

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 ENROLLED ACT No. 199

AN ACT to amend the Indiana Code concerning general provisions.

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

SECTION 1. IC 3-11-8-25.1, AS AMENDED BY P.L.76-2014, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25.1. (a) Except as provided in subsection (e), a voter who desires to vote an official ballot at an election shall provide proof of identification.

(b) Except as provided in subsection (e), before the voter proceeds to vote in the election, a precinct election officer shall ask the voter to provide proof of identification. One (1) of each of the precinct election officers nominated by each county chairman of a major political party of the county under IC 3-6-6-8 or IC 3-6-6-9 is entitled to ask the voter to provide proof of identification. The voter shall produce the proof of identification to each precinct officer requesting the proof of identification before being permitted to sign the poll list.

(c) If:

- (1) the voter is unable or declines to present the proof of identification; or
- (2) a member of the precinct election board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

a member of the precinct election board shall challenge the voter as prescribed by this chapter.

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(d) If the voter executes a challenged voter's affidavit under section 22.1 of this chapter, the voter may:

- (1) sign the poll list; and
- (2) receive a provisional ballot.

(e) A voter who votes in person at a precinct polling place that is located at a state licensed care facility where the voter resides is not required to provide proof of identification before voting in an election.

(f) After a voter has passed the challengers or has been sworn in, the voter shall be instructed by a member of the precinct election board to proceed to the location where the poll clerks are stationed. In a vote center county using an electronic poll list, two (2) election officers who are not members of the same political party must be present when a voter signs in on the electronic poll list. The voter shall announce the voter's name to the poll clerks or assistant poll clerks. A poll clerk, an assistant poll clerk, or a member of the precinct election board shall require the voter to write the following on the poll list or to provide the following information for entry into the electronic poll list:

- (1) The voter's name.
- (2) Except as provided in subsection (k), the voter's current residence address.

(g) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall:

- (1) ask the voter to provide or update the voter's voter identification number;
- (2) tell the voter the number the voter may use as a voter identification number; and
- (3) explain to the voter that the voter is not required to provide or update a voter identification number at the polls.

(h) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall ask the voter to provide proof of identification.

(i) In case of doubt concerning a voter's identity, the precinct election board shall compare the voter's signature with the signature on the affidavit of registration or any certified copy of the signature provided under IC 3-7-29 or enter the information into the electronic poll book. If the board determines that the voter's signature is authentic, the voter may then vote. If either poll clerk doubts the voter's identity following comparison of the signatures, the poll clerk shall challenge the voter in the manner prescribed by section 21 of this chapter.

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

- (1) the poll clerk does not execute a challenger's affidavit; or
- (2) the voter executes a challenged voter's affidavit under section



22.1 of this chapter or executed the affidavit before signing the poll list;
the voter may then vote.

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

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

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

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

- (1) A city.
- (2) A town.
- (3) A school corporation.
- (4) An agency of a governmental entity referred to in any of subdivisions (1) through (3).

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

- (1) in a jury trial, a jury publicly announces a verdict against a person for a felony or Class A misdemeanor;
- (2) in a bench trial, the court publicly announces a verdict against a person for a felony or Class A misdemeanor; or
- (3) in a guilty plea hearing, a person pleads guilty or nolo contendere to a felony or Class A misdemeanor.

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(c) A person who is convicted under IC 3-14-2 of a felony or Class A misdemeanor that relates to an election for an office for a governmental entity shall not:

- (1) continue employment with;
- (2) obtain future employment with;
- (3) contract with; or
- (4) be a subcontractor under a contract with;

any governmental entity for at least twenty (20) years after the date of conviction.

(d) For at least twenty (20) years after the person's date of conviction, a governmental entity may not:

- (1) employ;
- (2) offer employment to;
- (3) contract with; or
- (4) maintain a contractual relationship when a subcontractor is;

a person who is convicted under IC 3-14-2 of a felony or Class A misdemeanor that relates to an election for an office for any governmental entity.

(e) If:

- (1) a person was employed by a governmental entity;
- (2) the person was convicted under IC 3-14-2 of a felony or Class A misdemeanor relating to an election for an office for a governmental entity;
- (3) the person's employment with the governmental entity was discontinued under subsection (c) or (d); and
- (4) the person's conviction is reversed, vacated, or set aside;

the governmental entity shall reemploy the person in the same position the person held before the person's conviction or in another position equivalent in benefits, pay, and working conditions to the position the person held before the person's conviction, and the person is entitled to receive any salary or other remuneration that the person would have received if the person's employment had not been discontinued under subsection (c) or (d).

(f) The attorney general may petition a court with jurisdiction for an injunction against a person who violates subsection (c) or a governmental entity that violates subsection (d).

(g) The attorney general may petition a court with jurisdiction to impose a civil penalty of not more than one thousand dollars (\$1,000) on a person who violates subsection (c).

SECTION 3. IC 3-14-6-1.1, AS AMENDED BY P.L.158-2013, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.1. (a) A person who grants a request for

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voter registration information under IC 3-7-26.3 or IC 3-7-27 with knowledge that the information will be used in a manner prohibited by IC 3-7-26.3 or IC 3-7-27 commits a Class B infraction.

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

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

- (1) The alternative fuel fueling station grant program under IC 4-4-32.2.
- (2) The alternative fuel vehicle grant program for local units under IC 4-4-32.3.
- (3) The energy development fund under IC 4-23-5.5-10.
- (4) A low interest revolving loan program for certain energy efficiency or recycling projects, in consultation with the Indiana recycling market development board.
- (5) The coal research grant fund under IC 4-23-5.5-16.
- (6) The green industries fund under IC 5-28-34, in consultation with the Indiana economic development corporation.
- (7) The office of alternative energy incentives established by IC 8-1-13.1-9 and the alternative energy incentive fund established by IC 8-1-13.1-10.
- ~~(8) The E85 fueling station grant program under IC 15-11-11, in consultation with the Indiana department of agriculture.~~
- ~~(9)~~ **(8)** The center for coal technology research established by IC 21-47-4-1 and the coal technology research fund established by IC 21-47-4-5.

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

- (1) is manufactured primarily for use on public streets, roads, and highways (not including a vehicle operated exclusively on a rail or rails); and**
- (2) has at least four (4) wheels.**

SECTION 6. IC 4-4-32.3-1, AS ADDED BY P.L.151-2009, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this chapter, "alternative fuel" means liquefied petroleum gas, a compressed natural gas product, or a combination of liquefied petroleum gas and a compressed natural gas



product, not including a biodiesel fuel or biodiesel blend, used in an internal combustion engine or a motor to propel a motor vehicle. ~~(as defined in IC 15-11-11-4)~~. The term includes all forms of fuel commonly or commercially known or sold as butane, propane, or compressed natural gas.

