the qualified person, if the qualified person's express or implied intentions are not known.

(c) A revocation of a POST form under this section is effective upon communication of the revocation to a health care provider.

(d) Upon communication of the revocation of a POST form under this section, the health care provider shall immediately notify the declarant's treating physician, advanced practice **registered** nurse, or physician assistant, if known, of the revocation.

(e) Upon notification of the revocation of a POST form to the treating physician, advanced practice **registered** nurse, or physician assistant under subsection (d), the declarant's treating physician, advanced practice **registered** nurse, or physician assistant shall as soon as possible do the following:

(1) Add the revocation to the declarant's medical record with the following information:

(A) The time, date, and place of revocation of the POST form by the declarant, representative, or other individual at the direction of the declarant or representative.

(B) The time, date, and place the treating physician, advanced practice **registered** nurse, or physician assistant was notified of the revocation of the POST form.

(2) Cancel the POST form that is being revoked by conspicuously noting in the declarant's medical records that the declarant's POST form has been voided.

(3) Notify any health care personnel responsible for the care of the declarant of the revocation of the POST form.

(4) Notify the physician, advanced practice **registered** nurse, or physician assistant who signed the POST form of the revocation through the contact information for the physician, advanced practice **registered** nurse, or physician assistant indicated on the form.

SECTION 77. IC 16-36-6-12, AS AMENDED BY P.L.67-2018, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 12. (a) A declarant, or, subject to subsection (b), a representative, may, at any time, request alternative treatment to the treatment specified on the POST form.

(b) A representative may request alternative treatment only if the declarant is incapable of making decisions concerning the declarant's health care.

(c) A health care provider to whom a request for alternative treatment is communicated shall, as soon as possible, notify the declarant's treating physician, advanced practice **registered** nurse, or physician assistant, if known, of the request.

(d) The treating physician, advanced practice **registered** nurse, or physician assistant who is notified under subsection (c) of a request for alternative treatment shall do the following as soon as possible:

(1) Include a written, signed note of the request in the declarant's medical records with the following information:

(A) The time, date, and place of the request by the declarant or representative.

(B) The time, date, and place that the treating physician, advanced practice **registered** nurse, or physician assistant was notified of the request.

(2) Review the POST form with the declarant or representative and execute a new POST form, if needed.

SECTION 78. IC 16-36-6-15, AS AMENDED BY P.L.67-2018, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 15. (a) Except as otherwise provided in this chapter, the medical orders included in a POST form executed under this chapter are effective in all settings. A health care provider shall comply with a declarant's POST form that is apparent and immediately available to the provider unless the provider:

(1) believes the POST form was not validly executed under this chapter;

(2) believes in good faith that the declarant, the representative, or another individual at the request of the declarant or representative has revoked the POST form as provided in section 11 of this chapter;

(3) believes in good faith that the declarant or representative has made a request for alternative treatment as provided in section 12 of this chapter;

(4) believes it would be medically inappropriate to provide the intervention included in the declarant's POST form; or

(5) has religious or moral beliefs that conflict with the POST form.

(b) A health care provider is not required to provide medical treatment that is contrary to a declarant's POST form that has been executed in accordance with this chapter.

(c) If a declarant is capable of making health care decisions, the declarant's treating physician, advanced practice **registered** nurse, or physician assistant, before carrying out or implementing a medical order indicated in the declarant's POST form, shall discuss the order with the declarant to reaffirm or amend the order on the POST form. For purposes of this subsection, a minor who is not authorized to consent to health care under IC 16-36-1-3(a)(2) is not capable of consenting to health care. This subsection applies regardless of whether the POST form was signed by the declarant or representative.

(d) A health care provider who is unable to implement or carry out the orders of a POST form shall transfer care of the declarant to another health care provider who is able to implement or carry out the orders. However, a health care provider who refuses to implement the medical orders included in an executed POST form is not required to transfer care of the declarant if any of the circumstances in subsection (a)(1) through (a)(4) have occurred.

(e) The treating physician, advanced practice **registered** nurse, or physician assistant is responsible for coordinating the transfer of care of a declarant in the circumstances in subsection (d). If the treating physician, advanced practice **registered** nurse, or physician assistant, after a reasonable attempt, is unable to find a physician, advanced practice **registered** nurse, or physician assistant willing to implement or carry out the medical orders included in the declarant's POST form, the treating physician, advanced practice **registered** nurse, or physician assistant may decline to implement or carry out the medical orders.

(f) If, under this section, the treating physician, advanced practice **registered** nurse, or physician assistant does not transfer a declarant or implement the medical orders included in the declarant's POST form and the declarant is competent, the treating physician, advanced practice **registered** nurse, or physician assistant shall attempt to ascertain the declarant's preferences for medical care by discussing the preferences with the declarant. If the declarant is incompetent to act, the treating physician, advanced practice **registered** nurse, or physician assistant shall attempt to ascertain the declarant's preferences for medical care by consulting with the following individuals:

(1) The treating physician, advanced practice **registered** nurse, or physician assistant shall consult with any representative who is

available, willing, and competent to act.

(2) If the declarant does not have a representative or if a representative is not available, willing, and competent to act, the treating physician, advanced practice **registered** nurse, or physician assistant shall consult with any of the following individuals who are available, willing, and competent to act:

(A) The declarant's spouse.

(B) An adult child of the declarant, or, if the declarant has more than one (1) adult child, a majority of the children who are reasonably available for consultation.

(C) A parent of the declarant.

(D) An adult sibling of the declarant, or, if the declarant has more than one (1) adult sibling, a majority of the siblings who are reasonably available for consultation.

(E) An individual with firsthand knowledge of the declarant's intentions.

(g) An individual described in subsection (f) shall act according to the declarant's intentions, if known, or in the best interest of the declarant.

(h) The physician, advanced practice **registered** nurse, or physician assistant shall list the names of the individuals described in subsection (f) who were consulted and the information received by the individuals in the declarant's medical record.

SECTION 79. IC 16-36-6-21, AS ADDED BY P.L.67-2018, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 21. (a) A physician order for scope of treatment document that was executed by a qualified person in another state may be honored if the following conditions are met:

(1) The physician order for scope of treatment document is on a form prepared by a state agency and was executed according to the laws and rules of that state.

(2) A:

(A) licensed physician, advanced practice **registered** nurse, or physician assistant; and

(B) qualified person or representative;

have signed and dated the physician order for scope of treatment document.

(3) The physician order for scope of treatment document is in English.

(b) The state department shall maintain on the state department's Internet web site a list of, or a web site link to, each state that may honor a POST form.

SECTION 80. IC 16-43 IS REPEALED [EFFECTIVE JULY 1, 2019]. (HAZARDOUS PRODUCTS).

SECTION 81. IC 20-20-1-2, AS AMENDED BY P.L.126-2017, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) As used in this chapter, "educational service center" means an extended agency of school corporations, charter schools, and applicable nonpublic schools that:

(1) operates under rules established by the state board;

(2) is the administrative and operational unit that serves a definitive geographical boundary, which, to the extent possible, must be aligned with the boundary of a regional works council's region established under IC 20-19-6 **(before its expiration);** and

(3) allows school corporations, charter schools, and applicable nonpublic schools to voluntarily cooperate and share programs and services that the school corporations, charter schools, and applicable nonpublic schools cannot individually provide but collectively may implement.

(b) Programs and services collectively implemented through an educational service center may include, but are not limited to, the following:

(1) Curriculum development.

(2) Pupil personnel and special education services.

(3) In-service education.

(4) State-federal liaison services.

(5) Instructional materials and multimedia services.

(6) Career and technical education.

(7) Purchasing and financial management.

(8) Needs assessment.

(9) Computer use.

(10) Research and development.

SECTION 82. IC 20-26-5-37, AS AMENDED BY P.L.192-2018, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 37. (a) A high school operated by a school corporation shall offer the high school's students the opportunity to earn an Indiana diploma with any type of designation established under IC 20-19-2-21.

(b) Notwithstanding IC 20-32-4-1.5, ~~IC 20-32-4-4(b)(5),~~ **IC 20-32-4-4(a)(5),** IC 20-32-4-4.1(b)(3), and IC 20-32-4-5(b)(2)(E), a school corporation shall not require a student with a disability to complete locally required credits that exceed state credit requirements to receive a diploma unless otherwise required as part of the student's individualized education program under IC 20-35.

SECTION 83. IC 20-29-3-3.1, AS ADDED BY P.L.169-2016, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3.1. (a) ~~Subject to subsection (b),~~ The board shall appoint an executive director to carry out the duties and daily operations of the board. The executive director may be removed by the board for just cause.

~~(b) Notwithstanding subsection (a), not later than July 1, 2016, the governor shall appoint the initial executive director for the board. This subsection expires July 1, 2017.~~

~~(c)~~ **(b)** The executive director's duties include the following:

(1) To establish a principal office in Indianapolis.

(2) To conduct any administrative function on behalf of the board with respect to any hearing, investigation, inquiry, election, or review, including designating a staff person or ad hoc panel member to serve as an agent of the board for any of the following:

(A) Hearing examiner.

(B) Hearing officer.

(C) Factfinder.

(D) Compliance officer.

(E) Financial consultant.

The executive director may conduct additional related administrative functions under this subdivision.

(3) To hire and appoint staff and attorneys as necessary to ensure efficient and effective operation of the board. The attorneys appointed under this subdivision may, at the direction of the board, appear for and represent the board in court.

(4) To pay the reasonable and necessary traveling and other expenses of an employee, a member, or an agent of the board.

(5) To request from any public agency the assistance, services, and data that will enable the board to properly carry out the board's functions and powers.

(6) To publish and report in full an opinion in every case decided by the board.

(7) To declare impasse under IC 20-29-6-13.

~~(d)~~ **(c)** The executive director has financial and signatory powers necessary to ensure efficient and effective board operations. In addition, the board may authorize the executive director to carry out any or all of the board's powers under section 11 of this chapter unless otherwise prohibited by statute.

SECTION 84. IC 20-32-4-1.5, AS AMENDED BY P.L.192-2018, SECTION 25, AND AS AMENDED BY P.L.174-2018, SECTION 4, IS CORRECTED AND AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2019]: Sec. 1.5. (a) ~~*This section applies after June 30, 2018.*~~ *This subsection expires July 1, 2022. Except as provided in subsection (f) and sections 4, 5, 6, 7, 8, 9, and 10 of this chapter, each student is required to meet:*

(1) the academic standards tested in the graduation examination;

(2) the Core 40 course and credit requirements adopted by the state board under IC 20-30-10; and

(3) any additional requirements established by the governing body;

to be eligible to graduate.

(b) Except as provided in *subsection (f) and* sections 4, *4.1,* 5, 6, 7, 8, 9, and 10 of this chapter, *beginning with the class of students who expect to graduate during the 2022-2023 school year,* each student shall:

(1) demonstrate college or career readiness through a pathway established by the state board, in consultation with the department of workforce development and the commission for higher education;

(2) meet the Core 40 course and credit requirements adopted by the state board under IC 20-30-10; and

(3) meet any additional requirements established by the governing body;

to be eligible to graduate.

(c) The state board shall establish graduation pathway requirements under subsection (b)(1) in consultation with the department of workforce development and the commission for higher education. A graduation pathway requirement may include the following ~~*options*~~ *postsecondary readiness competencies* approved by the state board:

~~*(1) End of course assessments measuring academic standards in subjects determined by the state board.*~~

~~*(2)*~~ *(1)* International baccalaureate exams.

~~*(3)*~~ *(2)* Nationally recognized college entrance assessments.

~~*(4)*~~ *(3)* Advanced placement exams.

~~*(5)*~~ *(4)* Assessments necessary to receive college credit for dual credit courses.

~~*(6)*~~ *(5)* Industry recognized certificates.

~~*(7)*~~ *(6)* The Armed Services Vocational Aptitude Battery.

~~*(8)*~~ *(7)* Any other ~~*pathway*~~ *competency* approved by the state board.

(d) If the state board establishes a nationally recognized college entrance exam as a graduation pathway requirement, the nationally recognized college entrance exam must be offered to a student at the

school in which the student is enrolled and during the normal school day.

(e) When an apprenticeship is established as a graduation pathway requirement, the state board shall establish as an apprenticeship only an apprenticeship program registered under the federal National Apprenticeship Act (29 U.S.C. 50 et seq.) or another federal apprenticeship program administered by the United States Department of Labor.

(f) Notwithstanding subsection (a), a school corporation, charter school, or accredited nonpublic school may voluntarily elect to use graduation pathways described in subsection (b) in lieu of the graduation examination requirements specified in subsection (a) prior to July 1, 2022.

(g) The state board, in consultation with the department of workforce development and the commission for higher education, shall approve college and career pathways relating to career and technical education, including sequences of courses leading to student concentrators.

SECTION 85. IC 20-32-4-6, AS AMENDED BY P.L.233-2015, SECTION 240, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. A decision with regard to whether a student who is a student with a disability (as defined in IC 20-35-1-8) is subject to the requirements ~~of~~ **for an Indiana diploma with a Core 40 designation set forth in** section ~~1(b)(2)~~ **1.5** of this chapter shall be made in accordance with the student's individualized education program and federal law.

SECTION 86. IC 20-32-8-4, AS AMENDED BY P.L.192-2018, SECTION 39, AND AS AMENDED BY P.L.140-2018, SECTION 11, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. The remediation grant program is established to provide grants to school corporations for the following:

(1) Remediation of students who score below academic standards.

(2) Preventive remediation for students who are at risk of falling below academic standards.

(3) For students in a freeway school or freeway school corporation who are assessed under a locally adopted assessment program under ~~*IC 20-26-15-6(7):*~~ *IC 20-26-15-6(4):*

(A) remediation of students who score below academic standards under the locally adopted assessment program; and

(B) preventive remediation for students who are at risk of falling below academic standards under the locally adopted

assessment program.

