



January 14, 2015

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## SENATE BILL No. 199

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DIGEST OF SB 199 (Updated January 12, 2015 1:37 pm - DI 106)

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

**Synopsis:** Substantive problems in the Indiana Code. Resolves various nontechnical conflicts and problems not suitable for resolution in the annual technical corrections bill, including: (1) statutes that have been both amended and repealed; (2) ambiguous language and references; (3) faulty definitions; and (4) reference to defunct entities. (The introduced version of this bill was prepared by the code revision commission.)

**Effective:** Upon passage; July 1, 2011 (retroactive); July 1, 2013 (retroactive); July 1, 2014 (retroactive); January 1, 2015 (retroactive).

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January 6, 2015, read first time and referred to Committee on Civil Law.  
January 13, 2015, amended, reported favorably — Do Pass.

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SB 199—LS 6077/DI 112





January 14, 2015

First Regular Session 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## SENATE BILL No. 199

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

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

1 SECTION 1. IC 3-11-8-25.1, AS AMENDED BY P.L.76-2014,  
2 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 UPON PASSAGE]: Sec. 25.1. (a) Except as provided in subsection (e),  
4 a voter who desires to vote an official ballot at an election shall provide  
5 proof of identification.  
6 (b) Except as provided in subsection (e), before the voter proceeds  
7 to vote in the election, a precinct election officer shall ask the voter to  
8 provide proof of identification. One (1) of each of the precinct election  
9 officers nominated by each county chairman of a major political party  
10 of the county under IC 3-6-6-8 or IC 3-6-6-9 is entitled to ask the voter  
11 to provide proof of identification. The voter shall produce the proof of  
12 identification to each precinct officer requesting the proof of  
13 identification before being permitted to sign the poll list.  
14 (c) If:  
15 (1) the voter is unable or declines to present the proof of  
16 identification; or

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- 1 (2) a member of the precinct election board determines that the  
 2 proof of identification provided by the voter does not qualify as  
 3 proof of identification under IC 3-5-2-40.5;  
 4 a member of the precinct election board shall challenge the voter as  
 5 prescribed by this chapter.
- 6 (d) If the voter executes a challenged voter's affidavit under section  
 7 22.1 of this chapter, the voter may:  
 8 (1) sign the poll list; and  
 9 (2) receive a provisional ballot.
- 10 (e) A voter who votes in person at a precinct polling place that is  
 11 located at a state licensed care facility where the voter resides is not  
 12 required to provide proof of identification before voting in an election.
- 13 (f) After a voter has passed the challengers or has been sworn in, the  
 14 voter shall be instructed by a member of the precinct election board to  
 15 proceed to the location where the poll clerks are stationed. In a vote  
 16 center county using an electronic poll list, two (2) election officers who  
 17 are not members of the same political party must be present when a  
 18 voter signs in on the electronic poll list. The voter shall announce the  
 19 voter's name to the poll clerks or assistant poll clerks. A poll clerk, an  
 20 assistant poll clerk, or a member of the precinct election board shall  
 21 require the voter to write the following on the poll list or to provide the  
 22 following information for entry into the electronic poll list:  
 23 (1) The voter's name.  
 24 (2) Except as provided in subsection (k), the voter's current  
 25 residence address.
- 26 (g) The poll clerk, an assistant poll clerk, or a member of the  
 27 precinct election board shall:  
 28 (1) ask the voter to provide or update the voter's voter  
 29 identification number;  
 30 (2) tell the voter the number the voter may use as a voter  
 31 identification number; and  
 32 (3) explain to the voter that the voter is not required to provide or  
 33 update a voter identification number at the polls.
- 34 (h) The poll clerk, an assistant poll clerk, or a member of the  
 35 precinct election board shall ask the voter to provide proof of  
 36 identification.
- 37 (i) In case of doubt concerning a voter's identity, the precinct  
 38 election board shall compare the voter's signature with the signature on  
 39 the affidavit of registration or any certified copy of the signature  
 40 provided under IC 3-7-29 or enter the information into the electronic  
 41 poll book. If the board determines that the voter's signature is authentic,  
 42 the voter may then vote. If either poll clerk doubts the voter's identity



1 following comparison of the signatures, the poll clerk shall challenge  
2 the voter in the manner prescribed by section 21 of this chapter.

3 (j) If: ~~in a precinct governed by subsection (g):~~

4 (1) the poll clerk does not execute a challenger's affidavit; or

5 (2) the voter executes a challenged voter's affidavit under section  
6 22.1 of this chapter or executed the affidavit before signing the  
7 poll list;

8 the voter may then vote.

9 (k) The electronic poll book (or each line on a poll list sheet  
10 provided to take a voter's current address) must include a box under the  
11 heading "Address Unchanged" so that the voter may check the box  
12 instead of writing the voter's current address on the poll list, or if an  
13 electronic poll book is used, the poll clerk may check the box after  
14 stating to the voter the address shown on the electronic poll book and  
15 receiving an oral affirmation from the voter that the voter's residence  
16 address shown on the poll list is the voter's current residence address  
17 instead of writing the voter's current residence address on the poll list  
18 or reentering the address in the electronic poll book.

19 (l) If the voter indicates that the voter's current residence is located  
20 within another county in Indiana, the voter is considered to have  
21 directed the county voter registration office of the county where the  
22 precinct is located to cancel the voter registration record within the  
23 county. The precinct election board shall provide the voter with a voter  
24 registration application for the voter to complete and file with the  
25 county voter registration office of the county where the voter's current  
26 residence address is located.

27 (m) If the voter indicates that the voter's current residence is located  
28 outside Indiana, the voter is considered to have directed the county  
29 voter registration office of the county where the precinct is located to  
30 cancel the voter registration record within the county.

31 SECTION 2. IC 3-14-5-8, AS ADDED BY P.L.164-2006,  
32 SECTION 134, IS AMENDED TO READ AS FOLLOWS  
33 [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) As used in this section,  
34 "governmental entity" refers to any of the following:

35 (1) A city.

36 (2) A town.

37 (3) A school corporation.

38 (4) An agency of a governmental entity referred to in any of  
39 subdivisions (1) through (3).

40 (b) As used in this section, "date of conviction" refers to the date  
41 when:

42 (1) in a jury trial, a jury publicly announces a verdict against a



- 1 person for a felony or Class A misdemeanor;  
 2 (2) in a bench trial, the court publicly announces a verdict against  
 3 a person for a felony or Class A misdemeanor; or  
 4 (3) in a guilty plea hearing, a person pleads guilty or nolo  
 5 contendere to a felony or Class A misdemeanor.
- 6 (c) A person who is convicted under IC 3-14-2 of a felony or Class  
 7 A misdemeanor that relates to an election for an office for a  
 8 governmental entity shall not:  
 9 (1) continue employment with;  
 10 (2) obtain future employment with;  
 11 (3) contract with; or  
 12 (4) be a subcontractor under a contract with;  
 13 any governmental entity for at least twenty (20) years after the date of  
 14 conviction.
- 15 (d) For at least twenty (20) years after the person's date of  
 16 conviction, a governmental entity may not:  
 17 (1) employ;  
 18 (2) offer employment to;  
 19 (3) contract with; or  
 20 (4) maintain a contractual relationship when a subcontractor is;  
 21 a person who is convicted under IC 3-14-2 of a felony or Class A  
 22 misdemeanor that relates to an election for an office for any  
 23 governmental entity.
- 24 (e) If:  
 25 (1) a person was employed by a governmental entity;  
 26 (2) the person was convicted under IC 3-14-2 of a felony or Class  
 27 A misdemeanor relating to an election for an office for a  
 28 governmental entity;  
 29 (3) the person's employment with the governmental entity was  
 30 discontinued under subsection (c) or (d); and  
 31 (4) the person's conviction is reversed, vacated, or set aside;  
 32 the governmental entity shall reemploy the person in the same position  
 33 the person held before the person's conviction or in another position  
 34 equivalent in benefits, pay, and working conditions to the position the  
 35 person held before the person's conviction, and the person is entitled to  
 36 receive any salary or other remuneration that the person would have  
 37 received if the person's employment had not been discontinued under  
 38 subsection (c) or (d).
- 39 (f) The attorney general may petition a court with jurisdiction for an  
 40 injunction against a person who violates subsection (c) or a  
 41 governmental entity that violates subsection (d).
- 42 (g) The attorney general may petition a court with jurisdiction to



1 impose a civil penalty of not more than one thousand dollars (\$1,000)  
2 on a person who violates subsection (c).

3 SECTION 3. IC 3-14-6-1.1, AS AMENDED BY P.L.158-2013,  
4 SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 UPON PASSAGE]: Sec. 1.1. (a) A person who grants a request for  
6 voter registration information under IC 3-7-26.3 or IC 3-7-27 with  
7 knowledge that the information will be used in a manner prohibited by  
8 IC 3-7-26.3 or IC 3-7-27 commits a Class B infraction.

9 (b) A person who has previously received a judgment for  
10 committing an infraction under this section and knowingly,  
11 intentionally, or recklessly violates this section a second **or subsequent**  
12 time commits a Level 6 felony.

13 SECTION 4. IC 4-3-23-5, AS ADDED BY P.L.34-2013, SECTION  
14 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON  
15 PASSAGE]: Sec. 5. The office shall administer the following:

16 (1) The alternative fuel fueling station grant program under  
17 IC 4-4-32.2.

18 (2) The alternative fuel vehicle grant program for local units  
19 under IC 4-4-32.3.

20 (3) The energy development fund under IC 4-23-5.5-10.

21 (4) A low interest revolving loan program for certain energy  
22 efficiency or recycling projects, in consultation with the Indiana  
23 recycling market development board.

24 (5) The coal research grant fund under IC 4-23-5.5-16.

25 (6) The green industries fund under IC 5-28-34, in consultation  
26 with the Indiana economic development corporation.

27 (7) The office of alternative energy incentives established by  
28 IC 8-1-13.1-9 and the alternative energy incentive fund  
29 established by IC 8-1-13.1-10.

30 ~~(8) The E85 fueling station grant program under IC 15-11-11, in~~  
31 ~~consultation with the Indiana department of agriculture.~~

32 ~~(9)~~ **(8)** The center for coal technology research established by  
33 IC 21-47-4-1 and the coal technology research fund established  
34 by IC 21-47-4-5.

35 SECTION 5. IC 4-4-32.2-6, AS ADDED BY P.L.151-2009,  
36 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
37 UPON PASSAGE]: Sec. 6. As used in this chapter, "motor vehicle" has  
38 the meaning set forth in IC 15-11-11-4. **means any vehicle that:**

39 **(1) is manufactured primarily for use on public streets, roads,**  
40 **and highways (not including a vehicle operated exclusively on**  
41 **a rail or rails); and**

42 **(2) has at least four (4) wheels.**



1 SECTION 6. IC 4-4-32.3-1, AS ADDED BY P.L.151-2009,  
 2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 UPON PASSAGE]: Sec. 1. As used in this chapter, "alternative fuel"  
 4 means liquefied petroleum gas, a compressed natural gas product, or  
 5 a combination of liquefied petroleum gas and a compressed natural gas  
 6 product, not including a biodiesel fuel or biodiesel blend, used in an  
 7 internal combustion engine or a motor to propel a motor vehicle. ~~(as~~  
 8 ~~defined in IC 15-11-11-4)~~. The term includes all forms of fuel  
 9 commonly or commercially known or sold as butane, propane, or  
 10 compressed natural gas.

11 SECTION 7. IC 4-4-32.3-2, AS ADDED BY P.L.151-2009,  
 12 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 UPON PASSAGE]: Sec. 2. As used in this chapter, "alternative fuel  
 14 conversion kit" means any equipment used to convert a motor vehicle  
 15 ~~(as defined in IC 15-11-11-4)~~ that is not an alternative fuel vehicle into  
 16 an alternative fuel vehicle, in conformance with any applicable  
 17 governmental or other nationally recognized safety or design standards,  
 18 as determined under standards adopted by the office under section 8(1)  
 19 of this chapter.

20 SECTION 8. IC 4-4-32.3-3, AS ADDED BY P.L.151-2009,  
 21 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 UPON PASSAGE]: Sec. 3. As used in this chapter, "alternative fuel  
 23 vehicle" means any motor vehicle ~~(as defined in 15-11-11-4)~~ that is  
 24 designed to operate:

25 (1) on alternative fuel alone; or

26 (2) on alternative fuel alternately with another fuel source;

27 in conformance with any applicable governmental or other nationally  
 28 recognized safety or design standards, as determined under standards  
 29 adopted by the office under section 8(1) of this chapter.

30 SECTION 9. IC 4-4-32.3-3.8 IS ADDED TO THE INDIANA  
 31 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 32 [EFFECTIVE UPON PASSAGE]: **Sec. 3.8. As used in this chapter,**

33 **"motor vehicle" means any vehicle that:**

34 **(1) is manufactured primarily for use on public streets, roads,**  
 35 **and highways (not including a vehicle operated exclusively on**  
 36 **a rail or rails); and**

37 **(2) has at least four (4) wheels.**

38 SECTION 10. IC 4-12-5-1.5 IS REPEALED [EFFECTIVE UPON  
 39 PASSAGE]. ~~Sec. 1.5. As used in this chapter, "board" refers to the~~  
 40 ~~Indiana tobacco use prevention and cessation executive board created~~  
 41 ~~by IC 4-12-4-4.~~

42 SECTION 11. IC 4-12-5-4, AS AMENDED BY P.L.197-2011,





1 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 UPON PASSAGE]: Sec. 4. Subject to appropriation by the general  
3 assembly, review by the budget committee, and approval by the budget  
4 agency, the auditor of state shall distribute money from the account to  
5 public or private entities or individuals for the implementation of  
6 programs concerning one (1) or more of the following purposes:

7 (1) The children's health insurance program established under  
8 IC 12-17.6.