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

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

- (1) on alternative fuel alone; or
- (2) on alternative fuel alternately with another fuel source;

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

SECTION 9. IC 4-4-32.3-3.8 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.8. As used in this chapter, "motor vehicle" means any vehicle that:**

- (1) is manufactured primarily for use on public streets, roads, and highways (not including a vehicle operated exclusively on a rail or rails); and**
- (2) has at least four (4) wheels.**

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

SECTION 11. IC 4-12-5-4, AS AMENDED BY P.L.197-2011, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. Subject to appropriation by the general assembly, review by the budget committee, and approval by the budget agency, the auditor of state shall distribute money from the account to public or private entities or individuals for the implementation of



programs concerning one (1) or more of the following purposes:

- (1) The children's health insurance program established under IC 12-17.6.
- (2) Cancer detection tests and cancer education programs.
- (3) Heart disease and stroke education programs.
- (4) Assisting community health centers in providing:
 - (A) vaccinations against communicable diseases, with an emphasis on service to youth and senior citizens;
 - (B) health care services and preventive measures that address the special health care needs of minorities (as defined in IC 16-46-6-2); and
 - (C) health care services and preventive measures in rural areas.
- (5) Promoting health and wellness activities.
- (6) Encouraging the prevention of disease, particularly tobacco related diseases.
- (7) Addressing the special health care needs of those who suffer most from tobacco related diseases, including end of life and long term care alternatives.
- (8) Addressing minority health disparities.
- (9) Addressing the impact of tobacco related diseases, particularly on minorities and females.
- (10) Promoting community based health care, particularly in areas with a high percentage of underserved citizens, including individuals with disabilities, or with a shortage of health care professionals.
- (11) Enhancing local health department services.
- (12) Expanding community based minority health infrastructure.
- (13) Other purposes recommended by the ~~board~~ **state department of health**.

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

- (1) A clear objective to be achieved with the grant.
- (2) A plan for implementation of the specific program.
- (3) A statement of the manner in which the proposed program will further the goals of the ~~board's~~ *state department of health's* mission statement and long range state plan under IC 4-12-4.

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- (4) The amount of the grant requested.
- (5) An evaluation and assessment component to determine the program's performance.
- (6) Any other information required by the ~~advisory board~~; **state department of health**.

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

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

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

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

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

- (1) during the public comment period; or
- (2) by the ~~Indiana economic development corporation~~ **small business ombudsman** under IC 4-22-2.1-6(a), if applicable.

SECTION 14. IC 4-22-2.1-3 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 3: **As used in this chapter, "corporation" refers to the Indiana economic development corporation established by IC 5-28-3-1.**

SECTION 15. IC 4-22-2.1-4.5 IS ADDED TO THE INDIANA



CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4.5. As used in this chapter, "small business ombudsman" refers to the small business ombudsman designated under IC 4-4-35-8.**

SECTION 16. IC 4-22-2.1-5, AS AMENDED BY P.L.187-2014, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) If an agency intends to adopt a rule under IC 4-22-2 that will impose requirements or costs on small businesses, the agency shall prepare a statement that describes the annual economic impact of a rule on all small businesses after the rule is fully implemented as described in subsection (b). The statement required by this section must include the following:

- (1) An estimate of the number of small businesses, classified by industry sector, that will be subject to the proposed rule.
- (2) An estimate of the average annual reporting, record keeping, and other administrative costs that small businesses will incur to comply with the proposed rule.
- (3) An estimate of the total annual economic impact that compliance with the proposed rule will have on all small businesses subject to the rule. The agency is not required to submit the proposed rule to the office of management and budget for a fiscal analysis under IC 4-22-2-28 unless the estimated economic impact of the rule is greater than five hundred thousand dollars (\$500,000) on all regulated entities, as set forth in IC 4-22-2-28.
- (4) A statement justifying any requirement or cost that is:
 - (A) imposed on small businesses by the rule; and
 - (B) not expressly required by:
 - (i) the statute authorizing the agency to adopt the rule; or
 - (ii) any other state or federal law.

The statement required by this subdivision must include a reference to any data, studies, or analyses relied upon by the agency in determining that the imposition of the requirement or cost is necessary.

- (5) A regulatory flexibility analysis that considers any less intrusive or less costly alternative methods of achieving the purpose of the proposed rule. The analysis under this subdivision must consider the following methods of minimizing the economic impact of the proposed rule on small businesses:
 - (A) The establishment of less stringent compliance or reporting requirements for small businesses.
 - (B) The establishment of less stringent schedules or deadlines



for compliance or reporting requirements for small businesses.

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

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

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

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

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

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

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

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

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

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

(c) The agency shall:

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

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

SECTION 17. IC 4-22-2.1-6, AS AMENDED BY P.L.198-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) Not later than seven (7) days before the date of the public hearing set forth in the agency's notice under IC 4-22-2-24, the ~~corporation~~ **small business ombudsman** shall do the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) abandon or delay the rulemaking action as recommended by the ~~corporation~~ **small business ombudsman** under subsection (a)(2)(D), if applicable.

SECTION 18. IC 4-36-7-4, AS AMENDED BY P.L.108-2009, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The state police department shall, at the



request of the commission, provide the following:

- (1) Assistance in obtaining criminal history information relevant to investigations required for honest, secure, and exemplary operations under this article.
- (2) Any other assistance requested by the executive ~~director~~ **secretary of the commission** and agreed to by the superintendent of the state police department.

(b) Any other state agency, including the Indiana gaming commission and the Indiana professional licensing agency, shall upon request provide the commission with information relevant to an investigation conducted under this article.

SECTION 19. IC 5-2-9-6, AS AMENDED BY P.L.116-2009, SECTION 6, AND AS AMENDED BY P.L.130-2009, SECTION 11, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The clerk of a court that issues a protective order shall:

- (1) provide a copy of the order to the petitioner; and
- (2) provide a copy of the order and service of process to the respondent or defendant in accordance with the rules of trial procedure.

(b) The clerk of a court that issues a protective order or the clerk of a court in which a petition is filed shall maintain a confidential file to secure any confidential information about a protected person designated on a uniform statewide form prescribed by the division of state court administration.

