

# SENATE BILL No. 421

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 4-12-1-13; IC 6-1.1-17-3; IC 7.1-3-20-16; IC 12-15-1.3; IC 12-17.2-2-8; IC 16-18-2-88.3; IC 16-28-6.5-6; IC 20-25.7-5-5; IC 35-43-2-2; IC 36-7-14-25.2.

**Synopsis:** Code publication bill. Resolves conflicts between various enrolled acts passed during the 2021 legislative session. Makes technical corrections within those enrolled acts. Makes a technical correction.

**Effective:** Upon passage; April 29, 2021 (retroactive); July 1, 2021.

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**Bassler, Rogers, Taylor G, Tomes,  
Becker**

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Rules Suspended, May 10, 2021, read first time.

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First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

## SENATE BILL No. 421

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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 4-12-1-13, AS AMENDED BY P.L.43-2021,  
2 SECTION 14, AND AS AMENDED BY P.L.165-2021, SECTION 40,  
3 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
4 [EFFECTIVE JULY 1, 2021]: Sec. 13. (a) During the interval between  
5 sessions of the general assembly, the budget agency shall make regular  
6 or, at the request of the governor, special inspections of the respective  
7 institutions of the state supported by public funds. The budget agency  
8 shall report regularly to the governor relative to the physical condition  
9 of such institutions, and any contemplated action of the institution on  
10 a new or important matter, and on any other subject which the budget  
11 agency may deem pertinent or on which the governor may require  
12 information. The budget agency shall likewise familiarize itself with  
13 the best and approved practices in each of such institutions and supply  
14 such information to other institutions to make their operation more  
15 efficient and economical.  
16 (b) Except as to officers and employees of state educational  
17 institutions, the executive secretary of the governor, the administrative



1 assistants to the governor, the elected officials, and persons whose  
2 salaries or compensation are fixed by the governor pursuant to law, the  
3 annual compensation of all persons employed by agencies of the state  
4 shall be subject to the approval of the budget agency. Except as  
5 otherwise provided by IC 4-15-2.2, the budget agency shall establish  
6 classifications and schedules for fixing compensation, salaries, and  
7 wages of all classes and types of employees of any state agency or state  
8 agencies, and any and all other such classifications affecting  
9 compensation as the budget agency shall deem necessary or desirable.  
10 The classifications and schedules thus established shall be filed in the  
11 office of the budget agency. Requests by an appointing authority for  
12 salary and wage adjustments or personal service payments coming  
13 within such classifications and schedules shall become effective when  
14 approved by, and upon the terms of approval fixed by, the budget  
15 agency. All personnel requests pertaining to the staffing of programs  
16 or agencies supported in whole or in part by federal funds are subject  
17 to review and approval by the state personnel department under  
18 IC 4-15-2.2.

19 (c) The budget agency shall review and approve, for the sufficiency  
20 of funds, all payments for personal services which are submitted to the  
21 auditor of state for payment.

22 (d) The budget agency shall review all contracts for personal  
23 services or other services and no contract for personal services or other  
24 services may be entered into by any agency of the state before the  
25 written approval of the budget agency is given. Each demand for  
26 payment submitted by an agency to the auditor of state under these  
27 contracts must be accompanied by a copy of the budget agency  
28 approval. No payment may be made by the auditor of state without  
29 such approval. However, this subsection does not apply to a contract  
30 entered into by:

31 (1) a state educational institution; or

32 (2) an agency of the state if the contract is not required to be  
33 approved by the budget agency under IC 4-13-2-14.1.

34 (e) The budget agency shall review and approve the policy and  
35 procedures governing travel prepared by the department of  
36 administration under IC 4-13-1, before the travel policies and  
37 procedures are distributed.

38 (f) Except as provided in subsections (g), (h), and (i), the budget  
39 agency may adopt such policies and procedures not inconsistent with  
40 law as it may deem advisable to facilitate and carry out the powers and  
41 duties of the agency, including the execution and administration of all  
42 appropriations made by law. IC 4-22-2 does not apply to these policies



1 and procedures.

2 (g) The budget agency may not enforce or apply any policy or  
3 procedure, unless specifically authorized by this chapter or an  
4 applicable statute, against or in relation to the following officials or  
5 agencies, unless the official or agency consents to comply with the  
6 policy or procedure, or emergency circumstances justify extraordinary  
7 measures to protect the state's budget or fiscal reserves:

8 (1) The judicial department of the state.

9 (2) The general assembly, the legislative services agency, or any  
10 other entity of the legislative department of the state.

11 (3) The attorney general.

12 (4) The auditor of state.

13 (5) The secretary of state.

14 ~~(6) The superintendent of public instruction. This subdivision~~  
15 ~~does not apply after January 10, 2021.~~

16 ~~(7) (6) The treasurer of state.~~

17 (h) The budget agency may not enforce a policy or procedure  
18 against an official or an agency specified in subsection (g)(1) through  
19 ~~(g)(7)~~ (g)(6) by refusing to allot money from the *personal*  
20 *services/fringe benefits state agency* contingency fund to the official or  
21 agency *without review by the budget committee*.

22 (i) The budget agency may not withhold or refuse to allot  
23 appropriations for a state educational institution without review by the  
24 budget committee.

25 SECTION 2. IC 6-1.1-17-3, AS AMENDED BY P.L.38-2021,  
26 SECTION 25, AND AS AMENDED BY P.L.136-2021, SECTION 2,  
27 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
28 [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) The proper officers of a  
29 political subdivision shall formulate its estimated budget and its  
30 proposed tax rate and tax levy on the form prescribed by the  
31 department of local government finance and approved by the state  
32 board of accounts. In formulating a political subdivision's estimated  
33 budget under this section, the proper officers of the political  
34 subdivision must consider the net property tax revenue that will be  
35 collected by the political subdivision during the ensuing year, after  
36 taking into account the estimate by the department of local government  
37 finance under IC 6-1.1-20.6-11.1 of the amount by which the political  
38 subdivision's distribution of property taxes will be reduced by credits  
39 under IC 6-1.1-20.6-9.5 in the ensuing year, after taking into account  
40 the estimate by the department of local government finance under  
41 section 0.7 of this chapter of the maximum amount of net property tax  
42 revenue and miscellaneous revenue that the political subdivision will



1 receive in the ensuing year, and after taking into account all payments  
 2 for debt service obligations that are to be made by the political  
 3 subdivision during the ensuing year. The political subdivision or  
 4 appropriate fiscal body, if the political subdivision is subject to section  
 5 20 of this chapter, shall submit the following information to the  
 6 department's computer gateway:

7 (1) The estimated budget.

8 (2) The estimated maximum permissible levy, as provided by the  
 9 department under IC 6-1.1-18.5-24.