9 (2) Cancer detection tests and cancer education programs.

10 (3) Heart disease and stroke education programs.

11 (4) Assisting community health centers in providing:

12 (A) vaccinations against communicable diseases, with an  
13 emphasis on service to youth and senior citizens;

14 (B) health care services and preventive measures that address  
15 the special health care needs of minorities (as defined in  
16 IC 16-46-6-2); and

17 (C) health care services and preventive measures in rural  
18 areas.

19 (5) Promoting health and wellness activities.

20 (6) Encouraging the prevention of disease, particularly tobacco  
21 related diseases.

22 (7) Addressing the special health care needs of those who suffer  
23 most from tobacco related diseases, including end of life and long  
24 term care alternatives.

25 (8) Addressing minority health disparities.

26 (9) Addressing the impact of tobacco related diseases, particularly  
27 on minorities and females.

28 (10) Promoting community based health care, particularly in areas  
29 with a high percentage of underserved citizens, including  
30 individuals with disabilities, or with a shortage of health care  
31 professionals.

32 (11) Enhancing local health department services.

33 (12) Expanding community based minority health infrastructure.

34 (13) Other purposes recommended by the ~~board~~: **state**  
35 **department of health.**

36 SECTION 12. IC 4-12-5-6, AS AMENDED BY P.L.197-2011,  
37 SECTION 7, AND AS AMENDED BY P.L.229-2011, SECTION 53,  
38 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
39 [EFFECTIVE UPON PASSAGE]: Sec. 6. A public or private entity or  
40 an individual may submit an application to the ~~board~~ *state department*  
41 *of health* for a grant from the account. Each application must be in  
42 writing and contain the following information:

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- 1 (1) A clear objective to be achieved with the grant.  
 2 (2) A plan for implementation of the specific program.  
 3 (3) A statement of the manner in which the proposed program will  
 4 further the goals of the ~~board's~~ *state department of health's*  
 5 mission statement and long range state plan under IC 4-12-4.  
 6 (4) The amount of the grant requested.  
 7 (5) An evaluation and assessment component to determine the  
 8 program's performance.  
 9 (6) Any other information required by the ~~advisory board~~; **state**  
 10 **department of health.**

11 The ~~advisory board~~ **state department of health** may adopt written  
 12 guidelines to establish procedures, forms, additional evaluation criteria,  
 13 and application deadlines.

14 SECTION 13. IC 4-22-2-29, AS AMENDED BY P.L.188-2005,  
 15 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 UPON PASSAGE]: Sec. 29. **(a) As used in this section,**  
 17 **"ombudsman" refers to the small business ombudsman designated**  
 18 **under IC 4-4-35-8.**

19 ~~(a)~~ **(b)** After an agency has complied with sections 26, 27, and 28  
 20 of this chapter, the agency may:

- 21 (1) adopt a rule that is identical to a proposed rule published in  
 22 the Indiana Register under section 24 of this chapter;  
 23 (2) subject to subsection ~~(b)~~; **(c)**, adopt a rule that consolidates  
 24 part or all of two (2) or more proposed rules published in the  
 25 Indiana Register under section 24 of this chapter and considered  
 26 under section 27 of this chapter;  
 27 (3) subject to subsection ~~(b)~~; **(c)**, adopt part of one (1) or more  
 28 proposed rules described in subdivision (2) in two (2) or more  
 29 separate adoption actions; or  
 30 (4) subject to subsection ~~(b)~~; **(c)**, adopt a revised version of a  
 31 proposed rule published under section 24 of this chapter and  
 32 include provisions that did not appear in the published version,  
 33 including any provisions recommended by the ~~Indiana economic~~  
 34 ~~development corporation~~ **ombudsman** under IC 4-22-2.1-6(a), if  
 35 applicable.

36 ~~(b)~~ **(c)** An agency may not adopt a rule that substantially differs  
 37 from the version or versions of the proposed rule or rules published in  
 38 the Indiana Register under section 24 of this chapter, unless it is a  
 39 logical outgrowth of any proposed rule as supported by any written  
 40 comments submitted:

- 41 (1) during the public comment period; or  
 42 (2) by the ~~Indiana economic development corporation~~



- 1           **ombudsman** under IC 4-22-2.1-6(a), if applicable.
- 2           SECTION 14. IC 4-22-2.1-3 IS REPEALED [EFFECTIVE UPON
- 3           PASSAGE]. ~~Sec. 3: As used in this chapter, "corporation" refers to the~~
- 4           ~~Indiana economic development corporation established by IC 5-28-3-1.~~
- 5           SECTION 15. IC 4-22-2.1-3.6 IS ADDED TO THE INDIANA
- 6           CODE AS A NEW SECTION TO READ AS FOLLOWS
- 7           [EFFECTIVE UPON PASSAGE]: **Sec. 3.6. As used in this chapter,**
- 8           **"ombudsman" refers to the small business ombudsman designated**
- 9           **under IC 4-4-35-8.**
- 10          SECTION 16. IC 4-22-2.1-5, AS AMENDED BY P.L.187-2014,
- 11          SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 12          UPON PASSAGE]: Sec. 5. (a) If an agency intends to adopt a rule
- 13          under IC 4-22-2 that will impose requirements or costs on small
- 14          businesses, the agency shall prepare a statement that describes the
- 15          annual economic impact of a rule on all small businesses after the rule
- 16          is fully implemented as described in subsection (b). The statement
- 17          required by this section must include the following:
- 18               (1) An estimate of the number of small businesses, classified by
- 19               industry sector, that will be subject to the proposed rule.
- 20               (2) An estimate of the average annual reporting, record keeping,
- 21               and other administrative costs that small businesses will incur to
- 22               comply with the proposed rule.
- 23               (3) An estimate of the total annual economic impact that
- 24               compliance with the proposed rule will have on all small
- 25               businesses subject to the rule. The agency is not required to
- 26               submit the proposed rule to the office of management and budget
- 27               for a fiscal analysis under IC 4-22-2-28 unless the estimated
- 28               economic impact of the rule is greater than five hundred thousand
- 29               dollars (\$500,000) on all regulated entities, as set forth in
- 30               IC 4-22-2-28.
- 31               (4) A statement justifying any requirement or cost that is:
- 32                       (A) imposed on small businesses by the rule; and
- 33                       (B) not expressly required by:
- 34                               (i) the statute authorizing the agency to adopt the rule; or
- 35                               (ii) any other state or federal law.
- 36               The statement required by this subdivision must include a
- 37               reference to any data, studies, or analyses relied upon by the
- 38               agency in determining that the imposition of the requirement or
- 39               cost is necessary.
- 40               (5) A regulatory flexibility analysis that considers any less
- 41               intrusive or less costly alternative methods of achieving the
- 42               purpose of the proposed rule. The analysis under this subdivision



1 must consider the following methods of minimizing the economic  
2 impact of the proposed rule on small businesses:

3 (A) The establishment of less stringent compliance or  
4 reporting requirements for small businesses.

5 (B) The establishment of less stringent schedules or deadlines  
6 for compliance or reporting requirements for small businesses.

7 (C) The consolidation or simplification of compliance or  
8 reporting requirements for small businesses.

9 (D) The establishment of performance standards for small  
10 businesses instead of design or operational standards imposed  
11 on other regulated entities by the rule.

12 (E) The exemption of small businesses from part or all of the  
13 requirements or costs imposed by the rule.

14 If the agency has made a preliminary determination not to  
15 implement one (1) or more of the alternative methods considered,  
16 the agency shall include a statement explaining the agency's  
17 reasons for the determination, including a reference to any data,  
18 studies, or analyses relied upon by the agency in making the  
19 determination.

20 (b) For purposes of subsection (a), a proposed rule will be fully  
21 implemented with respect to small businesses after:

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

23 (A) the rule is gradually made to apply to small businesses or  
24 certain types of small businesses; or

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

26 (2) the rule applies to all small businesses that will be affected by  
27 the rule.

28 In determining the total annual economic impact of the rule under  
29 subsection (a)(3), the agency shall consider the annual economic  
30 impact on all small businesses beginning with the first twelve (12)  
31 month period after the rule is fully implemented. The agency may use  
32 actual or forecasted data and may consider the actual and anticipated  
33 effects of inflation and deflation. The agency shall describe any  
34 assumptions made and any data used in determining the total annual  
35 economic impact of a rule under subsection (a)(3).

36 (c) The agency shall:

37 (1) publish the statement required under subsection (a) in the  
38 Indiana Register as required by IC 4-22-2-24; and

39 (2) deliver a copy of the statement, along with the proposed rule,  
40 to the ~~small business~~ ombudsman ~~designated under IC 4-4-35-8~~  
41 not later than the date of publication under subdivision (1).

42 SECTION 17. IC 4-22-2.1-6, AS AMENDED BY P.L.198-2007,



1 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 UPON PASSAGE]: Sec. 6. (a) Not later than seven (7) days before the  
3 date of the public hearing set forth in the agency's notice under  
4 IC 4-22-2-24, the ~~corporation~~ **ombudsman** shall do the following:

5 (1) Review the proposed rule and economic impact statement  
6 submitted to the ~~corporation~~ **ombudsman** by the agency under  
7 section 5(c) of this chapter.

8 (2) Submit written comments to the agency on the proposed rule  
9 and the economic impact statement prepared by the agency under  
10 section 5 of this chapter. The ~~corporation's~~ **ombudsman's**  
11 comments may:

12 (A) recommend that the agency implement one (1) or more of  
13 the regulatory alternatives considered by the agency under  
14 section 5(a)(5) of this chapter;

15 (B) suggest regulatory alternatives not considered by the  
16 agency under section 5(a)(5) of this chapter;

17 (C) recommend any other changes to the proposed rule that  
18 would minimize the economic impact of the proposed rule on  
19 small businesses; or

20 (D) recommend that the agency abandon or delay the  
21 rulemaking action until:

22 (i) more data on the impact of the proposed rule on small  
23 businesses can be gathered and evaluated; or

24 (ii) less intrusive or less costly alternative methods of  
25 achieving the purpose of the proposed rule can be effectively  
26 implemented with respect to small businesses.

27 (b) Upon receipt of the ~~corporation's~~ **ombudsman's** written  
28 comments under subsection (a), the agency shall make the comments  
29 available:

30 (1) for public inspection and copying at the offices of the agency  
31 under IC 5-14-3;

32 (2) electronically through the electronic gateway administered  
33 under IC 4-13.1-2-2(a)(5) by the office of technology; and

34 (3) for distribution at the public hearing required by IC 4-22-2-26.

35 (c) Before finally adopting a rule under IC 4-22-2-29, and in the  
36 same manner that the agency considers public comments under  
37 IC 4-22-2-27, the agency must fully consider the comments submitted  
38 by the ~~corporation~~ **ombudsman** under subsection (a). After considering  
39 the comments under this subsection, the agency may:

40 (1) adopt any version of the rule permitted under IC 4-22-2-29; or

41 (2) abandon or delay the rulemaking action as recommended by  
42 the ~~corporation~~ **ombudsman** under subsection (a)(2)(D), if



- 1 applicable.
- 2 SECTION 18. IC 4-36-7-4, AS AMENDED BY P.L.108-2009,  
 3 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 4 UPON PASSAGE]: Sec. 4. (a) The state police department shall, at the  
 5 request of the commission, provide the following:
- 6 (1) Assistance in obtaining criminal history information relevant  
 7 to investigations required for honest, secure, and exemplary  
 8 operations under this article.
- 9 (2) Any other assistance requested by the executive ~~director~~  
 10 **secretary of the commission** and agreed to by the superintendent  
 11 of the state police department.
- 12 (b) Any other state agency, including the Indiana gaming  
 13 commission and the Indiana professional licensing agency, shall upon  
 14 request provide the commission with information relevant to an  
 15 investigation conducted under this article.
- 16 SECTION 19. IC 5-2-9-6, AS AMENDED BY P.L.116-2009,  
 17 SECTION 6, AND AS AMENDED BY P.L.130-2009, SECTION 11,  
 18 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 19 [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The clerk of a court that  
 20 issues a protective order shall:
- 21 (1) provide a copy of the order to the petitioner; and  
 22 (2) provide a copy of the order and service of process to the  
 23 respondent or defendant in accordance with the rules of trial  
 24 procedure.
- 25 (b) The clerk of a court that issues a protective order or the clerk of  
 26 a court in which a petition is filed shall maintain a confidential file to  
 27 secure any confidential information about a protected person  
 28 designated on a uniform statewide form prescribed by the division of  
 29 state court administration.
- 30 (c) This subsection applies to a protective order that a sheriff or law  
 31 enforcement agency ~~receives~~ *received* under subsection (a) before July  
 32 1, 2009, and a confidential form under subsection (b) that ~~is~~ *was* not  
 33 ~~retained~~ *created* in the registry. The sheriff or law enforcement agency  
 34 shall:
- 35 (1) maintain a copy of the protective order in the depository  
 36 established under this chapter;
- 37 (2) enter:
- 38 (A) the date and time the sheriff or law enforcement agency  
 39 receives the protective order;
- 40 (B) the location of the person who is subject to the protective  
 41 order, if reasonably ascertainable from the information  
 42 received;



