

Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

SENATE ENROLLED ACT No. 80

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

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

SECTION 1. IC 2-5-1.1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) The Indiana code revision commission is established. The commission shall function as an advisory body to the legislative council. In that capacity, the commission shall:

- (1) assist the council in supervising the compilation, computerization, indexing, and printing of the Indiana Code;
- (2) assist the council in developing standards for the codification and revision of statutes to make those statutes clear, concise, and easy to interpret and to apply;
- (3) assist the council, as required by IC 4-22-8-11, with the publication of the Indiana Register and in the compilation, computerization, indexing, and printing of the Indiana Administrative Code;
- (4) assist the council, as required by IC 4-22-2-42, in developing and revising standards, techniques, format, and numbering system to be used in drafting rules for promulgation;
- (5) assist the council in developing and revising standards, techniques, and format to be used when preparing legislation for consideration by the Indiana general assembly; and
- (6) assist the council with any other related tasks assigned to the commission by the council.

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(b) The commission consists of the following members:

- (1) Four (4) members of the house of representatives, not more than two (2) of whom are members of the same political party, to be appointed by the speaker of the house of representatives.
- (2) Four (4) members of the senate, not more than two (2) of whom are members of the same political party, to be appointed by the president pro tempore of the senate.
- (3) The chief justice of Indiana or his designee.
- (4) The chief judge of the Indiana court of appeals or his designee.
- (5) The Indiana attorney general or his designee.
- (6) An attorney admitted to the practice of law before the Indiana supreme court selected by the chairman of the council.
- (7) A present or former professor of law selected by the chairman of the council.
- (8) The Indiana secretary of state or his designee.
- (9) An individual appointed by the governor.

Appointive members of the commission shall be appointed to serve a term of two (2) years or until their successors are appointed and qualified. **However, an appointing authority may replace a member appointed under subsection (b)(1) or (b)(2) at any time during the member's term. Notwithstanding this subsection, the term of a member appointed to the commission under subsection (b)(1) or (b)(2) and serving on the commission after March 14, 2014, and before December 31, 2014, expires December 31, 2014.**

(c) ~~The chairman IC 2-5-1.2-8.5 applies to the appointment of a chair and a vice-chair of the commission. shall be selected by the commission from among its legislative members.~~

(d) Commission members serve without compensation other than per diem and travel allowance as authorized for legislative study committees.

(e) The commission shall meet as often as is necessary to properly perform its duties.

(f) The council may direct the legislative services agency to provide such clerical, research, and administrative personnel and other assistance as the council considers necessary to enable the commission to properly perform its duties.

(g) Subject to the authorization of the council, the expenses incurred by the commission in performing its duties shall be paid from the funds appropriated to the council.

SECTION 2. IC 2-5-1.1-12.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12.2. (a) The



definitions in IC 1-1-3.5 and IC 3-5-2 apply throughout this section.

~~(b)~~ As used in this section, "committee" refers to the census data advisory committee established by IC 2-5-19-2.

~~(c)~~ (b) As used in this section, "council" refers to the legislative council established by section 1 of this chapter.

~~(d)~~ (c) As used in this section, "GIS" refers to the geographic information system that the office is required to establish and maintain under subsection ~~(g)(9)~~: ~~(f)(7)~~.

~~(e)~~ (d) As used in this section, "office" refers to the office of census data established by subsection ~~(f)~~: (e).

~~(f)~~ (e) The office of census data is established within the legislative services agency. Appointment of staff members of the office is subject to the approval of the legislative council.

~~(g)~~ (f) The office shall do the following:

(1) Advise and assist the Bureau of the Census ~~and the committee~~ in defining the boundaries of census blocks in Indiana.

~~(2) Advise and assist the committee in coordinating the state's efforts to obtain an accurate population count in each federal decennial census.~~

~~(3)~~ (2) Work with other state and federal agencies to assist in the Census Bureau's local review program conducted in Indiana.

~~(4)~~ (3) Participate in national associations of state governments to obtain information regarding census count activities conducted by other states.

~~(5) Advise and assist the committee in the preparation and organization of decennial census data for use in congressional and state legislative redistricting.~~

~~(6)~~ (4) Work with political subdivisions following each decennial census to provide information and assistance concerning special censuses, special tabulations, and corrected population counts.

~~(7)~~ (5) Work with the election division, state agencies, and political subdivisions to maintain accurate information concerning the boundaries of precincts and political subdivisions.

~~(8)~~ (6) Provide technical assistance to counties, the election commission, and the election division to comply with Indiana law concerning establishing a precinct (as defined in IC 3-1-1-5-1).

~~(9)~~ (7) Establish and maintain a geographic information system that contains the boundaries of all precincts, legislative districts, and congressional districts. The geographic information system may contain other boundaries and information as determined by the executive director of the legislative services agency or as required by the council.



~~(10)~~ **(8)** Perform other census and mapping research as determined by the executive director of the legislative services agency or as required by the council.

~~(h)~~ **(g)** The office shall provide the election division a network connection to the GIS. The network connection must do the following:

- (1) Provide the election division with read access to the GIS.
- (2) Enable the election division to download any information, including maps, contained in the GIS.

~~(i)~~ **(h)** The election division is the agency through which public access to information contained in the GIS shall be provided.

SECTION 3. IC 2-5-1.2-1, AS AMENDED BY P.L.205-2013, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Except as provided in subsection (b) or otherwise in this article, this chapter applies to all committees established under this article.

(b) This chapter does not apply to the following:

- (1) The legislative council ~~and code revision commission~~ (IC 2-5-1.1).
- ~~(2) The public officers compensation advisory commission (IC 2-5-1.6);~~
- ~~(3) The commission on interstate cooperation (IC 2-5-2);~~
- ~~(4) The commission on state tax and financing policy (IC 2-5-3);~~
- ~~(5) The natural resources study committee (IC 2-5-5);~~
- ~~(6) The pension management oversight commission (IC 2-5-12);~~
- ~~(7) The probate code study commission (IC 2-5-16);~~
- ~~(8) The administrative rules oversight committee (IC 2-5-18);~~
- ~~(9) The census data advisory committee (IC 2-5-19);~~
- ~~(10) The commission on military and veterans affairs (IC 2-5-20);~~
- ~~(11) A committee covered by IC 2-5-21;~~
- ~~(12) The health finance commission (IC 2-5-23);~~
- ~~(13) The water resources study committee (IC 2-5-25);~~
- ~~(14) The commission on developmental disabilities (IC 2-5-27.2);~~
- ~~(15)~~ **(2)** The youth advisory council (IC 2-5-29).
- ~~(16) The unemployment insurance oversight committee (IC 2-5-30);~~
- ~~(17) The criminal law and sentencing policy study committee (IC 2-5-33.4);~~

(3) The commission on improving the status of children in Indiana (IC 2-5-36).

SECTION 4. IC 2-5-1.2-4, AS ADDED BY P.L.220-2011, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. "Committee" refers to a commission, a



committee, or another body (however designated) established under this article, **including a subcommittee established under IC 2-5-1.3-12 and a committee established under IC 2-5-1.3-14.**

SECTION 5. IC 2-5-1.2-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 8.5. (a) The:**

(1) chairman of the legislative council, with the advice of the vice-chairman, shall designate the chair; and

(2) vice-chairman of the legislative council, with the advice of the chairman, shall designate a vice-chair;

of each committee from among the legislative members of the committee. The chair and vice-chair of a committee serve at the pleasure of the appointing authority.

(b) If a committee is a study committee (as defined in IC 2-5-1.3-3) or another committee on which members serve for two (2) interims or years, the chairman and the vice-chairman of the legislative council may provide that:

(1) the chair of a committee becomes the vice-chair of the committee in the year after the individual is appointed as chair; and

(2) the vice-chair of the committee becomes the chair of the committee in the year after the individual is appointed as vice-chair.

SECTION 6. IC 2-5-1.3 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 1.3. Interim Study Committees

Sec. 1. As used in this chapter, "interim" refers to the part of a year that begins immediately after the day that a regular session of the general assembly adjourns sine die and ends immediately before the day that the next regular session of the general assembly convenes.

Sec. 2. As used in this chapter, "standing committee" means the following:

(1) A standing committee established under the rules of the senate to consider bills during a regular session of the general assembly.

(2) A standing committee established under the rules of the house of representatives to consider bills during a regular session of the general assembly.

Sec. 3. As used in this chapter, "study committee" means an interim study committee established by section 4 of this chapter.



Sec. 4. The following interim study committees are established:

- (1) Agriculture and Natural Resources.**
- (2) Commerce and Economic Development.**
- (3) Corrections and Criminal Code.**
- (4) Courts and the Judiciary.**
- (5) Education.**
- (6) Elections.**
- (7) Employment and Labor.**
- (8) Energy, Utilities, and Telecommunications.**
- (9) Environmental Affairs.**
- (10) Financial Institutions and Insurance.**
- (11) Government.**
- (12) Public Safety and Military Affairs.**
- (13) Pension Management Oversight.**
- (14) Public Health, Behavioral Health, and Human Services.**
- (15) Public Policy.**
- (16) Roads and Transportation.**
- (17) Fiscal Policy.**

Sec. 5. A study committee has the following members:

- (1) Four (4) members of the senate, appointed by the president pro tempore, who preferably are members of the standing committee of the senate that has subject matter jurisdiction most closely relating to the subject matter for the study committee, as determined by the president pro tempore.**
- (2) Three (3) members, appointed by the minority leader of the senate, who preferably are members of the standing committee of the senate that has subject matter jurisdiction most closely relating to the subject matter for the study committee, as determined by the president pro tempore.**
- (3) Four (4) members, appointed by the speaker, who preferably are members of the standing committee of the house of representatives that has subject matter jurisdiction most closely relating to the subject matter for the study committee, as determined by the speaker.**
- (4) Three (3) members, appointed by the minority leader of the house of representatives, who preferably are members of the standing committee of the house of representatives that has subject matter jurisdiction most closely relating to the subject matter for the study committee, as determined by the speaker.**
- (5) The members (if any) appointed under section 6 of this chapter.**



Sec. 6. (a) The legislative council may authorize the addition of lay members to one (1) or more study committees in accordance with this section.

(b) If the legislative council authorizes the appointment of lay members to a study committee, four (4) lay members shall be appointed as follows:

(1) One (1) individual, appointed by the president pro tempore, who resides in Indiana and has experience, education, or training in the subject matter for the study committee but who is not a member of the general assembly.

(2) One (1) individual, appointed by the minority leader of the senate, who resides in Indiana and has experience, education, or training in the subject matter for the study committee but who is not a member of the general assembly.

(3) One (1) individual, appointed by the speaker, who resides in Indiana and has experience, education, or training in the subject matter for the study committee but who is not a member of the general assembly.

(4) One (1) individual, appointed by the minority leader of the house of representatives, who resides in Indiana and has experience, education, or training in the subject matter for the study committee but who is not a member of the general assembly.

(c) If the legislative council authorizes the appointment of lay members to a study committee, the legislative council may provide for the appointment to the study committee of lay members in addition to the lay members appointed under subsection (b).

(d) If the legislative council authorizes the appointment of lay members to a study committee, the legislative council may make the lay members appointed to the study committee voting members of the study committee.

Sec. 7. This chapter does not prohibit an appointing authority from appointing a legislator who is not a member of a standing committee that has subject matter jurisdiction most closely relating to the subject matter for the study committee.

Sec. 8. Except as provided by this chapter, additional voting members, advisory members, or lay members may not be appointed to serve on a study committee.

Sec. 9. The term of a member appointed to a study committee is two (2) consecutive interims. However, an appointing authority may replace a member at any time during the member's term. Notwithstanding this section, the term of a member serving on a



study committee after March 14, 2014, and before December 31, 2014, expires December 31, 2014.

Sec. 10. IC 2-5-1.2-8.5 applies to the appointment of a chair and vice-chair for a study committee.

Sec. 11. A study committee shall operate, as required in IC 2-5-1.2-13, under the policies and rules of the legislative council. However, a study committee may meet only during the interim period in a year.

Sec. 12. (a) The chair of a study committee may establish not more than two (2) subcommittees in an interim to assist the study committee. The chair of a study committee establishing a subcommittee shall appoint the members of the subcommittee from among the members of the study committee. Notwithstanding IC 2-5-1.2-8.5, the chair of the study committee shall appoint the chair of the subcommittee. A nonvoting member on the study committee is a nonvoting member on a subcommittee. A subcommittee established by a chair of a study committee exists for the duration of only (1) interim.

(b) The expenses of a subcommittee, including per diem, mileage, and travel allowances payable under IC 2-5-1.2-11, shall be paid from money authorized by the legislative council for operation of the study committee. The amount authorized by the legislative council for expenditures of a study committee may not be increased to pay for the operation of a subcommittee.

Sec. 13. A study committee shall study the issues assigned by the legislative council that are within the subject matter for the study committee, as described in section 4 of this chapter. In addition, the interim study committee on roads and transportation shall advise the bureau of motor vehicles regarding the suitability of a special group (as defined in IC 9-13-2-170) to receive a special group recognition license plate for the special group (as defined in IC 9-13-2-170) for the first time under IC 9-18-25-2.5 and the suitability of a special group (as defined in IC 9-13-2-170) to continue participating in the special group recognition license plate program under IC 9-18-25-2.7.

Sec. 14. In addition to the study committees established under section 4 of this chapter, the legislative council by resolution may establish one (1) or more additional interim study committees. An interim study committee established by the legislative council:

- (1) shall study only the specific topics assigned by the legislative council;
- (2) exists for the duration of only one (1) interim period;



**(3) has the membership determined by the legislative council;
and**

(4) is subject to IC 2-5-1.2.

Sec. 15. The legislative council may transfer the study of a legislative topic from the board, commission, or other committee that is directed by law to study the legislative topic to a study committee with subject matter jurisdiction closely relating to the subject matter of the proposed study, as determined by the chairman of the legislative council, or to an interim study committee established under section 14 of this chapter.

Sec. 16. The general assembly recognizes that SEA 80-2014 repeals IC 2-5-3, IC 2-5-20, IC 2-5-28.5, IC 2-5-33.4, IC 2-5-38.1, IC 13-13-7, IC 33-23-10, and other statutes that establish study committees and that other acts of the 2014 regular session of the general assembly add or amend provisions that are repealed by SEA 80-2014. The general assembly intends to repeal the provisions described in this section, including the additions and amendments to the repealed provisions enacted in other acts of the 2014 regular session of the general assembly.

SECTION 7. IC 2-5-1.6 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Public Officers Compensation Advisory Commission).

SECTION 8. IC 2-5-2 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Commission on Interstate Cooperation).

SECTION 9. IC 2-5-3 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Commission on State Tax and Financing Policy).

SECTION 10. IC 2-5-5 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Natural Resources Study Committee).

SECTION 11. IC 2-5-12 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Pension Management Oversight Commission).

SECTION 12. IC 2-5-16 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Probate Code Study Commission).

SECTION 13. IC 2-5-18 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Administrative Rules Oversight Committee).

SECTION 14. IC 2-5-19 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Census Data Advisory Committee).

SECTION 15. IC 2-5-20 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Commission on Military and Veterans Affairs).

SECTION 16. IC 2-5-21-2 IS REPEALED [EFFECTIVE UPON PASSAGE]. **Sec. 2: As used in this chapter, "committee" refers to a committee established under section 10 of this chapter.**

SECTION 17. IC 2-5-21-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The



subcommittee consists of four (4) members of the council as follows:

(1) Two (2) members of the house of representatives who may not be members of the same political party.

(2) Two (2) members of the senate who may not be members of the same political party.

(b) The chairman of the council, with the advice of the vice-chairman of the council, shall appoint the members of the subcommittee.

(c) An individual serves as a member of the subcommittee until the earlier of the following:

(1) The individual resigns as a member of the subcommittee.

(2) The individual ceases to be a member of the council.

(3) The individual is replaced by the chairman of the council.

(d) The chairman of the council, with the advice of the vice chairman of the council, shall fill a vacancy on the subcommittee.

SECTION 18. IC 2-5-21-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) ~~When making appointments to the subcommittee, the chairman of the council, with the advice of the vice chairman of the council, shall appoint a member of the subcommittee as the IC 2-5-1.2-8.5 applies to the appointment of a chair and vice-chair~~ of the subcommittee.

(b) The chair of the subcommittee serves until the earlier of the following:

(1) The individual resigns as chair.

(2) The individual ceases to be a member of the subcommittee.

(3) The individual is replaced by the chairman of the council.

SECTION 19. IC 2-5-21-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) Subject to the direction of the council, the subcommittee shall do the following:

(1) ~~Identify~~ **Annually recommend to the legislative council** the agencies and programs to be reviewed by the staff ~~and the committee assigned to the evaluation project.~~ **and a committee to receive and evaluate the agencies and programs selected for review after the review is completed.**

(2) Direct the staff in performing ~~audits~~ **reviews** of agencies and programs.

(3) ~~Assist the committees in performing the duties of a committee under this chapter.~~

(4) ~~(3)~~ **(3)** Perform other functions assigned by the council.

(b) **The council shall determine which agencies and programs to review.**

(c) **Unless assigned by the legislative council to a committee**



established under IC 2-5-1.3, the subcommittee shall do the following:

- (1) Evaluate the results of the review.
- (2) Determine whether additional corrective or other legislation is required.

If the legislative council assigns the duties under this subsection to a committee established under IC 2-5-1.3, the assigned committee has the duties and powers of the subcommittee established by this chapter.

SECTION 20. IC 2-5-21-10 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 10. (a) Subject to subsection (c), the chairman of the council, with the advice of the vice chairman of the council, shall appoint a committee to evaluate each of the following:

- (1) Agencies and programs with highway or transportation matters as their major function during 1994.
- (2) Agencies and programs with occupational licensing as their major function during 1995.
- (3) Agencies and programs with commerce matters as their major function during 1996.
- (4) Agencies and programs with agricultural matters as their major function during 1997.
- (5) Agencies and programs with human resources or economic security as their major function during 1998.
- (6) Agencies and programs with management or administration as their major function during 1999.
- (7) Agencies and programs with corrections or judicial matters as their major function during 2000.
- (8) Agencies and programs with public safety matters as their major function during 2001.
- (9) Agencies and programs with education matters as their major function during 2002.
- (10) Agencies and programs with human services as their major function during 2003.
- (11) Agencies and programs with labor matters as their major function during 2004.
- (12) Agencies and programs with taxation or finance as their major function during 2005.
- (13) Agencies and programs with business regulation as their major function during 2006.
- (14) Agencies and programs with health matters as their major function during 2007.
- (15) Agencies and programs with natural resources or recreation



as their major function during 2008.

(b) The committee shall be appointed before July 1 of the year the agencies and programs are required to be evaluated under this section:

(c) The council by resolution may do any of the following with respect to agencies and programs evaluated under this section:

(1) Require evaluation of agencies and programs in an order different from the order specified in subsection (a):

(2) Assign specific topics or issues for audit and evaluation by staff and a committee:

(3) Assign areas for audit and evaluation in classifications different from the areas described in subsection (a):

SECTION 21. IC 2-5-21-11 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 11: (a) A committee must consist of the following:

(1) Four (4) members of the house of representatives appointed by the chairman of the council with the advice of the vice chairman of the council. Not more than two (2) members appointed under this subdivision may be members of the same political party:

(2) Four (4) members of the senate appointed by the chairman of the council with the advice of the vice chairman of the council. Not more than two (2) members appointed under this subdivision may be members of the same political party:

(b) A member of a committee serves until the earlier of the following:

(1) The individual resigns from the committee:

(2) The individual ceases to be a member in the chamber of the general assembly from which the individual was appointed:

(3) The individual is replaced by the chairman of the council:

(c) The chairman of the council, with the advice of the vice chairman of the council, shall fill a vacancy on the committee:

SECTION 22. IC 2-5-21-12 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 12: (a) When making appointments to a committee, the chairman of the council, with the advice of the vice chairman of the council, shall appoint a member of the committee to be the chair of the committee:

(b) The chair of a committee serves until the earlier of the following:

(1) The individual resigns as chair:

(2) The individual ceases to be a member of the committee:

(3) The individual is replaced as chair by the chairman of the council:

SECTION 23. IC 2-5-21-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. As directed by



the subcommittee or the council, Any of the following shall be considered by staff in doing audits and by the committee when evaluating reviewing and doing follow-up evaluation reviews of agencies and programs:

- (1) The objectives intended for the agency or program and the problem or need that the agency or program was intended to address.
- (2) The degree to which the intended objectives of the agency or program have been achieved expressed in terms of performance, impact, or accomplishments of the agency or program.
- (3) Budget and other fiscal factors relating to the agency or program.
- (4) Areas or aspects of outstanding agency or program performance that might be effectively used by other agencies or programs.
- (5) The effect of the agency or program on the Indiana economy, including costs to consumers and businesses.
- (6) Whether another public or private program or entity can better or more economically meet the need for which the agency or program was established.
- (7) Whether the operation of the agency or program has been efficient and responsive to public needs.
- (8) The management efficiency of the agency or program and the cost effectiveness and value of the information the agency or program processes.
- (9) Any criteria identified by the subcommittee or by the council.

SECTION 24. IC 2-5-21-14 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 14. Subject to the direction of the subcommittee, a committee shall do the following during the year the committee is appointed to evaluate agencies and programs:

- (1) Review audit reports.
- (2) Take testimony regarding audit reports and other areas the committee considers related to the committee's work.
- (3) Make recommendations for legislation.
- (4) Make recommendations for administrative changes.

SECTION 25. IC 2-5-21-15 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 15. With the consent of the subcommittee, a committee may extend the committee's work under section 14 of this chapter through the next calendar year after the committee is appointed.