10 (3) The current and proposed tax levies of each fund.

11 (4) The percentage change between the current and proposed tax  
 12 levies of each fund.

13 (5) The amount by which the political subdivision's distribution  
 14 of property taxes may be reduced by credits granted under  
 15 IC 6-1.1-20.6, as estimated by the department of local government  
 16 finance under ~~IC 6-1.1-20.6-11~~: IC 6-1.1-20.6-11.1.

17 (6) The amounts of excessive levy appeals to be requested.

18 (7) The time and place at which the political subdivision or  
 19 appropriate fiscal body will hold a public hearing on the items  
 20 described in subdivisions (1) through (6).

21 (8) The time and place at which the political subdivision or  
 22 appropriate fiscal body will meet to fix the budget, tax rate, and  
 23 levy under section 5 of this chapter.

24 (9) The date, time, and place of the final adoption of the budget,  
 25 tax rate, and levy under section 5 of this chapter.

26 *Except as provided in section 5.6(b) of this chapter*, the political  
 27 subdivision or appropriate fiscal body shall submit this information to  
 28 the department's computer gateway at least ten (10) days before the  
 29 public hearing required by this subsection in the manner prescribed by  
 30 the department. If the date, time, or place of the final adoption  
 31 subsequently changes, the political subdivision shall update the  
 32 information submitted to the department's computer gateway. The  
 33 department shall make this information available to taxpayers, at least  
 34 ten (10) days before the public hearing, through its computer gateway  
 35 and provide a telephone number through which taxpayers may request  
 36 mailed copies of a political subdivision's information under this  
 37 subsection. The department's computer gateway must allow a taxpayer  
 38 to search for the information under this subsection by the taxpayer's  
 39 address. The department shall review only the submission to the  
 40 department's computer gateway for compliance with this section.

41 (b) The board of directors of a solid waste management district  
 42 established under IC 13-21 or IC 13-9.5-2 (before its repeal) may



1 conduct the public hearing required under subsection (a):

- 2 (1) in any county of the solid waste management district; and  
 3 (2) in accordance with the annual notice of meetings published  
 4 under IC 13-21-5-2.

5 (c) The trustee of each township in the county shall estimate the  
 6 amount necessary to meet the cost of township assistance in the  
 7 township for the ensuing calendar year. The township board shall adopt  
 8 with the township budget a tax rate sufficient to meet the estimated cost  
 9 of township assistance. The taxes collected as a result of the tax rate  
 10 adopted under this subsection are credited to the township assistance  
 11 fund.

12 (d) A political subdivision for which any of the information under  
 13 subsection (a) is not submitted to the department's computer gateway  
 14 in the manner prescribed by the department shall have its most recent  
 15 annual appropriations and annual tax levy continued for the ensuing  
 16 budget year.

17 (e) If a political subdivision or appropriate fiscal body timely  
 18 submits the information under subsection (a) but subsequently  
 19 discovers the information contains an error, the political subdivision or  
 20 appropriate fiscal body may submit amended information to the  
 21 department's computer gateway. However, submission of an  
 22 amendment to information described in subsection (a)(1) through ~~(a)(6)~~  
 23 ~~(a)(7)~~ must occur at least ten (10) days before the public hearing held  
 24 under subsection (a), and submission of an amendment to information  
 25 described in subsection ~~(a)(7)~~ ~~(a)(8)~~ must occur at least twenty-four  
 26 (24) hours before the time in which the meeting to fix the budget, tax  
 27 rate, and levy was originally advertised to commence.

28 ~~(f)~~ **(f)** *Each year, the governing body of a school corporation that*  
 29 *imposes property taxes to pay debt service on bonds or lease rentals*  
 30 *on a lease for a controlled project under IC 6-1.1-20, property taxes*  
 31 *under an operating referendum tax levy under IC 20-46-1, or property*  
 32 *taxes under a school safety referendum tax levy under ~~IC 20-49-6,~~*  
 33 **IC 20-46-9**, *shall submit the following information at least ten (10)*  
 34 *days before the public hearing required by subsection (a) in the*  
 35 *manner prescribed by the department:*

36 (1) *the purposes specified in the public question submitted to the*  
 37 *voters or any revenue spending plans adopted under*  
 38 *IC 6-1.1-20-13, IC 20-46-1-8, or IC 20-46-9-6 for:*

- 39 (A) *debt service on bonds or lease rentals on a lease for a*  
 40 *controlled project under IC 6-1.1-20;*  
 41 (B) *an operating referendum tax levy approved by the voters*  
 42 *of the school corporation under IC 20-46-1; or*



1                   (C) a school safety referendum tax levy approved by the voters  
 2                   of the school corporation under IC 20-46-9;  
 3                   as applicable; and  
 4                   (2) the debt service levy fund, operating referendum tax levy fund,  
 5                   or school safety referendum tax levy fund of the school  
 6                   corporation, whichever is applicable;  
 7                   to show whether the school corporation is using revenue collected  
 8                   from the referendum tax levy in the amounts and for the purposes  
 9                   established in the purposes specified in the public question submitted  
 10                  to the voters or the revenue spending plan, as applicable. The  
 11                  department shall make this information available to taxpayers at least  
 12                  ten (10) days before the public hearing.

13                  SECTION 3. IC 7.1-3-20-16, AS AMENDED BY P.L.150-2021,  
 14                  SECTION 1, AND AS AMENDED BY P.L.172-2021, SECTION 1, IS  
 15                  CORRECTED AND AMENDED TO READ AS FOLLOWS  
 16                  [EFFECTIVE JULY 1, 2021]: Sec. 16. (a) A permit that is authorized  
 17                  by this section may be issued without regard to the quota provisions of  
 18                  IC 7.1-3-22.

19                  (b) The commission may issue a three-way permit to sell alcoholic  
 20                  beverages for on-premises consumption only to an applicant who is the  
 21                  proprietor, as owner or lessee, or both, of a restaurant facility in the  
 22                  passenger terminal complex of a publicly owned airport. A permit  
 23                  issued under this subsection shall not be transferred to a location off  
 24                  the airport premises.

25                  (c) Except as provided in ~~section~~ sections 16.3 and 16.4 of this  
 26                  chapter, the commission may issue a three-way, two-way, or one-way  
 27                  permit to sell alcoholic beverages for on-premises consumption only to  
 28                  an applicant who is the proprietor, as owner or lessee, or both, of a  
 29                  restaurant within a redevelopment project consisting of a building or  
 30                  group of buildings that:

- 31                   (1) was formerly used as part of a union railway station;  
 32                   (2) has been listed in or is within a district that has been listed in  
 33                   the federal National Register of Historic Places maintained  
 34                   pursuant to the National Historic Preservation Act of 1966, as  
 35                   amended; and  
 36                   (3) has been redeveloped or renovated, with the redevelopment or  
 37                   renovation being funded in part with grants from the federal,  
 38                   state, or local government.