- 1 (C) the name and identification number of the officer who
- 2 serves the protective order;
- 3 (D) the manner in which the protective order is served;
- 4 (E) the name of the petitioner and any other protected parties;
- 5 (F) the name, Social Security number, date of birth, and
- 6 physical description of the person who is the subject of the
- 7 protective order, if reasonably ascertainable from the
- 8 information received;
- 9 (G) the date the protective order expires;
- 10 (H) a caution indicator stating whether a person who is the
- 11 subject of the protective order is believed to be armed and
- 12 dangerous, if reasonably ascertainable from the information
- 13 received; and
- 14 (I) if furnished, a Brady record indicator stating whether a
- 15 person who is the subject of the protective order is prohibited
- 16 from purchasing or possessing a firearm or ammunition under
- 17 federal law, if reasonably ascertainable from the information
- 18 received;
- 19 on the copy of the protective order or the confidential form; and
- 20 (3) except for a protective order that is *retained created* in the
- 21 registry, establish a confidential file in which a confidential form
- 22 that contains information concerning a protected person is kept.
- 23 (d) Except for a protective order that is *retained created* in the
- 24 registry, a protective order may be removed from the depository
- 25 established under this chapter only if the sheriff or law enforcement
- 26 agency that administers the depository receives:
  - 27 (1) a notice of termination on a form prescribed or approved by
  - 28 the division of state court administration;
  - 29 (2) an order of the court; or
  - 30 (3) a notice of termination and an order of the court.
- 31 (e) If a protective order in a depository established under this
- 32 chapter is terminated, the person who obtained the order must file a
- 33 notice of termination on a form prescribed or approved by the division
- 34 of state court administration with the clerk of the court. The clerk of the
- 35 court shall:
  - 36 (1) enter the notice of termination into; ~~the registry;~~ or
  - 37 (2) provide a copy of the notice of termination to; ~~of a protective~~
  - 38 ~~order;~~
  - 39 ~~to~~ the registry and *provide a copy of the notice of termination* to each
  - 40 of the depositories to which the protective order was sent. The clerk of
  - 41 the court shall maintain the notice of termination in the court's file.
  - 42 (f) If a protective order or form is extended or modified, the person



1 who obtained the extension or modification must file a notice of  
 2 extension or modification on a form prescribed or approved by the  
 3 division of state court administration with the clerk of the court. Except  
 4 for a protective order *retained ~~created~~* in the registry, the clerk of the  
 5 court shall provide a copy of the notice of extension or modification of  
 6 a protective order to each of the depositories to which the order and a  
 7 confidential form were sent. The clerk of the court shall maintain the  
 8 notice of extension or modification of a protective order in the court's  
 9 file.

10 (g) The clerk of a court that issued an order terminating a protective  
 11 order that is an ex parte order shall provide a copy of the order to the  
 12 following:

- 13 (1) Each party.
- 14 (2) Except for a protective order *retained ~~created~~* in the registry,  
 15 the law enforcement agency provided with a copy of a protective  
 16 order under subsection (a).

17 SECTION 20. IC 5-2-9-8, AS AMENDED BY P.L.116-2009,  
 18 SECTION 9, AND AS AMENDED BY P.L.130-2009, SECTION 14,  
 19 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 20 [EFFECTIVE UPON PASSAGE]: Sec. 8. Except for a protective order  
 21 that is *retained ~~created~~* in the registry, a law enforcement agency that  
 22 receives a copy of a protective order shall enter the information  
 23 received into the Indiana data and communication system (IDACS)  
 24 computer under IC 10-13-3-35 upon receiving a copy of the order.

25 SECTION 21. IC 5-10-15-1, AS ADDED BY P.L.62-2006,  
 26 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27 UPON PASSAGE]: Sec. 1. This chapter does not apply to an individual  
 28 who, at any time during the individual's employment by the state or a  
 29 political subdivision of the state as:

- 30 (1) a member of a fire department (as defined in IC 36-8-1-8);
- 31 (2) an emergency medical services provider (as defined in  
 32 IC 16-41-10-1); or
- 33 (3) a member of a police department (as defined in IC 36-8-1-9);

34 ~~uses used~~ tobacco products in any form in the ~~last~~ five (5) years **before**  
 35 **the time the individual is diagnosed under section 9(a) of this**  
 36 **chapter.**

37 SECTION 22. IC 5-10.3-7-12.5, AS AMENDED BY P.L.165-2009,  
 38 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39 UPON PASSAGE]: Sec. 12.5. (a) An employer or department shall  
 40 make the reports, membership records, or payments required by  
 41 IC 5-10.3-6 or by sections 10 through 12 of this chapter:

- 42 (1) not more than thirty (30) days after the end of the calendar





- 1 quarter, if applicable;
- 2 (2) ~~by another due date specified in sections section 10 through~~
- 3 ~~12~~ of this chapter; or
- 4 (3) ~~by~~ an alternate due date established by the rules of the board.
- 5 (b) If the employer or department does not make the reports,
- 6 records, or payments within the time specified in subsection (a):
- 7 (1) the board may fine the employer or department one hundred
- 8 dollars (\$100) for each additional day that the reports, records, or
- 9 payments are late, to be withheld under IC 5-10.3-6-7; and
- 10 (2) if the employer or department is habitually late, as determined
- 11 by the board, the board shall report the employer or the
- 12 department to the auditor of state for additional withholding under
- 13 IC 5-10.3-6-7.
- 14 (c) After December 31, 2009, an employer or department shall
- 15 submit:
- 16 (1) the reports and records described in subsection (a) in a
- 17 uniform format through a secure connection over the Internet or
- 18 through other electronic means specified by the board in
- 19 accordance with IC 5-10.2-2-12.5; and
- 20 (2) both:
- 21 (A) employer contributions determined under IC 5-10.2-2-11;
- 22 and
- 23 (B) contributions paid by or on behalf of a member under
- 24 section 9 of this chapter;
- 25 by electronic funds transfer in accordance with IC 5-10.2-2-12.5.
- 26 SECTION 23. IC 6-2.5-6-9, AS AMENDED BY P.L.162-2006,
- 27 SECTION 23, AND AS AMENDED BY P.L.184-2006, SECTION 2,
- 28 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
- 29 [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) In determining the
- 30 amount of state gross retail and use taxes which a retail merchant must
- 31 remit under section 7 of this chapter, the retail merchant shall, subject
- 32 to subsections (c) and (d), deduct from the retail merchant's gross retail
- 33 income from retail transactions made during a particular reporting
- 34 period, an amount equal to the retail merchant's receivables which:
- 35 (1) resulted from retail transactions in which the retail merchant
- 36 did not collect the state gross retail or use tax from the purchaser;
- 37 (2) resulted from retail transactions on which the retail merchant
- 38 has previously paid the state gross retail or use tax liability to the
- 39 department; and
- 40 (3) were written off as an uncollectible debt for federal tax
- 41 purposes under Section 166 of the Internal Revenue Code during
- 42 the particular reporting period.



1 (b) If a retail merchant deducts a receivable under subsection (a)  
 2 and subsequently collects all or part of that receivable, then the retail  
 3 merchant shall, subject to subsection (d)(6), include the amount  
 4 collected as part of the retail merchant's gross retail income from retail  
 5 transactions for the particular reporting period in which the retail  
 6 merchant makes the collection.

7 (c) This subsection applies only to retail transactions occurring after  
 8 *December 31, 2006. ~~June 30, 2007.~~* As used in this subsection,  
 9 "affiliated group" means any combination of the following:

10 (1) An affiliated group within the meaning provided in Section  
 11 1504 of the Internal Revenue Code (except that the ownership  
 12 percentage in Section 1504(a)(2) of the Internal Revenue Code  
 13 shall be determined using fifty percent (50%) instead of eighty  
 14 percent (80%)) *or a relationship described in Section 267(b)(11)*  
 15 *of the Internal Revenue Code.*

16 (2) Two (2) or more partnerships (as defined in IC 6-3-1-19),  
 17 including limited liability companies and limited liability  
 18 partnerships, that have the same degree of mutual ownership as  
 19 an affiliated group described in subdivision (1), as determined  
 20 under the rules adopted by the department.

21 The right to a deduction under this section is not assignable to an  
 22 individual or entity that is not part of the same affiliated group as the  
 23 assignor.

24 (d) The following provisions apply to a deduction for a receivable  
 25 treated as uncollectible debt under subsection (a):

26 (1) The deduction does not include interest.  
 27 (2) The amount of the deduction shall be determined in the  
 28 manner provided by Section 166 of the Internal Revenue Code for  
 29 bad debts but shall be adjusted to exclude:

- 30 (A) financing charges or interest;
- 31 (B) sales or use taxes charged on the purchase price;
- 32 (C) uncollectible amounts on property that remain in the
- 33 possession of the seller until the full purchase price is paid;
- 34 (D) expenses incurred in attempting to collect any debt; and
- 35 (E) repossessed property.

36 (3) The deduction shall be claimed on the return for the period  
 37 during which the receivable is written off as uncollectible in the  
 38 claimant's books and records and is eligible to be deducted for  
 39 federal income tax purposes. For purposes of this subdivision, a  
 40 claimant who is not required to file federal income tax returns  
 41 may deduct an uncollectible receivable on a return filed for the  
 42 period in which the receivable is written off as uncollectible in the



1 claimant's books and records and would be eligible for a bad debt  
2 deduction for federal income tax purposes if the claimant were  
3 required to file a federal income tax return.

4 (4) If the amount of uncollectible receivables claimed as a  
5 deduction by a retail merchant for a particular reporting period  
6 exceeds the amount of the retail merchant's taxable sales for that  
7 reporting period, the retail merchant may file a refund claim  
8 under IC 6-8.1-9. However, the deadline for the refund claim shall  
9 be measured from the due date of the return for the reporting  
10 period on which the deduction for the uncollectible receivables  
11 could first be claimed.

12 (5) If a retail merchant's filing responsibilities have been assumed  
13 by a certified service provider (as defined in IC 6-2.5-11-2), the  
14 certified service provider may claim, on behalf of the retail  
15 merchant, any deduction or refund for uncollectible receivables  
16 provided by this section. The certified service provider must  
17 credit or refund the full amount of any deduction or refund  
18 received to the retail merchant.

19 (6) For purposes of reporting a payment received on a previously  
20 claimed uncollectible receivable, any payments made on a debt or  
21 account shall be applied first proportionally to the taxable price  
22 of the property and the state gross retail tax or use tax thereon,  
23 and secondly to interest, service charges, and any other charges.

24 (7) A retail merchant claiming a deduction for an uncollectible  
25 receivable may allocate that receivable among the states that are  
26 members of the streamlined sales and use tax agreement if the  
27 books and records of the retail merchant support that allocation.

28 SECTION 24. IC 6-2.5-7-6.5, AS ADDED BY P.L.293-2013(ts),  
29 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
30 JULY 1, 2014 (RETROACTIVE)]: Sec. 6.5. (a) If the deduction under  
31 section 5(c) of this chapter exceeds the amount of gross retail tax  
32 required to be remitted under section 5(b) of this chapter, the retail  
33 merchant is entitled to a credit. The credit shall be used as follows:

34 (1) First, the credit shall be applied against gross retail and use  
35 tax liability of the retail merchant that is required to be remitted  
36 under IC 6-2.5-6.

37 (2) Second, any amount remaining shall be applied against the  
38 gasoline tax liability of the retail merchant, as determined under  
39 IC 6-6-1.1, excluding any liability for gasoline delivered to a  
40 taxable marine facility.

41 A retail merchant may file a claim for a refund instead of taking a  
42 credit or for a refund of any excess tax payment remaining after the



1 credits allowed by this section. ~~In addition, a retail merchant may file~~  
 2 ~~a claim for a refund under section 12 of this chapter.~~

3 (b) A retail merchant that is entitled to a refund under this section  
 4 must file a claim for the refund on the refund claim form approved by  
 5 the department and must include any supporting documentation  
 6 reasonably required by the department. If a retail merchant files a  
 7 completed refund claim form that includes all supporting  
 8 documentation, the excess tax payment that is not refunded within  
 9 ninety (90) days accrues interest as provided in IC 6-8.1-9-2.

10 (c) Before the fifth day of each month, the department shall  
 11 determine and notify the treasurer of state of the amount of credits  
 12 applied during the preceding month against the gasoline tax under this  
 13 section. The treasurer of state shall transfer from the general fund:

- 14 (1) to the highway, road and street fund, twenty-five percent  
 15 (25%) of the amount set forth in the department's notice; and  
 16 (2) to the motor fuel tax fund of the motor vehicle highway  
 17 account, seventy-five percent (75%) of the amount set forth in the  
 18 department's notice.