(c) This subsection applies to a protective order that a sheriff or law enforcement agency ~~receives~~ *received* under subsection (a) before July 1, 2009, and a confidential form under subsection (b) that ~~is~~ *was not retained* ~~created~~ in the registry. The sheriff or law enforcement agency shall:

- (1) maintain a copy of the protective order in the depository established under this chapter;
- (2) enter:
 - (A) the date and time the sheriff or law enforcement agency receives the protective order;
 - (B) the location of the person who is subject to the protective order, if reasonably ascertainable from the information received;
 - (C) the name and identification number of the officer who serves the protective order;
 - (D) the manner in which the protective order is served;
 - (E) the name of the petitioner and any other protected parties;

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(F) the name, Social Security number, date of birth, and physical description of the person who is the subject of the protective order, if reasonably ascertainable from the information received;

(G) the date the protective order expires;

(H) a caution indicator stating whether a person who is the subject of the protective order is believed to be armed and dangerous, if reasonably ascertainable from the information received; and

(I) if furnished, a Brady record indicator stating whether a person who is the subject of the protective order is prohibited from purchasing or possessing a firearm or ammunition under federal law, if reasonably ascertainable from the information received;

on the copy of the protective order or the confidential form; and

(3) except for a protective order that is *retained created* in the registry, establish a confidential file in which a confidential form that contains information concerning a protected person is kept.

(d) Except for a protective order that is *retained created* in the registry, a protective order may be removed from the depository established under this chapter only if the sheriff or law enforcement agency that administers the depository receives:

(1) a notice of termination on a form prescribed or approved by the division of state court administration;

(2) an order of the court; or

(3) a notice of termination and an order of the court.

(e) If a protective order in a depository established under this chapter is terminated, the person who obtained the order must file a notice of termination on a form prescribed or approved by the division of state court administration with the clerk of the court. The clerk of the court shall:

(1) enter the notice of termination into; ~~the registry;~~ or

(2) provide a copy of the notice of termination ~~to; of a protective order;~~

~~to~~ the registry and *provide a copy of the notice of termination* to each of the depositories to which the protective order was sent. The clerk of the court shall maintain the notice of termination in the court's file.

(f) If a protective order or form is extended or modified, the person who obtained the extension or modification must file a notice of extension or modification on a form prescribed or approved by the division of state court administration with the clerk of the court. Except for a protective order *retained created* in the registry, the clerk of the



court shall provide a copy of the notice of extension or modification of a protective order to each of the depositories to which the order and a confidential form were sent. The clerk of the court shall maintain the notice of extension or modification of a protective order in the court's file.

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

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

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

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

- (1) a member of a fire department (as defined in IC 36-8-1-8);
 - (2) an emergency medical services provider (as defined in IC 16-41-10-1); or
 - (3) a member of a police department (as defined in IC 36-8-1-9);
- uses used** tobacco products in any form in the ~~last~~ five (5) years **before the time the individual is diagnosed under section 9(a) of this chapter.**

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

- (1) not more than thirty (30) days after the end of the calendar quarter, if applicable;
- (2) **by** another due date specified in ~~sections~~ **section 10 through 12** of this chapter; or
- (3) **by** an alternate due date established by the rules of the board.



(b) If the employer or department does not make the reports, records, or payments within the time specified in subsection (a):

- (1) the board may fine the employer or department one hundred dollars (\$100) for each additional day that the reports, records, or payments are late, to be withheld under IC 5-10.3-6-7; and
- (2) if the employer or department is habitually late, as determined by the board, the board shall report the employer or the department to the auditor of state for additional withholding under IC 5-10.3-6-7.

(c) After December 31, 2009, an employer or department shall submit:

- (1) the reports and records described in subsection (a) in a uniform format through a secure connection over the Internet or through other electronic means specified by the board in accordance with IC 5-10.2-2-12.5; and
- (2) both:
 - (A) employer contributions determined under IC 5-10.2-2-11; and
 - (B) contributions paid by or on behalf of a member under section 9 of this chapter;

by electronic funds transfer in accordance with IC 5-10.2-2-12.5.

SECTION 23. IC 6-2.5-6-9, AS AMENDED BY P.L.162-2006, SECTION 23, AND AS AMENDED BY P.L.184-2006, SECTION 2, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) In determining the amount of state gross retail and use taxes which a retail merchant must remit under section 7 of this chapter, the retail merchant shall, subject to subsections (c) and (d), deduct from the retail merchant's gross retail income from retail transactions made during a particular reporting period, an amount equal to the retail merchant's receivables which:

- (1) resulted from retail transactions in which the retail merchant did not collect the state gross retail or use tax from the purchaser;
- (2) resulted from retail transactions on which the retail merchant has previously paid the state gross retail or use tax liability to the department; and
- (3) were written off as an uncollectible debt for federal tax purposes under Section 166 of the Internal Revenue Code during the particular reporting period.

(b) If a retail merchant deducts a receivable under subsection (a) and subsequently collects all or part of that receivable, then the retail merchant shall, subject to subsection (d)(6), include the amount collected as part of the retail merchant's gross retail income from retail



transactions for the particular reporting period in which the retail merchant makes the collection.

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

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

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

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

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

(1) The deduction does not include interest.

(2) The amount of the deduction shall be determined in the manner provided by Section 166 of the Internal Revenue Code for bad debts but shall be adjusted to exclude:

(A) financing charges or interest;

(B) sales or use taxes charged on the purchase price;

(C) uncollectible amounts on property that remain in the possession of the seller until the full purchase price is paid;

(D) expenses incurred in attempting to collect any debt; and

(E) repossessed property.

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

(4) If the amount of uncollectible receivables claimed as a



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

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

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

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

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

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

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

A retail merchant may file a claim for a refund instead of taking a credit or for a refund of any excess tax payment remaining after the credits allowed by this section. ~~In addition, a retail merchant may file a claim for a refund under section 12 of this chapter.~~

(b) A retail merchant that is entitled to a refund under this section must file a claim for the refund on the refund claim form approved by



the department and must include any supporting documentation reasonably required by the department. If a retail merchant files a completed refund claim form that includes all supporting documentation, the excess tax payment that is not refunded within ninety (90) days accrues interest as provided in IC 6-8.1-9-2.