(4) Targeted instruction of students to:

(A) reduce the likelihood that a student may fail a graduation exam ~~*(before July 1, 2018)*~~ *(before July 1, 2022)* or fail to meet a ~~*graduation pathway requirement (after June 30, 2018),*~~ *postsecondary readiness competency established by the state board under IC 20-32-4-1.5(c)* and require a graduation waiver under IC 20-32-4-4, *IC 20-32-4-4.1,* or IC 20-32-4-5; or

(B) minimize the necessity of remedial work of students while the students attend postsecondary educational institutions or workforce training programs.

SECTION 87. IC 20-34-6-2, AS ADDED BY P.L.83-2018, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) Not later than June 1, 2018, and each June 1 thereafter, the department shall send notification via electronic mail or a letter to each school corporation explaining:

(1) the school corporation's obligation to report bullying incidents under section ~~1(8)~~ **1(a)(8)** of this chapter; and

(2) that the department may conduct an audit of a school corporation under subsection (b) to ensure the school corporation's compliance with the requirements of section ~~1(8)~~ **1(a)(8)** of this chapter.

(b) The department may conduct an audit of a school corporation to ensure that the school corporation is accurately reporting bullying incidents under section ~~1(8)~~ **1(a)(8)** of this chapter. If the department finds discrepancies in the school corporation's reporting of bullying incidents under section ~~1(8)~~ **1(a)(8)** of this chapter, the department shall post a copy of the department's findings on the department's Internet web site.

SECTION 88. IC 20-36-5-1, AS AMENDED BY P.L.192-2018, SECTION 44, AND AS AMENDED BY P.L.191-2018, SECTION 18, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. A student shall receive credits toward graduation or an *Indiana diploma with a Core 40 with* academic honors ~~*diploma*~~ *designation* by demonstrating the student's proficiency in a course or subject area required for graduation or the *Indiana diploma with a Core 40 with* academic honors ~~*diploma,*~~ *designation,* whether or not the student has completed course work in the subject area, by any one (1) or more of the following methods:

(1) Receiving a score that demonstrates proficiency on a standardized assessment of academic or subject area competence that is accepted by accredited postsecondary educational

institutions.

~~*(2) Receiving a high proficiency level score on an end of course assessment for a course without taking the course.*~~

~~*(3)*~~ *(2)* Successfully completing a similar course at an eligible institution under the postsecondary enrollment program under IC 21-43-4.

~~*(4)*~~ *(3)* Receiving a score of three (3), four (4), or five (5) on an advanced placement examination for a course or subject area.

~~*(5)*~~ **(4)** *Receiving a score of E(e) or higher on a Cambridge International Advanced A or AS level examination for a course or subject area.*

~~*(4)*~~ ~~*(6)*~~ **(5)** Other methods approved by the state board.

SECTION 89. IC 20-43-2-3, AS AMENDED BY P.L.135-2018, SECTION 3, AND AS AMENDED BY P.L.192-2018, SECTION 47, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. ~~*If the total amount to be distributed:*~~ *In determining the total amount to be distributed for purposes of section 2 of this chapter, distributions:*

(1) as basic tuition support;

(2) for honors ~~*diploma*~~ *designation* awards;

(3) for complexity grants;

(4) for special education grants;

(5) for career and technical education grants;

(6) for choice scholarships; and

(7) for Mitch Daniels early graduation scholarships;

are to be considered for a particular state fiscal year. ~~*exceeds the amounts appropriated by the general assembly for those purposes for the state fiscal year; the total amount to be distributed for those purposes to each recipient during the remaining months of the state fiscal year shall be proportionately reduced so that the total reductions equal the amount of the excess.*~~

SECTION 90. IC 21-12-1.7-2, AS AMENDED BY P.L.165-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. ~~(a) This subsection expires June 30, 2017. For purposes of this chapter, "accelerated progress" means successfully completing:~~

~~(1) at least thirty-nine (39) credit hours or the equivalent by the end of the student's first academic year; or~~

~~(2) at least seventy-eight (78) credit hours or the equivalent by the end of the student's second academic year.~~

~~(b) This subsection applies to an academic year beginning after August 31, 2017.~~ For purposes of this chapter, "accelerated progress"

means successfully completing at least thirty-nine (39) credit hours or the equivalent during the student's first academic year or second academic year.

SECTION 91. IC 21-12-1.7-3, AS AMENDED BY P.L.191-2018, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) This section applies to an academic year beginning after August 31, 2014. The commission shall publish annually a schedule of award amounts for the higher education award and freedom of choice grant issued under this article. The schedule must provide award amounts on the basis of the recipient's expected family contribution. The expected family contribution shall be derived from information submitted on the recipient's financial aid application form. The commission shall determine award amounts separately for:

(1) recipients attending approved public state educational institutions (except Ivy Tech Community College);

(2) Ivy Tech Community College;

(3) recipients attending a nonprofit college or university listed in IC 21-7-13-6(a)(1)(C); and

(4) recipients attending approved postsecondary credit bearing proprietary institutions.

~~(b) This subsection expires June 30, 2017. The schedule of award amounts published under subsection (a) shall offer a larger award to a recipient who, as of the student's most recently concluded academic year, has successfully completed:~~

~~(1) at least thirty (30) credit hours or the equivalent by the end of the student's first academic year;~~

~~(2) at least sixty (60) credit hours or the equivalent by the end of the student's second academic year; or~~

~~(3) at least ninety (90) credit hours or the equivalent by the end of the student's third academic year.~~

~~A student's academic years used to determine if the student meets the requirements of this subdivision are not required to be successive calendar years.~~

~~(c)~~ **(b)** This subsection applies to an academic year beginning after August 31, 2017. The schedule of award amounts published under subsection (a) must offer a larger award to first time and prior recipients who successfully completed:

(1) at least thirty (30) credit hours or the equivalent during the last academic year in which the student received state financial aid; or

(2) at least thirty (30) credit hours or the equivalent during the last academic year in which the student was enrolled in a

postsecondary educational institution.

~~(d)~~ **(c)** In determining eligibility under subsection ~~(c),~~ **(b),** the commission shall apply all the following types of credits regardless of whether the credits were completed during the last academic year described in subsection ~~(c)(1)~~ **(b)(1)** or ~~(c)(2).~~ **(b)(2):**

(1) Credits earned from dual credit, advanced placement, Cambridge International, and international baccalaureate courses.

(2) College credits earned during high school.

(3) Credits earned exceeding thirty (30) credit hours during a previous academic year in which a student received state financial aid.

~~(c)~~ **(d)** The schedule of award amounts shall set forth an amount for recipients described in subsection (a)(1) that is equal to fifty percent (50%) of the amount for recipients described in subsection (a)(3).

~~(f) This subsection expires September 1, 2016. A student that initially enrolls in an eligible institution for an academic year beginning before September 1, 2013, is eligible for the larger award determined under subsection (b) regardless of the student's credit completion.~~

SECTION 92. IC 21-12-3-9, AS AMENDED BY P.L.191-2018, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 9. (a) A higher education award for a student in a program leading to a baccalaureate degree may be renewed for a total of three (3) undergraduate academic years following the academic year of the first award or until an earlier time as the student receives a degree normally obtained in four (4) undergraduate academic years. A higher education award for a student in a program leading to a technical certificate or an undergraduate associate degree may be renewed for the number of academic years normally required to obtain a certificate or degree in the student's program. The commission may grant a renewal only upon application and only upon its finding that:

(1) the applicant has successfully completed the work of a preceding year;

(2) the applicant remains domiciled in Indiana;

(3) the recipient's financial situation continues to warrant an award, based on the financial requirements set forth in section (1)(a)(3) of this chapter;

(4) the applicant is eligible under section 2 of this chapter;

(5) the student maintains satisfactory academic progress, as determined by the eligible institution; **and**

(6) beginning in an academic year beginning after August 31, 2017, the student successfully completes:

(A) at least twenty-four (24) credit hours or the equivalent

during the last academic year in which the student received state financial aid; or

(B) at least twenty-four (24) credit hours or the equivalent during the last academic year in which the student was enrolled in a postsecondary educational institution. ~~and~~

~~(7) if the student initially enrolls in an eligible institution for an academic year beginning after August 31, 2013, the student successfully completes:~~

~~(A) at least twenty-four (24) credit hours or the equivalent by the end of the student's first academic year;~~

~~(B) at least forty-eight (48) credit hours or the equivalent by the end of the student's second academic year; and~~

~~(C) at least seventy-two (72) credit hours or the equivalent by the end of the student's third academic year.~~

~~A student's academic years used to determine if the student meets the requirements of this subdivision are not required to be successive calendar years. A recipient who fails to meet the credit hour requirement for a particular academic year becomes ineligible for an award during the next academic year. The recipient may regain eligibility for an award in subsequent academic years if the recipient meets the aggregate credit hour requirements commensurate with the recipient's academic standing. In addition, the commission may allow a student who is otherwise ineligible under this subdivision for an award during the next academic year to maintain eligibility for an award if the student submits a petition to the commission and the commission makes a determination that extenuating circumstances (as determined by the commission) prevented the student from meeting the requirements of this subdivision. This subdivision expires June 30, 2017.~~

(b) In determining eligibility under subsection (a)(6), the commission shall apply all the following types of credits regardless of whether the credits were completed during the last academic year described in subsection (a)(6)(A) or (a)(6)(B):

(1) Credits earned from dual credit, advanced placement, Cambridge International, and international baccalaureate courses.

(2) College credits earned during high school.

(3) Credits earned exceeding thirty (30) credit hours during a previous academic year in which a student received state financial aid.

SECTION 93. IC 21-12-3-10, AS AMENDED BY P.L.85-2017, SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2019]: Sec. 10. Out of funds available after commitments have been met under sections 8 and 9 of this chapter, awards shall be issued to persons who have successfully completed at least one (1) academic year but not more than three (3) academic years in approved postsecondary educational institutions if they meet the eligibility requirements of:

(1) sections 1, 2, and (if applicable) ~~9(5)~~ **9(a)(5)** or ~~9(6)~~ **9(a)(6)** of this chapter; or

(2) sections 4 and (if applicable) ~~9(5)~~ **9(a)(5)** or ~~9(6)~~ **9(a)(6)** of this chapter.

The awards shall be handled on the same basis as renewals under section 9 of this chapter.

SECTION 94. IC 21-12-8-11, AS ADDED BY P.L.230-2017, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 11. (a) The duration of a high value workforce ready credit-bearing grant under section 9 of this chapter may not exceed the lesser of:

(1) two (2) undergraduate academic years; or

(2) the number of credit hours required by the eligible certificate program in which the student is enrolled.

(b) Subject to the conditions described in this chapter, a student's high value workforce ready credit-bearing grant may be renewed if the student:

(1) maintains satisfactory academic progress while receiving the grant; and

(2) is enrolled in an eligible certificate program that requires more than twelve (12) credit hours or its equivalent.

(c) A recipient of the high value workforce ready credit-bearing grant may not receive aid under IC 21-12-3, IC 21-12-4, or IC 21-12-6 unless the recipient has:

(1) received a high-value certificate, as determined by the commission; or

(2) met the requirements of ~~IC 21-12-1.7-3(c),~~ **IC 21-12-1.7-3(b),** IC 21-12-3-9(a)(6), or IC 21-12-6-7(a)(6).

SECTION 95. IC 22-3-3-4.7, AS ADDED BY P.L.206-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4.7. (a) As used in this section, "formulary" refers to the Official Disability Guidelines (ODG) Workers' Compensation Drug Formulary Appendix A published by MCG Health.

(b) As used in this section, "medical emergency" means the sudden onset of a medical condition manifested by acute symptoms of sufficient severity, including severe pain, that in the absence of

immediate medical attention could reasonably be expected to result in:

(1) serious jeopardy to the employee's health or bodily functions; or

(2) serious dysfunction of a body part or organ.

(c) Beginning January 1, 2019, reimbursement is not permitted for a claim for payment for a drug that:

(1) is prescribed for use by an employee who files a notice of injury under this chapter; and

(2) according to the formulary, is an "N" drug.

However, if the employee begins use of the "N" drug before July 1, 2018, and the use continues after January 1, 2019, reimbursement is permitted for the "N" drug until January 1, 2020.

(d) If a prescribing physician submits to an employer a request to permit use of an "N" drug described in subsection (c), including the prescribing physician's reason for requesting use of an "N" drug, and the employer approves the request, the prescribing physician may prescribe the "N" drug for use by the injured employee.

(e) If the employer does not approve the prescribing physician's request under subsection (d) to permit use of an "N" drug, the employer shall:

(1) send the request to a third party that is certified by the Utilization Review Accreditation Commission to make a determination concerning the request; and

(2) notify the prescribing physician and the injured employee of the third party's determination not more than five (5) business days after receiving the request.

(f) If an employer fails to provide the notice required by subsection (e)(2), the prescribing physician's request under subsection (d) is considered approved, and reimbursement of the "N" drug prescribed for use by the injured employee is authorized.

(g) If the third party's determination under subsection (e) is to deny the prescribing physician's request to permit the use of an "N" drug:

(1) the employer shall notify the prescribing physician and the injured employee; and

(2) the injured employee may apply to the worker's compensation board for a final determination concerning the third party's determination under subsection (e).

(h) Notwithstanding subsections (c) through ~~(f),~~ **(g),** during a medical emergency, an employee shall receive a drug prescribed for the employee even if the drug is an "N" drug according to the formulary.

SECTION 96. IC 22-3-7-17.6, AS ADDED BY P.L.206-2018, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2019]: Sec. 17.6. (a) As used in this section, "formulary" refers to the Official Disability Guidelines (ODG) Workers' Compensation Drug Formulary Appendix A published by MCG Health.