19 SECTION 25. IC 6-2.5-7-12 IS REPEALED [EFFECTIVE JULY  
 20 1, 2014 (RETROACTIVE)]. ~~Sec. 12: (a) Except as provided in~~  
 21 ~~subsection (b); a distributor that prepays the state gross retail tax under~~  
 22 ~~this chapter shall separately state the amount of tax prepaid on the~~  
 23 ~~invoice the distributor issues to its purchaser or recipient. The~~  
 24 ~~purchaser or recipient shall pay to the distributor an amount equal to~~  
 25 ~~the prepaid tax:~~

26 (b) A distributor that:

- 27 (1) prepays the state gross retail tax under this chapter;  
 28 (2) is a retail merchant; and  
 29 (3) sells gasoline that is exempt from the gross retail tax; as  
 30 evidenced by a purchaser's exemption certificate issued by the  
 31 department;

32 may not require the exempt purchaser to pay the gross retail taxes  
 33 prepaid in the gasoline sold to the exempt purchaser. A distributor that  
 34 has prepaid gross retail taxes and has not been reimbursed because the  
 35 gasoline is sold to an exempt purchaser may file a claim for a refund (in  
 36 addition to any claim for a refund filed under section 6.5 of this  
 37 chapter); if the amount of unreimbursed prepaid gross retail taxes  
 38 exceeds five hundred dollars (\$500). A claim for a refund must be on  
 39 the form approved by the department and include all supporting  
 40 documentation reasonably required by the department. If a distributor  
 41 files a completed refund claim form that includes all supporting  
 42 documentation; the department shall authorize the auditor of state to



- 1 issue a warrant for the refund.
- 2 SECTION 26. IC 9-21-12-9, AS AMENDED BY P.L.113-2014,  
3 SECTION 25, IS REPEALED [EFFECTIVE JANUARY 1, 2015  
4 (RETROACTIVE)]. ~~Sec. 9: A person who violates section 1 of this~~  
5 ~~chapter commits a Class A infraction.~~
- 6 SECTION 27. IC 9-21-12-11, AS AMENDED BY P.L.113-2014,  
7 SECTION 26, IS REPEALED [EFFECTIVE JANUARY 1, 2015  
8 (RETROACTIVE)]. ~~Sec. 11: (a) A person who violates section 5, 7, or~~  
9 ~~19 of this chapter commits a Class E infraction.~~
- 10 ~~(b) A person who knowingly or intentionally violates section 12, 13,~~  
11 ~~14, 15, or 16 of this chapter commits a Class E misdemeanor.~~
- 12 ~~(c) A person described in section 18(b) or 18(c) of this chapter~~  
13 ~~commits a Class B infraction.~~
- 14 SECTION 28. IC 9-21-12-18, AS AMENDED BY P.L.113-2014,  
15 SECTION 28, AND AS AMENDED BY P.L.217-2014, SECTION 65,  
16 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
17 [EFFECTIVE JANUARY 1, 2015 (RETROACTIVE)]: Sec. 18. (a)  
18 Whenever a school bus or special purpose bus is transporting  
19 passengers, the school bus or special purpose bus emergency escape  
20 exits, doors, emergency exit windows, roof exits, and service doors  
21 must be free of any obstruction that:
- 22 (1) inhibits or obstructs an exit; or  
23 (2) renders the means of exit hazardous.
- 24 (b) A driver who knowingly operates a school bus or special  
25 purpose bus in violation of subsection (a) ~~is subject to section 11(c) of~~  
26 ~~this chapter: commits a Class C misdemeanor.~~
- 27 (c) A person who knowingly directs a driver to operate a school bus  
28 or special purpose bus in violation of subsection (a) ~~is subject to~~  
29 ~~section 11(c) of this chapter: commits a Class C misdemeanor.~~
- 30 SECTION 29. IC 9-22-3-37, AS AMENDED BY P.L.110-2006,  
31 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
32 UPON PASSAGE]: Sec. 37. ~~Except as provided in section 11(f) of this~~  
33 ~~chapter, A person who violates this chapter (other than section 11 of~~  
34 ~~this chapter) commits a deceptive act that is actionable by the attorney~~  
35 ~~general and is subject to the remedies and penalties under IC 24-5-0.5.~~
- 36 SECTION 30. IC 10-21-1-1, AS AMENDED BY P.L.40-2014,  
37 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
38 UPON PASSAGE]: Sec. 1. The following definitions apply throughout  
39 this chapter:
- 40 (1) "ADM" refers to average daily membership determined under  
41 IC 20-43-4-2. **In the case of a school corporation career and**  
42 **technical education school described in IC 20-37-1-1, "ADM"**



1           **refers to the count on a full-time equivalency basis of students**  
 2           **attending the school on the date ADM is determined under**  
 3           **IC 20-43-4-2.**  
 4           (2) "Board" refers to the secured school safety board established  
 5           by section 3 of this chapter.  
 6           (3) "Fund" refers to the Indiana secured school fund established  
 7           by section 2 of this chapter.  
 8           (4) "Local plan" means the school safety plan described in  
 9           IC 20-26-18.2-2(b).  
 10          (5) "School corporation or charter school" refers to an individual  
 11          school corporation, a school corporation career and technical  
 12          education school described in IC 20-37-1-1, or a charter school  
 13          but also includes:  
 14              (A) a coalition of school corporations;  
 15              (B) a coalition of charter schools; or  
 16              (C) a coalition of both school corporations and charter schools;  
 17          that intend to jointly employ a school resource officer or to jointly  
 18          apply for a matching grant under this chapter, unless the context  
 19          clearly indicates otherwise.  
 20          (6) "School resource officer" has the meaning set forth in  
 21          IC 20-26-18.2-1.  
 22          SECTION 31. IC 12-10-3-29.5, AS ADDED BY P.L.141-2006,  
 23          SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24          UPON PASSAGE]: Sec. 29.5. (a) Except as provided in subsection (b),  
 25          an adult protective services unit or a staff member of the adult  
 26          protective services unit ~~on the basis of the staff member's employment~~  
 27          may not be designated as:  
 28              (1) a personal representative;  
 29              (2) a health care representative;  
 30              (3) a guardian;  
 31              (4) a guardian ad litem; or  
 32              (5) any other type of representative;  
 33          for an endangered adult.  
 34          (b) The:  
 35              (1) county prosecutor in the county in which the adult protective  
 36              services unit is located; or  
 37              (2) head of the governmental entity if the adult protective services  
 38              unit is operated by a governmental entity;  
 39          may give written permission for an adult protective services unit or a  
 40          staff member of the adult protective services unit to be designated as  
 41          a representative described in subsection (a)(1) through (a)(5).  
 42          SECTION 32. IC 13-29-2-1 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The following  
 2 Ohio River Valley Water Sanitation Compact, which has been  
 3 negotiated by representatives of the states of Illinois, Indiana,  
 4 Kentucky, New York, Ohio, Pennsylvania, Tennessee, and West  
 5 Virginia, is hereby approved, ratified, adopted, enacted into law, and  
 6 entered into by the state of Indiana as a party thereto and signatory  
 7 state, namely:

8 Whereas, A substantial part of the territory of each of the signatory  
 9 states is situated within the drainage basin of the Ohio river; and

10 Whereas, The rapid increase in the population of the various  
 11 metropolitan areas situated within the Ohio drainage basin, and the  
 12 growth in industrial activity within that area, have resulted in recent  
 13 years in an increasingly serious pollution of the waters and streams  
 14 within the said drainage basin, constituting a grave menace to the  
 15 health, welfare, and recreational facilities of the people living in such  
 16 basin, and occasioning great economic loss; and

17 Whereas, The control of future pollution and the abatement of  
 18 existing pollution in the waters of said basin are of prime importance  
 19 to the people thereof, and can best be accomplished through the  
 20 cooperation of the states situated therein, by and through a joint or  
 21 common agency;

22 Now Therefore, The states of Illinois, Indiana, Kentucky, New York,  
 23 Ohio, Pennsylvania, Tennessee, and West Virginia do hereby covenant  
 24 and agree as follows:

25 Article 1.

26 Each of the signatory states pledges to each of the other signatory  
 27 states faithful cooperation in the control of future pollution in and  
 28 abatement of existing pollution from the rivers, streams, and waters in  
 29 the Ohio river basin which flow through, into, or border upon any of  
 30 such signatory states, and in order to effect such object, agrees to enact  
 31 any necessary legislation to enable each such state to place and  
 32 maintain the waters of said basin in a satisfactory sanitary condition,  
 33 available for safe and satisfactory use as public and industrial water  
 34 supplies after reasonable treatment, suitable for recreational usage,  
 35 capable of maintaining fish and other aquatic life, free from unsightly  
 36 or malodorous nuisances due to floating solids or sludge deposits, and  
 37 adaptable to such other uses as may be legitimate.

38 Article 2.

39 The signatory states hereby create a district to be known as the  
 40 "Ohio River Valley Water Sanitation District", hereinafter called the  
 41 district, which shall embrace all territory within the signatory states, the  
 42 water in which flows ultimately into the Ohio river, or its tributaries.



## 1 Article 3.

2 The signatory states hereby create the "Ohio River Valley Water  
3 Sanitation Commission", hereinafter called the commission, which  
4 shall be a body corporate, with the powers and duties set forth herein,  
5 and such additional powers as may be conferred upon it by subsequent  
6 action of the respective legislatures of the signatory states or by act or  
7 acts of the congress of the United States.

## 8 Article 4.

9 The commission shall consist of three (3) commissioners from each  
10 state, each of whom shall be a citizen of the state from which he is  
11 appointed, and three (3) commissioners representing the United States  
12 government. The commissioners from each state shall be chosen in the  
13 manner and for the terms provided by the laws of the state from which  
14 they shall be appointed, and any commissioner may be removed or  
15 suspended from office as provided by the laws of the state from which  
16 he shall be appointed. The commissioners representing the United  
17 States shall be appointed by the President of the United States, or in  
18 such other manner as may be provided by congress. The commissioners  
19 shall serve without compensation, but shall be paid their actual  
20 expenses incurred in and incident to the performance of their duties;  
21 but nothing herein shall prevent the appointment of an officer or  
22 employee of any state or of the United States government.

## 23 Article 5.

24 The commission shall elect from its number a chairman and vice  
25 chairman and shall appoint, and at its pleasure remove or discharge,  
26 such officers and legal, clerical, expert, and other assistants as may be  
27 required to carry the provisions of this compact into effect, and shall fix  
28 and determine their duties, qualifications, and compensation. It shall  
29 adopt a seal and suitable bylaws, and shall adopt and promulgate rules  
30 and regulations for its management and control. It may establish and  
31 maintain one (1) or more offices within the district for the transaction  
32 of its business, and may meet at any time or place. One (1) or more  
33 commissioners from a majority of the member states shall constitute a  
34 quorum for the transaction of business.

35 The commission shall submit to the governor of each state, at such  
36 time as he may request, a budget of its estimated expenditures for such  
37 period as may be required by the laws of such state for presentation to  
38 the legislature thereof.

39 The commission shall keep accurate books of account, showing in  
40 full its receipts and disbursements, and said books of account shall be  
41 open at any reasonable time to the inspection of such representatives  
42 of the respective signatory states as may be duly constituted for that





1 purpose.

2 On or before the first day of December of each year, the commission  
3 shall submit to the respective governors of the signatory states a full  
4 and complete report of its activities for the preceding year.

5 The commission shall not incur any obligations of any kind prior to  
6 the making of appropriations adequate to meet the same; nor shall the  
7 commission pledge the credit of any of the signatory states, except by  
8 and with the authority of the legislature thereof.

9 Article 6.

10 It is recognized by the signatory states that no single standard for the  
11 treatment of sewage or industrial wastes is applicable in all parts of the  
12 district due to such variable factors as size, flow, location, character,  
13 self-purification, and usage of waters within the district. The guiding  
14 principle of this compact shall be that pollution by sewage or industrial  
15 wastes originating within a signatory state shall not injuriously affect  
16 the various uses of the interstate waters as hereinbefore defined.

17 All sewage from municipalities or other political subdivisions,  
18 public or private institutions, or corporations, discharged or permitted  
19 to flow into those portions of the Ohio River and its tributary waters  
20 which form boundaries between or are contiguous to two (2) or more  
21 signatory states, or which flow from one (1) signatory state into another  
22 signatory state, shall be so treated, within a time reasonable for the  
23 construction of the necessary works, as to provide for substantially  
24 complete removal of settleable solids, and the removal of not less than  
25 forty-five percent (45 percent) of the total suspended solids: Provided,  
26 That in order to protect the public health or to preserve the waters for  
27 other legitimate purposes, including those specified in Article 1, in  
28 specific instances such higher degree of treatment shall be used as may  
29 be determined to be necessary by the commission after investigation,  
30 due notice, and hearing.

31 All industrial wastes discharged or permitted to flow into the  
32 aforesaid waters shall be modified or treated, within a time reasonable  
33 for the construction of the necessary works, in order to protect the  
34 public health or to preserve the waters for other legitimate purposes,  
35 including those specified in Article 1, to such degree as may be  
36 determined to be necessary by the commission after investigation, due  
37 notice, and hearing.

38 All sewage or industrial wastes discharged or permitted to flow into  
39 tributaries of the aforesaid waters situated wholly within one (1) state  
40 shall be treated to that extent, if any, which may be necessary to  
41 maintain such waters in a sanitary and satisfactory condition at least  
42 equal to the condition of the waters of the interstate stream immediately



1 above the confluence.

2 The commission is hereby authorized to adopt, prescribe, and  
3 promulgate rules, regulations, and standards for administering and  
4 enforcing the provisions of this article.

5 Article 7.

6 Nothing in this compact shall be construed to limit the powers of  
7 any signatory state, or to repeal or prevent the enactment of any  
8 legislation or the enforcement of any requirement by any signatory  
9 state, imposing additional conditions and restrictions to further lessen  
10 or prevent the pollution of waters within its jurisdiction.

11 Article 8.

12 The commission shall conduct a survey of the territory included  
13 within the district, shall study the pollution problems of the district and  
14 shall make a comprehensive report for the prevention or reduction of  
15 stream pollution therein. In preparing such report, the commission shall  
16 confer with any national or regional planning body which may be  
17 established, and any department of the federal government authorized  
18 to deal with matters relating to the pollution problems of the district.  
19 The commission shall draft and recommend to the governors of the  
20 various signatory states uniform legislation dealing with the pollution  
21 of rivers, streams, and waters and other pollution problems within the  
22 district. The commission shall consult with and advise the various  
23 states, communities, municipalities, corporations, persons, or other  
24 entities with regard to particular problems connected with the pollution  
25 of waters, particularly with regard to the construction of plants for the  
26 disposal of sewage, industrial, and other waste. The commission shall,  
27 more than one (1) month prior to any regular meeting of the legislature  
28 of any state which is a party thereto, present to the governor of the state  
29 its recommendations relating to enactments to be made by any  
30 legislature in furthering the intents and purposes of his compact.