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

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

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

(b) A distributor that:

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

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

SECTION 26. IC 9-21-12-9, AS AMENDED BY P.L.113-2014, SECTION 25, IS REPEALED [EFFECTIVE JANUARY 1, 2015 (RETROACTIVE)]. Sec. 9: A person who violates section 1 of this

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chapter commits a Class A infraction:

SECTION 27. IC 9-21-12-11, AS AMENDED BY P.L.113-2014, SECTION 26, IS REPEALED [EFFECTIVE JANUARY 1, 2015 (RETROACTIVE)]. Sec. 11. (a) A person who violates section 5; 7; or 19 of this chapter commits a Class C infraction:

(b) A person who knowingly or intentionally violates section 12; 13; 14; 15; or 16 of this chapter commits a Class C misdemeanor:

(c) A person described in section 18(b) or 18(c) of this chapter commits a Class B infraction:

SECTION 28. IC 9-21-12-18, AS AMENDED BY P.L.113-2014, SECTION 28, AND AS AMENDED BY P.L.217-2014, SECTION 65, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015 (RETROACTIVE)]: Sec. 18. (a) Whenever a school bus or special purpose bus is transporting passengers, the school bus or special purpose bus emergency escape exits, doors, emergency exit windows, roof exits, and service doors must be free of any obstruction that:

- (1) inhibits or obstructs an exit; or
- (2) renders the means of exit hazardous.

(b) A driver who knowingly operates a school bus or special purpose bus in violation of subsection (a) *is subject to section 11(c) of this chapter: commits a Class C misdemeanor.*

(c) A person who knowingly directs a driver to operate a school bus or special purpose bus in violation of subsection (a) *is subject to section 11(c) of this chapter: commits a Class C misdemeanor.*

SECTION 29. IC 9-22-3-37, AS AMENDED BY P.L.110-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 37. ~~Except as provided in section 11(f) of this chapter,~~ A person who violates this chapter (**other than section 11 of this chapter**) commits a deceptive act that is actionable by the attorney general and is subject to the remedies and penalties under IC 24-5-0.5.

SECTION 30. IC 10-21-1-1, AS AMENDED BY P.L.40-2014, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The following definitions apply throughout this chapter:

- (1) "ADM" refers to average daily membership determined under IC 20-43-4-2. **In the case of a school corporation career and technical education school described in IC 20-37-1-1, "ADM" refers to the count on a full-time equivalency basis of students attending the school on the date ADM is determined under IC 20-43-4-2.**
- (2) "Board" refers to the secured school safety board established



by section 3 of this chapter.

(3) "Fund" refers to the Indiana secured school fund established by section 2 of this chapter.

(4) "Local plan" means the school safety plan described in IC 20-26-18.2-2(b).

(5) "School corporation or charter school" refers to an individual school corporation, a school corporation career and technical education school described in IC 20-37-1-1, or a charter school but also includes:

(A) a coalition of school corporations;

(B) a coalition of charter schools; or

(C) a coalition of both school corporations and charter schools; that intend to jointly employ a school resource officer or to jointly apply for a matching grant under this chapter, unless the context clearly indicates otherwise.

(6) "School resource officer" has the meaning set forth in IC 20-26-18.2-1.

SECTION 31. IC 12-10-3-29.5, AS ADDED BY P.L.141-2006, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 29.5. (a) Except as provided in subsection (b), an adult protective services unit or a staff member of the adult protective services unit ~~on the basis of the staff member's employment~~ may not be designated as:

- (1) a personal representative;
- (2) a health care representative;
- (3) a guardian;
- (4) a guardian ad litem; or
- (5) any other type of representative;

for an endangered adult.

(b) The:

- (1) county prosecutor in the county in which the adult protective services unit is located; or
- (2) head of the governmental entity if the adult protective services unit is operated by a governmental entity;

may give written permission for an adult protective services unit or a staff member of the adult protective services unit to be designated as a representative described in subsection (a)(1) through (a)(5).

SECTION 32. IC 13-29-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The following Ohio River Valley Water Sanitation Compact, which has been negotiated by representatives of the states of Illinois, Indiana, Kentucky, New York, Ohio, Pennsylvania, Tennessee, and West



Virginia, is hereby approved, ratified, adopted, enacted into law, and entered into by the state of Indiana as a party thereto and signatory state, namely:

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

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

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

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

Article 1.

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

Article 2.

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

Article 3.

The signatory states hereby create the "Ohio River Valley Water Sanitation Commission", hereinafter called the commission, which shall be a body corporate, with the powers and duties set forth herein,

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and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the signatory states or by act or acts of the congress of the United States.

Article 4.

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

Article 5.

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

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

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

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



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

Article 6.

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

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

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

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

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

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Article 7.

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

Article 8.

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

Article 9.

The commission may from time to time, after investigation and after a hearing, issue an order or orders upon any municipality, corporation, person, or other entity discharging sewage or industrial waste into the Ohio river or any other river, stream, or water, any part of which constitutes any part of the boundary line between any two (2) or more of the signatory states, or into any stream any part of which flows from any portion of one (1) signatory state through any portion of another signatory state. Any such order or orders may prescribe the date on or before which such discharge shall be wholly or partially discontinued, modified, or treated or otherwise disposed of. The commission shall give reasonable notice of the time and place of the hearing to the municipality, corporation, or other entity against which such order is proposed. No such order shall go into effect unless and until it receives the assent of at least a majority of the commissioners from each of not less than a majority of the signatory states; and no such order upon a



municipality, corporation, person, or entity in any state shall go into effect unless and until it receives the assent of not less than a majority of the commissioners from such state.

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

Article 10.

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

Article 11.

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

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

The state of Indiana hereby consents that the state of Virginia may become a party to and a signatory state of the aforesaid compact as fully as if it had been expressly named herein.

SECTION 33. IC 14-13-2-3.3, AS ADDED BY P.L.160-2012, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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UPON PASSAGE]: Sec. 3.3. As used in this chapter, "parcel" ~~has the meaning set forth~~ **refers to a particular parcel identified by a unique parcel number as described** in 50 IAC 26-2-31.

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

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

the director shall issue a permit.

(b) The division shall:

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

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

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

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

- (1) At least thirty (30) days have elapsed after giving notice under subsection (b)(2).
- (2) Proof of both of the following has been submitted to the ~~division:~~ **director**:
 - (A) Receipt of the permit application's written notice as provided under section 8.5(e) of this chapter.
 - (B) That the applicant complied with the notification to the surface owner provisions required under IC 32-23-7-6.5. The applicant may submit as proof a certified mail receipt, the surface owner's written acknowledgment of receipt of the notification, or copy of an agreement with the surface owner establishing different notification terms.
- (3) The ~~division~~ **director** has taken into consideration:
 - (A) comments received during the period referred to in



subdivision (1) from a person interested in the future minability of a commercially minable coal resource; and

(B) objections made under section 8.5(h) of this chapter.

(4) The applicant has submitted to the director documentation demonstrating that the commercially minable coal seam outside the coal bed methane production area is protected adequately for future underground mining.