39                  A permit issued under this subsection shall not be transferred to a  
 40                  location outside of the redevelopment project.

41                  (d) Subject to section 16.1 of this chapter and except as provided in  
 42                  section 16.3 of this chapter, the commission may issue a three-way,



1 two-way, or one-way permit to sell alcoholic beverages for on-premises  
 2 consumption only to an applicant who is the proprietor, as owner or  
 3 lessee, or both, of a restaurant:

- 4 (1) on land; or  
 5 (2) in a historic river vessel;

6 within a municipal riverfront development project funded in part with  
 7 state and city money. The ownership of a permit issued under this  
 8 subsection and the location for which the permit was issued may not be  
 9 transferred. The legislative body of the municipality in which the  
 10 municipal riverfront development project is located shall recommend  
 11 to the commission sites that are eligible to be permit premises. The  
 12 commission shall consider, but is not required to follow, the municipal  
 13 legislative body's recommendation in issuing a permit under this  
 14 subsection. A permit holder and any lessee or proprietor of the permit  
 15 premises are subject to the formal written commitment required under  
 16 IC 7.1-3-19-17. Notwithstanding IC 7.1-3-1-3.5 and IC 7.1-3-1.1, if  
 17 business operations cease at the permit premises for more than six (6)  
 18 months, the permit shall revert to the commission. The permit holder  
 19 is not entitled to any refund or other compensation.

20 (e) Except as provided in *section sections 16.3 and 16.4* of this  
 21 chapter, the commission may issue a three-way, two-way, or one-way  
 22 permit to sell alcoholic beverages for on-premises consumption only to  
 23 an applicant who is the proprietor, as owner or lessee, or both, of a  
 24 restaurant within a renovation project consisting of:

- 25 (1) a building that:  
 26 (A) was formerly used as part of a passenger and freight  
 27 railway station; and  
 28 (B) was built before 1900; or  
 29 (2) a complex of buildings that:  
 30 (A) is part of an economic development area established under  
 31 IC 36-7-14; and  
 32 (B) includes, as part of the renovation project, the use and  
 33 repurposing of two (2) or more buildings and structures that  
 34 are:  
 35 (i) at least seventy-five (75) years old; and  
 36 (ii) located at a site at which manufacturing previously  
 37 occurred over a period of at least seventy-five (75) years.

38 The permit authorized by this subsection may be issued without regard  
 39 to the proximity provisions of IC 7.1-3-21-11.

40 (f) Except as provided in section 16.3 of this chapter, the  
 41 commission may issue a three-way permit for the sale of alcoholic  
 42 beverages for on-premises consumption at a cultural center for the





1 visual and performing arts to the following:

2 (1) A town that:

3 (A) is located in a county having a population of more than  
4 four hundred thousand (400,000) but less than seven hundred  
5 thousand (700,000); and

6 (B) has a population of more than twenty thousand (20,000)  
7 but less than twenty-three thousand seven hundred (23,700).

8 (2) A city that has an indoor theater as described in section 26 of  
9 this chapter.

10 (g) Except as provided in section 16.3 of this chapter, the  
11 commission may issue not more than ten (10) new three-way, two-way,  
12 or one-way permits to sell alcoholic beverages for on-premises  
13 consumption to applicants, each of whom must be the proprietor, as  
14 owner or lessee, or both, of a restaurant located within a district, or not  
15 more than seven hundred (700) feet from a district, that meets the  
16 following requirements:

17 (1) The district has been listed in the National Register of Historic  
18 Places maintained under the National Historic Preservation Act  
19 of 1966, as amended.

20 (2) A county courthouse is located within the district.

21 (3) A historic opera house listed on the National Register of  
22 Historic Places is located within the district.

23 (4) A historic jail and sheriff's house listed on the National  
24 Register of Historic Places is located within the district.

25 The legislative body of the municipality in which the district is located  
26 shall recommend to the commission sites that are eligible to be permit  
27 premises. The commission shall consider, but is not required to follow,  
28 the municipal legislative body's recommendation in issuing a permit  
29 under this subsection. An applicant is not eligible for a permit if, less  
30 than two (2) years before the date of the application, the applicant sold  
31 a retailer's permit that was subject to IC 7.1-3-22 and that was for  
32 premises located within the district described in this section or within  
33 seven hundred (700) feet of the district. The ownership of a permit  
34 issued under this subsection and the location for which the permit was  
35 issued shall not be transferred. A permit holder and any lessee or  
36 proprietor of the permit premises is subject to the formal written  
37 commitment required under IC 7.1-3-19-17. Notwithstanding  
38 IC 7.1-3-1-3.5 and IC 7.1-3-1.1, if business operations cease at the  
39 permit premises for more than six (6) months, the permit shall revert  
40 to the commission. The permit holder is not entitled to any refund or  
41 other compensation. The total number of active permits issued under  
42 this subsection may not exceed ten (10) at any time. The cost of an



1 initial permit issued under this subsection is six thousand dollars  
2 (\$6,000).

3 (h) Except as provided in section 16.3 of this chapter, the  
4 commission may issue a three-way permit for the sale of alcoholic  
5 beverages for on-premises consumption to an applicant who will locate  
6 as the proprietor, as owner or lessee, or both, of a restaurant within an  
7 economic development area under IC 36-7-14 in:

8 (1) a town with a population of more than twenty thousand  
9 (20,000); or

10 (2) a city with a population of more than forty-four thousand five  
11 hundred (44,500) but less than forty-five thousand (45,000);

12 located in a county having a population of more than one hundred ten  
13 thousand (110,000) but less than one hundred eleven thousand  
14 (111,000). The commission may issue not more than five (5) licenses  
15 under this section to premises within a municipality described in  
16 subdivision (1) and not more than five (5) licenses to premises within  
17 a municipality described in subdivision (2). The commission shall  
18 conduct an auction of the permits under IC 7.1-3-22-9, except that the  
19 auction may be conducted at any time as determined by the  
20 commission. Notwithstanding any other law, the minimum bid for an  
21 initial license under this subsection is thirty-five thousand dollars  
22 (\$35,000), and the renewal fee for a license under this subsection is one  
23 thousand three hundred fifty dollars (\$1,350). Before the district  
24 expires, a permit issued under this subsection may not be transferred.  
25 After the district expires, a permit issued under this subsection may be  
26 renewed, and the ownership of the permit may be transferred, but the  
27 permit may not be transferred from the permit premises.