(b) As used in this section, "medical emergency" means the sudden onset of a medical condition manifested by acute symptoms of sufficient severity, including severe pain, that in the absence of immediate medical attention could reasonably be expected to result in:

(1) serious jeopardy to the employee's health or bodily functions; or

(2) serious dysfunction of a body part or organ.

(c) Beginning January 1, 2019, reimbursement is not permitted for a claim for payment for a drug that:

(1) is prescribed for use by an employee who files a notice of occupational disease under this chapter; and

(2) according to the formulary, is an "N" drug.

However, if the employee begins use of the "N" drug before July 1, 2018, and the use continues after January 1, 2019, reimbursement is permitted for the "N" drug until January 1, 2020.

(d) If a prescribing physician submits to an employer a request to permit use of an "N" drug described in subsection (c), including the prescribing physician's reason for requesting use of an "N" drug, and the employer approves the request, the prescribing physician may prescribe the "N" drug for use by the disabled employee.

(e) If the employer does not approve the prescribing physician's request under subsection (d) to permit use of an "N" drug, the employer shall:

(1) send the request to a third party that is certified by the Utilization Review Accreditation Commission to make a determination concerning the request; and

(2) notify the prescribing physician and the disabled employee of the third party's determination not more than five (5) business days after receiving the request.

(f) If an employer fails to provide the notice required by subsection (e)(2), the prescribing physician's request under subsection (d) is considered approved, and reimbursement of the "N" drug prescribed for use by the disabled employee is authorized.

(g) If the third party's determination under subsection (e) is to deny the prescribing physician's request to permit the use of an "N" drug:

(1) the employer shall notify the prescribing physician and the disabled employee; and

(2) the disabled employee may apply to the worker's compensation board for a final determination concerning the third

party's determination under subsection (e).

(h) Notwithstanding subsections (c) through ~~(f),~~ **(g),** during a medical emergency, an employee shall receive a drug prescribed for the employee even if the drug is an "N" drug according to the formulary.

SECTION 97. IC 22-4-35-1, AS AMENDED BY P.L.152-2018, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. In any civil action to enforce the provisions of this article, the department, commissioner, state workforce innovation council (before its ~~repeal),~~ **abolishment),** unemployment insurance review board, and the state may be represented by any qualified attorney who is a regular salaried employee of the department and is designated by it for this purpose or, at the director's request, by the attorney general of the state. In case the governor designates special counsel to defend, on behalf of the state, the validity of this article, the expenses and compensation of such special counsel and of any experts employed by the commissioner in connection with such proceedings may be charged to the employment and training services administration fund.

SECTION 98. IC 22-4.1-20-4, AS AMENDED BY P.L.152-2018, SECTION 32, AND AS AMENDED BY P.L.174-2018, SECTION 39, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) *Not less than twenty-five percent (25%) of the* money appropriated by the general assembly for adult education *and the work Indiana program shall be used as provided in subsections (b) and (c).*

(b) Money described in subsection (a) may be used ~~*only*~~ to reimburse an eligible provider for adult education that is provided to individuals who:

(1) need the education to master a skill that leads to:

(A) the completion of grade 8; or

(B) an Indiana high school equivalency diploma under IC 22-4.1-18;

(2) need the education to receive high school credit to obtain a high school diploma; or

(3) have graduated from high school (or received a high school equivalency certificate, a general educational development (GED) diploma, or an Indiana high school equivalency diploma), but who demonstrate basic skill deficiencies in mathematics or English/language arts.

(c) The department shall use the money described in subsection (a) for adult education grants to employers. An employer is eligible for an adult education grant for each eligible employee who obtains a high

school diploma or a high school equivalency diploma through a program organized or funded by the employer. The amount of the grant is the lesser of five hundred dollars ($500) or the out-of-pocket expenditure by the employer for the costs described in subsection (e). To qualify as an eligible employee, an individual must meet all of the following criteria:

(1) The individual must be at least eighteen (18) years of age and not enrolled in a school corporation's kindergarten through grade 12 educational program.

(2) The individual must be a resident of Indiana for at least thirty (30) days before enrolling in a program of adult education.

(3) The individual must be employed on a part-time or full-time basis in Indiana.

(4) When initially employed by the employer, the individual:

(A) did not have sufficient high school credits to earn a high school diploma; or

(B) had not passed the examination to earn a high school equivalency diploma or a general educational development (GED) diploma.

(d) For purposes of reimbursement under this section, the eligible provider may not count an individual who is also enrolled in a school corporation's kindergarten through grade 12 educational program. An individual described in ~~*subdivision (3)*~~ *subsection (b)(3)* may be counted for reimbursement by the eligible provider only for classes taken in mathematics and English/language arts.

~~*(b)*~~ *(e)* The ~~*council*~~ *department* shall provide for reimbursement to an eligible provider *or employer* under this section for instructor salaries and administrative and support costs. However, the ~~*council*~~ *department* may not allocate more than fifteen percent (15%) of the total appropriation under subsection (a) for administrative and support costs.

SECTION 99. IC 22-4.1-22.5-1, AS ADDED BY P.L.152-2018, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) The state workforce innovation council established by IC 22-4.1-22-3 (before its repeal) is abolished.

(b) The following are transferred on **March 21, 2018,** the effective date of ~~SEA 50-2018~~ **P.L.152-2018,** from the state workforce innovation council to the governor's workforce cabinet established by IC 4-3-27-3:

(1) All real and personal property of the state workforce innovation council.

(2) All powers, duties, assets, and liabilities of the state workforce

innovation council.

(3) All appropriations to the state workforce innovation council.

(c) All rules or policies that were adopted by the state workforce innovation council before ~~the effective date of SEA 50-2018~~ **March 21, 2018,** shall be treated as ~~through~~ **though** the rules were adopted by the governor's workforce cabinet established by IC 4-3-27-3 until the governor's workforce cabinet adopts new rules or policies.

(d) After ~~the effective date of SEA 50-2018,~~ **March 21, 2018,** a reference to the state workforce innovation council in a statute or rule shall be treated as a reference to the governor's workforce cabinet established by IC 4-3-27-3.

SECTION 100. IC 22-4.1-22.5-2, AS ADDED BY P.L.152-2018, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) After **March 21, 2018,** the effective date of ~~SEA 50-2018,~~ **P.L.152-2018,** a contract entered into by the state workforce innovation council (before its abolishment on ~~the effective date of SEA 50-2018)~~ **March 21, 2018)** is a contract of the governor's workforce cabinet established by IC 4-3-27-3.

(b) The repeal of IC 22-4.1-22 does not affect the right, duties, or obligations of the governor's workforce cabinet or a person who before ~~the effective date of SEA 50-2018~~ **March 21, 2018,** had a contract with the state workforce innovation council (before its abolishment on ~~the effective date of SEA-50-2018).~~ **March 21, 2018).**

(c) A person or the governor's workforce cabinet established by IC 4-2-27-3 may enforce a right to compel performance of a duty for a contract as if the repeal of IC 22-4.1-22 had not been enacted.

SECTION 101. IC 22-9-7-4, AS ADDED BY P.L.162-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. As used in this chapter, "health service provider" refers to:

(1) a psychiatrist or physician who is licensed under IC 25-22.5;

(2) a psychologist who is licensed under IC 25-33;

(3) an individual who holds a license under IC 25-23.6; or

(4) an advanced practice **registered** nurse (as defined in IC 25-23-1-1) licensed under IC 25-23;

who provides medical services or treatment to an individual. This definition excludes an individual described in subdivision (1), (2), (3), or (4) whose sole service to the individual is to provide a verification letter for a fee.

SECTION 102. IC 22-9-7-10, AS ADDED BY P.L.162-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 10. (a) Except as provided in subsection (b), an

individual who moves from another state may provide documentation from:

(1) a physician;

(2) a psychiatrist;

(3) a social worker; or

(4) another ~~other~~ mental health professional;

licensed in that state, so long as the individual has an ongoing treatment relationship with the health service provider.

(b) This section excludes a health service provider whose sole service to the individual is to provide a verification letter in exchange for a fee.

SECTION 103. IC 22-9-7-12, AS ADDED BY P.L.162-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 12. This section applies to an individual described in section 9 of this chapter who has a disability that is not readily apparent, and the health service provider ~~that~~ **who** verifies the individual's disability status and need for an emotional support animal. An individual who submits a request to maintain an emotional support animal in a dwelling, or a health service provider who verifies the individual's need for an emotional support animal, and:

(1) misrepresents to a person who offers to rent or otherwise make available a dwelling that the individual is an individual with a disability or has a disability related need that requires the use of an emotional support animal in a dwelling;

(2) makes a materially false statement to the individual's health service provider to obtain documentation to substantiate the individual's need for an emotional support animal in a dwelling;

(3) provides a document to a person who offers to rent or otherwise make available a dwelling that misrepresents that the animal is an emotional support animal;

(4) fits an animal that is not an emotional support animal with a harness, collar, vest, or sign that would cause a reasonable person to believe the animal is an emotional support animal; or

(5) in the case of a health service provider:

(A) verifies an individual's disability status and need for an emotional support animal without adequate professional knowledge of the individual's condition to provide a reliable verification; or

(B) charges a fee for providing a written verification for an individual's disability status and need for an emotional support animal, and provides no other service to the individual;

commits a Class A infraction.

SECTION 104. IC 22-9-7-14, AS ADDED BY P.L.162-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 14. This chapter does not prohibit a person who offers to rent or otherwise make available a dwelling from requiring an individual with a disability who uses an emotional support animal ~~from:~~ **to:**

(1) ~~complying~~ **comply** with the terms of the rental agreement and other rules or regulations applicable to the dwelling on the same terms as other residents;

(2) ~~paying~~ **pay** for the cost of repairs that result from any damages to the dwelling that are caused by an emotional support animal in the same manner as a resident who maintains an animal that is not an emotional support animal in the dwelling; or

(3) ~~signing~~ **sign** an addendum or other agreement that sets forth the responsibilities of the owner of the emotional support animal.

SECTION 105. IC 23-14-69-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) If:

(1) no land suitable for a public cemetery is donated to a township; and

(2) ~~if~~ the township legislative body adopts a resolution approving the purchase;

the township executive may purchase land for the purpose of establishing a public cemetery.

(b) When land is purchased and conveyed to the township under subsection (a), the land must be set apart, kept in repair, and used as provided in section 6 of this chapter.

SECTION 106. IC 24-4-22-1, AS ADDED BY P.L.153-2018, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. ~~The following definitions apply throughout~~ **As used in** this chapter,

~~(1) "Certificate of analysis" has the meaning set forth in IC 24-4-21-1.~~

~~(2)~~ "low THC hemp extract" has the meaning set forth in IC 35-48-1-17.5.

SECTION 107. IC 24-4.5-3-511, AS AMENDED BY P.L.186-2015, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 511. Regular Schedule of Payments; Maximum Loan Term — (1) Supervised loans not made pursuant to a revolving loan account and in which the principal is four thousand dollars ($4,000) or less are payable in a single instalment or shall be scheduled to be payable in substantially equal instalments that are payable at equal periodic intervals, except to the extent that the schedule of

payments is adjusted to the seasonal or irregular income of the debtor, and:

(a) over a period of not more than thirty-seven (37) months if the principal is more than three hundred dollars ($300); or

(b) over a period of not more than twenty-five (25) months if the principal is three hundred dollars ($300) or less.

(2) The amounts of three hundred dollars ($300) and four thousand dollars ($4,000) in subsection (1) are subject to change pursuant to the provisions on adjustment of dollar amounts (IC 24-4.5-1-106). However, notwithstanding IC 24-4.5-1-106(1), the Reference Base Index to be used with respect to the amount of:

~~(1)~~ **(a)** three hundred dollars ($300) is the Index for October 1992; and

~~(2)~~ **(b)** four thousand dollars ($4,000) is the Index for October 2012.

SECTION 108. IC 25-1-19-1, AS ADDED BY P.L.50-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. **As used in this chapter,** "scleral tattooing" means the practice of producing an indelible mark or figure on the human eye by scarring or inserting a pigment on, in, or under:

(1) the fornix conjunctiva;

(2) the bulbar conjunctiva;

(3) the ocular conjunctiva; or

(4) another ocular surface;

using needles, scalpels, or other related equipment.

SECTION 109. IC 25-13-1-10, AS AMENDED BY P.L.30-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 10. (a) A licensed dental hygienist may practice dental hygiene in Indiana in the following:

(1) A dental office, clinical setting, or health facility where the dental hygienist is practicing under the direct supervision or prescriptive supervision of a licensed dentist.

(2) A dental school or dental hygiene school to teach and demonstrate the practice of dental hygiene if direct supervision by a licensed dentist is provided for training on providing local anesthetics by injection.

(3) The dental clinic of any public, parochial, or private school or other institution supported by public or private funds in which the licensee is employed by the state department of health or any county or city board of health or board of education or school trustee or parochial authority or the governing body of any private school where the dental hygienist is practicing under the direct or

prescriptive supervision of a licensed dentist.

(4) The dental clinic of a bona fide hospital, sanitarium, or charitable institution duly established and being operated under the laws of Indiana in which the licensee is employed by the directors or governing board of such hospital, sanitarium, or institution. However, such practice must be under the direct or prescriptive supervision at all times of a licensed dentist who is a staff member of the hospital or sanitarium or a member of the governing board of the institution.

(5) A:

(A) fixed charitable dental care clinic;

(B) public health setting;

(C) correctional institution; or

(D) location other than one described in clauses (A) through (C);

that has been approved by the board and where the dental hygienist is under the direct or prescriptive supervision of a licensed dentist.

(6) Settings, other than a private dental practice, allowed under an access practice agreement that complies with the requirements under IC 25-13-3.