(5) The director has issued a finding that the requirements of subdivisions (1) through (4) and section 8.5 of this chapter have been met.

(e) Unless waived by the applicant, the director shall issue or deny a permit under this chapter within fifteen (15) days after the elapse of the thirty (30) day notice period under subsection (d)(1).

SECTION 35. IC 15-11-2-3, AS AMENDED BY P.L.95-2010, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. **(a) As used in this section, "biomass" means agriculturally based sources of renewable energy, including the following:**

(1) Agricultural crops.

(2) Agricultural wastes and residues.

(3) Wood and wood byproducts, including the following:

(A) Wood residue.

(B) Forest thinning.

(C) Mill residue wood.

(4) Animal wastes.

(5) Animal byproducts.

(6) Aquatic plants.

(7) Algae.

The term does not include waste from construction and demolition.

(b) The department shall do the following:

(1) Provide administrative and staff support for the following:

(A) The state fair board for purposes of carrying out the director's duties under IC 15-13-5.

(B) The Indiana corn marketing council for purposes of administering the duties of the director under IC 15-15-12.

(C) The Indiana organic peer review panel under IC 15-15-8.

(D) The Indiana dairy industry development board for purposes of administering the duties of the director under IC 15-18-5.

(E) The Indiana land resources council under IC 15-12-5.

(F) The Indiana grain buyers and warehouse licensing agency under IC 26-3-7.



- (G) The Indiana grain indemnity corporation under IC 26-4-3.
- (H) The division.
- ~~(I) The agricultural biomass infrastructure grant program under IC 15-11-11.~~
- (2) Administer the election of state fair board members under IC 15-13-5.
- (3) Administer state programs and laws promoting agricultural trade.
- (4) Administer state livestock or agriculture marketing grant programs.
- (5) Administer economic development efforts for agriculture by doing the following:
 - (A) Promoting value added agricultural resources.
 - (B) Marketing Indiana agriculture to businesses internationally.
 - (C) Assisting Indiana agricultural businesses with developing partnerships with the Indiana economic development corporation.
 - (D) Soliciting private funding for selective economic development and trade initiatives.
 - (E) Providing for the orderly economic development and growth of Indiana's agricultural economy.
 - (F) Facilitating the use of biomass ~~(as defined in IC 15-11-11-0.7)~~ and algae production systems to generate renewable energy.

SECTION 36. IC 15-11-2-4, AS ADDED BY P.L.2-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The department shall work with:

- (1) automobile manufacturers to improve awareness and labeling of E85 ~~base~~ fuel; and
- (2) the appropriate companies to include E85 ~~base~~ fuel stations in updates of global positioning navigation software.

SECTION 37. IC 15-11-11 IS REPEALED [EFFECTIVE UPON PASSAGE]. (E85 Fueling Station Grant Program).

SECTION 38. IC 15-16-5-67, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 67. (a) A person who is:

- (1) ~~regulated subject to an action~~ under section 65, 66, or 70 of this chapter; and
 - (2) aggrieved by any decision by the state chemist;
- may obtain a review by the board, if the person files a written petition with the board not later than thirty (30) days after the state chemist's

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decision.

(b) The board shall provide a copy of a petition filed under subsection (a) to the state chemist not later than seven (7) days after receiving the petition.

(c) Not more than fifteen (15) days after receiving a petition under subsection (b), the state chemist shall certify and file with the board a transcript of any record related to the petition, including a transcript of any evidence received.

(d) Whenever a hearing is held under this section, the board may designate one (1) or more persons as the board's agent or representative to conduct the hearing. The agent or representative shall conduct the hearing in the manner provided by IC 4-21.5-3.

(e) After hearing the appeal, the board shall affirm, set aside, or modify the action of the state chemist. However, the state chemist's finding of facts that are supported by the substantial evidence is considered conclusive.

(f) A person aggrieved by any action of the board may obtain judicial review under IC 4-21.5-5.

SECTION 39. IC 16-41-9-1.5, AS AMENDED BY P.L.1-2007, SECTION 137, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.5. (a) If a public health authority has reason to believe that:

(1) an individual:

(A) has been infected with; or

(B) has been exposed to;

a dangerous communicable disease or outbreak; and

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

the public health authority may petition a circuit or superior court for an order imposing isolation or quarantine on the individual. A petition for isolation or quarantine filed under this subsection must be verified and include a brief description of the facts supporting the public health authority's belief that isolation or quarantine should be imposed on an individual, including a description of any efforts the public health authority made to obtain the individual's voluntary compliance with isolation or quarantine before filing the petition.

(b) Except as provided in subsections (e) and (k), an individual described in subsection (a) is entitled to notice and an opportunity to be heard, in person or by counsel, before a court issues an order imposing isolation or quarantine. A court may restrict an individual's right to appear in person if the court finds that the individual's personal



appearance is likely to expose an uninfected person to a dangerous communicable disease or outbreak.

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

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

- (1) an individual has been infected or exposed to a dangerous communicable disease or outbreak; and
- (2) the individual is likely to cause the infection of an uninfected individual if the individual is not restricted in the individual's ability to come into contact with an uninfected individual;

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

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

- (1) isolation or quarantine should be imposed on an individual; and
- (2) the individual **described in subsection (a)** may expose an uninfected individual to a dangerous communicable disease or outbreak before the individual **described in subsection (a)** can be provided with notice and an opportunity to be heard.

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

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

- (1) an individual has been infected or exposed to a dangerous communicable disease or outbreak;
- (2) the individual is likely to cause the infection of an uninfected individual if the individual is not restricted in the individual's



ability to come into contact with an uninfected individual; and
 (3) the individual may expose an uninfected individual to a dangerous communicable disease or outbreak before the individual can be provided with notice and an opportunity to be heard;

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

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

- (1) in a nonadversarial, recorded hearing before the judge;
- (2) orally by telephone or radio;
- (3) in writing by facsimile transmission (fax); or
- (4) through other electronic means approved by the court.

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

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

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

(j) The clerk shall notify the public health authority who received an emergency order under subsection (g)(2) or (g)(3) when the transcription or copy required under this section is entered in the record. The public health authority shall sign the typed, transcribed, or



copied entry upon receiving notice from the court reporter.

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

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

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

- (A) the court that granted the emergency order of isolation or quarantine; or
- (B) a circuit or superior court, in the case of an immediate order.

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

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

(3) By informing the individual who is the subject of the emergency order of isolation or quarantine or the immediate order of isolation or quarantine that the individual has the right to:

- (A) appear, unless the court finds that the individual's personal appearance may expose an uninfected person to a dangerous



communicable disease or outbreak;
 (B) cross-examine witnesses; and
 (C) counsel, including court appointed counsel in accordance with subsection (c).