28 (i) After June 30, 2006, and except as provided in section 16.3 of  
29 this chapter, the commission may issue not more than five (5) new  
30 three-way, two-way, or one-way permits to sell alcoholic beverages for  
31 on-premises consumption to applicants, each of whom must be the  
32 proprietor, as owner or lessee, or both, of a restaurant located within a  
33 district, or not more than five hundred (500) feet from a district, that  
34 meets all of the following requirements:

35 (1) The district is within an economic development area, an area  
36 needing redevelopment, or a redevelopment district as established  
37 under IC 36-7-14.

38 (2) A unit of the National Park Service is partially located within  
39 the district.

40 (3) An international deep water seaport is located within the  
41 district.

42 An applicant is not eligible for a permit under this subsection if, less



1 than two (2) years before the date of the application, the applicant sold  
 2 a retailers' permit that was subject to IC 7.1-3-22 and that was for  
 3 premises located within the district described in this subsection or  
 4 within five hundred (500) feet of the district. A permit issued under this  
 5 subsection may not be transferred. If the commission issues five (5)  
 6 new permits under this subsection, and a permit issued under this  
 7 subsection is later revoked or is not renewed, the commission may  
 8 issue another new permit, as long as the total number of active permits  
 9 issued under this subsection does not exceed five (5) at any time. The  
 10 commission shall conduct an auction of the permits under  
 11 IC 7.1-3-22-9, except that the auction may be conducted at any time as  
 12 determined by the commission.

13 (j) Subject to section 16.2 of this chapter and except as provided in  
 14 section 16.3 of this chapter, the commission may issue not more than  
 15 six (6) new three-way, two-way, or one-way permits to sell alcoholic  
 16 beverages for on-premises consumption only to an applicant who is the  
 17 proprietor, as owner or lessee, or both, of a restaurant on land within a  
 18 municipal lakefront development project. ~~funded in part with state,  
 19 local, and federal money.~~ A permit issued under this subsection may  
 20 not be transferred. If the commission issues six (6) new permits under  
 21 this subsection, and a permit issued under this subsection is later  
 22 revoked or is not renewed, the commission may issue another new  
 23 permit, as long as the total number of active permits issued under this  
 24 subsection does not exceed six (6) at any time. The commission shall  
 25 conduct an auction of the permits under IC 7.1-3-22-9, except that the  
 26 auction may be conducted at any time as determined by the  
 27 commission. Notwithstanding any other law, the minimum bid for an  
 28 initial permit under this subsection is ten thousand dollars (\$10,000).

29 (k) Except as provided in section 16.3 of this chapter, the  
 30 commission may issue not more than nine (9) new three-way permits  
 31 to sell alcoholic beverages for on-premises consumption to applicants,  
 32 each of whom must be a proprietor, as owner or lessee, or both, of a  
 33 restaurant located:

- 34 (1) within a motorsports investment district (as defined in
- 35 IC 5-1-17.5-11); or
- 36 (2) not more than one thousand five hundred (1,500) feet from a
- 37 motorsports investment district.

38 The ownership of a permit issued under this subsection and the location  
 39 for which the permit was issued shall not be transferred. If the  
 40 commission issues nine (9) new permits under this subsection, and a  
 41 permit issued under this subsection is later revoked or is not renewed,  
 42 the commission may issue another new permit, as long as the total



1 number of active permits issued under this subsection does not exceed  
 2 nine (9) at any time. A permit holder and any lessee or proprietor of the  
 3 permit premises are subject to the formal written commitment required  
 4 under IC 7.1-3-19-17. Notwithstanding IC 7.1-3-1-3.5 and IC 7.1-3-1.1,  
 5 if business operations cease at the permit premises for more than six  
 6 (6) months, the permit shall revert to the commission. The permit  
 7 holder is not entitled to any refund or other compensation.

8 (l) Except as provided in section 16.3 of this chapter, the  
 9 commission may issue not more than two (2) new three-way permits to  
 10 sell alcoholic beverages for on-premises consumption for premises  
 11 located within a qualified motorsports facility (as defined in  
 12 IC 5-1-17.5-14). The ownership of a permit issued under this  
 13 subsection and the location for which the permit was issued shall not  
 14 be transferred. If the commission issues two (2) new permits under this  
 15 subsection, and a permit issued under this subsection is later revoked  
 16 or is not renewed, the commission may issue another new permit, as  
 17 long as the total number of active permits issued under this subsection  
 18 does not exceed two (2) at any time. A permit holder and any lessee or  
 19 proprietor of the permit premises are subject to the formal written  
 20 commitment required under IC 7.1-3-19-17. Notwithstanding  
 21 IC 7.1-3-1-3.5 and IC 7.1-3-1.1, if business operations cease at the  
 22 permit premises for more than six (6) months, the permit shall revert  
 23 to the commission. The permit holder is not entitled to any refund or  
 24 other compensation.

25 SECTION 4. IC 12-15-1.3-22, AS ADDED BY P.L.207-2021,  
 26 SECTION 7, IS REPEALED [EFFECTIVE JULY 1, 2021]. ~~Sec. 22:~~  
 27 ~~Before December 1, 2021, the office shall apply to the United States~~  
 28 ~~Department of Health and Human Services for an amendment to the~~  
 29 ~~state Medicaid plan to require Medicaid reimbursement for the purpose~~  
 30 ~~of authorizing Medicaid rehabilitation option services as an eligible~~  
 31 ~~service concurrent with reimbursement under the residential treatment~~  
 32 ~~program, level of care 3-1 for the clinically managed low-intensity~~  
 33 ~~residential services facilities, as set forth by the American Society of~~  
 34 ~~Addiction Medicine (ASAM); if the authorized Medicaid rehabilitation~~  
 35 ~~option services are not currently reimbursed as an eligible service~~  
 36 ~~under the ASAM 3-1 level of care Section 1115 Medicaid~~  
 37 ~~demonstration waiver bundled rate.~~

38 SECTION 5. IC 12-15-1.3-23 IS ADDED TO THE INDIANA  
 39 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 40 [EFFECTIVE JULY 1, 2021]: **Sec. 23. Before December 1, 2021, the**  
 41 **office shall apply to the United States Department of Health and**  
 42 **Human Services for an amendment to the state Medicaid plan to**



1 **require Medicaid reimbursement for the purpose of authorizing**  
 2 **Medicaid rehabilitation option services as an eligible service**  
 3 **concurrent with reimbursement under the residential treatment**  
 4 **program, level of care 3.1 for the clinically managed low-intensity**  
 5 **residential services facilities, as set forth by the American Society**  
 6 **of Addiction Medicine (ASAM), if the authorized Medicaid**  
 7 **rehabilitation option services are not currently reimbursed as an**  
 8 **eligible service under the ASAM 3.1 level of care Section 1115**  
 9 **Medicaid demonstration waiver bundled rate.**