(b) A licensed dental hygienist may provide without supervision the following:

(1) Dental hygiene instruction and in-service training without restriction on location.

(2) Screening and referrals for any person in a public health setting.

(3) Dental hygiene services under an access practice agreement that complies with the requirements under IC 25-13-3.

(c) A dental hygienist may not use a laser to cut, ablate, or cauterize hard or soft tissue to provide treatment to a patient.

(d) The board may adopt rules under IC 4-22-2 concerning subsection (a)(5)(D).

(e) If a dental hygienist practices under the prescriptive supervision of a licensed dentist, the dentist's written order must be recorded, signed, and dated in the patient's records.

~~(f) Before October 1, 2017, the board, with assistance from the professional licensing agency, shall report to the legislative council in an electronic format under IC 5-14-6 on the effectiveness of the prescriptive supervision laws and rules and any changes that are needed in the law concerning prescriptive supervision. This subsection expires December 31, 2017.~~

SECTION 110. IC 25-18 IS REPEALED [EFFECTIVE JULY 1, 2019]. (REGULATION OF DISTRESS SALES).

SECTION 111. IC 25-21.8-4-2, AS AMENDED BY P.L.152-2018, SECTION 36, AND AS AMENDED BY P.L.180-2018, SECTION 16, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. An individual who applies for licensure as a massage therapist must do the following:

(1) Complete and submit the licensure application in the form and manner provided by the board.

(2) Furnish evidence satisfactory to the board showing that the individual:

(A) is at least eighteen (18) years of age;

(B) has a high school diploma or the equivalent of a high school diploma;

(C) has successfully completed a massage therapy school or program that:

(i) requires at least ~~*five hundred (500)*~~ *six hundred twenty-five (625)* hours of supervised classroom and hands on instruction on massage therapy;

(ii) is in good standing with a state, regional, or national agency of government charged with regulating massage therapy schools or programs; and

(iii) is accredited by the ~~*state workforce innovation council*~~ *department of workforce development* under IC 22-4.1-21 or accredited by another state where the standards for massage therapy education are substantially the same as the standards in Indiana, or is a program at an institution of higher learning that is approved by the board; and

(D) has taken and passed a licensure examination approved by the board.

(3) Provide a history of any criminal convictions the individual has, including any convictions related to the practice of the profession. The board shall deny an application for licensure if the applicant:

(A) has been convicted of:

(i) prostitution;

(ii) rape; or

(iii) sexual misconduct; or

(B) is a registered sex offender.

(4) Provide proof that the applicant currently has professional liability insurance with minimum coverage of two million dollars ($2,000,000) per claim and six million dollars ($6,000,000) in

aggregate.

(5) Submit to a national criminal history background check as prescribed by IC 25-0.5-1-9.

(6) Verify the information submitted on the application form.

(7) Pay fees established by the board.

SECTION 112. IC 25-23.6-8-3, AS AMENDED BY P.L.134-2008, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. An individual who satisfies the requirements of section ~~1.5(1)~~ **1.5(a)(1)** through ~~1.5(4)~~ **1.5(a)(4)** of this chapter may take the examination provided by the board.

SECTION 113. IC 25-32 IS REPEALED [EFFECTIVE JULY 1, 2019]. (ENVIRONMENTAL HEALTH SPECIALISTS).

SECTION 114. IC 27-1-1.5-1, AS ADDED BY P.L.124-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) This section applies only to a reference in this title that is published by the NAIC.

(b) If a document described in subsection (a) to which a provision of this title refers is amended after the later of

~~(1)~~ the date of publication of the version of the document that is referenced in this title or

~~(2)~~ January 1, 2018,

the commissioner shall, before implementing the amendment in the regulation of the business of insurance, report in an electronic format under IC 5-14-6 to the:

(1) legislative council; and

(2) standing committees of the house of representatives and the senate that consider insurance matters;

concerning the existence of the amendment.

(c) Upon reporting to the legislative council and standing committees under subsection (b), the commissioner may implement the reported amendment in the regulation of the business of insurance.

(d) Not later than October 31 of each year, the commissioner shall:

(1) compile a list of all amendments:

(A) described in subsection (b); and

(B) published after October 31 of the preceding year; and

(2) report the list to the legislative council and standing committees described in subsection (b) in an electronic format under IC 5-14-6.

SECTION 115. IC 27-8-8-17, AS AMENDED BY P.L.193-2006, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 17. (a) Sums acquired by refund under section ~~6(m)~~ **6(n)** of this chapter from the association by member insurers and

offset against taxes as provided by section 16 of this chapter shall be paid by the member insurers to the state in the manner required by the tax authorities.

(b) The association shall notify the commissioner when refunds under section 6 of this chapter have been made.

SECTION 116. IC 29-1-21-3, AS ADDED BY P.L.40-2018, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. The following terms are defined for this chapter:

(1) "Actual presence" means that:

(A) a witness; or

(B) another individual who observes the execution of the electronic will;

is physically present in the same physical location as the testator. The term does not include any form of observation or interaction that is conducted by means of audio, visual, or audiovisual telecommunication or similar technological means.

(2) "Affidavit of regularity" means an affidavit executed by a custodian or other person under section 13 of this chapter with respect to the electronic record for an electronic will or a complete converted copy of an electronic will.

(3) "Complete converted copy" means a document in any format that:

(A) can be visually perceived in its entirety on a monitor or other display device;

(B) can be printed; and

(C) contains:

(i) the text of the electronic will;

(ii) the electronic signatures of the testator and the witnesses;

(iii) a readable copy of any associated document integrity evidence that may be a part of or attached to the electronic will; and

(iv) a self-proving clause concerning the electronic will, if the electronic will is self-proved.

(4) "Custodian" means a person, other than:

(A) the testator who executed the electronic will;

(B) an attorney;

(C) a person who is named in the electronic will as a personal representative of the testator's estate; or

(D) a person who is named or defined as a distributee in the electronic will;

who has authorized possession or control of the electronic will.

The term may include an attorney in fact serving under a living testator's durable power of attorney who possesses general authority over records, reports, statements, electronic records, or estate planning transactions.

(5) "Custody" means the authorized possession and control of at least one (1) of the following:

(A) A complete copy of the electronic record for the electronic will, including a self-proving clause if a self-proving clause is executed.

(B) A complete converted copy of the electronic will, if the complete electronic record has been lost or destroyed or the electronic will has been revoked.

(6) "Document integrity evidence" means the part of the electronic record for the electronic will that:

(A) is created and maintained electronically;

(B) includes digital markers showing that the electronic will has not been altered after its initial execution and witnessing;

(C) is logically associated with the electronic will in a tamper evident manner so that any change made to the text of the electronic will after its execution is visibly perceptible when the electronic record is displayed or printed;

(D) displays any changes made to the text of the electronic will after its execution; and

(E) displays the following information:

(i) The city **and** state **in which, and the** date and time **at which,** the electronic will was executed by the testator and the attesting witnesses.

(ii) The text of the self-proving clause, if the electronic will is electronically self-proved through use of a self-proving clause executed under section 4(c) of this chapter.

(iii) The name of the testator and attesting witnesses.

(iv) The name and address of the person responsible for marking the testator's signature on the electronic will at the testator's direction and in the actual presence of the testator and attesting witnesses.

(v) Copies of or links to the electronic signatures of the testator and the attesting witnesses on the electronic will.

(vi) A general description of the type of identity verification evidence used to verify the testator's identity.

(vii) The text of the advisory instruction, if any, that is provided to the testator under section 6 of this chapter at the time of the execution of the electronic will.

(viii) The content of the cryptographic hash or unique code used by the testator to sign the electronic will in the event that public key infrastructure or similar secure technology was used to sign or authenticate the electronic will.

Document integrity evidence may, but is not required to, contain other information about the electronic will such as a unique document number, client number, or other identifier that an attorney or custodian assigns to the electronic will or a link to a secure Internet web site where a complete copy of the electronic will is accessible. The title, heading, or label, if any, that is assigned to the document integrity evidence (such as "certificate of completion", "audit trail", or "audit ~~log"~~ **log")** is ~~immaterial).~~ **immaterial.**

(7) "Electronic" has the meaning set forth in IC 26-2-8-102.

(8) "Electronic record" has the meaning set forth in IC 26-2-8-102. The term may include one (1) or both of the following:

(A) The document integrity evidence associated with the electronic will.

(B) The identity verification evidence of the testator who executed the electronic will.

(9) "Electronic signature" has the meaning set forth in IC 26-2-8-102.

(10) "Electronic will" means the will of a testator that:

(A) is initially created and maintained as an electronic record;

(B) contains the electronic signatures of:

(i) the testator; and

(ii) the attesting witnesses; and

(C) contains the date and times of the electronic signatures described by ~~items (i) and (ii).~~ **clause (B)(i) and (B)(ii).**

The term may include a codicil that amends an electronic will or a traditional paper will if the codicil is executed in accordance with the requirements of this chapter.

(11) "Executed" means the signing of an electronic will. The term includes the use of an electronic signature.

(12) "Identity verification evidence" means either:

(A) a copy of the testator's government issued photo identification card; or

(B) any other information that verifies the identity of the testator if derived from one (1) or more of the following sources:

(i) A knowledge based authentication method.

(ii) A physical device.

(iii) A digital certificate using a public key infrastructure.

(iv) A verification or authorization code sent to or used by the testator.

(v) Biometric identification.

(vi) Any other commercially reasonable method for verifying the testator's identity using current or future technology.

(13) "Logically associated" means electronically connected, cross referenced, or linked in a reliable manner.

(14) "Sign" means valid use of a properly executed electronic signature.

(15) "Signature" means the authorized use of the testator's name to authenticate an electronic will. The term includes an electronic signature.

(16) "Tamper evident" means the feature of an electronic record, such as an electronic will or document integrity evidence for an electronic will, that will cause any alteration **of** or tampering ~~of~~ **with** the electronic record, after it is created or signed, to be perceptible to any person viewing the electronic record when it is printed on paper or viewed on a monitor or other display device.

(17) "Traditional paper will" means a will or codicil that is signed by the testator and the attesting witnesses:

(A) on paper; and

(B) in the manner specified in IC 29-1-5-3 or IC 29-1-5-3.1.

(18) "Will" includes all wills, testaments, and codicils. The term includes:

(A) an electronic will; and

(B) any testamentary instrument that:

(i) appoints an executor; or

(ii) revives or revokes another will.

SECTION 117. IC 29-1-21-10, AS ADDED BY P.L.40-2018, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 10. (a) Any person with the written authorization of the testator may maintain, receive, or transfer custody of:

(1) the electronic record associated with an electronic will;

(2) any document integrity evidence associated with an electronic record or electronic will; or

(3) a complete converted copy of the electronic will.

A testator may identify and designate an adult individual as the custodian of the testator's electronic will within the electronic record of an electronic will.

(b) A custodian of an electronic will, any accompanying

self-proving clause, or any document integrity evidence logically associated with the electronic will, has the following responsibilities:

(1) To use best practices to maintain custody of the electronic record for the electronic will and any accompanying document integrity evidence.

(2) To use best practices and commercially reasonable means to:

(A) maintain the privacy and security of the electronic record associated with an electronic will; and

(B) exercise reasonable care to guard against unauthorized:

(i) disclosure of; and

(ii) alteration **of** or tampering with;

the electronic record.

(3) To maintain electronic and conceptual separation between different testators and their respective electronic records and electronic wills if the custodian maintains custody of two (2) or more electronic records or electronic wills.

(4) To promptly generate a complete converted copy of each electronic will and all accompanying document integrity evidence after receiving a written request to do so from a living testator, the court, or another authorized person.

(5) To promptly respond to a written instruction from the living testator or another person with written authorization originating from the living testator to transfer custody of the electronic will to a successor custodian.

(6) To transfer the entire electronic record of the electronic will to a successor custodian upon the receipt of a written instruction requesting the transfer of the entire electronic record of an electronic will to a successor custodian.

(7) To provide an executed delivery receipt to the outgoing custodian who transfers:

(A) the electronic record;

(B) the electronic will;

(C) any accompanying document integrity evidence; or

(D) information pertaining to the format in which the electronic record or electronic will is received;

if the receiving custodian agrees to assume responsibility for an electronic record or an electronic will and all associated documents from an outgoing custodian.

(8) To perform the following upon the death of the testator:

(A) To relinquish possession and control of the:

(i) electronic record associated with the testator's electronic will; or

(ii) complete converted copy of the testator's electronic will (if applicable);

to a person authorized to receive these items under section 11 of this chapter.

(B) To comply with the court order requiring the electronic filing or delivery of the electronic will and any accompanying document integrity evidence or a complete converted copy of the electronic will, as applicable, with the court.

(C) To provide an accurate copy of:

(i) an electronic record; or

(ii) a complete converted copy of the testator's electronic will;

to any interested person who requests a copy for the purpose of submitting the electronic will for probate.

(D) To furnish, for any court hearing or matter involving an electronic will currently or previously stored by the custodian, any information requested by the court pertaining to the custodian's policies, practices, or qualifications as they relate to the maintenance, production, or storage of electronic wills.

(c) A proposed successor custodian has no obligation to accept delivery of an electronic will from an outgoing custodian or to accept the responsibility of maintaining custody of an electronic record associated with an electronic will. A successor custodian's execution of a delivery receipt under subsection (b)(7) constitutes acceptance of the appointment as successor custodian.

(d) If a custodian wishes to discontinue custody of an electronic will, the custodian must send written notice to the testator or, if the testator's whereabouts are unknown, to any other person:

(1) holding written authority from the testator; or

(2) identifiable from the custodian's records.

(e) A written notice described in subsection (d) must inform the testator or other person authorized to act on the testator's behalf that the custodian will transfer custody of the electronic record associated with the electronic will to a successor custodian chosen by the current custodian unless the testator or person authorized to act on behalf of the testator provides the custodian with written direction not later than thirty (30) days after the written notice described in subsection (d) was first issued.