SECTION 26. IC 2-5-21-16 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 16. After the committee completes its work under



sections 14 and 15 of this chapter, the committee shall do the following:

- (1) Evaluate the results of the audit and the recommendations made by the committee.
- (2) Determine whether additional corrective or other legislation is required.

SECTION 27. IC 2-5-21-17 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 17: Subject to section 18 of this chapter, a committee expires on the earlier of the following dates:

- (1) December 31 of the second full year after the committee is appointed.
- (2) When terminated by the council.

SECTION 28. IC 2-5-21-18 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 18: The council by resolution may extend the work of a committee beyond the committee's expiration date under section 17 of this chapter.

SECTION 29. IC 2-5-21-19 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 19: (a) For purposes of this section, "committee" includes the subcommittee.

(b) The following apply to the operation of a committee:

- (1) The council may provide that there is a vice chair of the committee.
- (2) The chair of a committee may delegate any of the chair's powers to a vice chair of the committee.
- (3) The committee shall meet at the call of the chair.
- (4) A quorum consists of a majority of the voting members of the committee.
- (5) An affirmative vote of a majority of the members of the committee is required for the committee to take official action. For purposes of this subdivision, meeting to take testimony is not considered official action.
- (6) The legislative services agency shall provide staff and administrative support for the committee as directed by the council.
- (7) The committee shall make reports as required by the council or the subcommittee.
- (8) The council may establish a budget for the committee.
- (9) Each member of the committee is entitled to receive the same per diem, mileage, and travel allowances paid to individuals who serve as legislative members of interim study committees established by the legislative council.
- (10) The expenditures of the committee shall be paid from



~~appropriations to the council or the legislative services agency.~~

SECTION 30. IC 2-5-21-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. The chief administrative officer and the employees of an agency or agency that administers a program subject to evaluation under this chapter shall cooperate with ~~a committee~~, the subcommittee, ~~and~~ the council, **and the legislative services agency as the staff to the subcommittee and the council**, as the ~~committee, subcommittee, or council performs they perform~~ the duties under this chapter.

SECTION 31. IC 2-5-21-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21. The chief administrative officer and the employees of an agency or agency that administers a program subject to ~~evaluation~~ **review** under this chapter shall provide ~~a committee~~, **the legislative services agency as the staff of** the subcommittee ~~or the~~ **and** council with the following information upon request **in an electronic format under IC 5-14-6:**

- (1) The identity of all agencies or subunits under the agency's direct or advisory control.
- (2) A **statement description** of all the agency's powers, duties, and functions currently performed.
- (3) A citation to all constitutional, statutory, or other authority under which the agency carries out the agency's powers, duties, and functions.
- (4) A **statement description** of the number and types of persons the agency serves.
- (5) A summary **statement description**, for the last completed fiscal year, of the number, type, and cost of personnel the agency employs in carrying out each program, and a summary **statement description** of the cost of personnel the agency employs under contract in carrying out each program.
- (6) A **statement description** identifying the source of all funds for which the agency has some responsibility.
- (7) A **statement description** of the agency's performance and accomplishments in the last fiscal year and of the budgetary costs the agency incurred in the operation of each program.
- (8) A summary **statement description** of the agency's reporting and recordkeeping requirements and activities, including the agency's management and control of information and records and the value of the information gathered compared to the cost to respondents, and an assessment of the agency's methods to reduce and simplify the reporting and recordkeeping requirements.
- (9) A summary **statement description** of the agency's budget and



program for the current fiscal year and the agency's budget projections for the next succeeding fiscal year.

(10) An estimate of potential outputs of services to be produced by varying levels of budgetary inputs.

(11) A **statement description** concerning any powers, duties, or functions that in the agency's opinion are being performed and duplicated to any extent by another public or private program or entity, including the manner in which and the extent to which this duplication of effort is occurring, and any recommendations the agency has as to eliminating this situation.

(12) A **statement description** of any powers, duties, or functions that in the agency's opinion are inconsistent with current and projected public demands and that should be terminated or altered.

(13) A **statement description** of the names of those private programs or entities with which the agency has substantial contact, and a description of the nature of that contact.

(14) Any other information that a ~~committee~~, the subcommittee, **the staff of the subcommittee**, or the council feels is necessary and proper to assist the ~~committee~~, the subcommittee or the council in carrying out its duties.

SECTION 32. IC 2-5-23 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Health Finance Commission).

SECTION 33. IC 2-5-25 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Water Resources Study Committee).

SECTION 34. IC 2-5-27.2 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Commission on Developmental Disabilities).

SECTION 35. IC 2-5-28.5 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Joint Study Committee on Transportation and Infrastructure Assessment and Solutions).

SECTION 36. IC 2-5-29-1.5 IS REPEALED [EFFECTIVE UPON PASSAGE]. *Sec. 1-5: As used in this chapter, "fund" refers to the youth advisory council fund established by section 7.5 of this chapter.*

SECTION 37. IC 2-5-29-7.5 IS REPEALED [EFFECTIVE UPON PASSAGE]. *Sec. 7-5: (a) The youth advisory council fund is established as a dedicated fund to be administered by the office. The fund consists of:*

(1) appropriations made to the fund by the general assembly; and

(2) grants, gifts, and donations intended for deposit in the fund.

(b) Expenses of administering the fund shall be paid from money in the fund.

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



currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

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

(e) Money in the fund is available, with the approval of the budget agency, to augment and supplement the funds appropriated to the department of education to implement this chapter.

SECTION 38. IC 2-5-30 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Unemployment Insurance Oversight Committee).

SECTION 39. IC 2-5-31.8 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Interim Study Committee on Economic Development).

SECTION 40. IC 2-5-33.3 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Interim Study Committee on Insurance).

SECTION 41. IC 2-5-33.4 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Criminal Law and Sentencing Policy Study Committee).

SECTION 42. IC 2-5-36-12 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE UPON PASSAGE]: **Sec. 12. The commission and this chapter expire January 1, 2019.**

SECTION 43. IC 2-5-36.1 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Child Services Oversight Committee).

SECTION 44. IC 2-5-36.2 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Special Group Recognition License Plate Committee).

SECTION 45. IC 2-5-36.5 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Interim Study Committee on Government Accounting).

SECTION 46. IC 2-5-36.8 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Land Bank Study Committee).

SECTION 47. IC 2-5-38.1 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Commission on Education Study Committee).

SECTION 48. IC 3-6-4.5-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21. As authorized by 42 U.S.C. 15512, if the commission determines that there is a violation of any provision of Title III, the commission shall determine and provide the appropriate remedy if authorized by law to do so. If providing the remedy would require additional or amended Indiana legislation, the commission shall notify the ~~census data advisory committee~~ **interim study committee on elections established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6** and provide recommendations regarding the form and content of this legislation.

SECTION 49. IC 4-3-22-13, AS AMENDED BY P.L.131-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



UPON PASSAGE]: Sec. 13. (a) Except as provided in subsection (e), the OMB shall perform a cost benefit analysis upon each proposed rule and provide to:

- (1) the governor; and
- (2) the ~~administrative rules oversight committee established under IC 2-5-18;~~ **legislative council;**

an assessment of the rule's effect on Indiana business. The OMB shall submit the cost benefit analysis to the ~~committee~~ **legislative council** in an electronic format under IC 5-14-6.

(b) After June 30, 2005, the cost benefit analysis performed by the OMB under this section with respect to any proposed rule that has an impact of at least five hundred thousand dollars (\$500,000) shall replace and be used for all purposes under IC 4-22-2 in lieu of the fiscal analysis previously performed by the legislative services agency under IC 4-22-2.

(c) In preparing a cost benefit analysis under this section, the OMB shall consider in its analysis any verified data provided voluntarily by interested parties, regulated persons, and nonprofit corporations whose members may be affected by the proposed rule. A cost benefit analysis prepared under this section is a public document, subject to the following:

- (1) This subsection does not empower the OMB or an agency to require an interested party or a regulated person to provide any materials, documents, or other information in connection with a cost benefit analysis under this section. If an interested party or a regulated person voluntarily provides materials, documents, or other information to the OMB or an agency in connection with a cost benefit analysis under this section, the OMB or the agency, as applicable, shall ensure the adequate protection of any:
 - (A) information that is confidential under IC 5-14-3-4; or
 - (B) confidential and proprietary business plans and other confidential information.

If an agency has adopted rules to implement IC 5-14-3-4, interested parties and regulated persons must submit the information in accordance with the confidentiality rules adopted by the agency to ensure proper processing of confidentiality claims. The OMB and any agency involved in proposing the rule, or in administering the rule upon the rule's adoption, shall exercise all necessary caution to avoid disclosure of any confidential information supplied to the OMB or the agency by an interested party or a regulated person.

- (2) The OMB shall make the cost benefit analysis and other



related public documents available to interested parties, regulated persons, and nonprofit corporations whose members may be affected by the proposed rule at least thirty (30) days before presenting the cost benefit analysis to the governor and the **administrative rules oversight committee legislative council** under subsection (a).

(d) If the OMB or an agency is unable to obtain verified data for the cost benefit analysis described in subsection (c), the OMB shall state in the cost benefit analysis which data were unavailable for purposes of the cost benefit analysis.

(e) If the OMB finds that a proposed rule is:

- (1) an adoption or incorporation by reference of a federal law, regulation, or rule that has no substantive effect on the scope or intended application of the federal law or rule; or
- (2) a technical amendment with no substantive effect on an existing Indiana rule;

the OMB may not prepare a cost benefit analysis of the rule under this section. The agency shall submit the proposed rule to the OMB with a statement explaining how the proposed rule meets the requirements of this subsection. If the OMB finds that the rule meets the requirements of this subsection, the OMB shall provide its findings to the governor and to the committee in an electronic format under IC 5-14-6. If the agency amends or modifies the proposed rule after the OMB finds that a cost benefit analysis may not be prepared for the rule, the agency shall resubmit the proposed rule to the OMB either for a new determination that the rule meets the requirements of this subsection, or for the OMB to prepare a cost benefit analysis of the rule under this section.

SECTION 50. IC 4-3-22-13.1, AS ADDED BY P.L.131-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13.1. (a) This section applies to a rule that:

- (1) has been adopted under IC 4-22-2 or IC 13-14-9; and
- (2) has taken effect;

after December 31, 2011.

(b) This section does not apply to a rule for which the OMB has not performed a cost benefit analysis under section 13(e) of this chapter.

(c) ~~As used in this section, "committee" refers to the administrative rules oversight committee established by IC 2-5-18-4.~~

~~(d)~~ (c) For each rule to which this section applies, the OMB shall perform a cost benefit analysis of the rule with respect to the period encompassing the first three (3) years following the rule's effective date. Except as otherwise required by the governor ~~or the committee~~



under subsection ~~(h)~~; **(g)**, the OMB shall submit a cost benefit analysis prepared under this section to:

- (1) the governor; and
- (2) the ~~committee~~; **legislative council**;

not later than six (6) months after the third anniversary of the rule's effective date. The OMB shall submit the cost benefit analysis to the ~~committee~~ **legislative council** in an electronic format under IC 5-14-6.

~~(e)~~ **(d)** A cost benefit analysis prepared under this section must include the following with respect to the three (3) year period covered by the analysis:

- (1) The cost benefit analysis for the rule prepared under section 13 of this chapter before the rule's adoption, including the following:

(A) The information required by Financial Management Circular #2010-4.

(B) The estimate of the primary and direct benefits of the rule, including the impact on:

- (i) consumer protection;
- (ii) worker safety;
- (iii) the environment; and
- (iv) business competitiveness;

as determined before the rule's adoption.

(C) The estimate of the secondary or indirect benefits of the rule and the explanation of how the conduct regulated by the rule is linked to the primary and secondary benefits, as determined before the rule's adoption.

(D) The estimate of any cost savings to regulated persons (including individuals and businesses) as a result of the rule, including any savings from:

- (i) a change in an existing requirement; or
- (ii) the imposition of a new requirement;

as determined before the rule's adoption.

- (2) A statement of the number of regulated persons, classified by industry sector, subject to the rule.

- (3) A comparison of:

(A) the cost benefit analysis for the rule prepared under section 13 of this chapter before the rule's implementation, including the information specified in subdivision (1); and

(B) the actual costs and benefits of the rule during the first three (3) years of the rule's implementation, including the following:

- (i) Any actual primary and direct benefits of the rule,



including the rule's impact on consumer protection, worker safety, the environment, and business competitiveness.

(ii) Any actual secondary or indirect benefits of the rule and an explanation of how the conduct regulated by the rule is linked to the primary and secondary benefits.

(iii) Any actual cost savings to regulated persons (including individuals and businesses) as a result of the rule, including any savings from a change in an existing requirement or from the imposition of a new requirement.

(4) For each element of the rule that is also the subject of restrictions or requirements imposed under federal law, a comparison of:

(A) the restrictions or requirements imposed under the rule; and

(B) the restrictions or requirements imposed under federal law.

(5) Any other information that the governor or the committee:

(A) requires with respect to a cost benefit analysis under this section; and

(B) requests in writing.

(f) (e) In preparing a cost benefit analysis under this section, the OMB shall consider in its analysis any verified data provided voluntarily by interested parties, regulated persons, and nonprofit corporations whose members may be affected by the rule. A cost benefit analysis prepared under this section is a public document, subject to the following:

(1) This subsection does not empower the OMB or an agency to require an interested party or a regulated person to provide any materials, documents, or other information. If an interested party or a regulated person voluntarily provides materials, documents, or other information to the OMB or an agency in connection with a cost benefit analysis under this section, the OMB or the agency, as applicable, shall ensure the adequate protection of any:

(A) information that is confidential under IC 5-14-3-4; or

(B) confidential and proprietary business plans and other confidential information.

If an agency has adopted rules to implement IC 5-14-3-4, interested parties and regulated persons must submit the information in accordance with the confidentiality rules adopted by the agency to ensure proper processing of confidentiality claims. The OMB and any agency involved in administering the rule shall exercise all necessary caution to avoid disclosure of any confidential information supplied to the OMB or the agency by an



interested party or a regulated person.

(2) The OMB shall make the cost benefit analysis and other related public documents available to interested parties, regulated persons, and nonprofit corporations whose members may be affected by the rule at least thirty (30) days before presenting the cost benefit analysis to the governor and the ~~committee~~ **legislative council** under subsection ~~(d)~~ **(c)**.

~~(g)~~ **(f)** If the OMB or an agency is unable to obtain verified data for the cost benefit analysis described in subsection ~~(e)~~ **(d)**, the OMB shall state in the cost benefit analysis which data were unavailable for purposes of the cost benefit analysis.

~~(h)~~ **(g)** The governor or the ~~committee~~ **legislative council**, or both, may prescribe:

- (1) the form of a cost benefit analysis; and
- (2) the process, deadlines, and other requirements for submitting a cost benefit analysis;

required under this section.

SECTION 51. IC 4-4-11-46, AS ADDED BY HEA 1286-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2014]: Sec. 46. Not later than August 1 of each year, the public finance director shall prepare for ~~presentation to the joint interim study committee on roads and transportation and infrastructure assessment and solutions established by IC 2-5-28.5-2~~ a report that includes the following:

- (1) Updates on transportation projects in which the authority is involved, including public-private agreements under IC 8-15.5 or public-private partnerships under IC 8-15.7.
- (2) Any other information requested by the ~~joint~~ study committee.

The report must be submitted in an electronic format under IC 5-14-6.

SECTION 52. IC 4-10-13-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. Each state agency required to prepare reports under the provisions of this chapter may, after consultation with and agreement by the ~~commission on state tax and financing policy~~ **interim study committee on fiscal policy established by IC 2-5-1.3-4**, add to or omit specific categories of data from the reports required by this chapter. **Reports submitted to the legislative council under section 7 of this chapter or another provision of this chapter shall be submitted in an electronic format under IC 5-14-6.**

SECTION 53. IC 4-10-13-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The manner



of publication of any of the reports as herein required shall be prescribed by the state budget committee, and the cost of publication shall be paid from funds appropriated to such state agencies and allocated by the state budget committee to such agencies for such purpose.

(b) A copy of such reports shall be presented to the governor, the department of local government finance, the budget committee, the ~~commission on state tax and financing~~ **interim study committee on fiscal policy established by IC 2-5-1.3-4** and the legislative council **in an electronic format under IC 5-14-6**, and to any other state agency that may request a copy of such reports. A report presented under this subsection to the legislative council must be in an electronic format under IC 5-14-6.

SECTION 54. IC 4-22-2-0.1, AS ADDED BY P.L.220-2011, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 0.1. The amendments made to this chapter by P.L.44-1995 apply as follows:

- (1) The amendments made to sections 13, 19, 23, 25, and 28 of this chapter apply to a rulemaking action that commences after June 30, 1995.
- (2) The addition of sections 23.1 and 46 (**repealed**) of this chapter applies to a rulemaking action that commences after June 30, 1995.

SECTION 55. IC 4-22-2-3.2 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 3.2: ~~As used in this chapter, "administrative rules oversight committee" refers to the administrative rules oversight committee established by IC 2-5-18-4.~~

SECTION 56. IC 4-22-2-19, AS AMENDED BY P.L.123-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. (a) Except as provided in section 23.1 of this chapter, this section does not apply to the adoption of rules:

- (1) required to receive or maintain:
 - (A) delegation;
 - (B) primacy; or
 - (C) approval;
 for state implementation or operation of a program established under federal law;
- (2) that amend an existing rule;
- (3) required or authorized by statutes enacted before June 30, 1995; or
- (4) required or authorized by statutes enacted before June 30, 1995, and recodified in the same or similar form after June 29,



1995, in response to a program of statutory recodification conducted by the code revision commission.

(b) If an agency will have statutory authority to adopt a rule at the time that the rule becomes effective, the agency may conduct any part of its rulemaking action before the statute authorizing the rule becomes effective.

(c) However, an agency shall:

(1) begin the rulemaking process not later than sixty (60) days after the effective date of the statute that authorizes the rule; or

(2) if an agency cannot comply with subdivision (1), provide

(A) written notification to the administrative rules oversight committee; and

(B) electronic notice to the publisher

stating the reasons for the agency's noncompliance.

(d) If an agency notifies the administrative rules oversight committee concerning a rule in compliance with subsection (c)(2) failure to adopt the rule within the time specified in subsection (c)(1) does not invalidate the rule.

SECTION 57. IC 4-22-2-20, AS AMENDED BY P.L.291-2013, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. (a) Whenever an agency submits a rule to the publisher, the attorney general, the administrative rules oversight committee established by IC 2-5-18-4, or the governor under this chapter, the agency shall submit the rule in the form of a written document that:

(1) is clear, concise, and easy to interpret and to apply; and

(2) uses the format, numbering system, standards, and techniques established under section 42 of this chapter.

(b) After June 30, 2006, all documents submitted to the publisher under this chapter must be submitted electronically in the format specified by the publisher.

(c) Except as otherwise permitted under section 21 of this chapter, after June 30, 2013, all documents submitted by the office of management and budget or an agency proposing or adopting a rule to the members of the administrative rules oversight committee must be submitted in an electronic format under IC 5-14-6.

SECTION 58. IC 4-22-2-25, AS AMENDED BY P.L.123-2006, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25. (a) An agency has one (1) year from the date that it publishes a notice of intent to adopt a rule in the Indiana Register under section 23 of this chapter to comply with sections 26 through 33 of this chapter and obtain the approval or deemed approval



of the governor. If an agency determines that a rule cannot be adopted within one (1) year after the publication of the notice of intent to adopt a rule under section 23 of this chapter, the agency shall, before the two hundred fiftieth day following the publication of the notice of intent to adopt a rule under section 23 of this chapter

~~(1) notify the chairperson of the administrative oversight committee in writing of the:~~ **publisher by electronic means:**

~~(A) (1) the~~ reasons why the rule was not adopted and the expected date the rule will be completed; and

~~(B) (2) the~~ expected date the rule will be approved or deemed approved by the governor or withdrawn under section 41 of this chapter. ~~and~~

~~(2) provide an electronic copy of the notice required under this subsection to the publisher.~~

(b) If a rule is not approved before the later of:

(1) one (1) year after the agency publishes notice of intent to adopt the rule under section 23 of this chapter; ~~or~~

(2) the expected date contained in a notice concerning the rule that is provided to ~~the administrative rules oversight committee~~ **the publisher** under subsection ~~(a)(2); (a);~~

a later approval or deemed approval is ineffective, and the rule may become effective only through another rulemaking action initiated under this chapter.

SECTION 59. IC 4-22-2-28, AS AMENDED BY HEA 1332-2014, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 1, 2014 (RETROACTIVE)]: Sec. 28. (a) The following definitions apply throughout this section:

(1) "Ombudsman" refers to the small business ombudsman designated under IC 4-4-35-8.

(2) "Total estimated economic impact" means the direct annual economic impact of a rule on all regulated persons after the rule is fully implemented under subsection (g).

(b) The ombudsman:

(1) shall review a proposed rule that:

(A) imposes requirements or costs on small businesses (as defined in IC 4-22-2.1-4); and

(B) is referred to the ombudsman by an agency under IC 4-22-2.1-5(c); and

(2) may review a proposed rule that imposes requirements or costs on businesses other than small businesses (as defined in IC 4-22-2.1-4).

After conducting a review under subdivision (1) or (2), the ombudsman



may suggest alternatives to reduce any regulatory burden that the proposed rule imposes on small businesses or other businesses. The agency that intends to adopt the proposed rule shall respond in writing to the ombudsman concerning the ombudsman's comments or suggested alternatives before adopting the proposed rule under section 29 of this chapter.

(c) Subject to subsection (e) and not later than fifty (50) days before the public hearing for a proposed rule required by section 26 of this chapter, an agency shall submit the proposed rule to the office of management and budget for a review under subsection (d), if the agency proposing the rule determines that the rule will have a total estimated economic impact greater than five hundred thousand dollars (\$500,000) on all regulated persons. In determining the total estimated economic impact under this subsection, the agency shall consider any applicable information submitted by the regulated persons affected by the rule. To assist the office of management and budget in preparing the fiscal impact statement required by subsection (d), the agency shall submit, along with the proposed rule, the data used and assumptions made by the agency in determining the total estimated economic impact of the rule.