(4) If:

(A) the petition applies to a group of individuals; and
 (B) it is impracticable to provide individual notice;
 by posting the petition in a conspicuous location on the isolation or quarantine premises.

(m) If the public health authority proves by clear and convincing evidence at a hearing under subsection (l) that:

(1) an individual has been infected or exposed to a dangerous communicable disease or outbreak; and
 (2) the individual is likely to cause the infection of an uninfected individual if the individual is not restricted in the individual's ability to come into contact with an uninfected individual;

the court may renew the existing order of isolation or quarantine or issue a new order imposing isolation or quarantine on the individual. The court shall establish the conditions of isolation or quarantine, including the duration of isolation or quarantine. The court shall impose the least restrictive conditions of isolation or quarantine that are consistent with the protection of the public.

(n) Unless otherwise provided by law, a petition for isolation or quarantine, or a petition to renew an immediate order for isolation or quarantine, may be filed in a circuit or superior court in any county. Preferred venue for a petition described in this subsection is:

(1) the county or counties (if the area of isolation or quarantine includes more than one (1) county) where the individual, premises, or location to be isolated or quarantined is located; or
 (2) a county adjacent to the county or counties (if the area of isolation or quarantine includes more than one (1) county) where the individual, premises, or location to be isolated or quarantined is located.

This subsection does not preclude a change of venue for good cause shown.

(o) Upon the motion of any party, or upon its own motion, a court may consolidate cases for a hearing under this section if:

(1) the number of individuals who may be subject to isolation or quarantine, or who are subject to isolation or quarantine, is so large as to render individual participation impractical;
 (2) the law and the facts concerning the individuals are similar;
 and



(3) the individuals have similar rights at issue.

A court may appoint an attorney to represent a group of similarly situated individuals if the individuals can be adequately represented. An individual may retain his or her own counsel or proceed pro se.

(p) A public health authority that imposes a quarantine that is not in the person's home:

(1) shall allow the parent or guardian of a child who is quarantined under this section; and

(2) may allow an adult;

to remain with the quarantined individual in quarantine. As a condition of remaining with the quarantined individual, the public health authority may require a person described in subdivision (2) who has not been exposed to a dangerous communicable disease to receive an immunization or treatment for the disease or condition, if an immunization or treatment is available and if requiring immunization or treatment does not violate a constitutional right.

(q) If an individual who is quarantined under this section is the sole parent or guardian of one (1) or more children who are not quarantined, the child or children shall be placed in the residence of a relative, friend, or neighbor of the quarantined individual until the quarantine period has expired. Placement under this subsection must be in accordance with the directives of the parent or guardian, if possible.

(r) State and local law enforcement agencies shall cooperate with the public health authority in enforcing an order of isolation or quarantine.

(s) The court shall appoint an attorney to represent an indigent individual in an action brought under this chapter or under IC 16-41-6. If funds to pay for the court appointed attorney are not available from any other source, the state department may use the proceeds of a grant or loan to reimburse the county, state, or attorney for the costs of representation.

(t) A person who knowingly or intentionally violates a condition of isolation or quarantine under this chapter commits violating quarantine or isolation, a Class A misdemeanor.

(u) The state department shall adopt rules under IC 4-22-2 to implement this section, including rules to establish guidelines for:

(1) voluntary compliance with isolation and quarantine;

(2) quarantine locations and logistical support; and

(3) moving individuals to and from a quarantine location.

The absence of rules adopted under this subsection does not preclude the public health authority from implementing any provision of this section.



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

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

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

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

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

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

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

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

- (1) to develop standards that govern the denial of assistance to higher education award applicants and recipients under IC 21-12-3-13;
- (2) to implement IC 21-12-6, including:
 - (A) rules regarding the establishment of appeals procedures for individuals who become disqualified from the program under IC 21-12-6-9;
 - (B) notwithstanding IC 21-12-6-5, rules that may include students who are in grades other than grade 6, 7, or 8 as



eligible students; and

(C) rules that allow a student described in IC 21-12-6-5(b) to become an eligible student while the student is in high school, if the student agrees to comply with the requirements set forth in IC 21-12-6-5(a)(4)(B) through IC 21-12-6-5(a)(4)(D) for not less than six (6) months after graduating from high school;

(3) to implement IC 21-13-2; and

(4) to implement:

(A) IC 21-12-7; and

(B) IC 21-14-5.

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

(1) provides access to all one stop services;

(2) is certified by the ~~state board~~; **state workforce innovation council**; and

(3) includes an onsite information resource area that meets minimum criteria established by the department.

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

(1) The estimated cost of replacement parts that the rental company would have to pay to replace damaged vehicle parts, less all discounts and price reductions or adjustments that will be received by the rental company.

(2) The estimated cost of labor to replace damaged vehicle parts, which may not exceed the product of:

(A) the rate for labor usually paid by the rental company to replace vehicle parts of the type that were damaged; and

(B) the estimated time for replacement;

less all discounts and price reductions or adjustments that will be received by the rental company.

(3) The estimated cost of labor to repair damaged vehicle parts, which may not exceed the lesser of the following:

(A) The product of the rate for labor usually paid by the rental company to repair vehicle parts of the type that were damaged and the estimated time for repair.

(B) The sum of the estimated labor and parts costs determined under subdivisions (1) and (2) to replace the same vehicle parts.



All discounts and price reductions or adjustments that will be received by the rental company must be taken into account in determining the figure under this subdivision.

(4) Except as otherwise provided for, the loss of the use of the rented vehicle, which may not exceed the product of:

(A) the rental rate stated in the rental agreement for the particular vehicle rented, excluding optional charges; and

(B) the total of the estimated time for replacement and estimated time for repair.

(5) Actual charges for towing, storage, and impound fees paid by the rental company.

(b) Under any circumstances described in this chapter, liability for the rental company's loss of use of the rented vehicle may not exceed the product of:

(1) the rental rate stated in the rental agreement for the particular vehicle rented, excluding all optional charges; and

(2) eighty percent (80%) of the period from the date of the accident to the date the vehicle is ready to be returned to rental service.

However, a renter is not liable to a rental company for the loss of use of a damaged vehicle unless the **renter rental company** uses its best efforts to effect repairs and return the vehicle to rental service.