(f) If the testator or person authorized to act on the testator's behalf does not respond to the current custodian with a contrary written instruction before the end of the thirty (30) day period described in subsection (e), the custodian may, in order of decreasing priority, dispose of the electronic record associated with the electronic will in

one (1) of the following ways:

(1) The current custodian may transfer custody of the electronic record for the electronic will to a successor custodian previously designated by the testator.

(2) The current custodian may transfer custody of the electronic will to a successor custodian selected by the current custodian.

(3) The current custodian may transmit a complete converted copy of the electronic will and accompanying affidavit of regularity under section 13 of this chapter to the testator or other person authorized to act on behalf of the testator.

SECTION 118. IC 29-2-9 IS REPEALED [EFFECTIVE JULY 1, 2019]. (Sale of Ward's Personal Property by Non-Resident Guardian).

SECTION 119. IC 30-4-1.5-8, AS ADDED BY P.L.40-2018, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8. (a) After a settlor's death becomes known to a custodian or other person in possession or control of the electronic record associated with the settlor's electronic trust instrument, or a complete converted copy of the settlor's electronic trust instrument, the custodian or other person in possession of an item described in section 7(a)(1) or 7(a)(2) of this chapter shall deliver ~~an~~ **the** item ~~described in section 7(a)(1) or 7(a)(2) of this chapter~~ to one (1) of the following persons in decreasing order of priority:

(1) A person already serving as trustee of the trust.

(2) A person nominated in the electronic trust instrument as a successor trustee and who has priority under the terms of the trust to accept appointment and to serve as trustee.

(3) The surviving spouse of the settlor.

(4) A living adult child of the settlor.

(5) A living parent of the settlor.

(6) A living adult sibling of the settlor.

(7) A beneficiary named or defined in the electronic trust instrument and entitled to a share of the trust's principal assets or income.

(8) The clerk of the probate court that would have subject matter jurisdiction of the settlor's estate based on the custodian's or other person's knowledge of the settlor's domicile or the location of the property of the settlor at the time of the settlor's death.

A custodian or other person in possession of an item described in section 7(a)(1) or 7(a)(2) of this chapter may use any commercially reasonable method of delivery to accomplish the requirements of this section.

(b) If a custodian or other person has possession of both the

electronic record for a deceased settlor's electronic trust instrument and a complete converted copy of the same electronic trust instrument, the custodian or other person shall deliver both to an authorized person who:

(1) is described in subsection (a); or

(2) is specified in written instructions left by the settlor.

If the custodian or other person delivers the electronic trust instrument to the clerk of the probate court under subsection (a)(8), the custodian or other person shall deliver only a complete converted copy of the electronic trust instrument to the clerk, unless the court rules or other applicable laws explicitly require otherwise.

SECTION 120. IC 30-5-11-3, AS ADDED BY P.L.40-2018, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. The following terms are defined for this chapter:

(1) "Affidavit of regularity" means an affidavit executed by a custodian or other person under section 9 of this chapter with respect to the electronic record for an electronic power of attorney or a complete converted copy of an electronic power of attorney.

(2) "Complete converted copy" means a document in any format that:

(A) can be visually viewed in its entirety on a monitor or other display device;

(B) can be printed; and

(C) contains the text of an electronic power of attorney and a readable copy of any associated document integrity evidence that may be a part of or attached to the electronic power of attorney.

(3) "Custodian" means a person other than:

(A) the principal who executed the electronic power of attorney;

(B) an attorney; or

(C) a person who is named in the electronic power of attorney as an attorney in fact or successor attorney in fact under the power of attorney.

(4) "Custody" means the authorized possession and control of at least one (1) of the following:

(A) A complete copy of the electronic record for the electronic power of attorney.

(B) A complete converted copy of the electronic power of attorney if the complete electronic record has been lost or destroyed or the electronic power of attorney has been revoked.

(5) "Document integrity evidence" means the part of the electronic record for the electronic power of attorney that:

(A) is created and maintained electronically;

(B) includes digital markers showing that the electronic power of attorney has not been altered after its initial execution by the principal;

(C) is logically associated with the electronic power of attorney in a tamper evident manner so that any change made to the text of the electronic power of attorney after its execution is visibly perceptible when the electronic record is displayed or printed;

(D) displays any changes made to the text of the electronic power of attorney after its execution; and

(E) displays the following information:

(i) The city, state, date, and time the electronic power of attorney was executed by the principal.

(ii) The name of the principal.

(iii) The name and address of the person responsible for marking the principal's signature on the electronic power of attorney at the principal's direction and in the principal's presence, as applicable.

(iv) A copy of or a link to the electronic signature of the principal on the electronic power of attorney.

(v) A general description of the type of identity verification evidence used to verify the principal's identity.

Document integrity evidence may, but is not required to, contain other information about the electronic power of attorney such as a unique document number, client number, or other identifier that an attorney or custodian assigns to the electronic power of attorney or a link to a secure Internet web site where a complete copy of the electronic power of attorney is accessible. The title, heading, or label, if any, that is assigned to the document integrity evidence (such as "certificate of completion", "audit trail", or "audit ~~log"~~ **log")** is ~~immaterial).~~ **immaterial.**

(6) "Electronic" has the meaning set forth in IC 26-2-8-102.

(7) "Electronic power of attorney" means a power of attorney created by a principal that:

(A) is initially created and maintained as an electronic record;

(B) contains the electronic signature of the principal creating the power of attorney;

(C) contains the date and time of the electronic signature of the principal creating the power of attorney; and

(D) is notarized.

The term includes an amendment to or a restatement of the power of attorney if the amendment or restatement complies with the requirements described in section 5 of this chapter.

(8) "Electronic record" has the meaning set forth in IC 26-2-8-102. The term may include one (1) or both of the following:

(A) The document integrity evidence associated with an electronic power of attorney.

(B) The identity verification evidence of the principal who executed the electronic power of attorney.

(9) "Electronic signature" has the meaning set forth in IC 26-2-8-102.

(10) "Executed" means the signing of a power of attorney. The term includes the use of an electronic signature.

(11) "Identity verification evidence" means either:

(A) a copy of a government issued photo identification card belonging to the principal; or

(B) any other information that verifies the identity of the principal if derived from one (1) or more of the following sources:

(i) A knowledge based authentication method.

(ii) A physical device.

(iii) A digital certificate using a public key infrastructure.

(iv) A verification or authorization code sent to or used by the principal.

(v) Biometric identification.

(vi) Any other commercially reasonable method for verifying the principal's identity using current or future technology.

(12) "Logically associated" means electronically connected, cross referenced, or linked in a reliable manner.

(13) "Sign" means valid use of a properly executed electronic signature.

(14) "Signature" means the authorized use of the principal's name to authenticate a power of attorney. The term includes an electronic signature.

(15) "Tamper evident" means the feature of an electronic record, such as an electronic power of attorney or document integrity evidence for an electronic power of attorney, that will cause any alteration or tampering of the electronic record, after it is created or signed, to be perceptible to any person viewing the electronic record when it is printed on paper or viewed on a monitor or other display device.

(16) "Traditional paper power of attorney" means a power of attorney or an amendment to or a restatement of a power of attorney that is signed by the principal on paper.

SECTION 121. IC 30-5-11-5, AS ADDED BY P.L.40-2018, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) If the principal created or last amended a power of attorney by electronically signing an electronic power of attorney, the principal may amend or revoke the power of attorney as follows:

(1) By complying with a method provided in the terms of the power of attorney and making either an electronic signature or an ordinary signature on paper to confirm the amendment or the revocation.

(2) By performing one (1) or more of the following if the terms of the power of attorney do not specify a method for amendment or revocation or do not specify an exclusive method for amending or revoking the electronic power of attorney:

(A) Using the principal's electronic signature on an electronic record to manifest clear and convincing intent on behalf of the principal to amend or revoke the power of attorney and to specify the desired amendments or revocation.

(B) Using the principal's written signature on a paper record to manifest clear and convincing intent on behalf of the principal to amend or revoke the power of attorney and to specify the desired amendments or revocation.

(C) By:

(i) permanently deleting each copy of the electronic record for the electronic power of attorney that is in the principal's possession or control; or

(ii) rendering each copy of the electronic record unreadable and nonretrievable;

if the principal is not using a custodian to store the electronic record.

(D) By transmitting or giving **to** the custodian of the electronic power of attorney a written or electronic record of the desired amendment or revocation that:

(i) is signed by the principal; and

(ii) directs the custodian to permanently delete the electronic record for the electronic power of attorney or to render that electronic record unreadable and nonretrievable;

if the principal is using a custodian to store the electronic record.

If the principal knows that the electronic record for the electronic power of attorney or a complete converted copy of the electronic power of attorney is in the possession of a custodian, the principal has a duty to use reasonable efforts to provide the custodian with written electronic evidence of the amendment or revocation of the electronic power of attorney.

(b) If the principal has possession of the electronic record for an electronic power of attorney that the principal intends to amend or revoke, the principal shall make and save a complete converted copy of the electronic power of attorney before making and saving an amendment or revocation of the electronic power of attorney under subsection (a). If a custodian has possession of an electronic record for an electronic power of attorney that the principal intends to amend or revoke, the custodian shall make and save a complete converted copy of the electronic power of attorney as it existed originally before rendering the electronic record or electronic power of attorney unreadable or nonretrievable for potential use in evidence in the event that the validity of an amendment or revocation is later challenged.

SECTION 122. IC 30-5-11-7, AS ADDED BY P.L.40-2018, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. (a) After a principal's death becomes known to a custodian or other person in possession or control of:

(1) the electronic record associated with the principal's electronic power of attorney; or

(2) a complete converted copy of the principal's electronic power of attorney;

the custodian or other person in possession of an item described in subdivision (1) or (2) shall deliver ~~an~~ **the** item ~~described in subdivision (1) or (2)~~ to the attorney in fact.

(b) A custodian or other person in possession of an item described in subsection (a)(1) or (a)(2) may use any commercially reasonable method of delivery to comply with this section.

SECTION 123. IC 30-5-11-9, AS ADDED BY P.L.40-2018, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 9. Whenever this chapter requires or permits a custodian or other person to make an affidavit of regularity with respect to an electronic power of attorney or a complete converted copy, the custodian or other person responsible for the creation of the affidavit of regularity may use the following format for the affidavit:

"Affidavit of Regularity of Electronic Power of Attorney

(1) Beginning on (insert date of first possession of the electronic ~~trust instrument~~ **power of attorney** by the signer of this affidavit)

and continuing to the date and time of this affidavit, the undersigned person has had possession of (circle all of the following that apply):

(A) The electronic record for the electronic power of attorney.

(B) A complete converted copy of the electronic power of attorney of (insert name of principal), which was electronically executed on (insert date of electronic signing or insert reference to time stamp).

(2) (Insert client number, customer number, document number, or other unique identifier as applicable) is the unique identifier that the undersigned person assigned to this electronic power of attorney in the undersigned person's records.

(3) The undersigned person believes that the principal (circle one (1) of the following options):

(A) Is alive.

(B) Died on or about (insert date of death) and the undersigned person believes that the power of attorney is currently (circle one (1) of the following options):

(i) In effect.

(ii) Not in effect.

(4) The undersigned person is (circle all of the following that apply):

(A) Transferring custody of the electronic record for the electronic power of attorney to the living principal of the electronic power of attorney.

(B) Transferring custody of the electronic record for the electronic power of attorney to (insert name and address of successor custodian).

(C) Transferring a complete converted copy of the electronic power of attorney to (insert name and address of authorized recipient).

(5) The undersigned person is transferring or submitting the electronic record in the following format: (specify format).

(6) If the undersigned person is transferring or submitting the electronic record for the electronic power of attorney, the undersigned person affirms, under penalty of perjury, that the electronic record has been in the undersigned person's possession or control for the period stated in paragraph (1) and that during this period, the electronic record showed no indication of unauthorized alteration or tampering.

(7) The undersigned person affirms, under penalty of perjury, that (circle one (1) of the following options):

(A) The undersigned person has no knowledge of the principal's later execution of any document that amends, revokes, or supersedes the electronic power of attorney described in paragraph (1).

(B) The undersigned believes that the principal purportedly amended or revoked the electronic power of attorney described in paragraph (1) on (insert date if known or approximate time frame if date is not known), by (insert known details concerning the principal's amendment or revocation).

(8) The undersigned person is (circle all of the following that apply):

(A) The living principal who executed the electronic ~~trust instrument.~~ **power of attorney.**

(B) An attorney admitted to practice law in the state of Indiana.

(C) A currently serving attorney in fact appointed under or named in the explicit terms of the **electronic** power of attorney.

(D) A successor attorney in fact nominated by the electronic ~~trust instrument.~~ **power of attorney.**

(E) A custodian currently in compliance with all applicable requirements.

(9) (Insert date and time of the custodian's or other person's signature).

(10) (Insert name and signature of custodian or other person signing. Insert job title or position of signatory if signatory is not an individual (natural person)).".

SECTION 124. IC 30-5-11-10, AS ADDED BY P.L.40-2018, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 10. (a) An electronic record, including any accompanying document integrity evidence contained in the electronic record, is:

(1) prima facie evidence of the validity of the electronic power of attorney; and

(2) prima facie evidence of the absence of unauthorized alteration **of** or ~~of~~ tampering with the electronic power of attorney.

(b) If an electronic power of attorney appears to have been executed in compliance with this chapter, a complete converted copy of ~~an~~ **the** electronic power of attorney is prima facie evidence of:

(1) the validity of the electronic power of attorney; and

(2) the absence of unauthorized alteration or tampering.