(d) Except as provided in subsection (e), before the adoption of the rule, and not more than forty-five (45) days after receiving a proposed rule under subsection (c), the office of management and budget shall prepare, using the data and assumptions provided by the agency proposing the rule, along with any other data or information available to the office of management and budget, a fiscal impact statement concerning the effect that compliance with the proposed rule will have on:

- (1) the state; and
- (2) all persons regulated by the proposed rule.

The fiscal impact statement must contain the total estimated economic impact of the proposed rule and a determination concerning the extent to which the proposed rule creates an unfunded mandate on a state agency or political subdivision. The fiscal impact statement is a public document. The office of management and budget shall make the fiscal impact statement available to interested parties upon request and to the agency proposing the rule. The agency proposing the rule shall consider the fiscal impact statement as part of the rulemaking process and shall provide the office of management and budget with the information necessary to prepare the fiscal impact statement, including any economic impact statement prepared by the agency under IC 4-22-2.1-5. The office of management and budget may also receive



and consider applicable information from the regulated persons affected by the rule in preparation of the fiscal impact statement.

(e) With respect to a proposed rule subject to IC 13-14-9:

(1) the department of environmental management shall give written notice to the office of management and budget of the proposed date of preliminary adoption of the proposed rule not less than sixty-six (66) days before that date; and

(2) the office of management and budget shall prepare the fiscal impact statement referred to in subsection (d) not later than twenty-one (21) days before the proposed date of preliminary adoption of the proposed rule.

(f) In determining whether a proposed rule has a total estimated economic impact greater than five hundred thousand dollars (\$500,000), the agency proposing the rule shall consider the impact of the rule on any regulated person that already complies with the standards imposed by the rule on a voluntary basis.

(g) For purposes of this section, a rule is fully implemented after:

(1) the conclusion of any phase-in period during which:

(A) the rule is gradually made to apply to certain regulated persons; or

(B) the costs of the rule are gradually implemented; and

(2) the rule applies to all regulated persons that will be affected by the rule.

In determining the total estimated economic impact of a proposed rule under this section, the agency proposing the rule shall consider the annual economic impact on all regulated persons beginning with the first twelve (12) month period after the rule is fully implemented. The agency may use actual or forecasted data and may consider the actual and anticipated effects of inflation and deflation. The agency shall describe any assumptions made and any data used in determining the total estimated economic impact of a rule under this section.

(h) ~~This subsection applies to any proposed rule submitted under this section or section 40 of this chapter to the office of management and budget after June 30, 2013.~~ An agency shall provide the ~~administrative rules oversight committee~~ **legislative council in an electronic format under IC 5-14-6** with any analysis, data, and description of assumptions submitted to the office of management and budget under this section or section 40 of this chapter at the same time the agency submits the information to the office of management and budget. The office of management and budget shall provide the administrative rules oversight committee with any fiscal impact statement and related supporting documentation prepared by the office



of management and budget under this section or section 40 of this chapter at the same time the office of management and budget provides the fiscal impact statement to the agency proposing the rule. Information submitted under this subsection must identify the rule to which the information is related by document control number assigned by the publisher.

(i) ~~This subsection applies to any analysis completed after June 30, 2013, to comply with a statute described in this subsection.~~ An agency shall provide the **administrative rules oversight committee legislative council in an electronic format under IC 5-14-6** with any economic impact or fiscal impact statement, including any supporting data, studies, or analysis, prepared for a rule proposed by the agency or subject to readoption by the agency to comply with:

- (1) a requirement in section 19.5 of this chapter to minimize the expenses to regulated entities that are required to comply with the rule;
- (2) a requirement in section 24 of this chapter to publish a justification of any requirement or cost that is imposed on a regulated entity under the rule;
- (3) a requirement in IC 4-22-2.1-5 to prepare a statement that describes the annual economic impact of a rule on all small businesses after the rule is fully implemented;
- (4) a requirement in IC 4-22-2.5-3.1 to conduct a review to consider whether there are any alternative methods of achieving the purpose of the rule that are less costly or less intrusive, or that would otherwise minimize the economic impact of the proposed rule on small businesses;
- (5) a requirement in IC 13-14-9-3 or IC 13-14-9-4 to publish information concerning the fiscal impact of a rule or alternatives to a rule subject to these provisions; or
- (6) a requirement under any other law to conduct an analysis of the cost, economic impact, or fiscal impact of a rule;

regardless of whether the total estimated economic impact of the proposed rule is more than five hundred thousand dollars (\$500,000), as soon as practicable after the information is prepared. Information submitted under this subsection must identify the rule to which the information is related by document control number assigned by the publisher.

SECTION 60. IC 4-22-2-40, AS AMENDED BY P.L.291-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 40. (a) At any time before a rule is accepted for filing by the publisher under section 35, 37.1, or 38 of this chapter,



the agency that adopted the rule may recall it. A rule may be recalled regardless of whether:

- (1) the rule has been disapproved by the attorney general under section 32 of this chapter; **or**
- ~~(2) the administrative rules oversight committee has recommended under section 46 of this chapter that the governor disapprove the rule; or~~
- ~~(3)~~ **(2)** the rule has been disapproved by the governor under section 34 of this chapter.

(b) Sections 24 through 38 of this chapter do not apply to a recall action under this section. However, the agency shall distribute a notice of its recall action to the publisher for publication in the Indiana Register. Sections 24 and 26 of this chapter do not apply to a readoption action under subsection (c).

(c) After an agency recalls a rule, the agency may reconsider its adoption action and adopt an identical rule or a revised rule. However, if sections 24 through 36 of this chapter apply to the recalled rule, the readopted rule must comply with the requirements under section 29 of this chapter.

(d) The recall of a rule under this section voids any approval given after the rule was adopted and before the rule was recalled.

(e) If a rule is:

- (1) subject to sections 31 and 33 of this chapter;
- (2) recalled under subsection (a); and
- (3) readopted under subsection (c);

the agency shall resubmit the readopted version of the recalled rule to the attorney general and the governor for approval. The attorney general and the governor have the full statutory period to approve or disapprove the readopted rule. If the recalled rule was submitted to the office of management and budget under section 28 of this chapter, the agency shall resubmit the readopted version of a recalled rule to the office of management and budget with sufficient information for the office of management and budget to evaluate whether its initial fiscal impact statement under section 28 of this chapter needs to be revised. The office of management and budget shall revise a fiscal impact statement under section 28 of this chapter if the fiscal impact of the readopted rule is substantially different from the recalled rule. The agency also shall comply with any other applicable approval requirement provided by statute.

(f) The readopted version of a recalled rule is effective only after the agency has complied with section 35, 37.1, or 38 of this chapter.

SECTION 61. IC 4-22-2-46 IS REPEALED [EFFECTIVE UPON



PASSAGE]. Sec. 46. (a) The administrative rules oversight committee shall carry out a program to review each rule (including a rule subject to IC 13-14-9):

(1) that is required to be submitted to the attorney general under IC 4-22-2-31 and submitted to the governor under IC 4-22-2-33; and

(2) that the agency proposing the rule or the office of management and budget determines has a total estimated economic impact of more than five hundred thousand dollars (\$500,000):

(b) The administrative rules oversight committee may review under this section any proposed or adopted rule not described in subsection (a) for the purposes described in subsection (c)(1) through (c)(4):

(c) The administrative rules oversight committee shall review a rule under this section for the following:

(1) Direct economic impact:

(2) Compliance with the intent of the general assembly:

(3) The extent to which the rule creates an unfunded mandate on any state agency or political subdivision:

(4) The extent to which the rule complies with the standards in IC 4-22-2-19.5:

(d) In the case of a proposed rule reviewed under this section, the administrative rules oversight committee may recommend that the proposed rule be approved or disapproved by the governor or take any other action permitted under IC 2-5-18:

SECTION 62. IC 4-22-2.1-8, AS ADDED BY P.L.188-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) This section applies to a small business that is adversely affected or aggrieved by a rule that:

(1) is subject to this chapter;

(2) is finally adopted by an agency under IC 4-22-2-29; and

(3) has taken effect under IC 4-22-2-36.

(b) In addition to or instead of filing a complaint with the administrative rules oversight committee under IC 2-5-18-8, and Subject to subsection (c), a small business described in subsection (a) may file, in a court having jurisdiction, an action seeking a determination of the agency's compliance with the requirements of this chapter during the rulemaking process. Upon receipt of a complaint under this section, the court shall, at the earliest date possible, hear evidence on the matter and make a determination as to the agency's compliance with this chapter during the rulemaking process. If the court determines that the agency failed to comply with one (1) or more requirements of this chapter, the court may issue an order or injunction



enjoining the agency from enforcing the rule with respect to the complaining small business and any similarly situated small businesses. A determination of the court under this section is final, subject to the right of direct appeal by either party.

(c) A small business that seeks a determination by a court under subsection (b) must file the action described in subsection (b) not later than one year (1) after the date the rule described in subsection (a) takes effect under IC 4-22-2-36.

SECTION 63. IC 4-22-7-7, AS AMENDED BY P.L.123-2006, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) This section applies to the following agency statements:

- (1) Executive orders issued by the governor.
- (2) Notices that a rule has been disapproved or objected to by the attorney general under IC 4-22-2-32 or IC 4-22-2-38, or disapproved or objected to by the governor under IC 4-22-2-34 or IC 4-22-2-38.
- (3) Official opinions of the attorney general (excluding advisory letters).
- (4) Official explanatory opinions of the state board of accounts based on an official opinion of the attorney general.
- (5) Any other statement:
 - (A) that:
 - (i) interprets, supplements, or implements a statute or rule;
 - (ii) has not been adopted in compliance with IC 4-22-2;
 - (iii) is not intended by its issuing agency to have the effect of law; and
 - (iv) may be used in conducting the agency's external affairs;
 or
 - (B) that specifies a policy that an agency relies upon to:
 - (i) enforce a statute or rule;
 - (ii) conduct an audit or investigation to determine compliance with a statute or rule; or
 - (iii) impose a sanction for violation of a statute or rule.

This subdivision includes information bulletins, revenue rulings (including, subject to IC 6-8.1-3-3.5, a letter of findings), and other guidelines of an agency.

(6) A statement of the governor concerning extension of an approval period under IC 4-22-2-34.

(b) Whenever an agency adopts a statement described by subsection (a), the agency shall distribute electronic copies of the statement to the publisher for publication and indexing in the Indiana Register (in the



format specified by the publisher under IC 4-22-2) and the copies required by IC 4-23-7.1-26 to the Indiana library and historical department. However, if a statement under subsection (a)(5)(B) is in the form of a manual, book, pamphlet, or reference publication, the publisher is required to publish only the title of the manual, book, or reference publication.

(c) Every agency that adopts a statement described under subsection (a) also shall maintain a current list of all agency statements described in subsection (a) that it may use in its external affairs. The agency shall update the listing at least every thirty (30) days. The agency shall include on the list the name of the agency and the following information for each statement:

- (1) Title.
- (2) Identification number.
- (3) Date originally adopted.
- (4) Date of last revision.
- (5) Reference to all other statements described in subsection (a) that are repealed or amended by the statement.
- (6) Brief description of the subject matter of the statement.

(d) At least quarterly, every agency that maintains a list under subsection (c) shall distribute two (2) copies to the Indiana library and historical department. ~~and the administrative rules oversight committee.~~

SECTION 64. IC 5-10.5-4-1, AS ADDED BY P.L.177-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The board shall do all of the following:

- (1) Appoint and fix the salary of a director.
- (2) Employ or contract with employees, auditors, technical experts, legal counsel, and other service providers as the board considers necessary to transact the business of the fund without the approval of any state officer, and fix the compensation of those persons.
- (3) Establish a general office in Indianapolis for board meetings and for administrative personnel.
- (4) Provide for the installation in the general office of a complete system of:
 - (A) books;
 - (B) accounts, including reserve accounts; and
 - (C) records;
 to give effect to all the requirements of this article and to ensure the proper operation of the fund.
- (5) Provide for a report at least annually to each member of the



amount credited to the member in the annuity savings account in each investment program under IC 5-10.2-2.

(6) With the advice of the actuary, adopt actuarial tables and compile data needed for actuarial studies that are necessary for the fund's operation.

(7) Act on applications for benefits and claims of error filed by members.

(8) Have the accounts of the fund audited annually by the state board of accounts, and if the board determines that it is advisable, have the operation of a public pension or retirement fund of the system audited by a certified public accountant.

(9) Publish for the members a synopsis of the fund's condition.

(10) Adopt a budget on a calendar year or fiscal year basis that is sufficient, as determined by the board, to perform the board's duties and, as appropriate and reasonable, draw upon fund assets to fund the budget.

(11) Expend money, including income from the fund's investments, for effectuating the fund's purposes.

(12) Establish personnel programs and policies for the employees of the system.

(13) Submit a financial report before November 1 each year to the governor, the **interim study committee on pension management oversight ~~commission~~, established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6**, and the budget committee. The report under this subdivision must set forth a complete operating and financial statement covering its operations during the most recent fiscal year, and include any other information requested by the chair of the **interim study committee on pension management oversight ~~commission~~, established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6**. ~~The report must be submitted to the pension management oversight commission in an electronic format pursuant to IC 5-14-6.~~

(14) Provide the necessary forms for administering the fund.

(15) Submit to the auditor of state or the treasurer of state vouchers or reports necessary to claim an amount due from the state to the system.

SECTION 65. IC 5-14-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this chapter, "report" includes any annual or other report that a public agency:

- (1) voluntarily; or
- (2) under a statutory directive;



submits to the entire membership of the general assembly, the legislative services agency, ~~or~~ the legislative council, **or a committee established under IC 2-5-1.3-4**. The term does not include any document prepared ~~for~~ ~~or~~ at the request of an individual member ~~or committee~~ of the general assembly.

SECTION 66. IC 5-14-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) A public agency may not submit a report to the general assembly, the legislative services agency, ~~or~~ the legislative council, **or a committee established under IC 2-5-1.3-4** on paper.

(b) Notwithstanding any law, no funds appropriated to a public agency from the state treasury may be used to duplicate, print, distribute, or mail a report to the general assembly, the legislative services agency, ~~or~~ the legislative council, **or a committee established under IC 2-5-1.3-4** in violation of this chapter.

SECTION 67. IC 5-14-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) A public agency shall submit all reports in an electronic format specified by the executive director of the legislative services agency. Unless otherwise specified in statute, the electronic copy shall be delivered to the executive director of the legislative services agency.

(b) An agency that submits a report under subsection (a) shall do the following:

(1) Post, or cause to be posted, a copy of the report on the Internet.

(2) **Subject to the policies established by the legislative council**, send a copy of the report:

(A) **for reports required to be sent to the entire membership of the general assembly**, to each member of the general assembly;

(B) **for reports required to be sent to the legislative council, to each member of the legislative council; and**

(C) **for reports required to be sent to a committee established under IC 2-5-1.3-4, to each member of the committee;**

using the member's senate or house of representatives electronic mail address. **The legislative council may provide for the legislative services agency to make electronic distribution of reports under this subdivision instead of having the agency make the distribution.**

(c) The legislative services agency shall periodically compile reports received under this chapter on a CD-ROM or other suitable storage



medium and shall distribute copies of the CD-ROM or other medium to any member of the general assembly who requests a copy.

SECTION 68. IC 5-22-14-11, AS AMENDED BY SEA 24-2014, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) The Indiana department of administration shall adopt rules under IC 4-22-2 to do the following:

(1) Increase contracting opportunities for Indiana veteran owned small businesses described in section 3.5 of this chapter with a goal to procure in each state fiscal year at least three percent (3%) ~~percent~~ of state contracts with Indiana veteran owned small businesses.

(2) Develop procurement policies and procedures to accomplish the goal described in subdivision (1), including guidelines to be followed by the Indiana department of administration in conducting the department's procurement efforts.

These procurement policies do not apply to a procurement of supplies and services to address immediate and serious government needs at a time of emergency, including a threat to the public health, welfare, or safety that may arise by reason of floods, epidemics, riots, acts of terrorism, major power failures, a threat proclaimed by the President of the United States or the governor, or a threat declared by the commissioner of the Indiana department of administration.

(b) The Indiana department of administration shall annually evaluate its progress in meeting the goal described in this section for the previous state fiscal year. Beginning in 2014, after June 30 and before November 1 of each year, the Indiana department of administration shall submit a report to the governor, the Indiana department of veterans' affairs, ~~the commission on military and veterans affairs;~~ **and the interim study committee on public safety and military affairs established by IC 2-5-1.3-4 and in an electronic format under IC 5-14-6;** the legislative council **in an electronic format under IC 5-14-6.** The report must include:

- (1) the percentage goal obtained by the Indiana department of administration during the previous state fiscal year; and
- (2) a summary of why the Indiana department of administration failed to meet the goal and what actions are being taken by the Indiana department of administration to meet the goal in the current state fiscal year.

(c) The Indiana department of administration shall post the report described in subsection (b) on the department's Internet web site not later than thirty (30) days after the report is submitted. The Indiana department of veterans' affairs shall post the report described in



subsection (b) on the department's Internet web site not later than thirty (30) days after the report is submitted by the Indiana department of administration.

SECTION 69. IC 5-28-6-1, AS AMENDED BY P.L.6-2012, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The corporation shall do the following:

(1) Create and regularly update a strategic economic development plan that includes the following:

(A) Identification of specific economic regions within Indiana and methods by which the corporation will implement more regional collaboration between the corporation and the various local economic development organizations within these regions.

(B) Methods by which the corporation will implement more collaboration between the corporation and the various state economic development organizations within the states contiguous to Indiana.

(2) Establish strategic benchmarks and performance measures.

(3) Monitor and report on Indiana's economic performance.

(4) Market Indiana to businesses worldwide.

(5) Assist Indiana businesses that want to grow.

(6) Solicit funding from the private sector for selected initiatives.

(7) Provide for the orderly economic development and growth of Indiana.

(8) Establish and coordinate the operation of programs commonly available to all citizens of Indiana to implement a strategic plan for the state's economic development and enhance the general welfare.

(9) Evaluate and analyze the state's economy to determine the direction of future public and private actions, and report and make recommendations to the general assembly in an electronic format under IC 5-14-6 with respect to the state's economy. The report prepared under this subdivision must include recommendations for strategies and plans for collaboration by the corporation with:

(A) local economic development organizations within geographic regions in Indiana; and

(B) the various state economic development organizations within the states contiguous to Indiana.

(10) Conduct a statewide study to determine specific economic sectors that should be emphasized by the state and by local economic development organizations within geographic regions in Indiana.



(11) Report in an electronic format under IC 5-14-6 the results of the study conducted under subdivision (10) to the interim study committee on **commerce and** economic development established by ~~IC 2-5-31.8-1~~; **IC 2-5-1.3-4**.

SECTION 70. IC 5-28-11-10, AS ADDED BY P.L.172-2011, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. The corporation shall collaborate with local economic development organizations throughout Indiana. Before August 1 each year through 2014, the corporation shall submit a ~~written~~ report to the interim study committee on **commerce and** economic development established by ~~IC 2-5-31.8-1~~; **IC 2-5-1.3-4 in an electronic format under IC 5-14-6**, indicating how the corporation has collaborated with local economic development organizations during the previous state fiscal year.

SECTION 71. IC 6-1.1-12.1-11 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. ~~11~~. On a quadrennial basis, the general assembly shall provide for an evaluation of the provisions of this chapter, giving first priority to using the Indiana economic development corporation established under IC 5-28-3. The evaluation must be a fiscal analysis, including an assessment of the effectiveness of the provisions of this chapter to:

- (1) create new jobs;
- (2) increase income; and
- (3) increase the tax base;

in the jurisdiction of the designating body. The fiscal analysis may also consider impacts on tax burdens borne by various classes of property owners. The fiscal analysis may also include a review of the practices and experiences of other states or political subdivisions with laws similar to the provisions of this chapter. The board of the Indiana economic development corporation established under IC 5-28-4 or another person or entity designated by the general assembly shall submit a report on the evaluation to the governor, the president pro tempore of the senate, and the speaker of the house of representatives before December 1, 1999, and every fourth year thereafter.

SECTION 72. IC 6-1.1-17-3.7, AS ADDED BY P.L.257-2013, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.7. (a) This section authorizes a three (3) year pilot program to allow county fiscal bodies of designated counties to carry out a more thorough nonbinding review of the proposed budgets, property tax rates, and property tax levies of all taxing units in those counties. The general assembly finds that, because of the enactment of property tax credits under IC 6-1.1-20.6, there is an even



greater need for taxing units to cooperate in the adoption of their budgets, property tax rates, and property tax levies.

(b) The department of local government finance may establish a pilot program concerning nonbinding review of budgets, property tax rates, and property tax levies as provided in this section. The role of the department of local government finance in the pilot program is to develop the framework for the continuation of a more thorough nonbinding review in all counties without the direct involvement of the department of local government finance.

(c) For a county to be eligible for designation as a pilot county participating in the pilot program:

- (1) the county fiscal body must adopt a resolution approving the submission of an application to be designated as a pilot county; and
- (2) the county fiscal body must submit to the department of local government finance before the date specified by the department:
 - (A) an application in the form and containing the information prescribed by the department; and
 - (B) a copy of the resolution adopted under subdivision (1).

(d) After reviewing applications submitted under subsection (c), the department of local government finance may designate not more than three (3) counties that submit an application under subsection (c) as pilot counties under this section. In determining which counties are designated as pilot counties, the department of local government finance shall attempt to achieve diversity among designated counties based on:

- (1) the geographical location of the counties;
- (2) the population of the counties; and
- (3) whether the counties are primarily rural or urban.