31 Article 9.

32 The commission may from time to time, after investigation and after  
33 a hearing, issue an order or orders upon any municipality, corporation,  
34 person, or other entity discharging sewage or industrial waste into the  
35 Ohio river or any other river, stream, or water, any part of which  
36 constitutes any part of the boundary line between any two (2) or more  
37 of the signatory states, or into any stream any part of which flows from  
38 any portion of one (1) signatory state through any portion of another  
39 signatory state. Any such order or orders may prescribe the date on or  
40 before which such discharge shall be wholly or partially discontinued,  
41 modified, or treated or otherwise disposed of. The commission shall  
42 give reasonable notice of the time and place of the hearing to the



1 municipality, corporation, or other entity against which such order is  
 2 proposed. No such order shall go into effect unless and until it receives  
 3 the assent of at least a majority of the commissioners from each of not  
 4 less than a majority of the signatory states; and no such order upon a  
 5 municipality, corporation, person, or entity in any state shall go into  
 6 effect unless and until it receives the assent of not less than a majority  
 7 of the commissioners from such state.

8 It shall be the duty of the municipality, corporation, person, or other  
 9 entity to comply with any such order issued against it or him by the  
 10 commission and any court of general jurisdiction or any United States  
 11 district court in any of the signatory states shall have the jurisdiction,  
 12 by mandamus, injunction, specific performance, or other form of  
 13 remedy, to enforce any such order against any municipality,  
 14 corporation, or other entity domiciled or located within such state or  
 15 whose discharge of the waste takes place within or adjoining such state,  
 16 or against any employee, department, or subdivision of such  
 17 municipality, corporation, person, or other entity: Provided, however,  
 18 such court may review the order and affirm, reverse, or modify the  
 19 same upon any of the grounds customarily applicable in proceedings  
 20 for court review of administrative decisions. The commission or, at its  
 21 request, the attorney general or other law enforcing official, shall have  
 22 power to institute in such court any action for the enforcement of such  
 23 order.

24 Article 10.

25 The signatory states agree to appropriate for the salaries, office, and  
 26 other administrative expenses, their proper proportion of the annual  
 27 budget as determined by the commission and approved by the  
 28 governors of the signatory states, one-half (1/2) of such amount to be  
 29 prorated among the several states in proportion to their population  
 30 within the district at the last preceding federal census, the other half to  
 31 be prorated in proportion to their land area within the district. ~~Provided,~~  
 32 ~~that the total cost to the state of Indiana be limited to the appropriation~~  
 33 ~~specifically mentioned in section 5 of this bill.~~

34 Article 11.

35 This compact shall become effective upon ratification by the  
 36 legislatures of a majority of the states located within the district and  
 37 upon approval by the Congress of the United States; and shall become  
 38 effective as to any additional states signing thereafter at the time of  
 39 such signing.

40 In Witness Whereof, The various signatory states have executed this  
 41 compact through their respective compact commissioners.

42 The state of Indiana hereby consents that the state of Virginia may



1 become a party to and a signatory state of the aforesaid compact as  
2 fully as if it had been expressly named herein.

3 SECTION 33. IC 14-13-2-3.3, AS ADDED BY P.L.160-2012,  
4 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 UPON PASSAGE]: Sec. 3.3. As used in this chapter, "parcel" ~~has the~~  
6 ~~meaning set forth~~ **refers to a particular parcel identified by a unique**  
7 **parcel number as described** in 50 IAC 26-2-31.

8 SECTION 34. IC 14-37-4-8, AS AMENDED BY P.L.140-2011,  
9 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
10 UPON PASSAGE]: Sec. 8. (a) Except as provided in section 9 of this  
11 chapter and subject to subsections (b) and (c), if an applicant for a  
12 permit complies with:

- 13 (1) this article; and
- 14 (2) the rules adopted under this article;

15 the director shall issue a permit.

16 (b) The division shall:

- 17 (1) maintain a list of parties with experience and interest in  
18 mining commercially minable coal resources who request in  
19 writing to be given notice of the filing of complete permit  
20 applications under this chapter with respect to coal bed methane;  
21 and
- 22 (2) give written notice of each complete permit application filed  
23 under this chapter with respect to coal bed methane not later than  
24 fifteen (15) days after the filing date to each party on the list  
25 maintained under subdivision (1), and to each party that files an  
26 affidavit under IC 14-37-7-8.

27 (c) The notice given under subsection (b)(2) must include at least  
28 the following with respect to each proposed coal bed methane well:

- 29 (1) The location, type, and depth.
- 30 (2) The coal seam affected.

31 (d) The ~~division~~ **director** may not issue a permit under this chapter  
32 until all of the following requirements are satisfied:

- 33 (1) At least thirty (30) days have elapsed after giving notice under  
34 subsection (b)(2).
- 35 (2) Proof of both of the following has been submitted to the  
36 ~~division:~~ **director:**

37 (A) Receipt of the permit application's written notice as  
38 provided under section 8.5(e) of this chapter.

39 (B) That the applicant complied with the notification to the  
40 surface owner provisions required under IC 32-23-7-6.5. The  
41 applicant may submit as proof a certified mail receipt, the  
42 surface owner's written acknowledgment of receipt of the



- 1 notification, or copy of an agreement with the surface owner  
 2 establishing different notification terms.
- 3 (3) The ~~division~~ **director** has taken into consideration:
- 4 (A) comments received during the period referred to in  
 5 subdivision (1) from a person interested in the future  
 6 minability of a commercially minable coal resource; and  
 7 (B) objections made under section 8.5(h) of this chapter.
- 8 (4) The applicant has submitted to the director documentation  
 9 demonstrating that the commercially minable coal seam outside  
 10 the coal bed methane production area is protected adequately for  
 11 future underground mining.
- 12 (5) The director has issued a finding that the requirements of  
 13 subdivisions (1) through (4) and section 8.5 of this chapter have  
 14 been met.
- 15 (e) Unless waived by the applicant, the director shall issue or deny  
 16 a permit under this chapter within fifteen (15) days after the elapse of  
 17 the thirty (30) day notice period under subsection (d)(1).
- 18 SECTION 35. IC 15-11-2-3, AS AMENDED BY P.L.95-2010,  
 19 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 20 UPON PASSAGE]: Sec. 3. (a) **As used in this section, "biomass"**  
 21 **means agriculturally based sources of renewable energy, including**  
 22 **the following:**
- 23 (1) **Agricultural crops.**
- 24 (2) **Agricultural wastes and residues.**
- 25 (3) **Wood and wood byproducts, including the following:**
- 26 (A) **Wood residue.**
- 27 (B) **Forest thinning.**
- 28 (C) **Mill residue wood.**
- 29 (4) **Animal wastes.**
- 30 (5) **Animal byproducts.**
- 31 (6) **Aquatic plants.**
- 32 (7) **Algae.**
- 33 **The term does not include waste from construction and demolition.**
- 34 (b) The department shall do the following:
- 35 (1) Provide administrative and staff support for the following:
- 36 (A) The state fair board for purposes of carrying out the  
 37 director's duties under IC 15-13-5.
- 38 (B) The Indiana corn marketing council for purposes of  
 39 administering the duties of the director under IC 15-15-12.
- 40 (C) The Indiana organic peer review panel under IC 15-15-8.
- 41 (D) The Indiana dairy industry development board for  
 42 purposes of administering the duties of the director under



- 1 IC 15-18-5.
- 2 (E) The Indiana land resources council under IC 15-12-5.
- 3 (F) The Indiana grain buyers and warehouse licensing agency
- 4 under IC 26-3-7.
- 5 (G) The Indiana grain indemnity corporation under IC 26-4-3.
- 6 (H) The division.
- 7 ~~(I) The agricultural biomass infrastructure grant program~~
- 8 ~~under IC 15-11-11.~~
- 9 (2) Administer the election of state fair board members under
- 10 IC 15-13-5.
- 11 (3) Administer state programs and laws promoting agricultural
- 12 trade.
- 13 (4) Administer state livestock or agriculture marketing grant
- 14 programs.
- 15 (5) Administer economic development efforts for agriculture by
- 16 doing the following:
- 17 (A) Promoting value added agricultural resources.
- 18 (B) Marketing Indiana agriculture to businesses
- 19 internationally.
- 20 (C) Assisting Indiana agricultural businesses with developing
- 21 partnerships with the Indiana economic development
- 22 corporation.
- 23 (D) Soliciting private funding for selective economic
- 24 development and trade initiatives.
- 25 (E) Providing for the orderly economic development and
- 26 growth of Indiana's agricultural economy.
- 27 (F) Facilitating the use of biomass ~~(as defined in~~
- 28 ~~IC 15-11-11-0.7)~~ and algae production systems to generate
- 29 renewable energy.
- 30 SECTION 36. IC 15-11-2-4, AS ADDED BY P.L.2-2008,
- 31 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 32 UPON PASSAGE]: Sec. 4. The department shall work with:
- 33 (1) automobile manufacturers to improve awareness and labeling
- 34 of E85 ~~base~~ fuel; and
- 35 (2) the appropriate companies to include E85 ~~base~~ fuel stations in
- 36 updates of global positioning navigation software.
- 37 SECTION 37. IC 15-11-11 IS REPEALED [EFFECTIVE UPON
- 38 PASSAGE]. (E85 Fueling Station Grant Program).
- 39 SECTION 38. IC 15-16-5-67, AS ADDED BY P.L.2-2008,
- 40 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 41 UPON PASSAGE]: Sec. 67. (a) A person who is:
- 42 (1) ~~regulated subject to an action~~ under section 65, 66, or 70 of



- 1           this chapter; and
- 2           (2) aggrieved by any decision by the state chemist;
- 3           may obtain a review by the board, if the person files a written petition
- 4           with the board not later than thirty (30) days after the state chemist's
- 5           decision.
- 6           (b) The board shall provide a copy of a petition filed under
- 7           subsection (a) to the state chemist not later than seven (7) days after
- 8           receiving the petition.
- 9           (c) Not more than fifteen (15) days after receiving a petition under
- 10          subsection (b), the state chemist shall certify and file with the board a
- 11          transcript of any record related to the petition, including a transcript of
- 12          any evidence received.
- 13          (d) Whenever a hearing is held under this section, the board may
- 14          designate one (1) or more persons as the board's agent or representative
- 15          to conduct the hearing. The agent or representative shall conduct the
- 16          hearing in the manner provided by IC 4-21.5-3.
- 17          (e) After hearing the appeal, the board shall affirm, set aside, or
- 18          modify the action of the state chemist. However, the state chemist's
- 19          finding of facts that are supported by the substantial evidence is
- 20          considered conclusive.
- 21          (f) A person aggrieved by any action of the board may obtain
- 22          judicial review under IC 4-21.5-5.
- 23          SECTION 39. IC 16-41-9-1.5, AS AMENDED BY P.L.1-2007,
- 24          SECTION 137, IS AMENDED TO READ AS FOLLOWS
- 25          [EFFECTIVE UPON PASSAGE]: Sec. 1.5. (a) If a public health
- 26          authority has reason to believe that:
- 27                 (1) an individual:
- 28                         (A) has been infected with; or
- 29                         (B) has been exposed to;
- 30                         a dangerous communicable disease or outbreak; and
- 31                 (2) the individual is likely to cause the infection of an uninfected
- 32                         individual if the individual is not restricted in the individual's
- 33                         ability to come into contact with an uninfected individual;
- 34          the public health authority may petition a circuit or superior court for
- 35          an order imposing isolation or quarantine on the individual. A petition
- 36          for isolation or quarantine filed under this subsection must be verified
- 37          and include a brief description of the facts supporting the public health
- 38          authority's belief that isolation or quarantine should be imposed on an
- 39          individual, including a description of any efforts the public health
- 40          authority made to obtain the individual's voluntary compliance with
- 41          isolation or quarantine before filing the petition.
- 42          (b) Except as provided in subsections (e) and (k), an individual



1 described in subsection (a) is entitled to notice and an opportunity to  
 2 be heard, in person or by counsel, before a court issues an order  
 3 imposing isolation or quarantine. A court may restrict an individual's  
 4 right to appear in person if the court finds that the individual's personal  
 5 appearance is likely to expose an uninfected person to a dangerous  
 6 communicable disease or outbreak.

7 (c) If an individual is restricted from appearing in person under  
 8 subsection (b), the court shall hold the hearing in a manner that allows  
 9 all parties to fully and safely participate in the proceedings under the  
 10 circumstances.

11 (d) If the public health authority proves by clear and convincing  
 12 evidence that:

13 (1) an individual has been infected or exposed to a dangerous  
 14 communicable disease or outbreak; and

15 (2) the individual is likely to cause the infection of an uninfected  
 16 individual if the individual is not restricted in the individual's  
 17 ability to come into contact with an uninfected individual;

18 the court may issue an order imposing isolation or quarantine on the  
 19 individual. The court shall establish the conditions of isolation or  
 20 quarantine, including the duration of isolation or quarantine. The court  
 21 shall impose the least restrictive conditions of isolation or quarantine  
 22 that are consistent with the protection of the public.

23 (e) If the public health authority has reason to believe that an  
 24 individual described in subsection (a) is likely to expose an uninfected  
 25 individual to a dangerous communicable disease or outbreak before the  
 26 individual **described in subsection (a)** can be provided with notice and  
 27 an opportunity to be heard, the public health authority may seek in a  
 28 circuit or superior court an emergency order of quarantine or isolation  
 29 by filing a verified petition for emergency quarantine or isolation. The  
 30 verified petition must include a brief description of the facts supporting  
 31 the public health authority's belief that:

32 (1) isolation or quarantine should be imposed on an individual;  
 33 and

34 (2) the individual **described in subsection (a)** may expose an  
 35 uninfected individual to a dangerous communicable disease or  
 36 outbreak before the individual **described in subsection (a)** can be  
 37 provided with notice and an opportunity to be heard.

38 The verified petition must include a description of any efforts the  
 39 public health authority made to obtain the individual's voluntary  
 40 compliance with isolation or quarantine before filing the petition.