10 SECTION 6. IC 12-17.2-2-8, AS AMENDED BY P.L.173-2021,  
 11 SECTION 1, AND AS AMENDED BY P.L.216-2021, SECTION 3, IS  
 12 CORRECTED AND AMENDED TO READ AS FOLLOWS  
 13 [EFFECTIVE JULY 1, 2021]: Sec. 8. The division shall exempt from  
 14 licensure the following programs:

- 15 (1) A program for children enrolled in grades kindergarten  
 16 through 12 that is operated by the department of education or a  
 17 public or private school.  
 18 (2) A program for children who become at least three (3) years of  
 19 age as of December 1 of a particular school year (as defined in  
 20 IC 20-18-2-17) that is operated by the department of education or  
 21 a public or private school.  
 22 (3) A nonresidential program for a child that provides child care  
 23 for less than four (4) hours a day.  
 24 (4) A recreation program for children that operates for not more  
 25 than ninety (90) days in a calendar year.  
 26 (5) A program whose primary purpose is to provide social,  
 27 recreational, or religious activities for school age children, such  
 28 as scouting, boys club, girls club, sports, or the arts.  
 29 (6) A program operated to serve migrant children that:  
 30 (A) provides services for children from migrant worker  
 31 families; and  
 32 (B) is operated during a single period of less than one hundred  
 33 twenty (120) consecutive days during a calendar year.  
 34 (7) A child care ministry registered under IC 12-17.2-6.  
 35 (8) A child care home if the provider:  
 36 (A) does not receive regular compensation;  
 37 (B) cares only for children who are related to the provider;  
 38 (C) cares for less than six (6) children, not including children  
 39 for whom the provider is a parent, stepparent, guardian,  
 40 custodian, or other relative; or  
 41 (D) operates to serve migrant children.  
 42 (9) A child care program operated by a public or private



- 1 secondary school that:
- 2 (A) provides day care on the school premises for children of a
- 3 student or an employee of the school;
- 4 (B) complies with health, safety, and sanitation standards as
- 5 determined by the division under section 4 of this chapter for
- 6 child care centers or in accordance with a variance or waiver
- 7 of a rule governing child care centers approved by the division
- 8 under section 10 of this chapter; and
- 9 (C) substantially complies with the fire and life safety rules as
- 10 determined by the state fire marshal under rules adopted by the
- 11 division under section 4 of this chapter for child care centers
- 12 or in accordance with a variance or waiver of a rule governing
- 13 child care centers approved by the division under section 10 of
- 14 this chapter.
- 15 (10) A school age child care program (commonly referred to as a
- 16 latch key program) established under IC 20-26-5-2 that is
- 17 operated by:
- 18 (A) the department of education;
- 19 (B) a public or private school; or
- 20 (C) a public or private organization under a written contract
- 21 with:
- 22 (i) the department of education; or
- 23 (ii) a public or private school.
- 24 (11) *A child care program that:*
- 25 *(A) is operated by a public or private organization under a*
- 26 *contract with a public or private school;*
- 27 *(B) serves children who are enrolled in the public or private*
- 28 *school in:*
- 29 *(i) grades kindergarten through 12; or*
- 30 *(ii) a preschool program offered by a public or private*
- 31 *school as described in this subdivision; and*
- 32 *(C) serves children who are:*
- 33 *(i) attending school through remote or e-learning due to a*
- 34 *disaster emergency declared under IC 10-14-3-12 or*
- 35 *IC 10-14-3-29; or*
- 36 *(ii) participating in a learning recovery program that*
- 37 *administers an assessment to measure student learning loss*
- 38 *and provides Indiana academic standards aligned*
- 39 *instruction.*
- 40 ~~(H)~~ (12) *An educational program:*
- 41 *(A) consisting of a group of not more than ten (10) students*
- 42 *who attend the educational program in lieu of attending*



1 ~~pre-kindergarten~~ **prekindergarten** or kindergarten through  
 2 grade 12 at a public or private school;

3 (B) whose students meet in a single classroom in person or  
 4 outside a classroom and which may include mixed age level  
 5 groupings; and

6 (C) that is under the supervision of a teacher or tutor.

7 SECTION 7. IC 16-18-2-88.3, AS ADDED BY P.L.196-2021,  
 8 SECTION 8, AND AS ADDED BY P.L.147-2021, SECTION 1, IS  
 9 CORRECTED AND AMENDED TO READ AS FOLLOWS  
 10 [EFFECTIVE JULY 1, 2021]: Sec. 88.3. (a) "COVID-19", for purposes  
 11 of IC 16-28-11-8, has the meaning set forth in IC 16-28-11-8(a).

12 (b) "COVID-19", for purposes of IC 16-39-11, has the meaning set  
 13 forth in IC 16-39-11-1.

14 SECTION 8. IC 16-28-6.5-6, AS ADDED BY P.L.142-2021,  
 15 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 APRIL 29, 2021 (RETROACTIVE)]: Sec. 6. (a) If a facility designates  
 17 an individual as an essential family caregiver for a resident, the  
 18 following must occur:

19 (1) The facility must set forth in writing the hours of visitation  
 20 and the length of time of the visitation.

21 (2) The facility shall provide a written list of the rules that the  
 22 designee must follow, and the designee shall attest to the receipt  
 23 of and agreement to the rules.

24 (3) An individualized plan shall be developed by the facility,  
 25 resident, resident's designated representative, and each designee  
 26 for each designation that:

27 (A) specifies the responsibilities of all parties;

28 (B) is maintained in the resident's file;

29 (C) is provided to both the resident and the designated  
 30 essential family caregiver;

31 (D) is developed for both in-person outdoor and indoor  
 32 visitation, and virtual visits when the essential **family**  
 33 caregiver is unable or prohibited from entry due to illness; and

34 (E) reflects the preferences of the resident and the essential  
 35 family caregiver while adhering to all state and federal  
 36 guidelines concerning visitation.

37 (b) A facility and essential family caregiver shall work together to  
 38 ensure reasonable visitation times are set in a manner that provides an  
 39 essential family caregiver the ability to visit the resident.

40 (c) Upon request of the resident, the resident's designated  
 41 representative, the resident's family, or the resident's legal  
 42 representative, the facility shall provide a copy of the individual's plan



1 described in this section to the long term care ombudsman.

2 SECTION 9. IC 20-25.7-5-5, AS AMENDED BY P.L.211-2021,  
3 SECTION 14, AND AS AMENDED BY P.L.216-2021, SECTION 13,  
4 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
5 [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) IC 20-24-5-5 (with the  
6 exception of ~~IC 20-24-5-5(f)~~ IC 20-24-5-5(g)) does not apply to a  
7 participating innovation network charter school that enters into an  
8 agreement with the board to reconstitute or establish an eligible school.