(e) The department of local government finance shall notify each taxing unit in a pilot county of:

- (1) the designation of the county as a pilot county; and
- (2) the duties of the taxing unit under this section.

(f) The following apply in 2014 and thereafter:

- (1) Each taxing unit in a pilot county shall, before September 2 of each year, file with the department of local government finance and with the county fiscal body:
 - (A) the taxing unit's proposed budgets, property tax rates, and property tax levies for the following calendar year;
 - (B) a statement of whether:
 - (i) a petition and remonstrance process has been initiated under IC 6-1.1-20 concerning a controlled project of the



taxing unit;

(ii) a public question under IC 6-1.1-20 concerning a controlled project of the taxing unit has been certified and will be on the election ballot;

(iii) a referendum tax levy question under IC 20-46-1 has been certified and will be on the election ballot; or

(iv) the taxing unit anticipates that it will during the following eighteen (18) months either adopt a resolution or ordinance under IC 6-1.1-20 making a preliminary determination to issue bonds or enter into a lease concerning a controlled project of the taxing unit, or adopt a resolution under IC 20-46-1 to place a referendum tax levy question on the election ballot; and

(C) any additional information required by the department to prepare the analysis required under subdivision (4).

A school corporation providing information to the department of local government finance shall provide the information through the department's interactive and searchable Internet web site containing local government information (the Indiana gateway for governmental units). When formulating the taxing unit's estimated budget, property tax rate, and property tax levy under section 3 of this chapter, the proper officers of the taxing unit shall consider the estimated consequences of the property tax credits under IC 6-1.1-20.6 on the property taxes that will be collected by the taxing unit and the calculation of fund balances.

(2) A taxing unit in a pilot county that would otherwise be required to submit its proposed budgets, property tax rates, and property tax levies for nonbinding review under section 3.5 of this chapter is not required to do so, but the taxing unit must instead submit the information required by subdivision (1) to the department of local government finance.

(3) A taxing unit that is located in a pilot county and that is subject to binding review and approval of the taxing unit's budgets, property tax rates, and property tax levies under section 20 of this chapter or IC 36-3-6-9:

(A) remains subject to binding review and approval under those statutes and must submit the information required under those statutes to the appropriate fiscal body; and

(B) must also submit the information required by subdivision (1) to the department of local government finance.

(4) The department shall prepare an analysis of the proposed budgets, property tax rates, and property tax levies submitted by



taxing units in each pilot county. The department of local government finance may establish appropriate procedures and conduct the appropriate analysis that meets the department's requirements for the review of a unit's budget under this chapter. The analysis prepared by the department must include at least the following:

- (A) The estimated total property tax rate for each taxing district in the pilot county.
 - (B) The estimated total amount of property taxes to be levied in the pilot county.
 - (C) The estimated consequences of the property tax credits under IC 6-1.1-20.6 on:
 - (i) the property tax rates of each taxing unit and taxing district in the pilot county;
 - (ii) the expected total tax rate of each taxing district in the county; and
 - (iii) the property taxes that will be collected by each taxing unit in the pilot county.
- (5) The department of local government finance shall, before October 2 of each year, provide the analysis prepared under subdivision (4) for a pilot county to the county fiscal body of the pilot county and to the fiscal body of each taxing unit in the pilot county. Upon request by the county fiscal body, representatives of the department of local government finance shall appear before the county fiscal body to review the analysis.
- (6) The county fiscal body of a pilot county shall, on or before October 15 of each year:
- (A) review the proposed budgets, property tax rates, and property tax levies of each taxing unit in the pilot county;
 - (B) review the expected total tax rate of each taxing district in the county; and
 - (C) issue a nonbinding recommendation to each taxing unit in the pilot county regarding the taxing unit's proposed budgets, property tax rates, and property tax levies.
- The review and recommendation required to be carried out under this subdivision may be carried out by the full county fiscal body or by a committee appointed by the county fiscal body for that purpose.
- (7) A recommendation by a county fiscal body must include a comparison of any increase in a taxing unit's budgets, property tax rates, and property tax levies to:
- (A) the average increase in Indiana nonfarm personal income



for the preceding six (6) calendar years and the average increase in nonfarm personal income for the county for the preceding six (6) calendar years; and

(B) increases in the budgets, property tax rates, and property tax levies of other taxing units in the county.

(8) After review under this section, a taxing unit must adopt its budget, property tax rates, and property tax levies by the date required under section 5 of this chapter.

(g) The county fiscal body of a pilot county may, before July 1 of a year, adopt a resolution discontinuing the county's participation in the pilot program. If a county fiscal body adopts such a resolution:

(1) the county fiscal body shall certify a copy of the resolution to the department of local government finance;

(2) the county's participation in the pilot program is terminated; and

(3) the department of local government finance shall attempt to replace the pilot county with another county that has applied to be designated as a pilot county.

(h) The department of local government finance shall, before November 1, 2014, and each year thereafter, report to the ~~commission on state tax and financing policy~~ **interim study committee on fiscal policy established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6** concerning the pilot program and whether the nonbinding review under the pilot program is fostering cooperation among taxing units in the adoption of their budgets, property tax rates, and property tax levies.

(i) This section expires January 1, 2017.

SECTION 73. IC 7.1-5-12-14, AS ADDED BY P.L.141-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. Beginning in 2013, the commission shall present an annual report to the ~~health finance commission~~ **interim study committee on public health, behavioral health, and human services established by IC 2-5-1.3-4** concerning the implementation and enforcement activities taken under this chapter. The report must include the number of smoking related inspections conducted and violations for the previous calendar year. The commission shall submit the report in electronic format under IC 5-14-6 to the legislative services agency not later than September 1 of each year.

SECTION 74. IC 8-1-1.1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) There is created the advisory council to the office of the utility consumer counselor. The council consists of ~~ten (10)~~ **nine (9)** members. Each



Indiana congressional district must be represented by at least one (1) individual appointed under this section who is a resident of that congressional district. **However, the reduction in membership of the council from ten (10) members to nine (9) shall be accomplished as the terms of members end and new members are appointed. Until the expiration of the term of a member who is serving on the council on January 1, 2014, and resides in the same congressional district as another member, the council consists of ten (10) members.**

(b) Members of the council, including those filling vacancies occurring in the council membership, shall be appointed by the governor. All members shall be appointed to a term of four (4) years, except those who have been appointed to fill a vacancy in the council whose term will be the unexpired portion of the term. All members shall serve until their successor has been duly appointed and qualified.

(c) The membership shall be representative of the various sectors of Indiana economy, including, but not limited to: agriculture, business and industry, labor, and local government.

(d) The members shall annually elect of themselves a chairman.

(e) Members are entitled to receive per diem and travel expense reimbursement at the standard rates provided for state employees for expenses they incur in the performance of their duties under this chapter subject to the approval of the consumer counselor.

SECTION 75. IC 8-1-2.5-9, AS AMENDED BY P.L.256-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. **(a) As used in this section, "committee" means the interim study committee on energy, utilities, and telecommunications established by IC 2-5-1.3-4.**

~~(a) (b)~~ The ~~regulatory flexibility~~ committee established under ~~IC 8-1-2.6-4~~ shall also monitor changes and competition in the energy utility industry.

~~(b) (c)~~ The commission shall before August 15 of each year prepare for presentation to the ~~regulatory flexibility~~ committee an analysis of the effects of competition or changes in the energy utility industry on service and on the pricing of all energy utility services under the jurisdiction of the commission.

~~(c) (d)~~ In addition to reviewing the commission report prepared under subsection ~~(b); (c)~~, the ~~regulatory flexibility~~ committee shall also issue a report and recommendations to the legislative council before November 1 of each year that are based on a review of the following issues:

(1) The effects of competition or changes in the energy utility



industry and the impact of the competition or changes on the residential rates.

(2) The status of modernization of the energy utility facilities in Indiana and the incentives required to further enhance this infrastructure.

(3) The effects on economic development of this modernization.

(4) The traditional method of regulating energy utilities and the method's effectiveness.

(5) The economic and social effectiveness of traditional energy utility service pricing.

(6) The effects of legislation enacted by the United States Congress.

(7) All other energy utility issues the committee considers appropriate; however, it is not the intent of this section to provide for the review of the statutes cited in section 11 of this chapter.

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

~~(d)~~ (e) This section:

(1) does not give a party to a collective bargaining agreement any greater rights under the agreement than the party had before January 1, 1995;

(2) does not give the committee the authority to order a party to a collective bargaining agreement to cancel, terminate, amend, or otherwise modify the collective bargaining agreement; and

(3) may not be implemented by the committee in a way that would give a party to a collective bargaining agreement any greater rights under the agreement than the party had before January 1, 1995.

~~(e)~~ (f) The regulatory flexibility committee shall meet on the call of the co-chairs to study energy utility issues described in subsection (c): The committee shall, with the approval of the commission, retain independent consultants the committee considers appropriate to assist the committee in the review and study. The expenses for the consultants shall be paid with funds from the public utility fees assessed under IC 8-1-6.

~~(f)~~ The legislative services agency shall provide staff support to the committee.

(g) Each member of the committee is entitled to receive the same per diem, mileage, and travel allowances paid to individuals who serve as legislative members of interim study committees established by the legislative council.

SECTION 76. IC 8-1-2.6-4, AS AMENDED BY P.L.241-2013,



SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) ~~A regulatory flexibility committee is established to monitor competition in the telecommunications industry.~~

(b) The committee is composed of the members of a house standing committee selected by the speaker of the house of representatives and a senate standing committee selected by the president pro tempore of the senate. In selecting standing committees under this subsection, the speaker and president pro tempore shall determine which standing committee of the house of representatives and the senate, respectively, has subject matter jurisdiction that most closely relates to the electricity, gas, energy policy, and telecommunications jurisdiction of the regulatory flexibility committee. The chairpersons of the standing committees selected under this subsection shall co-chair the regulatory flexibility committee.

(a) As used in this section, "committee" means the interim study committee on energy, utilities, and telecommunications established by IC 2-5-1.3-4.

(c) ~~(b)~~ Subject to subsection ~~(f)~~; **(e)**, the commission shall, by July 1 of each year, report to the **regulatory flexibility committee in an electronic format under IC 5-14-6** on the following:

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

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

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

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

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

(3) Beginning with the report due July 1, 2007, and in each report due in an odd-numbered year after July 1, 2007:

(A) an identification of all telecommunications rules and policies that are eliminated by the commission under section 4.1 of this chapter during the two (2) most recent state fiscal years; and

(B) an explanation why the telecommunications rules and policies identified under clause (A) are no longer in the public interest or necessary to protect consumers.

This subdivision expires June 30, 2013.



~~(4)~~ **(3)** Best practices concerning vertical location of underground facilities for purposes of IC 8-1-26. A report under this subdivision must address the viability and economic feasibility of technologies used to vertically locate underground facilities.

~~(d)~~ **(c)** In addition to reviewing the commission report prepared under subsection ~~(c)~~; **(b)**, the ~~regulatory flexibility~~ committee may also issue a report and recommendations to the legislative council by November 1 of each year that is based on a review of the following issues:

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

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

~~(e)~~ **(d)** The ~~regulatory flexibility committee shall meet on the call of the co-chairpersons to study telecommunications issues described in subsection (d)~~. The committee shall, with the approval of the commission, retain the independent consultants the committee considers appropriate to assist the committee in the review and study. The expenses for the consultants shall be paid by the commission.

~~(f)~~ **(e)** If the commission requests a communications service provider (as defined in section 13(b) of this chapter) to provide information for the commission to use in preparing a report under this section, the request must be limited to public information provided to the Federal Communications Commission and may be required to be provided only in the form in which it is provided to the Federal Communications Commission. However, the commission may request any public information from a communications service provider (as defined in section 13(b) of this chapter) upon a request from the committee's ~~co-chairpersons~~ **chairperson** that specifically enumerates the public information sought.



SECTION 77. IC 8-1-2.6-4.1, AS AMENDED BY P.L.256-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.1. (a) Not later than:

(1) July 1, 2007; and

(2) July 1 of each odd-numbered year after July 1, 2007;

the commission shall, through a rulemaking proceeding under IC 4-22-2 or another commission proceeding, identify and eliminate rules and policies concerning telecommunications service and telecommunications service providers if the rules or policies are no longer necessary in the public interest or for the protection of consumers as the result of meaningful economic competition between providers of telecommunications services.

~~(b) Not later than July 1, 2007, the commission shall adopt rules under IC 4-22-2 to require a telecommunications service provider, at any time the provider communicates with a residential customer about changing the customer's basic telecommunications service to nonbasic telecommunications service, to notify the residential customer of:~~

~~(1) the option of basic telecommunications service; and~~

~~(2) any regulatory protections, including pricing or quality of service protections; that the residential customer would forego by switching to nonbasic telecommunications service.~~

~~This subsection expires June 30, 2013.~~

~~(c) (b) A rule adopted under subsection (b) (as subsection (b) was in effect before its expiration on June 30, 2013) is void after June 30, 2013.~~

~~(d) In carrying out this section, the commission shall promote the policies and purposes set forth in this chapter. Beginning in 2007, and in each odd-numbered year after 2007, the commission's annual report to the regulatory flexibility committee under section 4 of this chapter must:~~

~~(1) identify any regulation or policy eliminated by the commission under this section during the two (2) most recent state fiscal years; and~~

~~(2) explain why the regulation or policy is no longer in the public interest or necessary to protect consumers.~~

~~This subsection expires June 30, 2013.~~

SECTION 78. IC 8-1-8.8-14, AS AMENDED BY P.L.150-2011, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. The group shall conduct an annual study on the use, availability, and economics of using in Indiana the clean energy resources listed in IC 8-1-37-4(a)(1) through IC 8-1-37-4(a)(6). The commission may direct the group to study additional clean energy



resources as the commission considers appropriate. Each year, the group shall submit a report on the study to the commission for inclusion in the commission's annual report to the ~~regulatory flexibility committee described in IC 8-1-2.5-9 and IC 8-1-2.6-4.~~ **interim study committee on energy, utilities, and telecommunications established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6.** The commission shall direct the group concerning the appropriate level of detail for the report. The report must include suggestions from the group to encourage the development and use of clean energy resources and technologies appropriate for use in Indiana.

SECTION 79. IC 8-1-30.5-3, AS ADDED BY P.L.87-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) For each calendar year, beginning with the calendar year ending December 31, 2012, each water utility shall submit to the commission, on a form or in the manner prescribed by the commission, a report on the following:

- (1) The types of use of the water resources used by the water utility in providing water service to the water utility's Indiana customers.
- (2) The water utility's operations and maintenance costs in providing water service to the water utility's Indiana customers.

(b) The commission shall prescribe the form of the report and the process, deadlines, and other requirements for submitting the report required under this section. However, the commission shall collect the following information for each water utility with respect to the calendar year for which a particular report is submitted:

- (1) The number of Indiana customers served by the water utility.
- (2) A description of the water utility's service territory in Indiana.
- (3) The total utility plant in service with respect to the water utility's Indiana customers.
- (4) The amount and location of the water resources used by the water utility to provide water service to the water utility's Indiana customers.
- (5) The availability and location of additional water resources that could be used, if necessary, by the water utility to provide water service to Indiana customers.
- (6) The amount of funding received, including the purpose of the funding, from the following sources:
 - (A) A state revolving loan program under IC 13-18.
 - (B) The office of community and rural affairs established by IC 4-4-9.7-4.
 - (C) United States Department of Agriculture rural



development loans and grants.

(D) The Indiana bond bank.

(E) The issuance of any debt instruments for the purpose of raising capital to fund infrastructure projects.

(c) Upon receiving the annual reports required under this section, the commission shall compile and organize the data and information contained in the reports. Subject to subsection (d)(1), the commission shall include a summary of the data and information contained in the reports, along with the recommendations described in subsection (d)(2), in:

- (1) an annual report to be submitted by the commission to the legislative council not later than November 1 of each year; and
- (2) the commission's annual report on the water and wastewater industries provided to the ~~regulatory flexibility committee~~ **interim study committee on energy, utilities, and telecommunications** established by ~~IC 8-1-2-6-4~~ **IC 2-5-1.3-4 in an electronic format under IC 5-14-6.**

The annual report to the legislative council required by subdivision (1) must be in an electronic format under IC 5-14-6.

(d) In making the reports required under subsection (c), the commission shall:

- (1) use aggregated data in a manner that:
 - (A) protects the confidential information of individual water utilities; and
 - (B) is consistent with IC 5-14-3-4; and
- (2) include in the reports recommendations concerning:
 - (A) the efficient use of financial resources by water utilities;
 - (B) necessary infrastructure investments by water utilities; and
 - (C) actions designed to minimize impacts on the rates and charges imposed on water and wastewater customers.

SECTION 80. IC 8-1-32.5-6, AS AMENDED BY P.L.256-2013, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) Except as provided in subsection (c), before a communications service provider may offer communications service to customers in Indiana, the communications service provider must apply to the commission for a certificate of territorial authority. A communications service provider that seeks a certificate under this chapter shall submit an application on a form prescribed by the commission. Subject to subsection (e), the form prescribed by the commission must require the communications service provider to report the following information:

- (1) The provider's legal name and any name under which the



provider does or will do business in Indiana, as authorized by the secretary of state.

(2) The provider's address and telephone number, along with contact information for the person responsible for ongoing communications with the commission.

(3) The legal name, address, and telephone number of the provider's parent company, if any.

(4) A description of each service area in Indiana in which the provider proposes to offer communications service.

(5) For each service area identified under subdivision (4), a description of each type of communications service that the provider proposes to offer in the service area.

(6) For each communications service identified under subdivision (5), whether the communications service will be offered to residential customers or business customers, or both.

(7) The expected date of deployment for each communications service identified under subdivision (5) in each service area identified in subdivision (4).

(8) A list of other states in which the provider offers communications service, including the type of communications service offered.

(9) Any other information the commission considers necessary to:

(A) monitor the type and availability of communications service provided to Indiana customers; and

(B) prepare, **under IC 8-1-2.6-4**, the commission's annual report to the ~~regulatory flexibility committee interim study committee on energy, utilities, and telecommunications established by IC 2-5-1.3-4 under IC 8-1-2.6-4~~ **in an electronic format under IC 5-14-6**.

The commission may charge a fee for filing an application under this section. Any fee charged by the commission under this subsection may not exceed the commission's actual costs to process and review the application under section 8 of this chapter.

(b) A communications service provider shall also submit, along with the application required by subsection (a), the following documents:

(1) A certification from the secretary of state authorizing the provider to do business in Indiana.

(2) Information demonstrating the provider's financial, managerial, and technical ability to provide each communications service identified in the provider's application under subsection (a)(5) in each service area identified under subsection (a)(4).

(3) A statement, signed under penalty of perjury by an officer or



another person authorized to bind the provider, that affirms the following:

(A) That the provider has filed or will timely file with the Federal Communications Commission all forms required by the Federal Communications Commission before offering communications service in Indiana.

(B) That the provider agrees to comply with any customer notification requirements imposed by the commission under section 11(b) of this chapter.

(C) That the provider agrees to update the information provided in the application submitted under subsection (a) on a regular basis, as may be required by the commission under section 12 of this chapter.

(D) That the provider agrees to notify the commission when the provider commences offering communications service in each service area identified in the provider's application under subsection (a)(4).

(E) That the provider agrees to pay any lawful rate or charge for switched and special access services, as required under any:

- (i) applicable interconnection agreement; or
- (ii) lawful tariff or order approved or issued by a regulatory body having jurisdiction.

(F) That the provider agrees to report, at the times required by the commission, any information required by the commission under IC 8-1-2.6-13(c)(9).

(c) If:

(1) a communications service provider has been issued a:

- (A) certificate of territorial authority; or
- (B) certificate of public convenience and necessity;

by the commission before July 1, 2009; and

(2) the certificate described in subdivision (1) is in effect on July 1, 2009;

the communications service provider is not required to submit an application under this section for as long as the certificate described in subdivision (1) remains in effect. For purposes of this subsection, if a corporation organized under IC 8-1-13 (or a corporation organized under IC 23-17-1 that is an electric cooperative and that has at least one (1) member that is a corporation organized under IC 8-1-13) holds a certificate of public convenience and necessity issued by the commission before, on, or after July 1, 2009, that certificate may serve as the certificate required under this chapter with respect to any



communications service offered by the corporation, subject to the commission's right to require the corporation to provide any information that an applicant is otherwise required to submit under subsection (a) or that a holder is required to report under IC 8-1-2.6-13(c)(9).

(d) This section does not empower the commission to require an applicant for a certificate under this chapter to disclose confidential and proprietary business plans and other confidential information without adequate protection of the information. The commission shall exercise all necessary caution to avoid disclosure of confidential information supplied under this section.

(e) The form prescribed for a communications service provider that offers only a service described in IC 8-1-2.6-1.1 must require the communications service provider to report and certify the accuracy of only the information required under subsection (a)(1) and (a)(2).

SECTION 81. IC 8-1-34-16, AS AMENDED BY P.L.219-2011, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) Except as provided in section 21 of this chapter, after June 30, 2006:

(1) the commission is the sole franchising authority (as defined in 47 U.S.C. 522(10)) for the provision of video service in Indiana; and

(2) a unit may not:

- (A) require a provider to obtain a separate franchise;
- (B) impose any fee, gross receipt tax, licensing requirement, rate regulation, or build-out requirement on a provider;
- (C) regulate a holder or provider; or
- (D) establish, fund, or otherwise designate an agency, a board, or another subordinate entity to monitor, supervise, evaluate, or regulate the holder or provider;

except as authorized by this chapter.