(c) The administrative charge described in section 13(9) of this chapter may not exceed:

(1) ten percent (10%) of the total estimated cost for parts and labor, if the damage is one thousand five hundred dollars (\$1,500) or less; or

(2) the amount specified in subdivision (1) plus seven and one-half percent (7 1/2%) of the amount in excess of one thousand five hundred dollars (\$1,500), if the total estimated cost for parts and labor exceeds one thousand five hundred dollars (\$1,500).

SECTION 45. IC 25-23.6-8-13, AS AMENDED BY P.L.134-2008, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) An individual who applies for a marriage and family therapist **associate** license under section ~~1~~ **1.5** of this chapter may be exempted by the board from the examination requirement under this chapter if the individual:

(1) complies with subsection (b); and

(2) is licensed or certified to practice as a marriage and family therapist in another state or has engaged in the practice of marriage and family therapy for at least three (3) of the previous



five (5) years.

(b) An individual may be exempted under subsection (a) if the individual:

- (1) has passed a licensing examination substantially equivalent to the licensing examination required under this article;
- (2) has passed an examination pertaining to the marriage and family therapy laws and rules of this state; and
- (3) has not committed any act or is not under investigation for any act that constitutes a violation of this article;

and is otherwise qualified under section ~~† 1.5~~ of this chapter and pays an additional fee.

SECTION 46. IC 25-26-20-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The board may organize a voluntary regional drug repository program to collect and redistribute drugs to nonprofit health clinics.

(b) The board may enter into a voluntary agreement with any of the following to serve as a regional drug repository:

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

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

SECTION 47. IC 30-2-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Any payment of money made to any person, firm, partnership, association, limited liability company, or corporation, other than a bank or trust company, upon any agreement or contract, or any series or combination of agreements or contracts, which has for a purpose the furnishing or performance of funeral services, or the furnishing or delivery of any personal property, merchandise, or services of any nature in connection with the final disposition of a dead human body, for future use at a time determinable by the death of the person or persons whose body or bodies are to be so disposed of, shall be held to be trust funds, and the person, firm, partnership, association, or corporation receiving said payments is hereby declared to be a trustee thereof. This subsection applies only to such a contract or agreement executed before July 1, 1978.

(b) After June 30, 1978, it is unlawful to enter into any agreement or contract for a purpose described in subsection (a) unless the

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agreement or contract requires that all payments be made by the settlor to an account in a:

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

whose principal office is in Indiana.

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

SECTION 48. IC 33-35-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The judge of a city or town court shall be elected under IC 3-10-6 or IC 3-10-7 by the voters of the city or town.

(b) Except as provided in subsections (c), ~~and (d)~~, **and (e)**, the term of office of a judge elected under this section is four (4) years, beginning at noon January 1 after election and continuing until a successor is elected and qualified.

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

- (1) a judge elected at the next municipal election not conducted in a general election year is one (1) year; and
- (2) the successors to the judge described in subdivision (1) is four (4) years;

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

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

- (1) a judge elected at the next municipal election not conducted in a general election year is three (3) years; and
- (2) the successors to the judge described in subdivision (1) is four (4) years;

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

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

- (1) a judge elected in the first election cycle after adoption of the ordinance is the term of office provided by the ordinance, not to exceed four (4) years; and**
- (2) the successors of the judge described in subdivision (1) is four (4) years.**



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

SECTION 49. IC 34-28-5-15, AS AMENDED BY P.L.112-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) This subsection does not apply to a person whose prosecution for an infraction is deferred under section 1 of this chapter. If a person alleged to have violated a statute defining an infraction:

- (1) is not prosecuted or if the action against the person is dismissed;
- (2) is adjudged not to have committed the infraction; or
- (3) is adjudged to have committed the infraction and the adjudication is subsequently vacated;

the court in which the action was filed shall order the clerk and the operator of any state, regional, or local case management system not to disclose or permit disclosure of information related to the infraction to a noncriminal justice organization or an individual.

(b) Not earlier than five (5) years after a person:

- (1) whose prosecution for an infraction has been deferred; or
- (2) who was found to have violated a statute defining an infraction;

has satisfied the conditions of the deferral program or the judgment imposed for the violation, the person may petition the court to prohibit disclosure of information related to the infraction to a noncriminal justice organization or an individual. The court shall order the clerk and the operator of any state, regional, or local case management system not to disclose or permit disclosure of information related to the infraction to a noncriminal justice organization or an individual if the court finds that:

- (1) the person satisfied the judgment or conditions of the deferral program; and
- (2) at least five (5) years have passed since the date the person satisfied the judgment or conditions of the program.

(c) If a court fails to order the clerk and the operator of any state, regional, or local case management system to restrict disclosure of information related to the infraction under subsection (a), the person may petition the court to restrict disclosure of the records related to the infraction to a noncriminal justice organization or an individual.

(d) A petition under subsection (b) or (c) must be verified and filed in:

- (1) the court in which the action was filed, for a person described



- in subsection (a)(1);
- (2) the court in which the trial was held, for a person described in subsection (a)(2) or (a)(3); or
- (3) the court finding or having jurisdiction over the violation, for a person described in subsection (b).
- (e) A petition under subsection (b) or (c) must be filed not earlier than:
- (1) if the person is adjudged not to have committed the infraction, thirty (30) days after the date of judgment;
 - (2) if the person's adjudication is vacated, three hundred sixty-five (365) days after:
 - (A) the order vacating the adjudication is final, if there is no appeal or the appeal is terminated before entry of an opinion or memorandum decision; or
 - (B) the opinion or memorandum decision vacating the adjudication is certified;
 - (3) if the person is not prosecuted, two (2) years after the alleged conduct or violation occurred;**
 - ~~(3)~~ **(4) if the person is not prosecuted or the action is dismissed,** thirty (30) days after the action is dismissed, if a new action is not filed; or
 - ~~(4)~~ **(5) if the person participated in a deferral program or is found to have violated the statute defining the infraction, not earlier than five (5) years after the date the judgment for the violation is satisfied or the conditions of the deferral program are met.**
- (f) A petition under subsection (b) or (c) must set forth:
- (1) the date of the alleged violation;
 - (2) the violation or alleged violation;
 - (3) the date the action was dismissed, if applicable;
 - (4) the date of judgment, if applicable;
 - (5) the date the adjudication was vacated, if applicable;
 - (6) the basis on which the adjudication was vacated, if applicable;
 - (7) the date the judgment is satisfied or the conditions of the deferral program were met, if applicable;
 - (8) the law enforcement agency employing the officer who issued the complaint, if applicable;
 - (9) any other known identifying information, such as the name of the officer, case number, or court cause number;
 - (10) the date of the petitioner's birth; and
 - (11) at the option of the petitioner, the:
 - (A) petitioner's driver's license or state identification card number; or



(B) last four (4) digits of the petitioner's Social Security number.