41 (f) If the public health authority proves by clear and convincing  
 42 evidence that:





1 (1) an individual has been infected or exposed to a dangerous  
2 communicable disease or outbreak;

3 (2) the individual is likely to cause the infection of an uninfected  
4 individual if the individual is not restricted in the individual's  
5 ability to come into contact with an uninfected individual; and

6 (3) the individual may expose an uninfected individual to a  
7 dangerous communicable disease or outbreak before the  
8 individual can be provided with notice and an opportunity to be  
9 heard;

10 the court may issue an emergency order imposing isolation or  
11 quarantine on the individual. The court shall establish the duration and  
12 other conditions of isolation or quarantine. The court shall impose the  
13 least restrictive conditions of isolation or quarantine that are consistent  
14 with the protection of the public.

15 (g) A court may issue an emergency order of isolation or quarantine  
16 without the verified petition required under subsection (e) if the court  
17 receives sworn testimony of the same facts required in the verified  
18 petition:

19 (1) in a nonadversarial, recorded hearing before the judge;

20 (2) orally by telephone or radio;

21 (3) in writing by facsimile transmission (fax); or

22 (4) through other electronic means approved by the court.

23 If the court agrees to issue an emergency order of isolation or  
24 quarantine based upon information received under subdivision (2), the  
25 court shall direct the public health authority to sign the judge's name  
26 and to write the time and date of issuance on the proposed emergency  
27 order. If the court agrees to issue an emergency order of isolation or  
28 quarantine based upon information received under subdivision (3), the  
29 court shall direct the public health authority to transmit a proposed  
30 emergency order to the court, which the court shall sign, add the date  
31 of issuance, and transmit back to the public health authority. A court  
32 may modify the conditions of a proposed emergency order.

33 (h) If an emergency order of isolation or quarantine is issued under  
34 subsection (g)(2), the court shall record the conversation on audiotape  
35 and order the court reporter to type or transcribe the recording for entry  
36 in the record. The court shall certify the audiotape, the transcription,  
37 and the order retained by the judge for entry in the record.

38 (i) If an emergency order of isolation or quarantine is issued under  
39 subsection (g)(3), the court shall order the court reporter to retype or  
40 copy the facsimile transmission for entry in the record. The court shall  
41 certify the transcription or copy and order retained by the judge for  
42 entry in the record.



1 (j) The clerk shall notify the public health authority who received an  
2 emergency order under subsection (g)(2) or (g)(3) when the  
3 transcription or copy required under this section is entered in the  
4 record. The public health authority shall sign the typed, transcribed, or  
5 copied entry upon receiving notice from the court reporter.

6 (k) The public health authority may issue an immediate order  
7 imposing isolation or quarantine on an individual if exigent  
8 circumstances, including the number of affected individuals, exist that  
9 make it impracticable for the public health authority to seek an order  
10 from a court, and obtaining the individual's voluntary compliance is or  
11 has proven impracticable or ineffective. An immediate order of  
12 isolation or quarantine expires after seventy-two (72) hours, excluding  
13 Saturdays, Sundays, and legal holidays, unless renewed in accordance  
14 with subsection (l). The public health authority shall establish the other  
15 conditions of isolation or quarantine. The public health authority shall  
16 impose the least restrictive conditions of isolation or quarantine that are  
17 consistent with the protection of the public. If the immediate order  
18 applies to a group of individuals and it is impracticable to provide  
19 individual notice, the public health authority shall post a copy of the  
20 order where it is likely to be seen by individuals subject to the order.

21 (l) The public health authority may seek to renew an order of  
22 isolation or quarantine or an immediate order of isolation or quarantine  
23 issued under this section by doing the following:

24 (1) By filing a petition to renew the emergency order of isolation  
25 or quarantine or the immediate order of isolation or quarantine  
26 with:

27 (A) the court that granted the emergency order of isolation or  
28 quarantine; or

29 (B) a circuit or superior court, in the case of an immediate  
30 order.

31 The petition for renewal must include a brief description of the  
32 facts supporting the public health authority's belief that the  
33 individual who is the subject of the petition should remain in  
34 isolation or quarantine and a description of any efforts the public  
35 health authority made to obtain the individual's voluntary  
36 compliance with isolation or quarantine before filing the petition.

37 (2) By providing the individual who is the subject of the  
38 emergency order of isolation or quarantine or the immediate order  
39 of isolation or quarantine with a copy of the petition and notice of  
40 the hearing at least twenty-four (24) hours before the time of the  
41 hearing.

42 (3) By informing the individual who is the subject of the



- 1 emergency order of isolation or quarantine or the immediate order  
 2 of isolation or quarantine that the individual has the right to:
- 3 (A) appear, unless the court finds that the individual's personal
  - 4 appearance may expose an uninfected person to a dangerous
  - 5 communicable disease or outbreak;
  - 6 (B) cross-examine witnesses; and
  - 7 (C) counsel, including court appointed counsel in accordance
  - 8 with subsection (c).
- 9 (4) If:
- 10 (A) the petition applies to a group of individuals; and
  - 11 (B) it is impracticable to provide individual notice;
- 12 by posting the petition in a conspicuous location on the isolation  
 13 or quarantine premises.
- 14 (m) If the public health authority proves by clear and convincing  
 15 evidence at a hearing under subsection (l) that:
- 16 (1) an individual has been infected or exposed to a dangerous
  - 17 communicable disease or outbreak; and
  - 18 (2) the individual is likely to cause the infection of an uninfected
  - 19 individual if the individual is not restricted in the individual's
  - 20 ability to come into contact with an uninfected individual;
- 21 the court may renew the existing order of isolation or quarantine or  
 22 issue a new order imposing isolation or quarantine on the individual.  
 23 The court shall establish the conditions of isolation or quarantine,  
 24 including the duration of isolation or quarantine. The court shall  
 25 impose the least restrictive conditions of isolation or quarantine that are  
 26 consistent with the protection of the public.
- 27 (n) Unless otherwise provided by law, a petition for isolation or  
 28 quarantine, or a petition to renew an immediate order for isolation or  
 29 quarantine, may be filed in a circuit or superior court in any county.  
 30 Preferred venue for a petition described in this subsection is:
- 31 (1) the county or counties (if the area of isolation or quarantine
  - 32 includes more than one (1) county) where the individual,
  - 33 premises, or location to be isolated or quarantined is located; or
  - 34 (2) a county adjacent to the county or counties (if the area of
  - 35 isolation or quarantine includes more than one (1) county) where
  - 36 the individual, premises, or location to be isolated or quarantined
  - 37 is located.
- 38 This subsection does not preclude a change of venue for good cause  
 39 shown.
- 40 (o) Upon the motion of any party, or upon its own motion, a court  
 41 may consolidate cases for a hearing under this section if:
- 42 (1) the number of individuals who may be subject to isolation or



- 1 quarantine, or who are subject to isolation or quarantine, is so  
 2 large as to render individual participation impractical;  
 3 (2) the law and the facts concerning the individuals are similar;  
 4 and  
 5 (3) the individuals have similar rights at issue.
- 6 A court may appoint an attorney to represent a group of similarly  
 7 situated individuals if the individuals can be adequately represented.  
 8 An individual may retain his or her own counsel or proceed pro se.
- 9 (p) A public health authority that imposes a quarantine that is not in  
 10 the person's home:  
 11 (1) shall allow the parent or guardian of a child who is  
 12 quarantined under this section; and  
 13 (2) may allow an adult;  
 14 to remain with the quarantined individual in quarantine. As a condition  
 15 of remaining with the quarantined individual, the public health  
 16 authority may require a person described in subdivision (2) who has not  
 17 been exposed to a dangerous communicable disease to receive an  
 18 immunization or treatment for the disease or condition, if an  
 19 immunization or treatment is available and if requiring immunization  
 20 or treatment does not violate a constitutional right.
- 21 (q) If an individual who is quarantined under this section is the sole  
 22 parent or guardian of one (1) or more children who are not quarantined,  
 23 the child or children shall be placed in the residence of a relative,  
 24 friend, or neighbor of the quarantined individual until the quarantine  
 25 period has expired. Placement under this subsection must be in  
 26 accordance with the directives of the parent or guardian, if possible.
- 27 (r) State and local law enforcement agencies shall cooperate with  
 28 the public health authority in enforcing an order of isolation or  
 29 quarantine.
- 30 (s) The court shall appoint an attorney to represent an indigent  
 31 individual in an action brought under this chapter or under IC 16-41-6.  
 32 If funds to pay for the court appointed attorney are not available from  
 33 any other source, the state department may use the proceeds of a grant  
 34 or loan to reimburse the county, state, or attorney for the costs of  
 35 representation.
- 36 (t) A person who knowingly or intentionally violates a condition of  
 37 isolation or quarantine under this chapter commits violating quarantine  
 38 or isolation, a Class A misdemeanor.
- 39 (u) The state department shall adopt rules under IC 4-22-2 to  
 40 implement this section, including rules to establish guidelines for:  
 41 (1) voluntary compliance with isolation and quarantine;  
 42 (2) quarantine locations and logistical support; and



1 (3) moving individuals to and from a quarantine location.  
 2 The absence of rules adopted under this subsection does not preclude  
 3 the public health authority from implementing any provision of this  
 4 section.

5 SECTION 40. IC 20-29-8-12, AS AMENDED BY P.L.48-2011,  
 6 SECTION 31, IS REPEALED [EFFECTIVE JULY 1, 2011  
 7 (RETROACTIVE)]. ~~Sec. 12: The board shall pay the cost of an~~  
 8 ~~arbitrator, which shall be reimbursed equally by the two (2) parties~~  
 9 ~~under procedures for collection and payment established by the board.~~

10 SECTION 41. IC 20-33-2-20, AS AMENDED BY P.L.34-2008,  
 11 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 UPON PASSAGE]: Sec. 20. (a) An accurate daily record of the  
 13 attendance of each student who is subject to compulsory school  
 14 attendance under this chapter shall be kept by every public and  
 15 nonpublic school.

16 (b) In a public school, the record shall be open at all times for  
 17 inspection by:

- 18 (1) attendance officers;  
 19 (2) school officials;  
 20 (3) agents of the department of labor;  
 21 (4) security police officers appointed under IC 36-8-3-7; and  
 22 (5) school corporation police officers appointed under  
 23 IC 20-26-16.

24 Every teacher shall answer fully all lawful inquiries made by an  
 25 attendance officer, a school official, an agent of the department of  
 26 labor, ~~or~~ a security police officer appointed under IC 36-8-3-7, ~~or a~~  
 27 **school corporation police officer appointed under IC 20-26-16.**

28 (c) In a nonpublic school, the record shall be required to be kept  
 29 solely to verify the enrollment and attendance of a student upon request  
 30 of the:

- 31 (1) state superintendent; or  
 32 (2) superintendent of the school corporation in which the  
 33 nonpublic school is located.

34 SECTION 42. IC 21-18.5-4-9, AS AMENDED BY P.L.205-2013,  
 35 SECTION 331, IS AMENDED TO READ AS FOLLOWS  
 36 [EFFECTIVE UPON PASSAGE]: Sec. 9. The commission ~~shall~~ **may**  
 37 adopt rules under IC 4-22-2:

- 38 (1) to develop standards that govern the denial of assistance to  
 39 higher education award applicants and recipients under  
 40 IC 21-12-3-13;  
 41 (2) to implement IC 21-12-6, including:  
 42 (A) rules regarding the establishment of appeals procedures



- 1 for individuals who become disqualified from the program
- 2 under IC 21-12-6-9;
- 3 (B) notwithstanding IC 21-12-6-5, rules that may include
- 4 students who are in grades other than grade 6, 7, or 8 as
- 5 eligible students; and
- 6 (C) rules that allow a student described in IC 21-12-6-5(b) to
- 7 become an eligible student while the student is in high school,
- 8 if the student agrees to comply with the requirements set forth
- 9 in IC 21-12-6-5(a)(4)(B) through IC 21-12-6-5(a)(4)(D) for
- 10 not less than six (6) months after graduating from high school;
- 11 (3) to implement IC 21-13-2; and
- 12 (4) to implement:
- 13 (A) IC 21-12-7; and
- 14 (B) IC 21-14-5.

15 SECTION 43. IC 22-4.5-2-6, AS AMENDED BY P.L.161-2006,  
 16 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 UPON PASSAGE]: Sec. 6. "One stop center" means a physical location  
 18 that:

- 19 (1) provides access to all one stop services;
- 20 (2) is certified by the ~~state board~~; **state workforce innovation**
- 21 **council**; and
- 22 (3) includes an onsite information resource area that meets
- 23 minimum criteria established by the department.