(b) Except as provided in section 21 of this chapter, a person who seeks to provide video service in Indiana after June 30, 2006, shall file with the commission an application for a franchise. The application shall be made on a form prescribed by the commission and must include the following:

(1) A sworn affidavit, signed by an officer or another person authorized to bind the applicant, that affirms the following:

- (A) That the applicant has filed or will timely file with the Federal Communications Commission all forms required by the Federal Communications Commission before offering video service in Indiana.



- (B) That the applicant agrees to comply with all federal and state statutes, rules, and regulations applicable to the operation of the applicant's video service system.
- (C) That the applicant agrees to:
- (i) comply with any local ordinance or regulation governing the use of public rights-of-way in the delivery of video service; and
 - (ii) recognize the police powers of a unit to enforce the ordinance or regulation.
- (D) If the applicant will terminate an existing local franchise under section 21 of this chapter, that the applicant agrees to perform any obligations owed to any private person, as required by section 22 of this chapter.
- (2) The applicant's legal name and any name under which the applicant does or will do business in Indiana, as authorized by the secretary of state.
- (3) The address and telephone number of the applicant's principal place of business, along with contact information for the person responsible for ongoing communications with the commission.
- (4) The names and titles of the applicant's principal officers.
- (5) The legal name, address, and telephone number of the applicant's parent company, if any.
- (6) A description of each service area in Indiana to be served by the applicant. A service area described under this subdivision may include an unincorporated area in Indiana.
- (7) The expected date for the deployment of video service in each of the areas identified in subdivision (6).
- (8) A list of other states in which the applicant provides video service.
- (9) If the applicant will terminate an existing local franchise under section 21(b) of this chapter, a copy of the written notice sent to the municipality under section 21(c) of this chapter.
- (10) Any other information the commission considers necessary to:
- (A) monitor the provision of video service to Indiana customers; and
 - (B) prepare, **under IC 8-1-2.6-4**, the commission's annual report to the **regulatory flexibility committee interim study committee on energy, utilities, and telecommunications established by IC 2-5-1.3-4 under ~~IC 8-1-2.6-4~~ in an electronic format under IC 5-14-6.**
- (c) This section does not empower the commission to require:



- (1) an applicant to disclose confidential and proprietary business plans and other confidential information without adequate protection of the information; or
- (2) a provider to disclose more frequently than in each odd numbered year information regarding the areas in which an applicant has deployed, or plans to deploy, video services.

The commission shall exercise all necessary caution to avoid disclosure of confidential information supplied under this section.

(d) The commission may charge a fee for filing an application under this section. Any fee charged by the commission under this subsection may not exceed the commission's actual costs to process and review the application under section 17 of this chapter.

(e) Nothing in this title may be construed to require an applicant or a provider to disclose information that identifies by census block, street address, or other similar level of specificity the areas in which the applicant or provider has deployed, or plans to deploy, video service in Indiana. The commission may not disclose, publish, or report by census block, street address, or other similar level of specificity any information identifying the areas in Indiana in which an applicant or a provider has deployed, or plans to deploy, video service.

SECTION 82. IC 8-1-34-24.5, AS ADDED BY P.L.152-2012, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24.5. (a) This section applies to any unit that receives franchise fees paid to the unit under:

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

with respect to a particular calendar year.

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

- (1) The amount of franchise fees paid to the unit under the certificate or local franchise.
- (2) The account of the unit into which the franchise fees identified under subdivision (1) were deposited.
- (3) The purposes for which any franchise fees received by the unit during:
 - (A) the calendar year for which the report is submitted; or
 - (B) a previous calendar year;



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

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

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

(d) Upon receiving the annual reports required under this section, the commission shall compile and organize the data and information contained in the reports. The commission shall include a summary of the data and information contained in the reports in the commission's annual report on the communications industry provided, **under IC 8-1-2.6-4**, to the ~~regulatory flexibility committee established by interim study committee on energy, utilities, and telecommunications established by IC 2-5-1.3-4~~ ~~IC 8-1-2.6-4~~ **in an electronic format under IC 5-14-6**. However, this subsection does not empower the commission to disclose confidential and proprietary business plans and other confidential information without adequate protection of the information. The commission shall exercise all necessary caution to avoid disclosure of confidential information supplied under this section.

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

SECTION 83. IC 8-1-37-14, AS ADDED BY P.L.150-2011, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) Beginning in 2014, each participating electricity supplier shall report to the commission not later than March 1 of each year on the following:

- (1) The participating electricity supplier's efforts, if any, during the most recently ended calendar year to meet the CPS goal applicable to the most recently ended calendar year.
- (2) The total amount of renewable energy supplied to the participating electricity supplier's Indiana retail electric customers during the most recently ended calendar year, including a



breakdown of the following:

- (A) The amount of clean energy generated by facilities owned or operated by the participating electricity supplier. The participating electricity supplier shall identify each facility by:
- (i) name and location;
 - (ii) total generating capacity;
 - (iii) total amount of electricity generated at the facility during the most recently ended calendar year, including the percentage of this amount that was supplied to the participating electricity supplier's Indiana retail electric customers; and
 - (iv) total amount of clean energy generated at the facility during the most recently ended calendar year, including the percentage of this amount that was supplied to the participating electricity supplier's Indiana retail electric customers.
- (B) The amount of clean energy purchased from other suppliers of clean energy. The participating electricity supplier shall identify:
- (i) each supplier from whom clean energy was purchased;
 - (ii) the amount of clean energy purchased from each supplier;
 - (iii) the price paid by the participating electricity supplier for the clean energy purchased from each supplier; and
 - (iv) to the extent known, the name and location of each facility at which the clean energy purchased from each supplier was generated.
- (3) The number of CECs purchased by the participating electricity supplier during the most recently ended calendar year. The participating electricity supplier shall identify:
- (A) each person from whom one (1) or more CECs was purchased;
 - (B) the price paid to each person identified in clause (A) for the CECs purchased;
 - (C) the number of CECs applied, if any, during the most recently ended calendar year to meet the CPS goal applicable to the most recently ended calendar year; and
 - (D) the number of CECs, if any, that the participating electricity supplier plans to carry over to the next succeeding CPS goal period, as permitted by section 12(f) of this chapter.
- (4) The participating electricity supplier's plans for meeting the CPS goal applicable to the calendar year in which the report is



submitted.

(5) Advances in clean energy technology that affect activities described in subdivisions (1) and (4).

(6) Any other information that the commission prescribes in rules adopted under IC 4-22-2.

For purposes of this subsection, amounts of clean energy and electricity shall be reported in megawatt hours. A participating electricity supplier's duty to submit a report under this subsection terminates after the participating electricity supplier has submitted the report that applies to the calendar year ending December 31, 2025.

(b) Beginning in 2014, the commission's annual report, **under IC 8-1-2.5-9(b)**, to the ~~regulatory flexibility committee~~ **interim study committee on energy, utilities, and telecommunications established by IC 2-5-1.3-4** ~~under IC 8-1-2.5-9(b)~~ must include a summary of the information provided by participating electricity suppliers under subsection (a) with respect to the most recently ended calendar year. The commission's duty to include the information specified in this subsection in its annual report to the ~~regulatory flexibility committee~~ **interim study committee on energy, utilities, and technology established by IC 2-5-1.3-4** terminates after the commission has submitted the information that applies to the calendar year ending December 31, 2025.

SECTION 84. IC 8-15-2-1.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.3. (a) The authority shall establish a written procedure for allocating money to projects described in section 1(a)(3) and 1(a)(4) of this chapter.

(b) The procedure established under this section must include at least the following:

- (1) An application procedure to identify projects that qualify for funding.
- (2) Criteria for prioritizing projects.
- (3) Procedures for selecting projects.
- (4) Procedures for reporting the results of the selection process and the status of projects to the ~~commission on state tax and financing~~ **interim study committee on fiscal policy established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6.**

(c) The prioritization and selection process under this section must give consideration to the following:

- (1) The impact of the project on toll road usage.
- (2) Consistency of the project with local transportation plans.
- (3) The extent to which the project will have local financial participation relative to local available resources.



- (4) The amount of vehicular traffic served.
- (5) The potential local economic impact.
- (6) Whether the project is deemed to be an emergency by the applicant and the authority.

SECTION 85. IC 8-23-2-5, AS AMENDED BY HEA 1286-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2014]: Sec. 5. (a) The department, through the commissioner or the commissioner's designee, shall:

- (1) develop, continuously update, and implement:

- (A) long range comprehensive transportation plans;
- (B) work programs; and
- (C) budgets;

to assure the orderly development and maintenance of an efficient statewide system of transportation;

- (2) implement the policies, plans, and work programs adopted by the department;

- (3) organize by creating, merging, or abolishing divisions;

- (4) evaluate and utilize whenever possible improved transportation facility maintenance and construction techniques;

- (5) carry out public transportation responsibilities, including:

- (A) developing and recommending public transportation policies, plans, and work programs;

- (B) providing technical assistance and guidance in the area of public transportation to political subdivisions with public transportation responsibilities;

- (C) developing work programs for the utilization of federal mass transportation funds;

- (D) furnishing data from surveys, plans, specifications, and estimates required to qualify a state agency or political subdivision for federal mass transportation funds;

- (E) conducting or participating in any public hearings to qualify urbanized areas for an allocation of federal mass transportation funding;

- (F) serving, upon designation of the governor, as the state agency to receive and disburse any state or federal mass transportation funds that are not directly allocated to an urbanized area;

- (G) entering into agreements with other states, regional agencies created in other states, and municipalities in other states for the purpose of improving public transportation service to the citizens; and

- (H) developing and including in its own proposed



transportation plan a specialized transportation services plan for the elderly and persons with disabilities;

(6) provide technical assistance to units of local government with road and street responsibilities;

(7) develop, undertake, and administer the program of research and extension required under IC 8-17-7;

(8) allow public testimony in accordance with section 17 of this chapter whenever the department holds a public hearing (as defined in section 17 of this chapter); and

(9) adopt rules under IC 4-22-2 to reasonably and cost effectively manage the right-of-way of the state highway system by establishing a formal procedure for highway improvement projects that involve the relocation of utility facilities by providing for an exchange of information among the department, utilities, and the department's highway construction contractors.

(b) Rules adopted under subsection (a)(9):

(1) shall not unreasonably affect the cost, or impair the safety or reliability, of a utility service; and

(2) must require a utility to provide information concerning all authorized representatives of the utility for purposes of highway improvement projects and improvement projects undertaken by local units of government.

(c) A civil action may be prosecuted by or against the department, a department highway construction contractor, or a utility to recover costs and expenses directly resulting from willful violation of the rules. Nothing in this section or in subsection (a)(9) shall be construed as granting authority to the department to adopt rules establishing fines, assessments, or other penalties for or against utilities or the department's highway construction contractors.

(d) Based on information provided by utilities under rules described in subsection (b)(2), the department shall establish and publish on the department's Internet web site a searchable data base of authorized representatives of utilities for purposes of improvement projects that involve the relocation of utility facilities. A utility that provides information described in subsection (b)(2) shall:

(1) update the information provided to the department on an annual basis; and

(2) notify the department of any change in the information not more than thirty (30) days after the change occurs.

(e) Not later than August 1 of each year, the department, through the commissioner or the commissioner's designee, shall prepare for ~~presentation~~ to the ~~joint~~ **interim** study committee on **roads and**



transportation and infrastructure assessment and solutions established by IC 2-5-28.5-2 a report that includes updates on the following:

- (1) Transportation and infrastructure funding.
- (2) Public-private agreements under IC 8-15.5.
- (3) Public-private partnerships under IC 8-15.7.
- (4) Reports and supplements prepared under IC 8-23-12.
- (5) Programs and projects conducted in cooperation with Purdue University under IC 8-23-9-56.
- (6) Any other information requested by the joint study committee.

The report must be submitted in an electronic format under IC 5-14-6.

SECTION 86. IC 8-23-9-56, AS AMENDED BY HEA 1286-2014, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2014]: Sec. 56. (a) The department may cooperate with and assist Purdue University in developing the best methods of improving and maintaining the highways of the state and the respective counties. In so cooperating with Purdue University and for the purpose of developing and disseminating helpful information concerning road construction and improvement and the operation of the highways of the state and the counties, the department may expend money annually from the funds appropriated to the department's use for the use and benefit of Purdue University in carrying on programs of highway research and highway extension at or in connection with Purdue University and for the annual road school held at Purdue University. In addition, the money may be increased by federal funds, which may be made available to the department for the engineering and economic investigation of projects for future construction and for highway research necessary in connection therewith.

(b) For the purpose of disseminating knowledge of the highway maintenance methods that are best suited to the various sections of Indiana, the county and state highway officials, in cooperation with Purdue University, may hold joint road meetings in the various sections of Indiana.

(c) The aid authorized by this section shall be paid quarterly by the department to Purdue University upon proper voucher.

(d) Not later than August 1 of each year, a representative of Purdue University shall prepare, in cooperation with the department under IC 8-23-2-5(e)(5), for presentation to the joint interim study committee on roads and transportation and infrastructure assessment and solutions established by IC 2-5-28.5-2 a report that includes updates on the following:

- (1) Programs or projects conducted under this section.



(2) Any other information requested by the ~~joint~~ study committee.
The report must be submitted in an electronic format under IC 5-14-6.

SECTION 87. IC 8-23-29-4, AS ADDED BY HEA 1104-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2014]: Sec. 4. Not later than July 1 of each year of the study, the department shall provide the results of the study to date ~~in an electronic format under IC 5-14-6~~ to the following:

- (~~1~~) ~~The joint study committee on transportation and infrastructure assessment and solutions established by IC 2-5-28.5-2.~~
- (~~2~~) **(1)** The legislative council, **in an electronic format under IC 5-14-6.**
- (~~3~~) **(2)** The governor.

SECTION 88. IC 9-13-2-33.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 33.5. "Committee" for purposes of IC 9-18-25, has the meaning set forth in IC 9-18-25-0.5.**

SECTION 89. IC 9-13-2-93.3 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 93.3. "License plate committee", for purposes of IC 9-18-25; has the meaning set forth in IC 9-18-25-0.5.~~

SECTION 90. IC 9-14-2-1, AS AMENDED BY HEA 1286-2014, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2014]: Sec. 1. The commissioner shall do the following:

- (1) Administer and enforce:
 - (A) this title and other statutes concerning the bureau; and
 - (B) the policies and procedures of the bureau.
- (2) Organize the bureau in the manner necessary to carry out the duties of the bureau.
- (3) Submit budget proposals for the bureau to the budget director before September 1 of each year.
- (4) Perform other duties as required by the bureau.
- (5) Not later than August 1 of each year, prepare for ~~presentation to the joint interim~~ study committee on **roads and transportation and infrastructure assessment and solutions established by IC 2-5-28.5-2** a report that includes updates on the following:
 - (A) Significant policy changes, including changes in implementation.
 - (B) Contracts with third parties for performance of department responsibilities and functions.
 - (C) Projects or other undertakings required by law.
 - (D) Any other information requested by the ~~joint~~ study committee.



The report must be submitted in an electronic format under IC 5-14-6.

SECTION 91. IC 9-18-25-0.5, AS ADDED BY P.L.107-2013, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 0.5. As used in this chapter, "license plate committee" means the ~~special group recognition license plate committee established by IC 2-5-36.2-4~~ **interim study committee on roads and transportation established by IC 2-5-1.3-4.**

SECTION 92. IC 9-18-25-2.3, AS ADDED BY P.L.107-2013, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.3. (a) Effective August 1, 2013, a special group that seeks initial participation in the special group recognition license plate program must submit a completed application to the bureau not later than April 1 for potential issuance in the following year. The application must contain the following:

- (1) The name and address of the resident agent of the special group.
- (2) Evidence of governance by a board of directors consisting of at least five (5) members, a majority of whom are outside directors, who meet at least semiannually to establish policy for the special group and review the accomplishments of the special group.
- (3) A copy of the:
 - (A) ethics statement;
 - (B) constitution and bylaws; and
 - (C) articles of incorporation as an entity that is exempt from federal income taxation under Section 501(c) of the Internal Revenue Code;
 of the special group.
- (4) Copies of the last three (3) consecutive:
 - (A) annual reports; and
 - (B) annual generally accepted auditing standards or government auditing standards audits;
 of the special group.
- (5) Evidence of appropriate use of resources and compliance with federal and state laws, including evidence of appropriate management and internal controls in order to ensure:
 - (A) compliance with law;
 - (B) that finances are used in compliance with the purpose statement of the special group; and
 - (C) maintenance as an entity that is exempt from taxation under Section 501(c) of the Internal Revenue Code.



- (6) Evidence of transparency of financial and operational activities to include availability of current financial statements at any time upon the request of the bureau or a donor to the special group.
 - (7) Evidence of internal controls to prevent conflict of interest by board members and employees.
 - (8) A petition with the signatures of at least five hundred (500) residents of Indiana who pledge to purchase the special group recognition license plate.
 - (9) A statement of the designated use of any annual fee to be collected by the bureau.
 - (10) A copy of a certified motion passed by the board of directors of the special group requesting that the special group recognition license plate be issued by the bureau and stating the designated use of any annual fee to be collected by the bureau.
 - (11) Evidence of statewide public benefit from the special group.
 - (12) Evidence of statewide public benefit from the use of the annual fee collected by the bureau.
 - (13) Evidence that the special group's use of the annual fee to be collected by the bureau and the organizational purpose statement of the special group conform with at least one (1) of the following categories:
 - (A) Direct health care or medical research.
 - (B) Fraternal or service organizations.
 - (C) Government and quasi-government. For purposes of this clause, a special group that designates the use of the fees collected for deposit in the capital projects fund established by IC 9-18-49-5(a) is considered to have a quasi-government purpose.
 - (D) Military and veterans' affairs.
 - (E) Public and transportation safety.
 - (F) Universities located in Indiana for scholarships for Indiana residents.
 - (G) Agriculture, animals, and environment.
 - (14) Evidence that the organization has prohibitions and internal controls prohibiting advocacy of the following:
 - (A) Violation of federal or state law.
 - (B) Violation of generally accepted ethical standards or societal behavioral standards.
 - (C) Individual political candidates.
- (b) The bureau shall review the application for a special group recognition license plate that has been submitted to the bureau under



subsection (a). Upon satisfaction to the bureau of the completeness of the information in the application, the bureau shall forward the application to the ~~chairperson of the license plate committee for review by the license plate committee.~~ **executive director of the legislative services agency in an electronic format under IC 5-14-6 for review by the committee.**

SECTION 93. IC 9-18-25-2.5, AS ADDED BY P.L.107-2013, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. (a) The ~~license plate~~ committee shall ~~meet at least two (2) times a year at the call of the chairperson to~~ review applications for special group recognition license plates that have been forwarded to the ~~license plate~~ committee by the bureau under section 2.3(b) of this chapter.

(b) After reviewing the applications, the ~~license plate~~ committee shall:

- (1) compile a list recommending new special group recognition license plates; and
- (2) forward to the bureau by written means the list of recommended special groups that meet the suitability for issuance of a special group recognition license plate.

The ~~license plate~~ committee may not recommend more than five (5) new special group recognition license plates to the bureau under this subsection in a calendar year.

(c) After receiving the list forwarded under subsection (b)(2), the bureau shall conduct an independent review of the applications, taking into consideration the recommendations of the ~~license plate~~ committee. The bureau may issue a special group recognition license plate in the absence of a positive recommendation from the ~~license plate~~ committee. However, the bureau may not issue a special group recognition license plate unless the license plate has first been reviewed by the ~~license plate~~ committee and has been given a positive or negative recommendation to the bureau regarding that special group.

(d) The bureau may not issue more than five (5) special group recognition license plates for the first time in a year.

SECTION 94. IC 9-18-25-2.7, AS ADDED BY P.L.107-2013, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.7. ~~(a) The bureau shall determine the date of first issuance of all special group recognition license plates in production as of July 1, 2013; and prepare a list of the results. The bureau shall forward the list to the license plate committee before September 1, 2013.~~

~~(b) Upon receipt of the list prepared under subsection (a), the~~



license plate committee shall review the special group recognition license plates that were issued initially in 2003 or earlier. In the review, the license plate committee shall consider the criteria set forth in section 2.3(a) of this chapter and may seek evidence of the criteria from a special group. The license plate committee shall recommend to the bureau that participation in the special group recognition license plate program be terminated for a special group that the license plate committee finds is not suitable for inclusion in the program because the special group does not satisfy the criteria set forth in section 2.3(a) of this chapter.

(c) (a) In 2014 and subsequent years, the bureau shall forward to the license plate committee **executive director of the legislative services agency in an electronic format under IC 5-14-6 for review by the committee** the name of a special group:

- (1) that was awarded initially a special group recognition license plate by the bureau more than ten (10) years in the past; and
- (2) whose special group recognition license plate has not been reviewed by the **special group recognition license plate committee established by IC 2-5-36.2-4 (repealed) or the committee** during the ten (10) year period following the initial or subsequent award of the special group recognition license plate.

Upon receipt of the name of a special group, the license plate committee shall require the special group to submit to the license plate committee evidence of the criteria set forth in section 2.3(a) of this chapter. Upon submission of the criteria, the license plate committee shall review and recommend termination by the bureau as provided in subsection (b) **the suitability of the special group to continue participating in the special group recognition license plate program. In the review, the committee shall consider the criteria set forth in section 2.3(a) of this chapter and may seek additional evidence of the criteria from a special group. The committee shall recommend to the bureau that participation in the special group recognition license plate program be terminated** if the license plate committee finds that termination is appropriate because the special group is not suitable for inclusion in the special group license plate program.

(d) (b) Upon receiving a recommendation of termination for a special group under subsection (b) or (c); (a), the bureau may:

- (1) terminate the special group from participation in the special group recognition license plate program; or
- (2) allow the special group to continue participating in the special group recognition license plate program for a period of not more



than eighteen (18) months.