(c) Except when required by an order of the court, a custodian or other person in possession of an electronic record or electronic power of attorney is not required to make or issue an affidavit of regularity

concerning the custody of the electronic record for:

(1) an electronic power of attorney; or

(2) a complete converted copy of an electronic power of attorney.

(d) Notwithstanding subsection (c), any:

(1) custodian; or

(2) other person in possession of an electronic record or electronic power of attorney;

may make an affidavit of regularity if any objection is asserted or any doubt is raised regarding the validity of the electronic power of attorney or about any alleged unauthorized alteration of the electronic power of attorney.

(e) The presumption of regularity created by this section shall apply to an electronic record or an electronic power of attorney regardless of the number of custodians or other persons who:

(1) hold;

(2) receive; or

(3) transfer **to another custodian, authorized person, or principal;**

an electronic record or electronic power of attorney. ~~to another custodian, authorized person, or principal.~~

(f) The presumption of regularity created by this section for an electronic record or electronic power of attorney may be rebutted by:

(1) clear and convincing evidence; or

(2) evidence that the principal executed another electronic power of attorney.

SECTION 125. IC 31-34-21-5.6, AS AMENDED BY P.L.144-2018, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5.6. **(a)** Except as provided in subsection (c), a court may make a finding described in this section at any phase of a child in need of services proceeding.

(b) Reasonable efforts to reunify a child with the child's parent, guardian, or custodian or preserve a child's family as described in section 5.5 of this chapter are not required if the court finds any of the following:

(1) A parent, guardian, or custodian of a child who is a child in need of services has been convicted of:

(A) an offense described in IC 31-35-3-4(1)(B) or IC 31-35-3-4(1)(D) through IC 31-35-3-4(1)(J) against a victim who is:

(i) a child described in IC 31-35-3-4(2); or

(ii) a parent of the child; or

(B) a comparable offense as described in clause (A) in any

other state, territory, or country by a court of competent jurisdiction.

(2) A parent, guardian, or custodian of a child who is a child in need of services:

(A) has been convicted of:

(i) the murder (IC 35-42-1-1) or voluntary manslaughter (IC 35-42-1-3) of a victim who is a child described in IC 31-35-3-4(2)(B) or a parent of the child; or

(ii) a comparable offense described in item (i) in any other state, territory, or country; or

(B) has been convicted of:

(i) aiding, inducing, or causing another person;

(ii) attempting; or

(iii) conspiring with another person;

to commit an offense described in clause (A).

(3) A parent, guardian, or custodian of a child who is a child in need of services has been convicted of:

(A) battery as a Class A felony (for a crime committed before July 1, 2014) or Level 2 felony (for a crime committed after June 30, 2014);

(B) battery as a Class B felony (for a crime committed before July 1, 2014) or Level 3 or Level 4 felony (for a crime committed after June 30, 2014);

(C) battery as a Class C felony (for a crime committed before July 1, 2014) or Level 5 felony (for a crime committed after June 30, 2014);

(D) aggravated battery (IC 35-42-2-1.5);

(E) criminal recklessness (IC 35-42-2-2) as a Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014);

(F) neglect of a dependent (IC 35-46-1-4) as a Class B felony (for a crime committed before July 1, 2014) or a Level 1 or Level 3 felony (for a crime committed after June 30, 2014);

(G) promotion of human labor trafficking, promotion of human sexual trafficking, promotion of child sexual trafficking, promotion of sexual trafficking of a younger child, child sexual trafficking, or human trafficking (IC 35-42-3.5-1 through IC 35-42-3.5-1.4) as a felony; or

(H) a comparable offense described in clauses (A) through (G) under federal law or in another state, territory, or country;

against a child described in IC 31-35-3-4(2)(B).

(4) The parental rights of a parent with respect to a biological or

adoptive sibling of a child who is a child in need of services have been involuntarily terminated by a court under:

(A) IC 31-35-2 (involuntary termination involving a delinquent child or a child in need of services);

(B) IC 31-35-3 (involuntary termination involving an individual convicted of a criminal offense); or

(C) any comparable law described in clause (A) or (B) in any other state, territory, or country.

(5) The child is an abandoned infant, provided that the court:

(A) has appointed a guardian ad litem or court appointed special advocate for the child; and

(B) after receiving a written report and recommendation from the guardian ad litem or court appointed special advocate, and after a hearing, finds that reasonable efforts to locate the child's parents or reunify the child's family would not be in the best interests of the child.

(c) During or at any time after the first periodic case review under IC 31-34-21-2 of a child in need of services proceeding, if the court finds that a parent, guardian, or custodian of the child has been charged with an offense described in subsection (b)(3) and is awaiting trial, the court may make a finding that reasonable efforts to reunify the child with the child's parent, guardian, or custodian or preserve the child's family as described in section 5.5 of this chapter may be suspended pending the disposition of the parent's, guardian's, or custodian's criminal charge.

SECTION 126. IC 32-33-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. **(a)** If:

(1) the proprietor or manager of a hotel, an apartment hotel, or an inn provides a safe in a convenient place for the safekeeping of any money, jewels, ornaments, furs, bank notes, bonds, negotiable security, or other valuable papers, precious stones, railroad tickets, articles of silver or gold, or other valuable property of small compass belonging to or brought in by the guests of the hotel, apartment hotel, or inn;

(2) the proprietor or manager notifies the guests by posting in a public and conspicuous place and manner at the place of registration of the hotel, apartment hotel, or inn or in each guest room a notice stating that a safe place is provided in which the articles may be deposited; and

(3) the guest neglects or fails to deliver the guest's property to the person in charge of the office for deposit in the safe;

the hotel, apartment hotel, or inn and proprietor or manager are not

liable for any loss of or damage to the property sustained by the guest or other owner of the property, whether the loss or damage is occasioned by the neglect of the proprietor or manager or of the proprietor's or manager's agents or otherwise.

(b) If a guest delivers property to the person in charge of the office for deposit in a safe, the hotel, apartment hotel, or inn and its manager or proprietor are not liable for the loss or damage of the property sustained by the guest or other owner of the property in any amount exceeding six hundred dollars ($600), whether the loss or damage is occasioned by the negligence of the proprietor or manager or by the proprietor's or manager's agents or otherwise, notwithstanding that the property may be of greater value, unless the proprietor or manager has entered into a special agreement in writing agreeing to assume additional liability.

SECTION 127. IC 33-39-1-8, AS AMENDED BY P.L.161-2018, SECTION 104, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8. (a) After June 30, 2005, this section does not apply to a person who:

(1) holds a commercial driver's license; and

(2) has been charged with an offense involving the operation of a motor vehicle in accordance with the federal Motor Carrier Safety Improvement Act of 1999 (MCSIA) (Public Law 106-159.113 Stat. 1748).

(b) This section does not apply to a person arrested for or charged with:

(1) an offense under IC 9-30-5-1 through IC 9-30-5-5; or

(2) if a person was arrested or charged with an offense under IC 9-30-5-1 through IC 9-30-5-5, an offense involving:

(A) intoxication; or

(B) the operation of a vehicle;

if the offense involving intoxication or the operation of a vehicle was part of the same episode of criminal conduct as the offense under IC 9-30-5-1 through IC 9-30-5-5.

(c) This section does not apply to a person:

(1) who is arrested for or charged with an offense under:

(A) IC 7.1-5-7-7, if the alleged offense occurred while the person was operating a motor vehicle;

(B) ~~IC 9-30-4-8(a),~~ **IC 9-30-4-8,** if the alleged offense occurred while the person was operating a motor vehicle;

(C) IC 35-44.1-2-13(b)(1); or

(D) IC 35-43-1-2(a), if the alleged offense occurred while the person was operating a motor vehicle; and

(2) who was less than eighteen (18) years of age at the time of the alleged offense.

(d) A prosecuting attorney may withhold prosecution against an accused person if:

(1) the person is charged with a misdemeanor, a Level 6 felony, or a Level 5 felony;

(2) the person agrees to conditions of a pretrial diversion program offered by the prosecuting attorney;

(3) the terms of the agreement are recorded in an instrument signed by the person and the prosecuting attorney and filed in the court in which the charge is pending; and

(4) the prosecuting attorney electronically transmits information required by the prosecuting attorneys council concerning the withheld prosecution to the prosecuting attorneys council, in a manner and format designated by the prosecuting attorneys council.

(e) An agreement under subsection (d) may include conditions that the person:

(1) pay to the clerk of the court an initial user's fee and monthly user's fees in the amounts specified in IC 33-37-4-1;

(2) work faithfully at a suitable employment or faithfully pursue a course of study or career and technical education that will equip the person for suitable employment;

(3) undergo available medical treatment or mental health counseling and remain in a specified facility required for that purpose, including:

(A) addiction counseling;

(B) inpatient detoxification; and

(C) medication assisted treatment, including a federal Food and Drug Administration approved long acting, nonaddictive medication for the treatment of opioid or alcohol dependence;

(4) receive evidence based mental health and addiction, intellectual disability, developmental disability, autism, and co-occurring autism and mental illness forensic treatment services to reduce the risk of recidivism;

(5) support the person's dependents and meet other family responsibilities;

(6) make restitution or reparation to the victim of the crime for the damage or injury that was sustained;

(7) refrain from harassing, intimidating, threatening, or having any direct or indirect contact with the victim or a witness;

(8) report to the prosecuting attorney at reasonable times;

(9) answer all reasonable inquiries by the prosecuting attorney and promptly notify the prosecuting attorney of any change in address or employment; and

(10) participate in dispute resolution either under IC 34-57-3 or a program established by the prosecuting attorney.

(f) An agreement under subsection (d)(2) may include other provisions, including program fees and costs, reasonably related to the defendant's rehabilitation, if approved by the court.

(g) The prosecuting attorney shall notify the victim when prosecution is withheld under this section.

(h) All money collected by the clerk as user's fees or program fees and costs under this section shall be deposited in the appropriate user fee fund under IC 33-37-8.

(i) If a court withholds prosecution under this section and the terms of the agreement contain conditions described in subsection (e)(7):

(1) the clerk of the court shall comply with IC 5-2-9; and

(2) the prosecuting attorney shall file a confidential form prescribed or approved by the office of judicial administration with the clerk.

SECTION 128. IC 33-42-17-5, AS ADDED BY P.L.59-2018, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. The identity of the principal in a remote notarial act may be verified by ~~either~~ **any** of the following:

(1) The remote notary public's personal knowledge of the principal's identity.

(2) A credible witness's knowledge of the principal's identity.

(3) All of the following:

(A) Remote presentation by the principal of a credential identifying the principal.

(B) Credential analysis and visual inspection by the remote notary public of the credential described in clause (A).

(C) Identity proofing of the principal, which may include a dynamic knowledge based authentication assessment or use of a public key infrastructure.

(4) Another method that uses technology that meets or exceeds the standards for approval established by the secretary of state under IC 33-42-16-2.

SECTION 129. IC 34-28-5-15, AS AMENDED BY P.L.197-2015, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 15. (a) This subsection does not apply to a person whose prosecution for an infraction is deferred under section 1 of this chapter. If a person alleged to have violated a statute defining an

infraction:

(1) is not prosecuted or if the action against the person is dismissed;

(2) is adjudged not to have committed the infraction; or

(3) is adjudged to have committed the infraction and the adjudication is subsequently vacated;

the court in which the action was filed shall order the clerk and the operator of any state, regional, or local case management system not to disclose or permit disclosure of information related to the infraction to a noncriminal justice organization or an individual.

(b) Not earlier than five (5) years after a person:

(1) whose prosecution for an infraction has been deferred; or

(2) who was found to have violated a statute defining an infraction;

has satisfied the conditions of the deferral program or the judgment imposed for the violation, the person may petition the court to prohibit disclosure of information related to the infraction to a noncriminal justice organization or an individual. The court shall order the clerk and the operator of any state, regional, or local case management system not to disclose or permit disclosure of information related to the infraction to a noncriminal justice organization or an individual if the court finds that

~~(1)~~ the person satisfied the judgment or conditions of the deferral program and

~~(2)~~ at least five (5) years have passed since the date the person satisfied the judgment or conditions of the program.

(c) If a court fails to order the clerk and the operator of any state, regional, or local case management system to restrict disclosure of information related to the infraction under subsection (a), the person may petition the court to restrict disclosure of the records related to the infraction to a noncriminal justice organization or an individual.

(d) A petition under subsection (b) or (c) must be verified and filed in:

(1) the court in which the action was filed, for a person described in subsection (a)(1);

(2) the court in which the trial was held, for a person described in subsection (a)(2) or (a)(3); or

(3) the court finding or having jurisdiction over the violation, for a person described in subsection (b).

(e) A petition under subsection (b) or (c) must be filed not earlier than:

(1) if the person is adjudged not to have committed the infraction,

thirty (30) days after the date of judgment;

(2) if the person's adjudication is vacated, three hundred sixty-five (365) days after:

(A) the order vacating the adjudication is final, if there is no appeal or the appeal is terminated before entry of an opinion or memorandum decision; or

(B) the opinion or memorandum decision vacating the adjudication is certified;

(3) if the person is not prosecuted, two (2) years after the alleged conduct or violation occurred;

(4) if the action is dismissed, thirty (30) days after the action is dismissed, if a new action is not filed; or

(5) if the person participated in a deferral program or is found to have violated the statute defining the infraction, not earlier than five (5) years after the date the judgment for the violation is satisfied or the conditions of the deferral program are met.

(f) A petition under subsection (b) or (c) must set forth:

(1) the date of the alleged violation;

(2) the violation or alleged violation;

(3) the date the action was dismissed, if applicable;

(4) the date of judgment, if applicable;

(5) the date the adjudication was vacated, if applicable;

(6) the basis on which the adjudication was vacated, if applicable;

(7) the date the judgment is satisfied or the conditions of the deferral program were met, if applicable;

(8) the law enforcement agency employing the officer who issued the complaint, if applicable;

(9) any other known identifying information, such as the name of the officer, case number, or court cause number;

(10) the date of the petitioner's birth; and

(11) at the option of the petitioner, the:

(A) petitioner's driver's license number, state identification card number, or photo exempt identification card number; or

(B) last four (4) digits of the petitioner's Social Security number.