24 SECTION 44. IC 24-4-9-14 IS AMENDED TO READ AS  
 25 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) The total  
 26 amount of the renter's liability to the rental company resulting from  
 27 damage to the rented vehicle may not exceed the sum of the following:

- 28 (1) The estimated cost of replacement parts that the rental
- 29 company would have to pay to replace damaged vehicle parts, less
- 30 all discounts and price reductions or adjustments that will be
- 31 received by the rental company.
- 32 (2) The estimated cost of labor to replace damaged vehicle parts,
- 33 which may not exceed the product of:
- 34 (A) the rate for labor usually paid by the rental company to
- 35 replace vehicle parts of the type that were damaged; and
- 36 (B) the estimated time for replacement;
- 37 less all discounts and price reductions or adjustments that will be
- 38 received by the rental company.
- 39 (3) The estimated cost of labor to repair damaged vehicle parts,
- 40 which may not exceed the lesser of the following:
- 41 (A) The product of the rate for labor usually paid by the rental
- 42 company to repair vehicle parts of the type that were damaged



- 1 and the estimated time for repair.
- 2 (B) The sum of the estimated labor and parts costs determined
- 3 under subdivisions (1) and (2) to replace the same vehicle
- 4 parts.
- 5 All discounts and price reductions or adjustments that will be
- 6 received by the rental company must be taken into account in
- 7 determining the figure under this subdivision.
- 8 (4) Except as otherwise provided for, the loss of the use of the
- 9 rented vehicle, which may not exceed the product of:
- 10 (A) the rental rate stated in the rental agreement for the
- 11 particular vehicle rented, excluding optional charges; and
- 12 (B) the total of the estimated time for replacement and
- 13 estimated time for repair.
- 14 (5) Actual charges for towing, storage, and impound fees paid by
- 15 the rental company.
- 16 (b) Under any circumstances described in this chapter, liability for
- 17 the rental company's loss of use of the rented vehicle may not exceed
- 18 the product of:
- 19 (1) the rental rate stated in the rental agreement for the particular
- 20 vehicle rented, excluding all optional charges; and
- 21 (2) eighty percent (80%) of the period from the date of the
- 22 accident to the date the vehicle is ready to be returned to rental
- 23 service.
- 24 However, a renter is not liable to a rental company for the loss of use
- 25 of a damaged vehicle unless the ~~renter~~ **rental company** uses its best
- 26 efforts to effect repairs and return the vehicle to rental service.
- 27 (c) The administrative charge described in section 13(9) of this
- 28 chapter may not exceed:
- 29 (1) ten percent (10%) of the total estimated cost for parts and
- 30 labor, if the damage is one thousand five hundred dollars (\$1,500)
- 31 or less; or
- 32 (2) the amount specified in subdivision (1) plus seven and
- 33 one-half percent (7 1/2%) of the amount in excess of one
- 34 thousand five hundred dollars (\$1,500), if the total estimated cost
- 35 for parts and labor exceeds one thousand five hundred dollars
- 36 (\$1,500).
- 37 SECTION 45. IC 25-26-20-3 IS AMENDED TO READ AS
- 38 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The board
- 39 may organize a voluntary regional drug repository program to collect
- 40 and redistribute drugs to nonprofit health clinics.
- 41 (b) The board may enter into a voluntary agreement with any of the
- 42 following to serve as a regional drug repository:



- 1 (1) A pharmacist or pharmacy.
- 2 (2) A wholesale drug distributor.
- 3 (3) A hospital licensed under IC 16-21.
- 4 (4) A health care facility (as defined in ~~IC 16-18-2-161~~;
- 5 **IC 16-18-2-161(a)**).
- 6 (5) A nonprofit health clinic.

7 (c) A regional drug repository may not receive compensation for  
8 participation in the program.

9 SECTION 46. IC 30-2-9-1 IS AMENDED TO READ AS  
10 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Any payment  
11 of money made to any person, firm, partnership, association, limited  
12 liability company, or corporation, other than a bank or trust company,  
13 upon any agreement or contract, or any series or combination of  
14 agreements or contracts, which has for a purpose the furnishing or  
15 performance of funeral services, or the furnishing or delivery of any  
16 personal property, merchandise, or services of any nature in connection  
17 with the final disposition of a dead human body, for future use at a time  
18 determinable by the death of the person or persons whose body or  
19 bodies are to be so disposed of, shall be held to be trust funds, and the  
20 person, firm, partnership, association, or corporation receiving said  
21 payments is hereby declared to be a trustee thereof. This subsection  
22 applies only to such a contract or agreement executed before July 1,  
23 1978.

24 (b) After June 30, 1978, it is unlawful to enter into any agreement  
25 or contract for a purpose described in subsection (a) unless the  
26 agreement or contract requires that all payments be made by the settlor  
27 to an account in a:

- 28 (1) bank;
- 29 (2) trust company;
- 30 (3) savings association; or
- 31 (4) credit union;

32 whose principal office is in Indiana.

33 (c) Nothing contained in this chapter shall be deemed or construed  
34 to apply to those persons, firms, partnerships, associations, limited  
35 liability companies, or corporations covered by the "Indiana General  
36 Cemetery Law", ~~IC 23-14-1~~. **IC 23-14-33 through IC 23-14-76.**

37 SECTION 47. IC 33-35-1-3 IS AMENDED TO READ AS  
38 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The judge of  
39 a city or town court shall be elected under IC 3-10-6 or IC 3-10-7 by  
40 the voters of the city or town.

41 (b) Except as provided in subsections (c), ~~and~~ (d), **and (e)**, the term  
42 of office of a judge elected under this section is four (4) years,





1 beginning at noon January 1 after election and continuing until a  
2 successor is elected and qualified.

3 (c) This subsection applies to a town that adopts an ordinance under  
4 IC 3-10-6-2.6. The term of office of:

5 (1) a judge elected at the next municipal election not conducted  
6 in a general election year is one (1) year; and

7 (2) the successors to the judge described in subdivision (1) is four  
8 (4) years;

9 beginning at noon January 1 after election and continuing until a  
10 successor is elected and qualified.

11 (d) This subsection applies to a town that adopts an ordinance under  
12 IC 3-10-7-2.7. The term of office of:

13 (1) a judge elected at the next municipal election not conducted  
14 in a general election year is three (3) years; and

15 (2) the successors to the judge described in subdivision (1) is four  
16 (4) years;

17 beginning noon January 1 after election and continuing until a  
18 successor is elected and qualified.

19 **(e) This subsection applies to a town that adopts an ordinance**  
20 **under IC 3-10-7-2.9. The term of office of:**

21 **(1) a judge elected in the first election cycle after adoption of**  
22 **the ordinance is the term of office provided by the ordinance,**  
23 **not to exceed four (4) years; and**

24 **(2) the successors of the judge described in subdivision (1) is**  
25 **four (4) years.**

26 ~~(e)~~ **(f)** Before beginning the duties of office, the judge shall, in the  
27 manner prescribed by IC 5-4-1, execute a bond conditioned upon the  
28 faithful discharge of the duties of office.

29 SECTION 48. IC 34-28-5-15, AS AMENDED BY P.L.112-2013,  
30 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
31 UPON PASSAGE]: Sec. 15. (a) This subsection does not apply to a  
32 person whose prosecution for an infraction is deferred under section 1  
33 of this chapter. If a person alleged to have violated a statute defining an  
34 infraction:

35 (1) is not prosecuted or if the action against the person is  
36 dismissed;

37 (2) is adjudged not to have committed the infraction; or

38 (3) is adjudged to have committed the infraction and the  
39 adjudication is subsequently vacated;

40 the court in which the action was filed shall order the clerk and the  
41 operator of any state, regional, or local case management system not to  
42 disclose or permit disclosure of information related to the infraction to



- 1 a noncriminal justice organization or an individual.
- 2 (b) Not earlier than five (5) years after a person:
- 3 (1) whose prosecution for an infraction has been deferred; or
- 4 (2) who was found to have violated a statute defining an
- 5 infraction;
- 6 has satisfied the conditions of the deferral program or the judgment
- 7 imposed for the violation, the person may petition the court to prohibit
- 8 disclosure of information related to the infraction to a noncriminal
- 9 justice organization or an individual. The court shall order the clerk
- 10 and the operator of any state, regional, or local case management
- 11 system not to disclose or permit disclosure of information related to the
- 12 infraction to a noncriminal justice organization or an individual if the
- 13 court finds that:
- 14 (1) the person satisfied the judgment or conditions of the deferral
- 15 program; and
- 16 (2) at least five (5) years have passed since the date the person
- 17 satisfied the judgment or conditions of the program.
- 18 (c) If a court fails to order the clerk and the operator of any state,
- 19 regional, or local case management system to restrict disclosure of
- 20 information related to the infraction under subsection (a), the person
- 21 may petition the court to restrict disclosure of the records related to the
- 22 infraction to a noncriminal justice organization or an individual.
- 23 (d) A petition under subsection (b) or (c) must be verified and filed
- 24 in:
- 25 (1) the court in which the action was filed, for a person described
- 26 in subsection (a)(1);
- 27 (2) the court in which the trial was held, for a person described in
- 28 subsection (a)(2) or (a)(3); or
- 29 (3) the court finding or having jurisdiction over the violation, for
- 30 a person described in subsection (b).
- 31 (e) A petition under subsection (b) or (c) must be filed not earlier
- 32 than:
- 33 (1) if the person is adjudged not to have committed the infraction,
- 34 thirty (30) days after the date of judgment;
- 35 (2) if the person's adjudication is vacated, three hundred sixty-five
- 36 (365) days after:
- 37 (A) the order vacating the adjudication is final, if there is no
- 38 appeal or the appeal is terminated before entry of an opinion
- 39 or memorandum decision; or
- 40 (B) the opinion or memorandum decision vacating the
- 41 adjudication is certified;
- 42 **(3) if the person is not prosecuted, two (2) years after the**



- 1           **alleged conduct or violation occurred;**  
 2           ~~(3)~~ (4) if the person is not prosecuted or the action is dismissed,  
 3           thirty (30) days after the action is dismissed, if a new action is not  
 4           filed; or  
 5           ~~(4)~~ (5) if the person participated in a deferral program or is found  
 6           to have violated the statute defining the infraction, not earlier than  
 7           five (5) years after the date the judgment for the violation is  
 8           satisfied or the conditions of the deferral program are met.
- 9           (f) A petition under subsection (b) or (c) must set forth:
- 10           (1) the date of the alleged violation;  
 11           (2) the violation or alleged violation;  
 12           (3) the date the action was dismissed, if applicable;  
 13           (4) the date of judgment, if applicable;  
 14           (5) the date the adjudication was vacated, if applicable;  
 15           (6) the basis on which the adjudication was vacated, if applicable;  
 16           (7) the date the judgment is satisfied or the conditions of the  
 17           deferral program were met, if applicable;  
 18           (8) the law enforcement agency employing the officer who issued  
 19           the complaint, if applicable;  
 20           (9) any other known identifying information, such as the name of  
 21           the officer, case number, or court cause number;  
 22           (10) the date of the petitioner's birth; and  
 23           (11) at the option of the petitioner, the:
- 24                 (A) petitioner's driver's license or state identification card  
 25                 number; or  
 26                 (B) last four (4) digits of the petitioner's Social Security  
 27                 number.
- 28           (g) A copy of a petition filed under subsection (b) or (c) shall be  
 29           served on the prosecuting attorney.
- 30           (h) If the prosecuting attorney wishes to oppose a petition filed  
 31           under subsection (b) or (c), the prosecuting attorney shall, not later than  
 32           thirty (30) days after the petition is filed, file a notice of opposition  
 33           with the court setting forth reasons for opposing the petition. The  
 34           prosecuting attorney shall attach to the notice of opposition a certified  
 35           copy of any documentary evidence showing that the petitioner is not  
 36           entitled to relief. A copy of the notice of opposition and copies of any  
 37           documentary evidence shall be served on the petitioner in accordance  
 38           with the Indiana Rules of Trial Procedure.
- 39           (i) The court may, with respect to a petition filed under subsection  
 40           (b) or (c):
- 41                 (1) summarily grant the petition;  
 42                 (2) set the matter for hearing; or



1 (3) summarily deny the petition, if the court determines that:

2 (A) the petition is insufficient; or

3 (B) based on documentary evidence submitted to the court, the  
4 petitioner is not entitled to have access to the petitioner's  
5 records restricted.

6 (j) If a notice of opposition is filed under subsection (h) and the  
7 court does not summarily grant or summarily deny the petition, the  
8 court shall set the matter for a hearing.

9 (k) After a hearing is held under subsection (j), the court shall grant  
10 the petition filed under:

11 (1) subsection (b) if the person is entitled to relief under that  
12 subsection; or

13 (2) subsection (c) if the person is entitled to relief under  
14 subsection (a).

15 (l) If the court grants a petition filed under subsection (b) or (c), the  
16 court shall order the clerk and the operator of any state, regional, or  
17 local case management system not to disclose or permit disclosure of  
18 information related to the infraction to a noncriminal justice  
19 organization or an individual.

20 SECTION 49. IC 35-31.5-2-10, AS AMENDED BY P.L.13-2013,  
21 SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
22 UPON PASSAGE]: Sec. 10. "Advisory sentence", for purposes of  
23 ~~IC 35-50-2-3 through IC 35-50-2-7~~, **IC 35-50-1-2, IC 35-50-2, and**  
24 **this chapter**, has the meaning set forth in IC 35-50-2-1.3.

25 SECTION 50. IC 35-38-8-2 IS REPEALED [EFFECTIVE JULY 1,  
26 2013 (RETROACTIVE)]. Sec. 2: This chapter applies only to a person:

27 (1) convicted of a misdemeanor or a Class D felony (for a crime  
28 committed before July 1, 2014) or Level 6 felony (for a crime  
29 committed after June 30, 2014) that did not result in injury to a  
30 person; or

31 (2) adjudicated a delinquent child for committing an offense that,  
32 if committed by an adult, would be a misdemeanor or a Class D  
33 or Level 6 felony that did not result in injury to a person:

34 SECTION 51. IC 35-38-8-4 IS REPEALED [EFFECTIVE JULY 1,  
35 2013 (RETROACTIVE)]. Sec. 4: The court shall grant a petition under  
36 this chapter if the court finds:

37 (1) the person is:

38 (A) not a sex or violent offender; or

39 (B) a sex or violent offender, but the offender's status as a sex  
40 or violent offender is solely due to the offender's conviction for  
41 sexual misconduct with a minor (~~IC 35-42-4-9~~) and the  
42 offender proved that the defense described in ~~IC 35-42-4-9(c)~~



- 1 applies to the offender;  
 2 (2) the person was:  
 3 (A) convicted of a misdemeanor or a Class D felony (for a  
 4 crime committed before July 1, 2014) or Level 6 felony (for a  
 5 crime committed after June 30, 2014) that did not result in  
 6 injury to a person; or  
 7 (B) adjudicated a delinquent child for committing an offense  
 8 that, if committed by an adult, would be a misdemeanor or a  
 9 Class D felony or Level 6 felony not resulting in injury to a  
 10 person;  
 11 (3) eight (8) years have passed since the person completed the  
 12 person's sentence and satisfied any other obligation imposed on  
 13 the person as part of the sentence; and  
 14 (4) the person has not been convicted of a felony since the person  
 15 completed the person's sentence and satisfied any other obligation  
 16 imposed on the person as part of the sentence.