~~(e)~~ **(c)** If the bureau terminates the participation of a special group under subsection ~~(d)(1)~~; **(b)(1)**:

- (1) the bureau may not issue additional special group recognition license plates **of the special group** to plateholders; and
- (2) a plateholder may not renew a special group recognition license plate **of the special group**.

If the special group desires to continue participating in the special group recognition license plate program, the special group must submit an application to the bureau containing the criteria set forth in section 2.3(a) of this chapter. The bureau shall then follow the procedure set forth in section 2.3(b) of this chapter.

~~(f)~~ **(d)** If the bureau allows a special group to continue participating in the special group recognition license plate program for a period under subsection ~~(d)(2)~~; **(b)(2)**, the bureau shall:

- (1) establish the duration of the set period under subsection ~~(d)(2)~~; **(b)(2)**; and
- (2) require the special group to submit to the bureau:
 - (A) evidence of the criteria set forth in section 2.3(a) of this chapter; and
 - (B) any additional information the bureau determines is necessary.

~~(g)~~ **(e)** The bureau shall:

- (1) review the evidence and additional information submitted by a special group under subsection ~~(f)(2)~~; **(d)(2)**; and
- (2) determine whether to terminate or continue the participation of the special group in the special group recognition license plate program.

~~(h)~~ **(f)** After the review under subsection ~~(g)~~; **(e)**, if the bureau terminates the participation of the special group and the special group desires to continue participating, the special group must submit an application to the bureau containing the criteria set forth in section 2.3(a) of this chapter. The bureau shall then follow the procedure set forth in section 2.3(b) of this chapter.

~~(i)~~ **(g)** After the review under subsection ~~(g)~~; **(e)**, if the bureau continues the participation of the special group in the special group recognition license plate program, the bureau may do one (1) or more of the following:

- (1) Allow the special group to remedy the defect or the violation that caused the special group to not be suitable for inclusion in the special group recognition license plate program.
- (2) Place restrictions on or temporarily suspend the sales of



special group recognition license plates for the special group.

(3) Require the special group to appear before the commission for review or reinstatement, or both.

(j) **(h)** The bureau may suspend the issuance of a special group recognition license plate for a special group if the bureau, upon investigation, has determined that the special group has advocated or committed a violation of federal or state law.

SECTION 95. IC 9-20-16-1, AS AMENDED BY HEA 1286-2014, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2014]: Sec. 1. Before August 1 of each year, the Civil Engineering School at Purdue University shall report in an electronic format under IC 5-14-6 to the **joint interim** study committee on **roads and transportation and infrastructure assessment and solutions established by IC 2-5-28.5-2** the results of a continuing study of the condition of Indiana's roads and streets as the condition may be affected by trucks and tractor-semitrailer combinations.

SECTION 96. IC 12-7-2-34, AS AMENDED BY P.L.6-2012, SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 34. "Commission" means the following:

(1) For purposes of IC 12-10-2, the meaning set forth in IC 12-10-2-1.

~~(2) For purposes of IC 12-11-7, the meaning set forth in IC 12-11-7-1.~~

~~(3) (2)~~ For purposes of IC 12-12-2, the meaning set forth in IC 12-12-2-1.

~~(4) (3)~~ For purposes of IC 12-13-14, the meaning set forth in IC 12-13-14-1.

~~(5) (4)~~ For purposes of IC 12-15-46-2, the meaning set forth in IC 12-15-46-2(a).

~~(6) For purposes of IC 12-21-6.5, the meaning set forth in IC 12-21-6.5-1.~~

~~(7) (5)~~ For purposes of IC 12-28-1, the meaning set forth in IC 12-28-1-3.

SECTION 97. IC 12-7-2-35, AS AMENDED BY SEA 24-2014, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 35. "Committee" means the following:

(1) For purposes of IC 12-15-33, the meaning set forth in IC 12-15-33-1.

~~(2) For purposes of IC 12-17.2-3.3, the meaning set forth in IC 12-17.2-3.3-1.~~

~~(3) (2)~~ For the purposes of ~~IC 12-17.2-3.7, has IC 12-17.2-3.6,~~ the meaning set forth in ~~IC 12-17.2-3.7-1. IC 12-17.2-3.6-1.~~



SECTION 98. IC 12-10-11.5-6, AS AMENDED BY P.L.205-2013, SECTION 182, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The office of the secretary of family and social services shall annually determine any state savings generated by home and community based services under this chapter by reducing the use of institutional care.

(b) The secretary shall annually report to the governor, the budget agency, the budget committee, the ~~health finance commission~~, **interim study committee on public health, behavioral health, and human services established by IC 2-5-1.3-4**, and the executive director of the legislative services agency the savings determined under subsection (a). A report under this subsection to the executive director of the legislative services agency must be in an electronic format under IC 5-14-6.

(c) Savings determined under subsection (a) may be used to fund the state's share of additional home and community based Medicaid waiver slots.

SECTION 99. IC 12-11-7 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Indiana Commission on Autism).

SECTION 100. IC 12-11-13-13, AS AMENDED BY P.L.3-2009, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) The ombudsman shall prepare a report each year on the operations of the program.

(b) A copy of the report required under subsection (a) shall be provided to the following:

- (1) The governor.
- (2) The legislative council. The report must be in an electronic format under IC 5-14-6.
- (3) The division.
- (4) ~~The members of the commission on developmental disabilities established by IC 2-5-27.2-2.~~ **interim study committee on public health, behavioral health, and human services established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6.**

SECTION 101. IC 12-11-13-14, AS AMENDED BY P.L.3-2009, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. The ombudsman shall report:

- (1) annually; or
- (2) upon request;

~~to the commission on developmental disabilities established by IC 2-5-27.2-2.~~ **interim study committee on public health, behavioral health, and human services established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6.**



SECTION 102. IC 12-12.7-2-19, AS AMENDED BY P.L.3-2009, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. The budget agency shall annually report to ~~the health finance commission~~, the budget committee and the ~~commission on developmental disabilities~~ **interim study committee on public health, behavioral health, and human services established by IC 2-5-1.3-4** the following information concerning the funding of the program under this chapter:

- (1) The total amount billed to a federal or state program each state fiscal year for services provided under this chapter, including the following programs:
 - (A) Medicaid.
 - (B) The children's health insurance program.
 - (C) The federal Temporary Assistance for Needy Families (TANF) program (45 CFR 265).
 - (D) Any other state or federal program.
- (2) The total amount billed each state fiscal year to an insurance company for services provided under this chapter and the total amount reimbursed by the insurance company.
- (3) The total copayments collected under this chapter each state fiscal year.
- (4) The total administrative expenditures.

The report must be submitted before September 1 for the preceding state fiscal year in an electronic format under IC 5-14-6.

SECTION 103. IC 12-13-5-14, AS AMENDED BY P.L.205-2013, SECTION 183, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) As used in this section, ~~"commission"~~ **"committee"** refers to the ~~health finance commission (IC 2-5-23)~~ **interim study committee on public health, behavioral health, and human services established by IC 2-5-1.3-4**.

(b) A contractor for the division, office, or secretary that has responsibility for processing eligibility intake for the federal Supplemental Nutrition Assistance program (SNAP), the Temporary Assistance for Needy Families (TANF) program, and the Medicaid program shall do the following:

- (1) Review the eligibility intake process for:
 - (A) document management issues, including:
 - (i) unattached documents;
 - (ii) number of documents received by facsimile;
 - (iii) number of documents received by mail;
 - (iv) number of documents incorrectly classified;
 - (v) number of documents that are not indexed or not



correctly attached to cases;

(vi) number of complaints from clients regarding lost documents; and

(vii) number of complaints from clients resolved regarding lost documents;

(B) direct client assistance at county offices, including the:

(i) number of clients helped directly in completing eligibility application forms;

(ii) wait times at local offices;

(iii) amount of time an applicant is given as notice before a scheduled applicant appointment;

(iv) amount of time an applicant waits for a scheduled appointment; and

(v) timeliness of the tasks sent by the contractor to the state for further action, as specified through contracted performance standards; and

(C) call wait times and abandonment rates.

(2) Provide an update on employee training programs.

(3) Provide a copy of the monthly key performance indicator report.

(4) Provide information on error reports and contractor compliance with the contract.

(5) Provide oral and written reports to the ~~commission~~ **committee** concerning matters described in subdivision (1):

(A) in a manner and format to be agreed upon with the ~~commission;~~ **committee**; and

(B) whenever the ~~commission~~ **committee** requests.

However, written reports shall be provided in an electronic format under IC 5-14-6.

(6) Report on information concerning assistance provided by voluntary community assistance networks (V-CANs).

(7) Report on the independent performance audit conducted on the contract.

(c) Solely referring an individual to a computer or telephone does not constitute the direct client assistance referred to in subsection (b)(1)(B).

SECTION 104. IC 12-15-12-19, AS AMENDED BY P.L.205-2013, SECTION 189, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. (a) This section applies to an individual who is a Medicaid recipient.

(b) Subject to subsection (c), the office shall develop the following programs regarding individuals described in subsection (a):



- (1) A disease management program for recipients with any of the following chronic diseases:
- (A) Asthma.
 - (B) Diabetes.
 - (C) Congestive heart failure or coronary heart disease.
 - (D) Hypertension.
 - (E) Kidney disease.
- (2) A case management program for recipients described in subsection (a) who are at high risk of chronic disease, that is based on a combination of cost measures, clinical measures, and health outcomes identified and developed by the office with input and guidance from the state department of health and other experts in health care case management or disease management programs.
- (c) The office shall implement:
- (1) a pilot program for at least two (2) of the diseases listed in subsection (b) not later than July 1, 2003; and
 - (2) a statewide chronic disease program as soon as practicable after the office has done the following:
 - (A) Evaluated a pilot program described in subdivision (1).
 - (B) Made any necessary changes in the program based on the evaluation performed under clause (A).
- (d) The office shall develop and implement a program required under this section in cooperation with the state department of health and shall use the following persons to the extent possible:
- (1) Community health centers.
 - (2) Federally qualified health centers (as defined in 42 U.S.C. 1396d(l)(2)(B)).
 - (3) Rural health clinics (as defined in 42 U.S.C. 1396d(l)(1)).
 - (4) Local health departments.
 - (5) Hospitals.
 - (6) Public and private third party payers.
- (e) The office may contract with an outside vendor or vendors to assist in the development and implementation of the programs required under this section.
- (f) The office and the state department of health shall provide the ~~health finance commission established by IC 2-5-23-3~~ **interim study committee on public health, behavioral health, and human services established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6** with an evaluation and recommendations on the costs, benefits, and health outcomes of the pilot programs required under this section. The evaluations required under this subsection must be provided not more



than twelve (12) months after the implementation date of the pilot programs.

(g) The office and the state department of health shall report to the ~~health finance commission established by IC 2-5-23-3~~ **interim study committee on public health, behavioral health, and human services established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6** not later than November 1 of each year regarding the programs developed under this section.

(h) The disease management program services for a recipient diagnosed with diabetes or hypertension must include education for the recipient on kidney disease and the benefits of having evaluations and treatment for chronic kidney disease according to accepted practice guidelines.

SECTION 105. IC 12-15-35-28, AS AMENDED BY P.L.205-2013, SECTION 205, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 28. (a) The board has the following duties:

- (1) The adoption of rules to carry out this chapter, in accordance with the provisions of IC 4-22-2 and subject to any office approval that is required by the federal Omnibus Budget Reconciliation Act of 1990 under Public Law 101-508 and its implementing regulations.
- (2) The implementation of a Medicaid retrospective and prospective DUR program as outlined in this chapter, including the approval of software programs to be used by the pharmacist for prospective DUR and recommendations concerning the provisions of the contractual agreement between the state and any other entity that will be processing and reviewing Medicaid drug claims and profiles for the DUR program under this chapter.
- (3) The development and application of the predetermined criteria and standards for appropriate prescribing to be used in retrospective and prospective DUR to ensure that such criteria and standards for appropriate prescribing are based on the compendia and developed with professional input with provisions for timely revisions and assessments as necessary.
- (4) The development, selection, application, and assessment of interventions for physicians, pharmacists, and patients that are educational and not punitive in nature.
- (5) The publication of an annual report that must be subject to public comment before issuance to the federal Department of Health and Human Services and to the Indiana legislative council by December 1 of each year. The report issued to the legislative



council must be in an electronic format under IC 5-14-6.

(6) The development of a working agreement for the board to clarify the areas of responsibility with related boards or agencies, including the following:

- (A) The Indiana board of pharmacy.
- (B) The medical licensing board of Indiana.
- (C) The SURS staff.

(7) The establishment of a grievance and appeals process for physicians or pharmacists under this chapter.

(8) The publication and dissemination of educational information to physicians and pharmacists regarding the board and the DUR program, including information on the following:

- (A) Identifying and reducing the frequency of patterns of fraud, abuse, gross overuse, or inappropriate or medically unnecessary care among physicians, pharmacists, and recipients.
- (B) Potential or actual severe or adverse reactions to drugs.
- (C) Therapeutic appropriateness.
- (D) Overutilization or underutilization.
- (E) Appropriate use of generic drugs.
- (F) Therapeutic duplication.
- (G) Drug-disease contraindications.
- (H) Drug-drug interactions.
- (I) Incorrect drug dosage and duration of drug treatment.
- (J) Drug allergy interactions.
- (K) Clinical abuse and misuse.

(9) The adoption and implementation of procedures designed to ensure the confidentiality of any information collected, stored, retrieved, assessed, or analyzed by the board, staff to the board, or contractors to the DUR program that identifies individual physicians, pharmacists, or recipients.

(10) The implementation of additional drug utilization review with respect to drugs dispensed to residents of nursing facilities shall not be required if the nursing facility is in compliance with the drug regimen procedures under 410 IAC 16.2-3.1 and 42 CFR 483.60.

(11) The research, development, and approval of a preferred drug list for:

- (A) Medicaid's fee for service program;
- (B) Medicaid's primary care case management program;
- (C) Medicaid's risk based managed care program, if the office provides a prescription drug benefit and subject to IC 12-15-5;



and

(D) the children's health insurance program under IC 12-17.6; in consultation with the therapeutics committee.

(12) The approval of the review and maintenance of the preferred drug list at least two (2) times per year.

(13) The preparation and submission of a report concerning the preferred drug list at least one (1) time per year to the ~~health finance commission established by IC 2-5-23-3~~ **interim study committee on public health, behavioral health, and human services established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6.**

(14) The collection of data reflecting prescribing patterns related to treatment of children diagnosed with attention deficit disorder or attention deficit hyperactivity disorder.

(15) Advising the Indiana comprehensive health insurance association established by IC 27-8-10-2.1 concerning implementation of chronic disease management and pharmaceutical management programs under IC 27-8-10-3.5.

(b) The board shall use the clinical expertise of the therapeutics committee in developing a preferred drug list. The board shall also consider expert testimony in the development of a preferred drug list.

(c) In researching and developing a preferred drug list under subsection (a)(11), the board shall do the following:

(1) Use literature abstracting technology.

(2) Use commonly accepted guidance principles of disease management.

(3) Develop therapeutic classifications for the preferred drug list.

(4) Give primary consideration to the clinical efficacy or appropriateness of a particular drug in treating a specific medical condition.

(5) Include in any cost effectiveness considerations the cost implications of other components of the state's Medicaid program and other state funded programs.

(d) Prior authorization is required for coverage under a program described in subsection (a)(11) of a drug that is not included on the preferred drug list.

(e) The board shall determine whether to include a single source covered outpatient drug that is newly approved by the federal Food and Drug Administration on the preferred drug list not later than sixty (60) days after the date on which the manufacturer notifies the board in writing of the drug's approval. However, if the board determines that there is inadequate information about the drug available to the board



to make a determination, the board may have an additional sixty (60) days to make a determination from the date that the board receives adequate information to perform the board's review. Prior authorization may not be automatically required for a single source drug that is newly approved by the federal Food and Drug Administration, and that is:

(1) in a therapeutic classification:

(A) that has not been reviewed by the board; and

(B) for which prior authorization is not required; or

(2) the sole drug in a new therapeutic classification that has not been reviewed by the board.

(f) The board may not exclude a drug from the preferred drug list based solely on price.

(g) The following requirements apply to a preferred drug list developed under subsection (a)(11):

(1) Except as provided by IC 12-15-35.5-3(b) and IC 12-15-35.5-3(c), the office or the board may require prior authorization for a drug that is included on the preferred drug list under the following circumstances:

(A) To override a prospective drug utilization review alert.

(B) To permit reimbursement for a medically necessary brand name drug that is subject to generic substitution under IC 16-42-22-10.

(C) To prevent fraud, abuse, waste, overutilization, or inappropriate utilization.

(D) To permit implementation of a disease management program.

(E) To implement other initiatives permitted by state or federal law.

(2) All drugs described in IC 12-15-35.5-3(b) must be included on the preferred drug list.

(3) The office may add a drug that has been approved by the federal Food and Drug Administration to the preferred drug list without prior approval from the board.

(4) The board may add a drug that has been approved by the federal Food and Drug Administration to the preferred drug list.

(h) At least one (1) time each year, the board shall provide a report to the ~~health finance commission established by IC 2-5-23-3~~ **interim study committee on public health, behavioral health, and human services established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6**. The report must contain the following information:

(1) The cost of administering the preferred drug list.

(2) Any increase in Medicaid physician, laboratory, or hospital



costs or in other state funded programs as a result of the preferred drug list.

(3) The impact of the preferred drug list on the ability of a Medicaid recipient to obtain prescription drugs.

(4) The number of times prior authorization was requested, and the number of times prior authorization was:

(A) approved; and

(B) disapproved.

(i) The board shall provide the first report required under subsection (h) not later than six (6) months after the board submits an initial preferred drug list to the office.

SECTION 106. IC 12-15-35-48, AS AMENDED BY P.L.205-2013, SECTION 206, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 48. (a) The board shall review the prescription drug program of a managed care organization that participates in the state's risk-based managed care program at least one (1) time per year. The board's review of a prescription drug program must include the following:

(1) An analysis of the single source drugs requiring prior authorization, including the number of drugs requiring prior authorization in comparison to other managed care organizations' prescription drug programs that participate in the state's Medicaid program.

(2) A determination and analysis of the number and the type of drugs subject to a restriction.

(3) A review of the rationale for:

(A) the prior authorization of a drug described in subdivision (1); and

(B) a restriction on a drug.

(4) A review of the number of requests a managed care organization received for prior authorization, including the number of times prior authorization was approved and the number of times prior authorization was disapproved.

(5) A review of:

(A) patient and provider satisfaction survey reports; and

(B) pharmacy-related grievance data for a twelve (12) month period.

(b) A managed care organization described in subsection (a) shall provide the board with the information necessary for the board to conduct its review under subsection (a).

(c) The board shall report to the ~~health finance commission established by IC 2-5-23-3~~ **interim study committee on public health,**



behavioral health, and human services established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6 at least one (1) time per year on the board's review under subsection (a).

SECTION 107. IC 12-15-35-51, AS AMENDED BY SEA 24-2014, SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 51. (a) As used in this section, "advisory committee" refers to the mental health Medicaid quality advisory committee established by subsection (b).

(b) The mental health Medicaid quality advisory committee is established. The advisory committee consists of the following members:

- (1) The director of the office or the director's designee, who shall serve as chairperson of the advisory committee.
- (2) The director of the division of mental health and addiction or the director's designee.
- (3) A representative of a statewide mental health advocacy organization.
- (4) A representative of a statewide mental health provider organization.
- (5) A representative from a managed care organization that participates in the state's Medicaid program.
- (6) A member with expertise in psychiatric research representing an academic institution.
- (7) A pharmacist licensed under IC 25-26.
- (8) The commissioner of the department of correction or the commissioner's designee.

The governor shall make the appointments for a term of four (4) years under subdivisions (3) through (7) and fill any vacancy on the advisory committee.

(c) The office shall staff the advisory committee. The expenses of the advisory committee shall be paid by the office.

(d) Each member of the advisory committee who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(e) Each member of the advisory committee who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures



established by the Indiana department of administration and approved by the budget agency.

(f) The affirmative votes of a majority of the voting members appointed to the advisory committee are required by the advisory committee to take action on any measure.

(g) The advisory committee shall advise the office and make recommendations concerning the clinical use of mental health and addiction medications, including the implementation of IC 12-15-35.5-7(c), and consider the following:

- (1) Peer reviewed medical literature.
- (2) Observational studies.
- (3) Health economic studies.
- (4) Input from physicians and patients.
- (5) Any other information determined by the advisory committee to be appropriate.

(h) The office shall report recommendations made by the advisory committee to the drug utilization review board established by section 19 of this chapter.

(i) The office shall report the following information to the *select joint commission on Medicaid oversight established by IC 2-5-26-3: health finance commission established by IC 2-5-23-3: interim study committee on public health, behavioral health, and human services established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6:*

- (1) The advisory committee's advice and recommendations made under this section.
- (2) The number of restrictions implemented under IC 12-15-35.5-7(c) and the outcome of each restriction.
- (3) The transition of individuals who are aged, blind, or disabled to the risk based managed care program. *This information shall also be reported to the health finance commission established by IC 2-5-23-3.*
- (4) Any decision by the office to change the health care delivery system in which Medicaid is provided to recipients.

(j) Notwithstanding subsection (b), the initial members appointed to the advisory committee under this section are appointed for the following terms:

- (1) Individuals appointed under subsection (b)(3) and (b)(4) are appointed for a term of four (4) years.
- (2) An individual appointed under subsection (b)(5) is appointed for a term of three (3) years.
- (3) An individual appointed under subsection (b)(6) is appointed



for a term of two (2) years.

(4) An individual appointed under subsection (b)(7) is appointed for a term of one (1) year.

This subsection expires December 31, 2013.