9 (b) Except as provided in subsections (c) and (d), a participating  
10 innovation network charter school must enroll any eligible student who  
11 submits a timely application for enrollment.

12 (c) A participating innovation network charter school that  
13 reconstitutes or establishes an eligible school may limit new  
14 admissions to the participating innovation network charter school to:

15 (1) ensure that any student with legal settlement in the attendance  
16 area, or in the school corporation if the school does not have a  
17 defined attendance area, may attend the charter school;

18 (2) ensure that a student who attends the participating innovation  
19 network charter school during a school year may continue to  
20 attend the charter school in subsequent years;

21 (3) allow the siblings of a student alumnus or a current student  
22 who attends the participating innovation network charter school  
23 to attend the charter school;

24 (4) allow preschool students who attend a Level 3 or Level 4  
25 Paths to QUALITY program preschool to attend kindergarten at  
26 the participating innovation network charter school if the  
27 participating innovation network charter school and the school  
28 corporation or preschool provider have entered into an agreement  
29 to share services or facilities;

30 (5) allow each student who qualifies for free or reduced price  
31 lunch under the national school lunch program to receive  
32 preference for admission to the participating innovation network  
33 charter school if the preference is specifically provided for in the  
34 charter and is approved by the authorizer; and

35 (6) allow each student who attended a turnaround academy *under*  
36 ~~IC 20-31-9.5~~ or attends a school that is located in the same school  
37 building as the participating innovation network charter school to  
38 receive preference for admission to the participating innovation  
39 network charter school if the preference is specifically provided  
40 for in the participating innovation network charter school's charter  
41 and is approved by the authorizer of the participating innovation  
42 network charter school.





1 (d) A participating innovation network charter school with a  
 2 curriculum that includes study in a foreign country may deny admission  
 3 to a student if:

4 (1) the student:

5 (A) has completed fewer than twenty-two (22) academic  
 6 credits required for graduation; and

7 (B) will be in the grade 11 cohort during the school year in  
 8 which the student seeks to enroll in the participating  
 9 innovation network charter school; or

10 (2) the student has been suspended (as defined in IC 20-33-8-7)  
 11 or expelled (as defined in IC 20-33-8-3) during the twelve (12)  
 12 months immediately preceding the student's application for  
 13 enrollment for:

14 (A) ten (10) or more school days;

15 (B) a violation under IC 20-33-8-16;

16 (C) causing physical injury to a student, a school employee, or  
 17 a visitor to the school; or

18 (D) a violation of a school corporation's drug or alcohol rules.

19 For purposes of subdivision (2)(A), student discipline received under  
 20 IC 20-33-8-25(b)(7) for a violation described in subdivision (2)(B)  
 21 through (2)(D) must be included in the calculation of the number of  
 22 school days that a student has been suspended.

23 (e) A participating innovation network charter school may give  
 24 enrollment preferences to children of the participating innovation  
 25 network charter school's founders, governing board members, and  
 26 participating innovation network charter school employees, as long as  
 27 the enrollment preference under this subsection is not given to more  
 28 than ten percent (10%) of the participating innovation charter school's  
 29 total population and there is sufficient capacity for a program, class,  
 30 grade level, or building to ensure that any student with legal settlement  
 31 in the attendance area may attend the school.

32 (f) This subsection applies to an existing charter school that enters  
 33 into an innovation network agreement with the board. During the  
 34 charter school's first year of operation as a participating innovation  
 35 network charter school, the charter school may limit admission to:

36 (1) those students who were enrolled in the charter school on the  
 37 date it entered into the innovation network agreement; and

38 (2) siblings of students described in subdivision (1).

39 (g) This subsection applies if the number of applications for a  
 40 program, class, grade level, or building exceeds the capacity of the  
 41 program, class, grade level, or building. If a participating innovation  
 42 network charter school receives a greater number of applications than



1 there are spaces for students, each timely applicant must be given an  
 2 equal chance of admission. The participating innovation network  
 3 charter school that is not in a county containing a consolidated city  
 4 must determine which of the applicants will be admitted to the  
 5 participating innovation network charter school or the program, class,  
 6 grade level, or building by random drawing in a public meeting with  
 7 each timely applicant limited to one (1) entry in the drawing. However,  
 8 the participating innovation network charter school located in a county  
 9 with a consolidated city shall determine which of the applicants will be  
 10 admitted to the participating innovation network charter school or the  
 11 program, class, grade level, or building by using a publicly verifiable  
 12 random selection process.

13 SECTION 10. IC 35-43-2-2, AS AMENDED BY P.L.75-2021,  
 14 SECTION 8, AND AS AMENDED BY P.L.209-2021, SECTION 12,  
 15 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 16 [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) As used in this section,  
 17 "authorized person" means a person authorized by an agricultural  
 18 operation to act on behalf of the agricultural operation.

19 (b) A person who:

20 (1) not having a contractual interest in the property, knowingly or  
 21 intentionally enters the real property of another person after  
 22 having been denied entry by the other person or that person's  
 23 agent;

24 (2) not having a contractual interest in the property, knowingly or  
 25 intentionally refuses to leave the real property of another person  
 26 after having been asked to leave by the other person or that  
 27 person's agent;

28 (3) accompanies another person in a vehicle, with knowledge that  
 29 the other person knowingly or intentionally is exerting  
 30 unauthorized control over the vehicle;

31 (4) knowingly or intentionally interferes with the possession or  
 32 use of the property of another person without the person's consent;

33 (5) not having a contractual interest in the property, knowingly or  
 34 intentionally enters the:

35 (A) property of an agricultural operation that is used for the  
 36 production, processing, propagation, packaging, cultivation,  
 37 harvesting, care, management, or storage of an animal, plant,  
 38 or other agricultural product, including any pasturage or land  
 39 used for timber management, without the consent of the owner  
 40 of the agricultural operation or an authorized person; or

41 (B) dwelling of another person without the person's consent;

42 (6) knowingly or intentionally:



- 1 (A) travels by train without lawful authority or the railroad  
 2 carrier's consent; and  
 3 (B) rides on the outside of a train or inside a passenger car,  
 4 locomotive, or freight car, including a boxcar, flatbed, or  
 5 container without lawful authority or the railroad carrier's  
 6 consent;
- 7 (7) not having a contractual interest in the property, knowingly or  
 8 intentionally enters or refuses to leave the property of another  
 9 person after having been prohibited from entering or asked to  
 10 leave the property by a law enforcement officer when the property  
 11 is:
- 12 (A) vacant real property (as defined in IC 36-7-36-5) or a  
 13 vacant structure (as defined in IC 36-7-36-6); or  
 14 (B) designated by a municipality or county enforcement  
 15 authority to be:
- 16 (i) abandoned property or an abandoned structure (as  
 17 defined in IC 36-7-36-1); or  
 18 (ii) *an unsafe building or an unsafe premises (as described*  
 19 *in IC 36-7-9)*;
- 20 (8) not having a contractual interest in the property, knowingly or  
 21 intentionally enters the real property of an agricultural operation  
 22 (as defined in IC 32-30-6-1) without the permission of the owner  
 23 of the agricultural operation or an authorized person, and  
 24 knowingly or intentionally engages in conduct that causes  
 25 property damage to:
- 26 (A) the owner of or a person having a contractual interest in  
 27 the agricultural operation;  
 28 (B) the operator of the agricultural operation; or  
 29 (C) a person having personal property located on the property  
 30 of the agricultural operation; ~~or~~
- 31 (9) knowingly or intentionally enters the property of another  
 32 person after being denied entry by a court order that has been  
 33 issued to the person or issued to the general public by  
 34 conspicuous posting on or around the premises in areas where a  
 35 person can observe the order when the property has been  
 36 designated by a municipality or county enforcement authority to  
 37 be:
- 38 (A) a vacant property;  
 39 (B) an abandoned property; ~~or~~  
 40 (C) an abandoned structure (as defined in IC 36-7-36-1); or  
 41 (D) *an unsafe building or an unsafe premises (as described in*  
 42 *IC 36-7-9)*; or



1           (10) knowingly or intentionally enters or refuses to leave the polls  
 2           (as defined in IC 3-5-2-39) or chute (as defined in IC 3-5-2-10)  
 3           after having been prohibited from entering or asked to leave the  
 4           polls or chute by a precinct election officer (as defined in  
 5           IC 3-5-2-40.1) or a law enforcement officer acting on behalf of a  
 6           precinct election officer;

7           commits criminal trespass, a Class A misdemeanor. However, the  
 8           offense is a Level 6 felony if it is committed on a scientific research  
 9           facility, on a facility belonging to a public utility (as defined in  
 10          IC 32-24-1-5.9(a)), on school property, or on a school bus or the person  
 11          has a prior unrelated conviction for an offense under this section  
 12          concerning the same property. The offense is a Level 6 felony, for  
 13          purposes of subdivision (8), if the property damage is more than seven  
 14          hundred fifty dollars (\$750) and less than fifty thousand dollars  
 15          (\$50,000). The offense is a Level 5 felony, for purposes of subdivision  
 16          (8), if the property damage is at least fifty thousand dollars (\$50,000).

17          (c) A person has been denied entry under subsection (b)(1) when the  
 18          person has been denied entry by means of:

- 19           (1) personal communication, oral or written;  
 20           (2) posting or exhibiting a notice at the main entrance in a manner  
 21           that is either prescribed by law or likely to come to the attention  
 22           of the public;  
 23           (3) a hearing authority or court order under IC 32-30-6,  
 24           IC 32-30-7, IC 32-30-8, IC 36-7-9, or IC 36-7-36; or  
 25           (4) posting the property by placing identifying purple marks on  
 26           trees or posts around the area where entry is denied.

27          (d) For the purposes of subsection (c)(4):

28           (1) each purple mark must be readily visible to any person  
 29           approaching the property and must be placed:

30           (A) on a tree:

- 31           (i) as a vertical line of at least eight (8) inches in length and  
 32           with the bottom of the mark at least three (3) feet and not  
 33           more than five (5) feet from the ground; and  
 34           (ii) not more than one hundred (100) feet from the nearest  
 35           other marked tree; or

36           (B) on a post:

- 37           (i) with the mark covering at least the top two (2) inches of  
 38           the post, and with the bottom of the mark at least three (3)  
 39           feet and not more than five (5) feet six (6) inches from the  
 40           ground; and  
 41           (ii) not more than thirty-six (36) feet from the nearest other  
 42           marked post; and



- 1 (2) before a purple mark that would be visible from both sides of  
 2 a fence shared by different property owners or lessees may be  
 3 applied, all of the owners or lessees of the properties must agree  
 4 to post the properties with purple marks under subsection (c)(4).
- 5 (e) A law enforcement officer may not deny entry to property or ask  
 6 a person to leave a property under subsection (b)(7) unless there is  
 7 reasonable suspicion that criminal activity has occurred or is occurring.
- 8 (f) A person described in subsection (b)(7) ~~and~~ **or** (b)(9) violates  
 9 subsection (b)(7) ~~and~~ **or** (b)(9), **as applicable**, unless the person has  
 10 the written permission of the owner, the owner's agent, an enforcement  
 11 authority, or a court to come onto the property for purposes of  
 12 performing maintenance, repair, or demolition.
- 13 (g) A person described in subsection (b)(9) violates subsection  
 14 (b)(9) unless the court that issued the order denying the person entry  
 15 grants permission for the person to come onto the property.
- 16 (h) Subsections (b), (c), and (g) do not apply to the following:
- 17 (1) A passenger on a train.
- 18 (2) An employee of a railroad carrier while engaged in the  
 19 performance of official duties.
- 20 (3) A law enforcement officer, firefighter, or emergency response  
 21 personnel while engaged in the performance of official duties.
- 22 (4) A person going on railroad property in an emergency to rescue  
 23 a person or animal from harm's way or to remove an object that  
 24 the person reasonably believes poses an imminent threat to life or  
 25 limb.
- 26 (5) A person on the station grounds or in the depot of a railroad  
 27 carrier:
- 28 (A) as a passenger; or  
 29 (B) for the purpose of transacting lawful business.
- 30 (6) A:
- 31 (A) person; or  
 32 (B) person's:
- 33 (i) family member;  
 34 (ii) invitee;  
 35 (iii) employee;  
 36 (iv) agent; or  
 37 (v) independent contractor;
- 38 going on a railroad's right-of-way for the purpose of crossing at a  
 39 private crossing site approved by the railroad carrier to obtain  
 40 access to land that the person owns, leases, or operates.
- 41 (7) A person having written permission from the railroad carrier  
 42 to go on specified railroad property.



1 (8) A representative of the Indiana department of transportation  
2 while engaged in the performance of official duties.

3 (9) A representative of the federal Railroad Administration while  
4 engaged in the performance of official duties.

5 (10) A representative of the National Transportation Safety Board  
6 while engaged in the performance of official duties.