(g) A copy of a petition filed under subsection (b) or (c) shall be served on the prosecuting attorney.

(h) If the prosecuting attorney wishes to oppose a petition filed under subsection (b) or (c), the prosecuting attorney shall, not later than thirty (30) days after the petition is filed, file a notice of opposition with the court setting forth reasons for opposing the petition. The prosecuting attorney shall attach to the notice of opposition a certified

copy of any documentary evidence showing that the petitioner is not entitled to relief. A copy of the notice of opposition and copies of any documentary evidence shall be served on the petitioner in accordance with the Indiana Rules of Trial Procedure.

(i) The court may, with respect to a petition filed under subsection (b) or (c):

(1) summarily grant the petition;

(2) set the matter for hearing; or

(3) summarily deny the petition, if the court determines that:

(A) the petition is insufficient; or

(B) based on documentary evidence submitted to the court, the petitioner is not entitled to have access to the petitioner's records restricted.

(j) If a notice of opposition is filed under subsection (h) and the court does not summarily grant or summarily deny the petition, the court shall set the matter for a hearing.

(k) After a hearing is held under subsection (j), the court shall grant the petition filed under:

(1) subsection (b) if the person is entitled to relief under that subsection; or

(2) subsection (c) if the person is entitled to relief under subsection (a).

(l) If the court grants a petition filed under subsection (b) or (c), the court shall order the clerk and the operator of any state, regional, or local case management system not to disclose or permit disclosure of information related to the infraction to a noncriminal justice organization or an individual.

SECTION 130. IC 34-30-2-8.6, AS ADDED BY P.L.189-2018, SECTION 156, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8.6. ~~IC 5-1.2-4-8~~ **IC 5-1.3-6-9** (Concerning the state for monetary damages for obligations of or violation by the Indiana finance authority **and the northwest Indiana regional development authority).**

SECTION 131. IC 34-30-2-31.8, AS ADDED BY P.L.86-2018, SECTION 243, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 31.8. IC 9-24-17-10 (Concerning the state and ~~of~~ health care providers ~~for~~ **with regard to** anatomical gifts).

SECTION 132. IC 35-38-3-5, AS AMENDED BY P.L.158-2013, SECTION 402, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) The department, after diagnosis and classification, shall:

(1) determine the degree of security (maximum, medium, or minimum) to which a convicted person will be assigned;

(2) for each offender convicted of a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) whose sentence for the Class D felony or Level 6 felony is nonsuspendible at the time of the offense under:

(A) IC 35-50-2-2.1(a)(1)(B);

(B) IC 35-50-2-2.1(a)(1)(C); or

(C) IC 35-50-2-2.1(a)(2);

determine whether the offender is an appropriate candidate for home detention under IC 35-38-2.5;

(3) for each offender:

(A) committed to the department because the offender has been convicted for the first time of a Class C or Class D felony (for a crime committed before July 1, 2014) or a Level 5 or Level 6 felony (for a crime committed after June 30, 2014); and

(B) whose sentence may be suspended;

determine whether the offender is an appropriate candidate for home detention under IC 35-38-2.5;

(4) notify the trial court and prosecuting attorney if the degree of security assigned differs from the court's recommendations; and

(5) petition the sentencing court under IC 35-38-1-21 for review of the sentence of an offender who is not a habitual offender sentenced under IC 35-50-2-8 or IC 35-50-2-10 (repealed), and who the department has determined under subdivision (2) to be an appropriate candidate for home detention.

(b) The department may change the degree of security to which the person is assigned. However, if the person is changed to a lesser degree **of** security during the first two (2) years of the commitment, the department shall notify the trial court and the prosecuting attorney not less than thirty (30) days before the effective date of the changed security assignment.

SECTION 133. IC 36-1-8-17.7, AS ADDED BY P.L.189-2016, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 17.7. (a) This section applies to a political subdivision:

(1) that was established by another political subdivision; and

(2) for which, except as set forth in ~~IC 13-21-3-1(f)~~ **IC 13-21-3-1(d)** and IC 13-21-15, there is no process or procedure expressly specified by law regarding the dissolution of the political subdivision.

(b) A political subdivision described in subsection (a) may be dissolved according to the following:

(1) The political subdivision described in subsection (a) may be dissolved as provided in this section only by the political subdivision that established the political subdivision described in subsection (a).

(2) The legislative body of the political subdivision that established the political subdivision described in subsection (a) must adopt a preliminary resolution stating the intent of the legislative body to dissolve the political subdivision described in subsection (a). For a county described in IC 36-1-2-5(1) and IC 36-1-2-9(1), the adoption under ~~IC 13-21-3-1(f)(1)(A)~~ **IC 13-21-3-1(d)(1)(A)** by the county executive of an ordinance in favor of the dissolution of a solid waste management district satisfies this requirement.

(3) The legislative body that established the political subdivision described in subsection (a) must hold a separate public meeting regarding the proposed dissolution of the political subdivision described in subsection (a). Notice of the meeting shall be given in accordance with IC 5-3-1. The legislative body must hold the public meeting:

(A) except as provided in clause (B), at least ninety (90) days after adopting the preliminary resolution under subdivision (2); or

(B) at least one hundred eighty (180) days after adopting the preliminary resolution under subdivision (2), in the case of the proposed dissolution of a political subdivision described in subsection (a) that has been in existence for at least ten (10) years.

(4) At least ten (10) days before the public meeting under subdivision (3), the legislative body that established the political subdivision described in subsection (a) must make available to the public a plan regarding the proposed dissolution. If the legislative body maintains an Internet web site or an Internet web site is maintained on behalf of the legislative body, a copy of the plan must be posted on the Internet web site at least ten (10) days before the public meeting under subdivision (3).

(5) The plan regarding the proposed dissolution must specify the following:

(A) The effective date of the dissolution.

(B) A description of the assets and obligations of the political subdivision described in subsection (a) and a proposal

regarding the distribution of those assets and the satisfaction of those obligations.

(C) A description of the services currently provided by the political subdivision described in subsection (a) and (if applicable) an explanation of how those services will be provided after the dissolution of the political subdivision described in subsection (a).

(6) At the public meeting under subdivision (3), the legislative body shall allow the public an opportunity to testify and comment upon the proposed dissolution.

(7) At the public meeting under subdivision (3), the legislative body may adopt an ordinance (in the case of the legislative body of a county or municipality) or a resolution (in the case of the legislative body of any other political subdivision) dissolving the political subdivision described in subsection (a) as provided in the plan described in subdivision (5).

SECTION 134. IC 36-1-24-11, AS ADDED BY P.L.73-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 11. (a) A unit may require an owner to obtain a permit for each property by adopting an ordinance that sets forth only the requirements of this chapter for obtaining a permit. A unit may require only one (1) permit for each single family home, two-family or multifamily dwelling, condominium, cooperative, or time share that an owner rents in whole or in part under this chapter. A permit covers all:

(1) dwelling units; and

(2) detached accessory structures;

located on the permitted property that the owner offers to the public as a short term rental.

(b) An owner must submit a permit application for each property for which a permit is sought. The permit application may require the owner to provide only the following information for each property:

(1) The owner's name, street address, mailing address, electronic mail address (if applicable), and telephone number. If the owner is a corporation or partnership, the application must require the: ~~owner's:~~

(A) **owner's** state of incorporation or organization; and

(B) names, residence addresses, and telephone numbers of the owner's principal officers or partners.

(2) If a property manager is used, the property manager's name, street address, mailing address, electronic mail address (if applicable), and telephone number.

(3) A short description of how each of the owner's short term

rentals on the property are marketed or advertised, including the following:

(A) The advertised occupancy limits of each short term rental.

(B) Whether the short term rental is:

(i) a single family home;

(ii) a dwelling unit in a single family home;

(iii) a dwelling unit in a two-family or multifamily dwelling; or

(iv) a dwelling unit in a condominium, cooperative, or time share.

(c) A permit application must be made by an owner. If the owner is a corporation, partnership, or other legal entity, the permit application must be made by an officer or agent of the owner.

(d) Subject to section 16 of this chapter, if an owner submits a permit application under this section that meets the requirements set forth in the ordinance adopted by the unit, the unit shall issue a permit to the owner within thirty (30) days of receipt of the application.

SECTION 135. IC 36-7-15.6-17, AS ADDED BY P.L.61-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 17. (a) The commission may issue bonds for the purpose of construction, replacement, repair, maintenance, or improvement of flood control works within a district established under this chapter, including to reimburse a unit for expenditures made from the unit's storm water fund prior to the bond issuance as set forth in ~~section 17(g)(11) of this chapter.~~ **subsection (g)(11).**

(b) The bonds are payable solely from:

(1) property tax proceeds allocated to the district's flood control improvement fund under section 13 of this chapter;

(2) other funds available to the commission;

(3) a combination of the methods in subdivisions (1) through (2); or

(4) to the extent that the revenues under subdivisions (1) through (3) are insufficient to pay the debt service on the bonds, from any other revenues available to the unit that established the commission.

(c) The bonds shall be authorized by a resolution of the commission.

(d) The terms and form of the bonds shall be set out either in the resolution or in a form of trust indenture approved by the resolution.

(e) The bonds must mature within twenty-five (25) years.

(f) The commission shall sell the bonds at public or private sale upon such terms as determined by the commission.

(g) All money received from any bonds issued under this chapter

shall be applied solely to the payment or reimbursement of the cost of providing flood control works within the flood control improvement district for which the bonds were issued, or the cost of refunding or refinancing outstanding bonds, for which the bonds are issued. The cost may include:

(1) planning and development of flood control works and all related buildings, facilities, structures, and improvements;

(2) acquisition of a site and clearing and preparing the site for construction;

(3) equipment, facilities, structures, and improvements that are necessary or desirable to make the flood control works suitable for use and operation;

(4) architectural, engineering, consultant, and attorney's fees;

(5) incidental expenses in connection with the issuance and sale of bonds;

(6) reserves for principal and interest;

(7) interest during construction and for a period thereafter determined by the commission;

(8) financial advisory fees;

(9) insurance during construction;

(10) municipal bond insurance, debt service reserve insurance, letters of credit, or other credit enhancement;

(11) reimbursement to the unit that established the commission for expenditures made from the unit's storm water fund for any or all of the purposes in subdivisions (1) through (10) prior to the bond issuance; and

(12) in the case of refunding or refinancing, payment of the principal of, redemption premiums, if any, for, and interest on, the bonds being refunded or refinanced.

SECTION 136. IC 36-7.5-2-8, AS AMENDED BY P.L.189-2018, SECTION 167, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8. (a) Except as provided in subsection (c), the development authority must comply with IC 5-22 (public purchasing), IC 36-1-12 (public work projects), and any applicable federal bidding statutes and regulations. An eligible political subdivision that receives a loan, a grant, or other financial assistance from the development authority or enters into a lease with the development authority must comply with applicable federal, state, and local public purchasing and bidding law and regulations. However, a purchasing agency (as defined in IC 5-22-2-25) of an eligible political subdivision may:

(1) assign or sell a lease for property to the development

authority; or

(2) enter into a lease for property with the development authority;

at any price and under any other terms and conditions as may be determined by the eligible political subdivision and the development authority. However, before making an assignment or sale of a lease or entering into a lease under this section that would otherwise be subject to IC 5-22, the eligible political subdivision or its purchasing agent must obtain or cause to be obtained a purchase price for the property to be subject to the lease from the lowest responsible and responsive bidder in accordance with the requirements for the purchase of supplies under IC 5-22.

(b) In addition to the provisions of subsection (a), with respect to projects undertaken by the authority, the authority shall set a goal for participation by minority business enterprises of fifteen percent (15%) and women's business enterprises of five percent (5%), consistent with the goals of delivering the project on time and within the budgeted amount and, insofar as possible, using Indiana businesses for employees, goods, and services. In fulfilling the goal, the authority shall take into account historical precedents in the same market.

(c) As an alternative to IC 36-1-12, the development authority may utilize and may comply with:

(1) IC 5-16;

(2) IC 5-23;

(3) IC 5-30;

(4) IC 5-32; or

(5) any combination of the articles listed in subdivisions (1) through (4) as determined by the ~~NWIRDA~~ **development authority** as appropriate;

when acquiring, financing, and constructing a public work that is a development project (as defined in IC 36-7.5-4.5-5).

(d) The development authority may:

(1) contract with;

(2) assign to; or

(3) delegate to;

a commuter transportation district ~~or the NICTD~~ to perform any duties and exercise any powers of the development authority under this chapter.

SECTION 137. IC 36-7.5-4-2, AS AMENDED BY P.L.189-2018, SECTION 172, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) Except as provided in subsections (b) and (d), the fiscal officer of each city and county described in IC 36-7.5-2-3(b) shall each transfer three million five

hundred thousand dollars ($3,500,000) each year to the development authority for deposit in the development authority revenue fund established under section 1 of this chapter. However, if a county having a population of more than one hundred fifty thousand (150,000) but less than one hundred seventy thousand (170,000) ceases to be a member of the development authority and two (2) or more municipalities in the county have become members of the development authority as authorized by IC 36-7.5-2-3(i), the transfer of the local income tax revenue that is dedicated to economic development purposes that is required to be transferred under IC 6-3.6-11-6 is the contribution of the municipalities in the county that have become members of the development authority.