SECTION 108. IC 12-16.5-3-1, AS ADDED BY P.L.150-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The governor may enter into the compact on behalf of the state with any other state only after the following occur:

(1) The budget committee reviews the compact and any plan developed under subdivision (2).

(2) The budget agency prepares a plan showing how Indiana will provide access to health care for Indiana residents under the compact.

(3) The budget agency presents the plan described in subdivision (2) to the ~~health finance commission established by IC 2-5-23-3.~~ **interim study committee on public health, behavioral health, and human services established by IC 2-5-1.3-4.**

(b) The member states shall take joint and separate action to secure the consent of the United States Congress for the compact in order to return the authority to regulate health care to the member states that is consistent with the goals and principles articulated in the compact.

(c) The member states shall improve health care policy within the states' jurisdictions and according to the judgment and discretion of each member state.

SECTION 109. IC 12-17.2-2.5-6, AS ADDED BY P.L.126-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. Each committee shall annually report to the ~~interim study committee on child care established by IC 12-17.2-3.3-2~~ **public health, behavioral health, and human services established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6** concerning the committee's activities during the previous year.

SECTION 110. IC 12-17.2-3.3 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Committee on Child Care).

SECTION 111. IC 12-17.6-2-7, AS AMENDED BY P.L.205-2013, SECTION 212, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The office shall contract with an independent organization to evaluate the program.

(b) The office shall report the results of each evaluation to the:

(1) children's health policy board established by IC 4-23-27-2; and

(2) ~~health finance commission established by IC 2-5-23-3.~~



interim study committee on public health, behavioral health, and human services established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6.

(c) This section does not modify the requirements of other statutes relating to the confidentiality of medical records.

SECTION 112. IC 12-17.6-2-12, AS AMENDED BY P.L.205-2013, SECTION 213, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. Not later than April 1, the office shall provide a report describing the program's activities during the preceding calendar year to the:

- (1) budget committee;
- (2) legislative council;
- (3) children's health policy board established by IC 4-23-27-2; and
- (4) ~~health finance commission established by IC 2-5-23-3.~~ **interim study committee on public health, behavioral health, and human services established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6.**

A report provided under this section to the legislative council must be in an electronic format under IC 5-14-6.

SECTION 113. IC 12-21-6.5 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Commission on Mental Health and Addiction).

SECTION 114. IC 13-11-2-46 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 46. "~~Council~~", for purposes of ~~IC 13-13-7~~, refers to the ~~environmental quality service council established by IC 13-13-7-1~~; unless the specific reference is to the legislative council.

SECTION 115. IC 13-11-2-149.5, AS AMENDED BY P.L.78-2009, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 149.5. "Outstanding national resource water", for purposes of section 50.5 of this chapter and IC 13-18-3, means a water designated as such by the general assembly after recommendations by the ~~water pollution control~~ **environmental rules board** and the ~~environmental quality service council~~ **interim study committee on environmental affairs (established by IC 2-5-1.3-4)** under IC 13-18-3-2(n) and IC 13-18-3-2(o). The designation must describe the quality of the outstanding national resource water to serve as the benchmark of the water quality that shall be maintained and protected. Waters that may be considered for designation as outstanding national resource waters include water bodies that are recognized as:

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



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

SECTION 116. IC 13-11-2-151.6, AS ADDED BY P.L.12-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 151.6. "Panel", for purposes of ~~IC 13-13-7~~, **IC 13-13-7.1**, refers to the compliance advisory panel established by ~~IC 13-13-7-2~~. **IC 13-13-7.1-1**.

SECTION 117. IC 13-11-2-204.2 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 204.2. "Small business stationary source", for the purposes of IC 13-13-7.1, has the meaning set forth in 42 U.S.C. 7661f.**

SECTION 118. IC 13-13-7 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Environmental Quality Service Council and Compliance Advisory Panel).

SECTION 119. IC 13-13-7.1 IS ADDED TO THE INDIANA CODE AS A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 7.1. Compliance Advisory Panel

Sec. 1. The compliance advisory panel is established.

Sec. 2. The panel consists of the following members:

- (1) Two (2) members appointed by the president pro tempore of the senate who are members of the senate and who are owners of, or who have an interest in, a small business stationary source. Not more than one (1) of the members appointed under this subdivision may be members of the same political party.**
- (2) Two (2) members appointed by the speaker of the house of representatives who are members of the house of representatives and who are owners of, or who have an interest in, a small business stationary source. Not more than one (1) of the members appointed under this subdivision may**



be affiliated with the same political party.

(3) Two (2) members appointed by the governor to represent the public who are not members of the general assembly, owners of a small business stationary source, or representatives of owners of small business stationary sources. Not more than one (1) member appointed under this subdivision may be a solid waste management district director and not more than one (1) member appointed under this subdivision may be affiliated with the same political party.

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

Sec. 3. The term of a member appointed to the panel is two (2) years. However, an appointing authority may replace a member at any time during the member's term. Notwithstanding this section, the initial members of the panel are the members serving on the advisory compliance panel established by IC 13-13-7-2 (before its repeal) on March 15, 2014. The terms of the initial legislative members of the panel appointed under IC 13-13-7-3(b)(1) (before its repeal) and IC 13-13-7-3(b)(2) (before its repeal) expire on the earlier of the following:

(1) The date the two (2) year appointment would have expired under IC 13-13-7-4 (before its repeal).

(2) December 31, 2014.

If subdivision (1) applies, a legislative member appointed under section 2(1) or 2(2) of this chapter before January 1, 2015, to succeed the initial legislative member expires December 31, 2014.

Sec. 4. If a vacancy occurs on the panel, the appointing authority for the vacating member shall appoint an individual to fill the unexpired term of the vacating member. A member appointed to fill a vacancy must meet the same qualifications specified under section 2 of this chapter for the vacating member.

Sec. 5. The individual serving on the panel under section 2(4) of this chapter is a nonvoting member.

Sec. 6. The chairman of the legislative council shall appoint the chair of the panel from the members appointed under section 2(1) or 2(2) of this chapter. The chair of the panel serves at the pleasure of the chairman of the legislative council.

Sec. 7. Each member of the panel who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member also is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the



Indiana department of administration and approved by the budget agency.

Sec. 8. Each member of the panel who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

Sec. 9. Each member of the panel who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees established by the legislative council. Per diem, mileage, and travel allowances paid under this section shall be paid from appropriations made to the legislative council or the legislative services agency.

Sec. 10. The affirmative votes of a majority of the voting members appointed to the panel are required for the panel to take action on any measure, including final reports.

Sec. 11. The panel shall carry out the duties required of a compliance advisory panel under Section 507 of the federal Clean Air Act (42 U.S.C. 7661f).

Sec. 12. The department shall provide administrative and technical support to the panel as provided in IC 13-28-3-2, including duties related to the development and dissemination of reports and advisory opinions.

Sec. 13. Except as provided in section 9 of this chapter, the expenses of the panel shall be paid from appropriations to the department.

Sec. 14. The panel shall submit an annual report to the legislative council in an electronic format under IC 5-14-6.

SECTION 120. IC 13-15-4-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. Before July 15 of each year, the commissioner shall provide to the ~~environmental quality service council~~ **interim study committee on environmental affairs established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6 a list, current through July 1 of the year, of National Pollutant Discharge Elimination System (NPDES) permits that have been administratively extended that includes for each permit:**

- (1) the number of months that the permit has been administratively extended;**
- (2) the number of months that the department has extended a**



period under section 8 of this chapter or suspended processing of a permit application under section 10 of this chapter;

(3) the type of permit according to the types identified in IC 13-18-20-2 through IC 13-18-20-11; and

(4) the dates when public notice of a draft permit was given.

SECTION 121. IC 13-15-11-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The auditor of state shall make a report on the fund every four (4) months. The report:

(1) shall be issued not later than ten (10) working days following the last day of each four (4) month period;

(2) must include the beginning and ending balance, disbursements, and receipts;

(3) must comply with accounting standards under IC 4-13-2-7(a)(1); and

(4) must be available to the public.

(b) The auditor of state shall forward copies of the report to the following:

(1) The commissioner.

(2) The standing committees of the house of representatives and the senate concerned with the environment.

(3) The budget committee.

(4) The ~~environmental quality service council~~: **interim study committee on environmental affairs established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6.**

SECTION 122. IC 13-15-11-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. Before September 1 of each even-numbered year, the department shall report to the ~~environmental quality service council~~: **interim study committee on environmental affairs established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6:**

(1) the department's proposed distribution of funds among the programs referred to in section 1 of this chapter for the current state fiscal year;

(2) the department's rationale for the proposed distribution;

(3) any difference between:

(A) the proposed distribution; and

(B) the distribution made by the department in the immediately preceding state fiscal year; and

(4) the results of an independent audit of the correlation between:

(A) the distribution made by the department with respect to; and



(B) the department's actual expenses related to; each program referred to in section 1 of this chapter in the immediately preceding state fiscal year.

SECTION 123. IC 13-17-13-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The department shall provide an annual report to the following:

- (1) The board.
- (2) The ~~environmental quality service council~~; **interim study committee on environmental affairs established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6.**

(b) The report must include a summary of the:

- (1) reviews conducted; and
- (2) agreements approved;

in the preceding year under this chapter.

SECTION 124. IC 13-18-3-2, AS AMENDED BY P.L.81-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The board may adopt rules under IC 4-22-2 that are necessary to the implementation of:

- (1) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as in effect January 1, 1988; and
- (2) the federal Safe Drinking Water Act (42 U.S.C. 300f through 300j), as in effect January 1, 1988;

except as provided in IC 14-37.

(b) "Degradation" has the meaning set forth in IC 13-11-2-50.5.

(c) "Outstanding national resource water" has the meaning set forth in IC 13-11-2-149.5.

(d) "Outstanding state resource water" has the meaning set forth in IC 13-11-2-149.6.

(e) "Watershed" has the meaning set forth in IC 14-8-2-310.

(f) The board may designate a water body as an outstanding state resource water by rule if the board determines that the water body has a unique or special ecological, recreational, or aesthetic significance.

(g) Before the board may adopt a rule designating a water body as an outstanding state resource water, the board must consider the following:

- (1) Economic impact analyses, presented by any interested party, taking into account future population and economic development growth.
- (2) The biological criteria scores for the water body, using factors that consider fish communities, macro invertebrate communities, and chemical quality criteria using representative biological data from the water body under consideration.



(3) The level of current urban and agricultural development in the watershed.

(4) Whether the designation of the water body as an outstanding state resource water will have a significant adverse effect on future population, development, and economic growth in the watershed, if the water body is in a watershed that has more than three percent (3%) of its land in urban land uses or serves a municipality with a population greater than five thousand (5,000).

(5) Whether the designation of the water body as an outstanding state resource water is necessary to protect the unique or special ecological, recreational, or aesthetic significance of the water body.

(h) Before the board may adopt a rule designating a water body as an outstanding state resource water, the board must make available to the public a written summary of the information considered by the board under subsections (f) and (g), including the board's conclusions concerning that information.

(i) The commissioner shall present a summary of the comments received from the comment period and information that supports a water body designation as an outstanding state resource water to the ~~environmental quality service council~~ **interim study committee on environmental affairs established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6** not later than one hundred twenty (120) days after the rule regarding the designation is finally adopted by the board.

(j) Notwithstanding any other provision of this section, the designation of an outstanding state resource water in effect on January 1, 2000, remains in effect.

(k) For a water body designated as an outstanding state resource water, the board shall provide by rule procedures that will:

(1) prevent degradation; and

(2) allow for increases and additions in pollutant loadings from an existing or new discharge if:

(A) there will be an overall improvement in water quality for the outstanding state resource water as described in this section; and

(B) the applicable requirements of 327 IAC 2-1-2(1) and 327 IAC 2-1-2(2) and 327 IAC 2-1.5-4(a) and 327 IAC 2-1.5-4(b) are met.

(l) The procedures provided by rule under subsection (k) must include the following:

(1) A definition of significant lowering of water quality that includes a de minimis quantity of additional pollutant load:



- (A) for which a new or increased permit limit is required; and
 - (B) below which antidegradation implementation procedures do not apply.
- (2) Provisions allowing the permittee to choose application of one (1) of the following for each activity undertaken by the permittee that will result in a significant lowering of water quality in the outstanding state resource water:
- (A) Implementation of a water quality project in the watershed of the outstanding state resource water that will result in an overall improvement of the water quality of the outstanding state resource water.
 - (B) Payment of a fee, not to exceed five hundred thousand dollars (\$500,000), based on the type and quantity of increased pollutant loadings, to the department for deposit in the outstanding state resource water improvement fund established under section 14 of this chapter for use as permitted under that section.
- (3) Criteria for the submission and timely approval of projects described in subdivision (2)(A).
- (4) A process for public input in the approval process.
- (5) Use of water quality data that is less than seven (7) years old and specific to the outstanding state resource water.
- (6) Criteria for using the watershed improvement fees to fund projects in the watershed that result in improvement in water quality in the outstanding state resource water.
- (m) For a water body designated as an outstanding state resource water after June 30, 2000, the board shall provide by rule antidegradation implementation procedures before the water body is designated in accordance with this section.
- (n) A water body may be designated as an outstanding national resource water only by the general assembly after recommendations for designation are made by the board and the ~~environmental quality service council~~ **interim study committee on environmental affairs established by IC 2-5-1.3-4**.
- (o) Before recommending the designation of an outstanding national resource water, the department shall provide for an adequate public notice and comment period regarding the designation. The commissioner shall present a summary of the comments and information received during the comment period and the department's recommendation concerning designation to the ~~environmental quality service council~~ **interim study committee on environmental affairs established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6**



not later than ninety (90) days after the end of the comment period. The ~~council~~ **committee** shall consider the comments, information, and recommendation received from the department, and shall convey its recommendation concerning designation to the general assembly within six (6) months after receipt.

(p) This subsection applies to all surface waters of the state. The department shall complete an antidegradation review of all NPDES general permits. The department may modify the general permits for purposes of antidegradation compliance. After an antidegradation review of a permit is conducted under this subsection, activities covered by an NPDES general permit are not required to undergo an additional antidegradation review. An NPDES general permit may not be used to authorize a discharge into an outstanding national resource water or an outstanding state resource water, except that a short term, temporary storm water discharge to an outstanding national resource water or to an outstanding state resource water may be permitted under an NPDES general permit if the commissioner determines that the discharge will not significantly lower the water quality downstream of the discharge.

(q) Subsection (r) applies to an application for:

- (1) an NPDES permit subject to IC 13-15-4-1(a)(2)(B), IC 13-15-4-1(a)(3)(B), or IC 13-15-4-1(a)(4); or
- (2) a modification or renewal of a permit referred to in one (1) of the sections referred to in subdivision (1) that proposes new or increased discharge that would result in a significant lowering of water quality as defined in subsection (l)(1).

(r) For purposes of an antidegradation review with respect to an application referred to in subsection (q), the applicant shall demonstrate at the time the application is submitted to the department, and the commissioner shall review:

- (1) an analysis of alternatives to the proposed discharge; and
- (2) subject to subsection (s), social or economic factors indicating the importance of the proposed discharge if alternatives to the proposed discharge are not practicable.

(s) Subject to subsection (t), the commissioner shall consider the following factors in determining whether a proposed discharge is necessary to accommodate important economic or social development in the area in which the waters are located under antidegradation standards and implementation procedures:

- (1) Creation, expansion, or maintenance of employment.
- (2) The unemployment rate.
- (3) The median household income.



- (4) The number of households below the poverty level.
- (5) Community housing needs.
- (6) Change in population.
- (7) The impact on the community tax base.
- (8) Provision of fire departments, schools, infrastructure, and other necessary public services.
- (9) Correction of a public health, safety, or environmental problem.
- (10) Production of goods and services that protect, enhance, or improve the overall quality of life and related research and development.
- (11) The impact on the quality of life for residents in the area.
- (12) The impact on the fishing, recreation, and tourism industries.
- (13) The impact on threatened and endangered species.
- (14) The impact on economic competitiveness.
- (15) Demonstration by the permit applicant that the factors identified and reviewed under subdivisions (1) through (14) are necessary to accommodate important social or economic development despite the proposed significant lowering of water quality.
- (16) Inclusion by the applicant of additional factors that may enhance the social or economic importance associated with the proposed discharge, such as an approval that:
 - (A) recognizes social or economic importance; and
 - (B) is given to the applicant by:
 - (i) a legislative body; or
 - (ii) other government officials.
- (17) Any other action or recommendation relevant to the antidegradation demonstration made by a:
 - (A) state;
 - (B) county;
 - (C) township; or
 - (D) municipality;
 potentially affected by the proposed discharge.
- (18) Any other action or recommendation relevant to the antidegradation demonstration received during the public participation process.
- (19) Any other factors that the commissioner:
 - (A) finds relevant; or
 - (B) is required to consider under the Clean Water Act.
- (t) In determining whether a proposed discharge is necessary to accommodate important economic or social development in the area in



which the waters are located under antidegradation standards and implementation procedures, the commissioner:

- (1) must give substantial weight to any applicable determinations by governmental entities; and
- (2) may rely on consideration of any one (1) or a combination of the factors listed in subsection (s).

(u) Each exceptional use water (as defined in IC 13-11-2-72.5, before its repeal) designated by the board before June 1, 2009, becomes an outstanding state resource water on June 1, 2009, by operation of law.

(v) Beginning June 1, 2009, all waters of the state are classified in the following categories:

- (1) Outstanding national resource waters.
- (2) Outstanding state resource waters.
- (3) Waters of the state as described in 327 IAC 2-1-2(1), as in effect on January 1, 2009.
- (4) High quality waters as described in 327 IAC 2-1-2(2), as in effect on January 1, 2009.
- (5) Waters of the state as described in 327 IAC 2-1.5-4(a), as in effect on January 1, 2009.
- (6) High quality waters as described in 327 IAC 2-1.5-4(b), as in effect on January 1, 2009.

SECTION 125. IC 13-18-3-14, AS AMENDED BY P.L.78-2009, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) The outstanding state resource water improvement fund is established. All money collected under section 2 of this chapter and any money accruing to the fund are continuously appropriated to the fund to carry out the purposes of section 2 of this chapter. Money in the fund at the end of a state fiscal year does not revert to the state general fund, unless the outstanding state resource water improvement fund is abolished.

(b) The outstanding state resource water improvement fund shall be administered as follows:

- (1) The fund may be used by the department of environmental management to fund projects that will lead to overall improvement to the water quality of the affected outstanding state resource water.
- (2) The treasurer of state may invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.
- (3) Any interest received accrues to the fund.
- (4) The expenses of administering the fund shall be paid from the



fund.

(c) The commissioner shall annually report to the ~~environmental quality service council~~; **interim study committee on environmental affairs established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6:**

- (1) plans for the use and implementation of the outstanding state resource water improvement fund; and
- (2) the balance in the fund.

SECTION 126. IC 13-20-17.7-2, AS ADDED BY P.L.170-2006, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A plan described in section 1 of this chapter must include the following:

(1) An education program concerning the purposes of the mercury switch collection program and how to participate in the program, including the following:

- (A) Educational materials about the program.
- (B) Information identifying which end of life vehicles might contain mercury switches by make, model, and year of manufacture.
- (C) Instructions on safe and environmentally sound methods to remove mercury switches.

(2) The provision of containers for collecting and storing mercury switches.

(3) Procedures for the transportation of mercury switches to recycling, storage, or disposal facilities.

(4) Procedures for the recycling, storage, and disposal of mercury.

(5) Procedures to track the progress of the program, including a description of performance measures to be used and reported to demonstrate that the program is meeting measures of the effectiveness of the program, including the following:

- (A) The number of mercury switches collected from end of life vehicles.
- (B) The amount of mercury collected.

(6) Procedures for implementing the plan.

(b) The department shall:

(1) prepare an annual report that includes the information tracked under subsection (a)(5); and

(2) provide the report to:

(A) the legislative council in an electronic format under IC 5-14-6; and

(B) the ~~environmental quality service council~~; **interim study committee on environmental affairs established by**



IC 2-5-1.3-4 in an electronic format under IC 5-14-6.

SECTION 127. IC 13-20.5-7-4, AS ADDED BY P.L.178-2009, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Before August 1, 2013, and before August 1 of each year thereafter, the department shall submit a report concerning the implementation of this article to:

- (1) the general assembly in an electronic format under IC 5-14-6;
- (2) the governor;
- (3) the ~~environmental quality service council established by IC 13-13-7-1;~~ **interim study committee on environmental affairs established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6;** and
- (4) the Indiana recycling market development board established by IC 4-23-5.5-2.

(b) For each state fiscal year, the report submitted under subsection (a):

- (1) must discuss the total weight of covered electronic devices recycled in the state fiscal year and a summary of information in the reports submitted by manufacturers and recyclers under IC 13-20.5-3;
- (2) must discuss the various collection programs used by manufacturers to collect covered electronic devices, information regarding covered electronic devices that are being collected by persons other than registered manufacturers, collectors, and recyclers, and information about covered electronic devices, if any, being disposed of in landfills in Indiana;
- (3) must include a description of enforcement actions under this article during the state fiscal year; and
- (4) may include other information received by the department regarding the implementation of this article.

SECTION 128. IC 13-28-3-2, AS AMENDED BY P.L.12-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The assistance program established under this chapter shall do the following:

- (1) Designate an individual to serve as a liaison and ombudsman to the regulated community to assist the regulated community with specific regulatory or permit matters pending with the department.
- (2) Provide assistance to new and existing businesses and small municipalities in identifying:
 - (A) applicable environmental rules and regulations; and
 - (B) permit requirements;



that apply to new and existing businesses and small municipalities.

(3) Develop and distribute educational materials regarding:

- (A) environmental requirements;
- (B) compliance methods;
- (C) voluntary environmental audits;
- (D) pollution control technologies; and
- (E) other compliance issues;

including standardized forms and procedures for completing permit applications.