7 SECTION 11. IC 36-7-14-25.2, AS AMENDED BY P.L.165-2021,  
8 SECTION 206, AND AS AMENDED BY P.L.38-2021, SECTION 87,  
9 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
10 [EFFECTIVE JULY 1, 2021]: Sec. 25.2. (a) Subject to the prior  
11 approval of the fiscal body of the unit under subsection (c), a  
12 redevelopment commission may enter into a lease of any property that  
13 could be financed with the proceeds of bonds issued under this chapter  
14 with a lessor for a term not to exceed:

15 (1) fifty (50) years, for a lease entered into before July 1, 2008;

16 (2) thirty-five (35) years, for leases entered into after June 30,  
17 2019, to finance a project that is located in a redevelopment  
18 project area, an economic development area, or an urban renewal  
19 project area and that includes, as part of the project, the use and  
20 repurposing of two (2) or more buildings and structures that are:

21 (A) at least seventy-five (75) years old; and

22 (B) located at a site at which manufacturing previously  
23 occurred over a period of at least seventy-five (75) years; or

24 (3) twenty-five (25) years, for a lease that is not described in  
25 subdivision (1) or (2), *or a lease entered into by the commission*  
26 *of a qualified city for the purpose of financing a mixed use*  
27 *development project.*

28 The lease may provide for payments to be made by the redevelopment  
29 commission from special benefits taxes levied under section 27 of this  
30 chapter, taxes allocated under section 39 of this chapter, any other  
31 revenues available to the redevelopment commission, or any  
32 combination of these sources.

33 (b) A lease may provide that payments by the redevelopment  
34 commission to the lessor are required only to the extent and only for the  
35 period that the lessor is able to provide the leased facilities in  
36 accordance with the lease. The terms of each lease must be based upon  
37 the value of the facilities leased and may not create a debt of the unit  
38 or the district for purposes of the Constitution of the State of Indiana.

39 (c) A lease may be entered into by the redevelopment commission  
40 only after a public hearing by the redevelopment commission at which  
41 all interested parties are provided the opportunity to be heard. After the  
42 public hearing, the redevelopment commission may adopt a resolution



1 authorizing the execution of the lease on behalf of the unit if it finds  
 2 that the service to be provided throughout the term of the lease will  
 3 serve the public purpose of the unit and is in the best interests of its  
 4 residents. Any lease approved by a resolution of the redevelopment  
 5 commission must also be approved by an ordinance or resolution of the  
 6 fiscal body of the unit. The approving ordinance or resolution of the  
 7 fiscal body must include the following:

8 (1) The maximum annual lease rental for the lease.

9 (2) The maximum interest rate or rates, any provisions for  
 10 redemption before maturity, and any provisions for the payment  
 11 of capitalized interest associated with the lease.

12 (3) The maximum term of the lease.

13 (d) Upon execution of a lease providing for payments by the  
 14 redevelopment commission in whole or in part from the levy of special  
 15 benefits taxes under section 27 of this chapter and upon approval of the  
 16 lease by the unit's fiscal body, the redevelopment commission shall  
 17 publish notice of the execution of the lease and its approval in  
 18 accordance with IC 5-3-1. Fifty (50) or more taxpayers residing in the  
 19 redevelopment district who will be affected by the lease and who may  
 20 be of the opinion that no necessity exists for the execution of the lease  
 21 or that the payments provided for in the lease are not fair and  
 22 reasonable may file a petition in the office of the county auditor within  
 23 thirty (30) days after the publication of the notice of execution and  
 24 approval. The petition must set forth the petitioners' names, addresses,  
 25 and objections to the lease and the facts showing that the execution of  
 26 the lease is unnecessary or unwise or that the payments provided for in  
 27 the lease are not fair and reasonable, as the case may be.

28 (e) Upon the filing of the petition, the county auditor shall  
 29 immediately certify a copy of it, together with such other data as may  
 30 be necessary in order to present the questions involved, to the  
 31 department of local government finance. Upon receipt of the certified  
 32 petition and information, the department of local government finance  
 33 shall fix a time *and place* for a hearing, *in the redevelopment district*,  
 34 which must be not less than five (5) or more than thirty (30) days after  
 35 the time is fixed. *The department of local government finance may*  
 36 *either hold the hearing in the affected county or through electronic*  
 37 *means.* Notice of the hearing shall be given by the department of local  
 38 government finance to the members of the fiscal body, to the  
 39 redevelopment commission, and to the first fifty (50) petitioners on the  
 40 petition by a letter signed by the commissioner or deputy commissioner  
 41 of the department and enclosed with fully prepaid postage sent to those  
 42 persons at their usual place of residence, at least five (5) days before



1 the date of the hearing. The decision of the department of local  
 2 government finance on the appeal upon the necessity for the execution  
 3 of the lease, and as to whether the payments under it are fair and  
 4 reasonable, is final.

5 (f) A redevelopment commission entering into a lease payable from  
 6 allocated taxes under section 39 of this chapter or other available funds  
 7 of the redevelopment commission may:

8 (1) pledge the revenue to make payments under the lease pursuant  
 9 to IC 5-1-14-4; and

10 (2) establish a special fund to make the payments.

11 (g) Lease rentals may be limited to money in the special fund so that  
 12 the obligations of the redevelopment commission to make the lease  
 13 rental payments are not considered debt of the unit or the district for  
 14 purposes of the Constitution of the State of Indiana.

15 (h) Except as provided in this section, no approvals of any  
 16 governmental body or agency are required before the redevelopment  
 17 commission enters into a lease under this section.

18 (i) An action to contest the validity of the lease or to enjoin the  
 19 performance of any of its terms and conditions must be brought within  
 20 thirty (30) days after the publication of the notice of the execution and  
 21 approval of the lease. However, if the lease is payable in whole or in  
 22 part from tax levies and an appeal has been taken to the department of  
 23 local government finance, an action to contest the validity or enjoin the  
 24 performance must be brought within thirty (30) days after the decision  
 25 of the department.

26 (j) If a redevelopment commission exercises an option to buy a  
 27 leased facility from a lessor, the redevelopment commission may  
 28 subsequently sell the leased facility, without regard to any other statute,  
 29 to the lessor at the end of the lease term at a price set forth in the lease  
 30 or at fair market value established at the time of the sale by the  
 31 redevelopment commission through auction, appraisal, or arms length  
 32 negotiation. If the facility is sold at auction, after appraisal, or through  
 33 negotiation, the redevelopment commission shall conduct a hearing  
 34 after public notice in accordance with IC 5-3-1 before the sale. Any  
 35 action to contest the sale must be brought within fifteen (15) days of  
 36 the hearing.

37 **SECTION 12. [EFFECTIVE UPON PASSAGE] (a) The general**  
 38 **assembly recognizes that P.L.174-2021 repeals IC 35-43-5-5,**  
 39 **effective July 1, 2021, and that P.L.111-2021 amends IC 35-43-5-5,**  
 40 **effective January 1, 2022. The general assembly intends to repeal**  
 41 **IC 35-43-5-5, effective July 1, 2021.**

42 **(b) This SECTION expires June 30, 2022.**





1           **SECTION 13. An emergency is declared for this act.**