17 SECTION 52. IC 35-38-8-5 IS REPEALED [EFFECTIVE JULY 1,  
 18 2013 (RETROACTIVE)]. See: 5. If the court grants the petition of a  
 19 person under this chapter, the court shall do the following:

- 20 (1) Order:  
 21 (A) the department of correction; and  
 22 (B) each:  
 23 (i) law enforcement agency; and  
 24 (ii) other person;  
 25 who incarcerated, provided treatment for, or provided other  
 26 services for the person under an order of the court;  
 27 to prohibit the release of the person's records or information  
 28 relating to the misdemeanor, nonviolent Class D felony;  
 29 nonviolent Level 6 felony; or juvenile adjudication described in  
 30 section 2 of this chapter; in the person's records to a noncriminal  
 31 justice agency without a court order.  
 32 (2) Order any:  
 33 (A) state;  
 34 (B) regional; or  
 35 (C) local;  
 36 central repository for criminal history information to prohibit the  
 37 release of the person's records or information relating to the  
 38 misdemeanor, nonviolent Class D felony, nonviolent Level 6  
 39 felony, or juvenile adjudication described in section 2 of this  
 40 chapter; in the person's records to a noncriminal justice agency  
 41 without a court order.

42 SECTION 53. IC 35-47-9-2, AS AMENDED BY P.L.157-2014,



1 SECTION 5, AND AS AMENDED BY P.L.168-2014, SECTION 89,  
 2 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 3 [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) *A person may not be*  
 4 *charged with an offense under this subsection if the person may be*  
 5 *charged with an offense described in subsection (c). A person who*  
 6 *knowingly or intentionally possesses a firearm:*

7 (1) in or on school property; or

8 (2) on a school bus;

9 commits a Level 6 felony.

10 (b) *It is a defense to a prosecution under subsection (a) that:*

11 (1) *the person is permitted to legally possess the firearm; and*

12 (2) *the firearm is:*

13 (A) *locked in the trunk of the person's motor vehicle;*

14 (B) *kept in the glove compartment of the person's locked*  
 15 *motor vehicle; or*

16 (C) *stored out of plain sight in the person's locked motor*  
 17 *vehicle.*

18 (c) *A person who is permitted to legally possess a firearm and who*  
 19 *knowingly, intentionally, or recklessly leaves the firearm in plain view*  
 20 *in a motor vehicle that is parked in a school parking lot commits a*  
 21 *Class A misdemeanor.*

22 SECTION 54. IC 35-48-7-11.5, AS ADDED BY P.L.84-2010,  
 23 SECTION 100, IS AMENDED TO READ AS FOLLOWS  
 24 [EFFECTIVE UPON PASSAGE]: Sec. 11.5. (a) Each board of  
 25 **described in IC 25-0.5-11-1 that regulates** a health care provider that  
 26 prescribes or dispenses prescription drugs shall do the following:

27 (1) Establish prescribing norms and dispensing guidelines ~~for~~  
 28 **that, if violated, justify** the unsolicited dissemination of  
 29 exception reports under section 11.1(d) of this chapter.

30 (2) Provide the information determined in subdivision (1) to the  
 31 board.

32 (b) The exception reports that are disseminated based on the  
 33 prescribing norms and dispensing guidelines established under  
 34 subsection (a) must comply with the following requirements:

35 (1) A report of prescriptive activity of a practitioner to the  
 36 practitioner's professional licensing board designee when the  
 37 practitioner deviates from the dispensing guidelines or the  
 38 prescribing norms for the prescribing of a controlled substance  
 39 within a particular drug class.

40 (2) A reporting of recipient activity to the practitioners who  
 41 prescribed or dispensed the controlled substance when the  
 42 recipient deviates from the dispensing guidelines of a controlled



- 1 substance within a particular drug class.
- 2 (c) The board designee may, at the designee's discretion, forward the
- 3 exception report under subsection (b)(2) to only the following for
- 4 purposes of an investigation:
- 5 (1) A law enforcement agency.
- 6 (2) The attorney general.
- 7 SECTION 55. IC 35-50-2-1.3, AS AMENDED BY P.L.168-2014,
- 8 SECTION 110, IS AMENDED TO READ AS FOLLOWS
- 9 [EFFECTIVE UPON PASSAGE]: Sec. 1.3. (a) For purposes of
- 10 ~~sections 3 through 7~~ of this chapter, "advisory sentence" means a
- 11 guideline sentence that the court may voluntarily consider when
- 12 imposing a sentence.
- 13 (b) Except as provided in subsection (c), a court is not required to
- 14 use an advisory sentence.
- 15 (c) In imposing:
- 16 (1) consecutive sentences for felony convictions that are not
- 17 crimes of violence (as defined in IC 35-50-1-2(a)) arising out of
- 18 an episode of criminal conduct, in accordance with IC 35-50-1-2;
- 19 or
- 20 (2) an additional fixed term to a repeat sexual offender under
- 21 section 14 of this chapter;
- 22 a court is required to use the appropriate advisory sentence in imposing
- 23 a consecutive sentence or an additional fixed term. However, the court
- 24 is not required to use the advisory sentence in imposing the sentence
- 25 for the underlying offense.
- 26 (d) This section does not require a court to use an advisory sentence
- 27 in imposing consecutive sentences for felony convictions that do not
- 28 arise out of an episode of criminal conduct.
- 29 SECTION 56. IC 36-2-14-6.3, AS AMENDED BY P.L.128-2012,
- 30 SECTION 183, IS AMENDED TO READ AS FOLLOWS
- 31 [EFFECTIVE UPON PASSAGE]: Sec. 6.3. (a) A coroner shall
- 32 immediately notify:
- 33 (1) the local office of the department of child services by using
- 34 the statewide hotline for the department; and
- 35 (2) either:
- 36 (A) the local child fatality review team; or
- 37 (B) if the county does not have a local child fatality review
- 38 team, the statewide child fatality review committee;
- 39 of each death of a person who is less than eighteen (18) years of age,
- 40 or appears to be less than eighteen (18) years of age and who has died
- 41 in an apparently suspicious, unexpected, or unexplained manner.
- 42 (b) If a child less than eighteen (18) years of age dies in an



1 apparently suspicious, unexpected, or unexplained manner, the coroner  
 2 shall consult with a child death pathologist to determine whether an  
 3 autopsy is necessary. If the coroner and the child death pathologist  
 4 disagree over the need for an autopsy, the county ~~prosecutor~~  
 5 **prosecuting attorney** shall determine whether an autopsy is necessary.  
 6 If the autopsy is considered necessary, a child death pathologist or a  
 7 pathology resident acting under the direct supervision of a child death  
 8 pathologist shall conduct the autopsy within twenty-four (24) hours  
 9 **after the prosecuting attorney notifies the pathologist or pathology**  
 10 **resident of the determination.** If the autopsy is not considered  
 11 necessary, the autopsy shall not be conducted.

12 (c) If a child death pathologist and coroner agree under subsection  
 13 (b) that an autopsy is necessary, the child death pathologist or a  
 14 pathology resident acting under the direct supervision of a child death  
 15 pathologist shall conduct the autopsy of the child.

16 SECTION 57. IC 36-5-2-3 IS AMENDED TO READ AS  
 17 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Except as  
 18 provided in subsection (b), (c), (d), (e), ~~or~~ (f), **or (g)**, the term of office  
 19 of a member of the legislative body is four (4) years, beginning at noon  
 20 January 1 after the member's election and continuing until the  
 21 member's successor is elected and qualified.

22 (b) The term of office of a member of the legislative body appointed  
 23 to fill a vacancy resulting from an increase in the number of town  
 24 legislative body members under section 4.2 of this chapter:

25 (1) begins when the ordinance increasing the number of  
 26 legislative body members takes effect, or when the member is  
 27 appointed under IC 3-13-9-4, if the appointment is made after the  
 28 ordinance takes effect; and

29 (2) continues until noon January 1 following the next municipal  
 30 election scheduled under IC 3-10-6-5 or IC 3-10-7-6 and until the  
 31 member's successor is elected and qualified.

32 (c) The term of office of a member of the legislative body elected  
 33 under IC 36-5-1-10.1 following the incorporation of the town:

34 (1) begins at noon November 30 following the election; and

35 (2) continues until noon January 1 following the next municipal  
 36 election scheduled under IC 3-10-6-5 or IC 3-10-7-6 and until the  
 37 member's successor is elected and qualified.

38 (d) The term of office of a member of the legislative body subject  
 39 to IC 3-10-6-2.5(d)(1) is three (3) years, beginning at noon January 1  
 40 after the member's election and continuing until the member's  
 41 successor is elected and qualified.

42 (e) The term of office of a member of a legislative body subject to





1 an ordinance described by IC 3-10-6-2.6 is one (1) year, beginning at  
 2 noon January 1 after the member's election and continuing until the  
 3 member's successor is elected and qualified.

4 (f) The term of office of a member of a legislative body subject to  
 5 an ordinance described by IC 3-10-7-2.7 is:

6 (1) three (3) years if the member is elected at the next municipal  
 7 election not conducted in a general election year; and

8 (2) four (4) years for the successors of a member of a legislative  
 9 body described in subdivision (1);

10 beginning noon January 1 after election and continuing until a  
 11 successor is elected and qualified.

12 **(g) The term of office of a member of a legislative body subject**  
 13 **to an ordinance described by IC 3-10-7-2.9 is:**

14 **(1) the term of office provided by the ordinance, not to exceed**  
 15 **four (4) years, for a member of the legislative body elected in**  
 16 **the first election cycle after adoption of the ordinance; and**

17 **(2) four (4) years for the successors of the member of a**  
 18 **legislative body described in subdivision (1).**

19 SECTION 58. IC 36-5-6-3 IS AMENDED TO READ AS  
 20 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The  
 21 clerk-treasurer must reside within the town as provided in Article 6,  
 22 Section 6 of the Constitution of the State of Indiana. The clerk-treasurer  
 23 forfeits office if the clerk-treasurer ceases to be a resident of the town.

24 (b) Except as provided in subsection (c), ~~or~~ (d), (e), or (f), the term  
 25 of office of the clerk-treasurer is four (4) years, beginning at noon  
 26 January 1 after election and continuing until a successor is elected and  
 27 qualified.

28 (c) The term of office of a clerk-treasurer elected under  
 29 IC 36-5-1-10.1 following the incorporation of the town:

30 (1) begins at noon November 30 following the election; and

31 (2) continues until noon January 1 following the next municipal  
 32 election scheduled under IC 3-10-6-5 or IC 3-10-7-6 and until the  
 33 clerk-treasurer's successor is elected and qualified.

34 (d) The term of office of a clerk-treasurer subject to an ordinance  
 35 described by IC 3-10-6-2.6 is:

36 (1) one (1) year if the clerk-treasurer is elected at the next  
 37 municipal election not conducted in a general election year; and

38 (2) four (4) years for the successors of the clerk-treasurer  
 39 described in subdivision (1);

40 beginning at noon January 1 after the clerk-treasurer's election and  
 41 continuing until the clerk-treasurer's successor is elected and qualified.

42 (e) The term of office of a clerk-treasurer subject to an ordinance



1 described by IC 3-10-7-2.7 is:  
2 (1) three (3) years if the clerk-treasurer is elected at the next  
3 municipal election not conducted in a general election year; and  
4 (2) four (4) years for the successors of the clerk-treasurer  
5 described in subdivision (1);  
6 beginning noon January 1 after the clerk-treasurer's election and  
7 continuing until the clerk-treasurer's successor is elected and qualified.  
8 **(f) The term of office of a clerk-treasurer subject to an**  
9 **ordinance described by IC 3-10-7-2.9 is:**  
10 **(1) the term of office provided by the ordinance, not to exceed**  
11 **four (4) years, for the clerk-treasurer elected in the first**  
12 **election cycle after adoption of the ordinance; and**  
13 **(2) four (4) years for the successors of the clerk-treasurer**  
14 **described in subdivision (1).**  
15 SECTION 59. An emergency is declared for this act.



## COMMITTEE REPORT

Madam President: The Senate Committee on Civil Law, to which was referred Senate Bill No. 199, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 37, delete lines 37 through 42.

Page 38, delete lines 1 through 29.

Page 44, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 53. IC 35-47-9-2, AS AMENDED BY P.L.157-2014, SECTION 5, AND AS AMENDED BY P.L.168-2014, SECTION 89, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) *A person may not be charged with an offense under this subsection if the person may be charged with an offense described in subsection (c). A person who knowingly or intentionally possesses a firearm:*

(1) *in or on school property; or*

(2) *on a school bus;*

*commits a Level 6 felony.*

*(b) It is a defense to a prosecution under subsection (a) that:*

*(1) the person is permitted to legally possess the firearm; and*

*(2) the firearm is:*

*(A) locked in the trunk of the person's motor vehicle;*

*(B) kept in the glove compartment of the person's locked motor vehicle; or*

*(C) stored out of plain sight in the person's locked motor vehicle.*

*(c) A person who is permitted to legally possess a firearm and who knowingly, intentionally, or recklessly leaves the firearm in plain view in a motor vehicle that is parked in a school parking lot commits a Class A misdemeanor."*

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 199 as introduced.)

ZAKAS, Chairperson

Committee Vote: Yeas 9, Nays 0.