(4) Provide public outreach and training sessions in cooperation with representatives of the business and municipal communities regarding existing and future state and federal environmental requirements.

(5) Develop and operate a clearinghouse to respond to inquiries from businesses and municipalities concerning applicable environmental rules, regulations, and requirements.

(6) Provide technical assistance concerning pollution control techniques to local and state governmental entities and businesses and distribute educational materials regarding pollution prevention developed by the pollution prevention division established by IC 13-27-2-1.

(7) Provide administrative and technical support for the compliance advisory panel established by ~~IC 13-13-7-2~~.
IC 13-13-7.1-1.

(8) Conduct other activities as required to:

- (A) improve regulatory compliance; and
- (B) promote cooperation and assistance in meeting environmental requirements.

(b) The assistance program may establish limited onsite assistance to provide compliance information to a small business or small municipality, subject to the confidentiality provisions of section 4 of this chapter. The assistance program may use money from the environmental management special fund to implement this subsection. The assistance program may limit the number of inspections per year and restrict onsite assistance to specific programs.

SECTION 129. IC 13-28-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The department shall prepare an annual report of the activities conducted under this chapter.

(b) The annual report must include the following:

- (1) The number and types of inquiries the program received.



- (2) The services provided by the program.
- (c) The annual report shall be distributed to the following:
 - (1) The governor.
 - (2) The ~~environmental quality service council~~ **interim study committee on environmental affairs established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6.**

SECTION 130. IC 13-28-4-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) The department shall maintain statistics on the use of environmental audit reports in department compliance and enforcement activities, including statistics on:

- (1) the number of times the reports are disclosed to the department;
- (2) the number and types of violations disclosed to the department through the reports;
- (3) the civil penalties collected for the violations; and
- (4) the time necessary for the violations to be corrected.

The department shall report annually to the ~~environmental quality service council~~ **interim study committee on environmental affairs established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6** on the use of environmental audit reports.

(b) The department shall propose an enforcement policy, pursuant to IC 13-14-1-11.5, that provides relief from civil penalties for a voluntary disclosure that results from an internal environmental audit. In developing this enforcement policy, the department shall consider similar policies implemented by:

- (1) the United States Environmental Protection Agency; and
- (2) states contiguous to Indiana.

(c) The department shall report annually to the ~~environmental quality service council~~ **interim study committee on environmental affairs established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6** on the use and effectiveness of the enforcement policy.

SECTION 131. IC 14-25-7-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. The ~~natural resources study committee created by IC 2-5-5-1~~ **interim study committee on agriculture and natural resources established by IC-2-5-1.3-4** shall do the following:

- (1) Oversee the water resource management program of this chapter and the needs of the people of Indiana.
- (2) Report the findings and recommendations in an electronic format under IC 5-14-6 to the ~~general assembly through the legislative council~~ **under IC 2-5-1.2-15.**



SECTION 132. IC 15-13-6-5, AS ADDED BY P.L.2-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) As requested by the advisory committee, the:

- (1) commission;
- (2) board; or
- (3) board of trustees of the barn;

shall provide to the advisory committee information relating to the operation of each, respectively.

(b) The ~~legislative services agency~~ **department of agriculture** shall provide staff for the advisory committee.

SECTION 133. IC 15-16-10-4, AS ADDED BY P.L.23-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The council has the following duties:

- (1) Recommend:
 - (A) priorities for projects;
 - (B) funding; and
 - (C) rules and laws;

concerning invasive species to the appropriate governmental agencies and legislative committees.

- (2) Recommend a lead state agency to:
 - (A) develop an invasive species inventory for each invasive species taxon; and
 - (B) develop and maintain a data management system for invasive species in Indiana.
- (3) Communicate with other states, federal agencies, and state and regional organizations to enhance consistency and effectiveness in:
 - (A) preventing the spread of;
 - (B) early detection of;
 - (C) response to; and
 - (D) management of;
 invasive species.
- (4) Coordinate invasive species education and outreach programs.
- (5) Convene or support an invasive species meeting at least once per biennium to provide information on best practices and pertinent research findings.
- (6) Assist governmental agencies in:
 - (A) reviewing current invasive species policies and procedures; and
 - (B) addressing any deficiencies or inconsistencies concerning invasive species policies and procedures.



(7) Assist state agencies in reviewing the agencies' performance measures for accountability concerning the agencies' invasive species actions.

(8) Receive reports from any governmental agency regarding actions taken on recommendations of the council.

(9) Apply for grants.

(10) Provide grants for education concerning or management of invasive species.

(b) The council does not have any regulatory authority over invasive species or the authority to hear appeals of grievances.

(c) The council may create advisory committees to provide information and recommendations to the council.

(d) Beginning July 1, 2011, the council shall issue a ~~written~~ report to the ~~natural resources study committee (IC 2-5-5-1)~~ **interim study committee on agriculture and natural resources established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6** in every odd-numbered year. The report must include a summary of:

(1) the council's activities;

(2) the performance of the council's duties; and

(3) efforts in the state to identify and manage invasive species.

The report may include recommendations of the council.

SECTION 134. IC 16-28-15-13, AS AMENDED BY P.L.205-2013, SECTION 216, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. The ~~health finance commission established by IC 2-5-23-3~~ **interim study committee on public health, behavioral health, and human services established by IC 2-5-1.3-4** shall review the implementation of this chapter.

SECTION 135. IC 16-29-6-8 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 8: Not later than October 31, 2013, the office of the secretary of family and social services shall report to the ~~health finance commission established by IC 2-5-23-3~~ with a five (5) year plan to steadily reduce the number of Medicaid certified comprehensive care beds and health facility patients:

SECTION 136. IC 20-24.2-6-1 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 1: The ~~commission on education study committee established by IC 2-5-38.1, as added by SEA 409-2013, SECTION 1, shall:~~

(1) monitor the effectiveness of the performance qualified school district and high school program;

(2) study and make recommendations to the general assembly concerning the issue of the length of the school year and the use of time equivalents to one hundred eighty (180) days by qualified



districts and qualified high schools; and

(3) study and make recommendations to the general assembly concerning the expansion of the performance qualified schools program to middle schools and elementary schools.

SECTION 137. IC 22-2-15-4 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 4. The department shall make a presentation to the pension management oversight commission not later than October 1, 2010, outlining the proposed guidelines and procedures.

SECTION 138. IC 22-2-15-6 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 6. After considering any recommendations by the pension management oversight commission, the department shall convert the guidelines and procedures to rules by adopting rules under IC 4-22-2 before August 1, 2011. The department shall implement the rules before August 1, 2011.

SECTION 139. IC 24-4.7-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The division shall, after June 30 and before October 1 of each year, report to the regulatory flexibility committee established by IC 8-1-2.6-4 **interim study committee on energy, utilities, and telecommunications established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6** on the following:

(1) For the state fiscal year ending June 30, 2002, the expenses incurred by the division in establishing the listing.

(2) (1) The total amount of fees deposited in the fund during the most recent state fiscal year.

(3) (2) The expenses incurred by the division in maintaining and promoting the listing during the most recent state fiscal year.

(4) (3) The projected budget required by the division to comply with this article during the current state fiscal year.

(5) (4) Any other expenses incurred by the division in complying with this article during the most recent state fiscal year.

(6) (5) The total number of subscribers on the listing at the end of the most recent state fiscal year.

(7) (6) The number of new subscribers added to the listing during the most recent state fiscal year.

(8) (7) The number of subscribers removed from the listing for any reason during the most recent state fiscal year.

(b) The regulatory flexibility committee **interim study committee on energy, utilities, and telecommunications established by IC 2-5-1.3-4** shall, before November 1 of each year, issue in an electronic format under IC 5-14-6 a report and recommendations to the legislative council concerning the information received under



subsection (a).

SECTION 140. IC 25-1-16-13, AS ADDED BY P.L.84-2010, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. The committee shall submit a report to the:

- (1) governor;
- (2) ~~health finance commission;~~ **interim study committee on public health, behavioral health, and human services established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6;** and
- (3) legislative services agency;

not later than July 1 of each year. The report submitted to the legislative services agency must be in an electronic format under IC 5-14-6.

SECTION 141. IC 27-1-29-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The Indiana political subdivision risk management commission is created as a separate body corporate and politic, constituting an instrumentality of the state for the public purposes set out in this chapter, but not a state agency. The commission is separate from the state in its corporate and sovereign capacity. The purpose of the commission is aiding political subdivisions in protecting themselves against liabilities. The commission is not subject to IC 27-6-8, and the Indiana guaranty association created by IC 27-6-8-5 has no obligation to insureds or claimants of the commission.

(b) The commission consists of the insurance commissioner, who shall serve as chairman, and ~~ten (10)~~ **nine (9)** other commission members. **However, the reduction in membership of the commission from ten (10) appointed members to nine (9) appointed members shall be accomplished as the terms of members end and new members are appointed. Until the expiration of the term of a member who is serving on the commission on January 1, 2014, and resides in the same congressional district as another member, the commission consists of ten (10) appointed members.** Except for the commissioner, the members of the commission shall be appointed by the governor for a term of four (4) years. No more than five (5) commission members appointed by the governor under this section may be members of the same political party. The commission members appointed by the governor under this section must include one (1) resident of each congressional district in Indiana. The commission shall elect one (1) of the appointed commission members as secretary of the commission.



(c) The initial appointments of commission members are for the following terms:

- (1) Three (3) members appointed for a term of one (1) year.
- (2) Three (3) members appointed for a term of two (2) years.
- (3) Two (2) members appointed for a term of three (3) years.
- (4) Two (2) members appointed for a term of four (4) years.

A commission member may be reappointed to the commission.

(d) In appointing commission members under this section, the governor shall consider the qualifications, expertise, and background that would provide the proper talent to administer this chapter. To the degree possible, the members must have backgrounds in educational administration, risk management, and governance of a political subdivision and must include persons with knowledge of insurance matters.

(e) A vacancy occurring on the commission shall be filled through the appointment of a resident of the same congressional district as the vacating commission member for the unexpired term of the commission member leaving the commission.

(f) Each member of the commission who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Such a commission member is also entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the state budget agency.

(g) Each member of the commission who is a state employee is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the commission member's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the state budget agency.

(h) All property of the commission is public property devoted to an essential public and governmental function and purpose and is exempt from all taxes and special assessments of the state or a political subdivision of the state.

SECTION 142. IC 29-1-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The report of the probate code study commission **established by IC 2-5-16 (before its repeal)** made pursuant to Acts 1949, c. 302, s. 5 and Acts 1951, c. 347, s. 2 may be consulted by the courts to determine the underlying reasons, purposes, and policies of this article, and may be used as a guide in its construction and application.



SECTION 143. IC 31-25-4-13.1, AS AMENDED BY P.L.210-2011, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13.1. (a) This section applies after December 31, 2006.

(b) The bureau shall make the agreements necessary for the effective administration of the plan with local governmental officials within Indiana. The bureau shall contract with:

- (1) a prosecuting attorney;
- (2) a private attorney or private entity if the bureau determines that a reasonable contract cannot be entered into with a prosecuting attorney and the determination is approved by at least two-thirds (2/3) of the ~~Indiana child custody and support advisory committee (established by IC 33-24-11-1);~~ **interim study committee on public health, behavioral health, and human services established by IC 2-5-1.3-4;** or

- (3) a collection agency licensed under IC 25-11 to collect arrearages on child support orders under which collections have not been made on arrearages for at least two (2) years;

in each judicial circuit to undertake activities required to be performed under Title IV-D of the federal Social Security Act (42 U.S.C. 651), including establishment of paternity, establishment, enforcement, and modification of child support orders, activities under the Uniform Reciprocal Enforcement of Support Act (IC 31-2-1, before its repeal) or the Uniform Interstate Family Support Act (IC 31-18, or IC 31-1.5 before its repeal), and if the contract is with a prosecuting attorney, prosecutions of welfare fraud.

(c) The hiring of a private attorney or private entity by an agreement or a contract made under this section is not subject to the approval of the attorney general under IC 4-6-5-3. An agreement or a contract made under this section is not subject to IC 4-13-2-14.3 or IC 5-22.

(d) Subject to section 14.1 of this chapter, a prosecuting attorney with which the bureau contracts under subsection (b):

- (1) may contract with a collection agency licensed under IC 25-11 to provide child support enforcement services; and
- (2) shall contract with a collection agency licensed under IC 25-11 to collect arrearages on child support orders under which collections have not been made on arrearages for at least two (2) years.

(e) A prosecuting attorney or private attorney entering into an agreement or a contract with the bureau under this section enters into an attorney-client relationship with the state to represent the interests of the state in the effective administration of the plan and not the



interests of any other person. An attorney-client relationship is not created with any other person by reason of an agreement or contract with the bureau.

(f) At the time that an application for child support services is made, the applicant must be informed that:

- (1) an attorney who provides services for the child support bureau is the attorney for the state and is not providing legal representation to the applicant; and
- (2) communications made by the applicant to the attorney and the advice given by the attorney to the applicant are not confidential communications protected by the privilege provided under IC 34-46-3-1.

(g) A prosecuting attorney or private attorney who contracts or agrees under this section to undertake activities required to be performed under Title IV-D is not required to mediate, resolve, or litigate a dispute between the parties relating to:

- (1) the amount of parenting time or parenting time credit; or
- (2) the assignment of the right to claim a child as a dependent for federal and state tax purposes.

(h) An agreement made under subsection (b) must contain requirements stipulating service levels a prosecuting attorney or private entity is expected to meet. The bureau shall disburse incentive money based on whether a prosecuting attorney or private entity meets service levels stipulated in an agreement made under subsection (b).

SECTION 144. IC 31-25-4-27, AS ADDED BY P.L.145-2006, SECTION 271, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 27. The director of the department shall adopt rules necessary to implement Title IV-D of the federal Social Security Act and this chapter. The department shall send a copy of each proposed or adopted rule to ~~each member of the Indiana child custody and support advisory committee established by IC 33-24-11-1~~ **the interim public health, behavioral health, and human services established by IC 2-5-1.3-4** not later than ten (10) days after proposal or adoption.

SECTION 145. IC 33-23-10 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Commission on Courts).

SECTION 146. IC 33-24-11 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Indiana Child Custody and Support Advisory Committee).

SECTION 147. IC 33-38-9-10 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 10. (a) Beginning in 2011, the Indiana judicial center shall submit a report to the commission on courts established by~~



~~IC 33-23-10-1~~ by July 1 of each year concerning the status of problem solving courts. Each report must contain the following information:

- (1) The number of problem solving courts certified by the Indiana judicial center.
- (2) The number of courts that have notified the Indiana judicial center of their intention to establish a problem solving court.
- (3) The number of each type of problem solving court, as set forth in ~~IC 33-23-16-11~~, that have been established, including courts certified under ~~IC 33-23-16-11(8)~~.
- (4) The success rates of problem solving courts with specific examples of successes and failures.
- (5) Legislative suggestions to improve the certification or operation of problem solving courts.

(b) The first report required by this section must be submitted not later than July 1, 2011.

(c) This section expires June 30, 2014.

SECTION 148. ~~IC 36-7-14-44.2 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 44.2: On a quadrennial basis, the general assembly shall provide for an evaluation of the provisions of this chapter, giving first priority to using the Indiana economic development corporation established under IC 5-28-3. The evaluation shall be a fiscal analysis, including an assessment of the effectiveness of the provisions of this chapter to:~~

- (1) create new jobs;
- (2) increase income; and
- (3) increase the tax base;

~~in the jurisdiction of the unit. The fiscal analysis may also consider impacts on tax burdens borne by property owners. The fiscal analysis may also include a review of the practices and experiences of other states or political subdivisions with laws similar to the provisions of this chapter. The Indiana economic development corporation established under IC 5-28-3 or another person or entity designated by the general assembly shall submit a report on the evaluation to the governor, the president pro tempore of the senate, and the speaker of the house of representatives before December 1, 1999, and every fourth year thereafter. The report submitted to the president pro tempore of the senate and the speaker of the house of representatives must be in an electronic format under IC 5-14-6.~~

SECTION 149. ~~IC 36-7-15.1-36.2 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 36.2: On a quadrennial basis, the general assembly shall provide for an evaluation of the provisions of this chapter, giving first priority to using the Indiana economic~~



development corporation established under IC 5-28-3. The evaluation must be a fiscal analysis, including an assessment of the effectiveness of the provisions of this chapter to:

- (1) create new jobs;
- (2) increase income; and
- (3) increase the tax base;

in the jurisdiction of the county. The fiscal analysis may also consider impacts on tax burdens borne by property owners. The fiscal analysis may also include a review of the practices and experiences of other states or political subdivisions with laws similar to the provisions of this chapter. The Indiana economic development corporation established under IC 5-28-3 or another person or entity designated by the general assembly shall submit a report on the evaluation to the governor, the president pro tempore of the senate, and the speaker of the house of representatives before December 1, 2007, and every fourth year thereafter.

SECTION 150. IC 36-7.5-5-1, AS ADDED BY P.L.230-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The development authority shall investigate and study the following:

- (1) Whether the statistical profile of injuries annually sustained by the population of northwestern Indiana justifies the placement of one (1) or more trauma centers in northwestern Indiana and, if so, what the appropriate levels of the trauma centers should be to care for those injuries, in terms of the trauma center rating system of the American College of Surgeons.
- (2) The feasibility of developing an academic medical center in northwestern Indiana.

(b) The development authority shall report its findings to the budget committee and, **in an electronic format under IC 5-14-6, the health finance commission interim study committee on public health, behavioral health, and human services established by IC 2-5-1.3-4** not later than November 1, 2014.

(c) This section expires June 30, 2015.

SECTION 151. P.L.101-2009, SECTION 21, IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~SECTION 21:~~ (a) As used in this section, "committee" refers to the interim study committee on driver education established by this SECTION.

(b) There is established the interim study committee on driver education. The committee shall study:

- (1) the administration of driver education by the bureau of motor vehicles and the department of education;



- (2) standards for an Internet component of driver instruction;
- (3) standards for a classroom component of driver instruction;
- (4) penalties for instructional providers that fail to follow the standards for instruction driving experience;
- (5) statistics for moving violations accrued by individuals less than eighteen (18) years of age who had:
 - (A) taken driver education with a classroom component of driver instruction;
 - (B) taken an Internet component of driver instruction; and
 - (C) no formal driver education;
- (6) the effectiveness of driver education courses on the accident rates of young drivers; and
- (7) the standards and curriculum content for an effective driver education program.

(c) Not later than November 1 in the years 2009 through 2014, the state police department shall make a written report to the:

- (1) legislative council; and
- (2) governor;

concerning motor vehicle accidents and fatalities resulting from motor vehicle accidents in the preceding year involving operators of a motor vehicle who were at least fifteen (15) years and one hundred eighty (180) days of age and less than twenty (20) years of age. The report to the legislative council must be in an electronic format under IC 5-14-6.

(d) The committee shall operate under the policies governing study committees adopted by the legislative council.

(e) The affirmative votes of a majority of the voting members appointed to the committee are required for the committee to take action on any measure, including final reports.

(f) This SECTION expires December 31, 2014.

SECTION 152. P.L.191-2013, SECTION 7, IS REPEALED [EFFECTIVE UPON PASSAGE]. SECTION 7. (a) The health finance commission (IC 2-5-23) shall study the appropriateness of the implementation time line for the required reporting of immunization data as described in IC 16-38-5-2, as amended by this act; considering:

- (1) necessary improvements to the immunization registry system for providers who manually enter immunization data into the immunization registry portal; and ways to identify and reduce errors and inaccuracies between the immunization registry system and interfaced electronic medical record systems; and
- (2) the progress in improving the interoperability of the immunization registry system and electronic medical record systems.



~~(b) The commission shall submit a report to the legislative council in a format required under IC 2-5-23-14 that includes the commission's findings and recommendations of topics studied under subsection (a):~~

~~(c) This SECTION expires January 1, 2015.~~

SECTION 153. P.L.232-2013, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION 29. (a) As used in this SECTION, "commission" refers to the health finance commission established by IC 2-5-23-3 **(before its repeal)**.

(b) As used in this SECTION, "committee" refers to the midwifery committee established by IC 25-23.4-2-1, as added by ~~this act~~: **P.L.232-2013**.

(c) The medical licensing board shall report ~~to the commission~~ as follows:

(1) **To the commission**, before October 1, 2013, actions taken under IC 25-23.4, as added by ~~this act~~, **P.L.232-2013**, including the following:

(A) Appointments made to the committee.

(B) Any proposed rules, including the status of the rules.

(2) **To the interim study committee on public health, behavioral health, and human services established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6**, before October 1, 2014, actions taken under IC 25-23.4, as added by ~~this act~~, **P.L.232-2013**, including the following:

(A) Any proposed rules, including the status of the rules.

(B) The number of applications submitted for a certificate.

(C) The number of certificates issued.

(D) The names of physicians who have registered under IC 25-23.4-5-2, as added by ~~this act~~: **P.L.232-2013**.

~~(d) This SECTION expires December 31, 2014.~~

SECTION 154. HEA 1215-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 15, 2014] ~~(a) As used in this SECTION, "commission" refers to the commission on state tax and financing policy: established by IC 2-5-3-2.~~

~~(b) (a) The commission shall compare~~ **legislative council is urged to assign the study topic of comparing** the effectiveness of tax credits to the effectiveness of grant programs in encouraging the preservation and commercial redevelopment of historic properties **to an appropriate interim study committee.**

~~(c) The commission shall submit its findings and recommendations; if any, to the legislative council in an electronic format under IC 5-14-6 before November 1, 2014.~~

~~(d) (b) This SECTION expires January 1, 2015.~~



SECTION 155. An emergency is declared for this act.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

SEA 80 — CC 1