(b) This subsection applies only if:

(1) the fiscal body of the county described in IC 36-7.5-2-3(e) has adopted an ordinance under IC 36-7.5-2-3(e) providing that the county is joining the development authority;

(2) the fiscal body of the city described in IC 36-7.5-2-3(e) has adopted an ordinance under IC 36-7.5-2-3(e) providing that the city is joining the development authority; and

(3) the county described in IC 36-7.5-2-3(e) is an eligible county participating in the development authority.

The fiscal officer of the county described in IC 36-7.5-2-3(e) shall transfer two million six hundred twenty-five thousand dollars ($2,625,000) each year to the development authority for deposit in the development authority revenue fund established under section 1 of this chapter. The fiscal officer of the city described in IC 36-7.5-2-3(e) shall transfer eight hundred seventy-five thousand dollars ($875,000) each year to the development authority for deposit in the development authority revenue fund established under section 1 of this chapter.

(c) This subsection does not apply to Lake County, Hammond, Gary, or East Chicago. The following apply to the remaining transfers required by subsections (a) and (b):

(1) Except for transfers of money described in subdivision (4)(D), the transfers shall be made without appropriation by the city or county fiscal body or approval by any other entity.

(2) Except as provided in subdivision (3), each fiscal officer shall transfer eight hundred seventy-five thousand dollars ($875,000) to the development authority revenue fund before the last business day of January, April, July, and October of each year. Food and beverage tax revenue deposited in the fund under IC 6-9-36-8 is in addition to the transfers required by this section.

(3) The fiscal officer of the county described in IC 36-7.5-2-3(e)

shall transfer six hundred fifty-six thousand two hundred fifty dollars ($656,250) to the development authority revenue fund before the last business day of January, April, July, and October of each year. The county is not required to make any payments or transfers to the development authority covering any time before January 1, 2017. The fiscal officer of a city described in IC 36-7.5-2-3(e) shall transfer two hundred eighteen thousand seven hundred fifty dollars ($218,750) to the development authority revenue fund before the last business day of January, April, July, and October of each year. The city is not required to make any payments or transfers to the development authority covering any time before January 1, 2017.

(4) The transfers shall be made from one (1) or more of the following:

(A) Riverboat admissions tax revenue received by the city or county, riverboat wagering tax revenue received by the city or county, or riverboat incentive payments received from a riverboat licensee by the city or county.

(B) Any local income tax revenue that is dedicated to economic development purposes under IC 6-3.6-6 and received under IC 6-3.6-9 by the city or county.

(C) Any other local revenue other than property tax revenue received by the city or county.

(D) In the case of a county described in IC 36-7.5-2-3(e) or a city described in IC 36-7.5-2-3(e), any money from the major moves construction fund that is distributed to the county or city under IC 8-14-16.

(d) This subsection applies only to Lake County, Hammond, Gary, and East Chicago. The obligations of each city and the county under subsection (a) are satisfied by the distributions made by the auditor of state on behalf of each unit under ~~IC 4-33-12-6(d)~~ **IC 4-33-12-8** and IC 4-33-13-5(j). However, if the total amount distributed under IC 4-33 on behalf of a unit with respect to a particular state fiscal year is less than the amount required by subsection (a), the fiscal officer of the unit shall transfer the amount of the shortfall to the authority from any source of revenue available to the unit other than property taxes. The auditor of state shall certify the amount of any shortfall to the fiscal officer of the unit after making the distribution required by IC 4-33-13-5(j) on behalf of the unit with respect to a particular state fiscal year.

(e) A transfer made on behalf of a county, city, or town under this section after December 31, 2018:

(1) is considered to be a payment for services provided to residents by a rail project as those services are rendered; and

(2) does not impair any pledge of revenues under this article because a pledge by the development authority of transferred revenue under this section to the payment of bonds, leases, or obligations under this article or IC 5-1.3:

(A) constitutes the obligations of the northwest Indiana regional development authority; and

(B) does not constitute an indebtedness of a county, city, or town described in this section or of the state within the meaning or application of any constitutional or statutory provision or limitation.

(f) Neither the transfer of revenue as provided in this section nor the pledge of revenue transferred under this section is an impairment of contract within the meaning or application of any constitutional provision or limitation because of the following:

(1) The statutes governing local taxes, including the transferred revenue, have been the subject of legislation annually since 1973, and during that time the statutes have been revised, amended, expanded, limited, and recodified dozens of times.

(2) Owners of bonds, leases, or other obligations to which local tax revenues have been pledged recognize that the regulation of local taxes has been extensive and consistent.

(3) All bonds, leases, or other obligations, due to their essential contractual nature, are subject to relevant state and federal law that is enacted after the date of a contract.

(4) The state of Indiana has a legitimate interest in assisting the development authority in financing rail projects.

(g) All proceedings had and actions described in this section are valid pledges under IC 5-1-14-4 as of the date of those proceedings or actions and are hereby legalized and declared valid if taken before March 15, 2018.

SECTION 138. IC 36-7.5-4.5-16.5, AS ADDED BY P.L.189-2018, SECTION 180, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 16.5. (a) This section applies to an associate member or cash participant that has committed to:

(1) make a cash payment to the development authority; or

(2) provide revenues to the development authority annually to make debt service payments annually for the life of any:

(A) bonds or obligations issued; or

(B) leases entered into;

by the development authority;

to finance the mainline double tracking project.

(b) A transfer of funds made by a cash participant or an associate member under this section after December 31, 2018, is considered to be a payment for services provided to residents by the mainline double tracking project (as described in section 12 of this chapter) as those services are rendered.

(c) A transfer of funds under this section does not constitute an indebtedness of:

(1) an associate member;

(2) a cash participant; or

(3) the state;

within the meaning or application of any constitutional or statutory provision or limitation.

(d) A pledge by the development authority of transferred revenue under this section to the payment of bonds, leases, or obligations under this article or IC 5-1.3: ~~to these bonds, leases, or obligations:~~

(1) constitutes the obligations of the development authority; and

(2) does not constitute an indebtedness of:

(A) an associate member;

(B) a cash participant; or

(C) the state;

within the meaning or application of any constitutional or statutory provision or limitation.

(e) Neither the transfer of revenue nor the pledge of revenue transferred under this section is an impairment of contract within the meaning or application of any constitutional provision or limitation because of the following:

(1) The statutes governing local government revenues, including the transferred revenue, have been the subject of legislation annually since 1973, and during that time the statutes have been revised, amended, expanded, limited, and recodified dozens of times.

(2) Owners of bonds, leases, or other obligations to which local government revenues have been pledged recognize that the regulation of government revenues has been extensive and consistent.

(3) All bonds, leases, or other obligations, due to their essential contractual nature, are subject to relevant state and federal law that is enacted after the date of a contract.

(4) The state of Indiana has a legitimate interest in assisting the northwest Indiana regional development authority in financing rail projects, including the mainline double tracking project.

SECTION 139. IC 36-8-12-2, AS AMENDED BY P.L.114-2012, SECTION 150, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. As used in this chapter:

"Emergency medical services personnel" means individuals certified by the emergency medical services commission established by IC 16-31-2-1 who:

(1) as a result of a written application, have been elected or appointed to membership in a volunteer fire department; and

(2) have executed a pledge to faithfully perform, with or without nominal compensation, the work related duties assigned and orders given to the individuals by the chief of the volunteer fire department or an officer of the volunteer fire department, including orders or duties involving education and training.

"Employee" means a person in the service of another person under a written or implied contract of hire or apprenticeship.

"Employer" means:

(1) a political subdivision;

(2) an individual or the legal representative of a deceased individual;

(3) a firm;

(4) an association;

(5) a limited liability company;

(6) an employer that provides on-the-job training under the federal School to Work Opportunities Act (20 U.S.C. 6101 et seq.) to the extent set forth in IC 22-3-2-2.5(a); or

(7) a corporation or its receiver or trustee;

that uses the services of another person for pay.

"Essential employee" means an employee:

(1) who the employer has determined to be essential to the operation of the employer's daily enterprise; and

(2) without whom the employer is likely to suffer economic injury as a result of the absence of the essential employee.

"Nominal compensation" means annual compensation of not more than twenty thousand dollars ($20,000).

"Public servant" has the meaning set forth in IC 35-31.5-2-261.

"Responsible party" has the meaning set forth in ~~IC 13-11-2-191(c).~~ **IC 13-11-2-191(d).**

"Volunteer fire department" means a department or association organized for the purpose of answering fire alarms, extinguishing fires, and providing other emergency services, the majority of members of which receive no compensation or nominal compensation for their services.

"Volunteer firefighter" means a firefighter:

(1) who, as a result of a written application, has been elected or appointed to membership in a volunteer fire department;

(2) who has executed a pledge to faithfully perform, with or without nominal compensation, the work related duties assigned and orders given to the firefighter by the chief of the volunteer fire department or an officer of the volunteer fire department, including orders or duties involving education and training as prescribed by the volunteer fire department or the state; and

(3) whose name has been entered on a roster of volunteer firefighters that is kept by the volunteer fire department and that has been approved by the proper officers of the unit.

"Volunteer member" means a member of a volunteer emergency medical services association connected with a unit as set forth in IC 16-31-5-1(6).

SECTION 140. IC 36-8-12-13, AS AMENDED BY P.L.208-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 13. (a) Except as provided in subsection (b), the volunteer fire department that responds first to an incident may impose a charge on the owner of property, the owner of a vehicle, or a responsible party (as defined in ~~IC 13-11-2-191(c))~~ **IC 13-11-2-191(d))** that is involved in a hazardous material or fuel spill or chemical or hazardous material related fire (as defined in IC 13-11-2-96(b)):

(1) that is responded to by the volunteer fire department; and

(2) that members of that volunteer fire department assisted in extinguishing, containing, or cleaning up.

A second or subsequently responding volunteer fire department may not impose a charge on an owner or responsible party under this section, although it may be entitled to reimbursement from the first responding volunteer fire department in accordance with an interlocal or other agreement.

(b) A volunteer fire department that is funded, in whole or in part:

(1) by taxes imposed by a unit; or

(2) by a contract with a unit;

may not impose a charge under subsection (a) on a natural person who resides or pays property taxes within the boundaries of the unit described in subdivision (1) or (2), unless the spill or the chemical or hazardous material fire poses an imminent threat to persons or property.

(c) The volunteer fire department shall bill the owner or responsible party of the vehicle for the total dollar value of the assistance that was provided, with that value determined by a method that the state fire

marshal shall establish under section 16 of this chapter. A copy of the fire incident report to the state fire marshal must accompany the bill. This billing must take place within thirty (30) days after the assistance was provided. The owner or responsible party shall remit payment directly to the governmental unit providing the service. Any money that is collected under this section may be:

(1) deposited in the township firefighting fund established in IC 36-8-13-4;

(2) used to pay principal and interest on a loan made by the department of homeland security established by IC 10-19-2-1 or a division of the department for the purchase of new or used firefighting and other emergency equipment or apparatus; or

(3) used for the purchase of equipment, buildings, and property for firefighting, fire protection, and other emergency services.

(d) Any administrative fees charged by a fire department's agent must be paid only from fees that are collected and allowed by Indiana law and the fire marshal's schedule of fees.

(e) An agent who processes fees on behalf of a fire department shall send all bills, notices, and other related materials to both the fire department and the person being billed for services.

(f) All fees allowed by Indiana law and the fire marshal's fee schedule must be itemized separately from any other charges.

(g) The volunteer fire department may maintain a civil action to recover an unpaid charge that is imposed under subsection (a) and may, if it prevails, recover all costs of the action, including reasonable attorney's fees.

SECTION 141. IC 36-8-12.2-5, AS AMENDED BY P.L.127-2009, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. As used in this chapter, "responsible party" has the meaning set forth in ~~IC 13-11-2-191(c).~~ **IC 13-11-2-191(d).**

SECTION 142. [EFFECTIVE JULY 1, 2018 (RETROACTIVE)] **(a) IC 20-29-2-6 was amended by P.L.213-2018(ss), SECTION 24, effective July 1, 2018, and was amended by P.L.213-2018(ss), SECTION 25, effective January 1, 2019. The general assembly intends for the version of IC 20-29-2-6 amended by P.L.213-2018(ss), SECTION 24, to expire December 31, 2018, and for the version of IC 20-29-2-6 amended by P.L.213-2018(ss), SECTION 25, to take effect January 1, 2019.**

(b) This SECTION expires December 31, 2019.

SECTION 143. [EFFECTIVE UPON PASSAGE] **(a) This act may be referred to as the "technical corrections bill of the 2019 general assembly".**

(b) The phrase "technical corrections bill of the 2019 general assembly" may be used in the lead-in line of an act other than this act to identify provisions added, amended, or repealed by this act that are also amended or repealed in the other act.

(c) This SECTION expires December 31, 2019.

SECTION 144. [EFFECTIVE UPON PASSAGE] **(a) This SECTION applies if a provision of the Indiana Code is:**

(1) added or amended by this act; and

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

(b) As used in this SECTION, "other act" refers to an act enacted in the 2019 session of the general assembly other than this act. "Another act" has a corresponding meaning.

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

(d) This subsection applies if a provision described in subsection (a) that is added or amended by this act takes effect before the corresponding provision repeal in the other act. The lawful compilers of the Indiana Code, in publishing the provision added or amended in this act, shall publish that version of the provision and note that the provision is effective until the effective date of the corresponding provision repeal in the other act. On and after the effective date of the corresponding provision repeal in the other act, the provision repealed by the other act shall be considered repealed, regardless of whether there is a difference in the effective date of the provision added or amended by this act and the provision repealed by the other act. The lawful compilers of the Indiana Code, in publishing the affected Indiana Code provision, shall publish the version of the Indiana Code provision that is repealed by the other act, and shall note that this version of the provision is effective on the effective date of the repealed provision of the other act.

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

(f) This SECTION expires December 31, 2019.

SECTION 145. **An emergency is declared for this act.**

Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____