(g) A copy of a petition filed under subsection (b) or (c) shall be served on the prosecuting attorney.

(h) If the prosecuting attorney wishes to oppose a petition filed under subsection (b) or (c), the prosecuting attorney shall, not later than thirty (30) days after the petition is filed, file a notice of opposition with the court setting forth reasons for opposing the petition. The prosecuting attorney shall attach to the notice of opposition a certified copy of any documentary evidence showing that the petitioner is not entitled to relief. A copy of the notice of opposition and copies of any documentary evidence shall be served on the petitioner in accordance with the Indiana Rules of Trial Procedure.

(i) The court may, with respect to a petition filed under subsection (b) or (c):

- (1) summarily grant the petition;
- (2) set the matter for hearing; or
- (3) summarily deny the petition, if the court determines that:
 - (A) the petition is insufficient; or
 - (B) based on documentary evidence submitted to the court, the petitioner is not entitled to have access to the petitioner's records restricted.

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

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

- (1) subsection (b) if the person is entitled to relief under that subsection; or
- (2) subsection (c) if the person is entitled to relief under subsection (a).

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

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

SECTION 51. IC 35-38-8-2 IS REPEALED [EFFECTIVE JULY 1,



2013 (RETROACTIVE)]. Sec. 2: This chapter applies only to a person:

- (1) convicted of a misdemeanor or a Class D felony (for a crime committed before July 1, 2014) or Level 6 felony (for a crime committed after June 30, 2014) that did not result in injury to a person; or
- (2) adjudicated a delinquent child for committing an offense that, if committed by an adult, would be a misdemeanor or a Class D or Level 6 felony that did not result in injury to a person.

SECTION 52. IC 35-38-8-4 IS REPEALED [EFFECTIVE JULY 1, 2013 (RETROACTIVE)]. Sec. 4: The court shall grant a petition under this chapter if the court finds:

- (1) the person is:
 - (A) not a sex or violent offender; or
 - (B) a sex or violent offender; but the offender's status as a sex or violent offender is solely due to the offender's conviction for sexual misconduct with a minor (IC 35-42-4-9) and the offender proved that the defense described in IC 35-42-4-9(e) applies to the offender;
- (2) the person was:
 - (A) convicted of a misdemeanor or a Class D felony (for a crime committed before July 1, 2014) or Level 6 felony (for a crime committed after June 30, 2014) that did not result in injury to a person; or
 - (B) adjudicated a delinquent child for committing an offense that, if committed by an adult, would be a misdemeanor or a Class D felony or Level 6 felony not resulting in injury to a person;
- (3) eight (8) years have passed since the person completed the person's sentence and satisfied any other obligation imposed on the person as part of the sentence; and
- (4) the person has not been convicted of a felony since the person completed the person's sentence and satisfied any other obligation imposed on the person as part of the sentence.

SECTION 53. IC 35-38-8-5 IS REPEALED [EFFECTIVE JULY 1, 2013 (RETROACTIVE)]. Sec. 5: If the court grants the petition of a person under this chapter, the court shall do the following:

- (1) Order:
 - (A) the department of correction; and
 - (B) each:
 - (i) law enforcement agency; and
 - (ii) other person;
- who incarcerated; provided treatment for; or provided other



services for the person under an order of the court; to prohibit the release of the person's records or information relating to the misdemeanor, nonviolent Class D felony, nonviolent Level 6 felony, or juvenile adjudication described in section 2 of this chapter; in the person's records to a noncriminal justice agency without a court order.

(2) Order any:

(A) state;

(B) regional; or

(C) local;

central repository for criminal history information to prohibit the release of the person's records or information relating to the misdemeanor, nonviolent Class D felony, nonviolent Level 6 felony, or juvenile adjudication described in section 2 of this chapter; in the person's records to a noncriminal justice agency without a court order.

SECTION 54. 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.*

SECTION 55. IC 35-48-7-11.5, AS ADDED BY P.L.84-2010, SECTION 100, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11.5. (a) **Each board of described in IC 25-0.5-11-1 that regulates a health care provider that**

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prescribes or dispenses prescription drugs shall do the following:

- (1) Establish prescribing norms and dispensing guidelines **for that, if violated, justify** the unsolicited dissemination of exception reports under section 11.1(d) of this chapter.
- (2) Provide the information determined in subdivision (1) to the board.

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

- (1) A report of prescriptive activity of a practitioner to the practitioner's professional licensing board designee when the practitioner deviates from the dispensing guidelines or the prescribing norms for the prescribing of a controlled substance within a particular drug class.
- (2) A reporting of recipient activity to the practitioners who prescribed or dispensed the controlled substance when the recipient deviates from the dispensing guidelines of a controlled substance within a particular drug class.

(c) The board designee may, at the designee's discretion, forward the exception report under subsection (b)(2) to only the following for purposes of an investigation:

- (1) A law enforcement agency.
- (2) The attorney general.

SECTION 56. IC 35-50-2-1.3, AS AMENDED BY P.L.168-2014, SECTION 110, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.3. (a) For purposes of ~~sections 3 through 7~~ of this chapter, "advisory sentence" means a guideline sentence that the court may voluntarily consider when imposing a sentence.

(b) Except as provided in subsection (c), a court is not required to use an advisory sentence.

(c) In imposing:

- (1) consecutive sentences for felony convictions that are not crimes of violence (as defined in IC 35-50-1-2(a)) arising out of an episode of criminal conduct, in accordance with IC 35-50-1-2; or
- (2) an additional fixed term to a repeat sexual offender under section 14 of this chapter;

a court is required to use the appropriate advisory sentence in imposing a consecutive sentence or an additional fixed term. However, the court is not required to use the advisory sentence in imposing the sentence for the underlying offense.



(d) This section does not require a court to use an advisory sentence in imposing consecutive sentences for felony convictions that do not arise out of an episode of criminal conduct.

SECTION 57. IC 36-1-12.5-10, AS AMENDED BY P.L.168-2006, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. The governing body shall:

(1) provide to the ~~lieutenant governor~~ **director of the Indiana office of energy development** not more than sixty (60) days after the date of execution of the guaranteed savings contract:

(A) a copy of the executed guaranteed savings contract;

(B) the:

(i) energy or water consumption costs;

(ii) wastewater usage costs; and

(iii) billable revenues, if any;

before the date of execution of the guaranteed savings contract; and

(C) the documentation using industry engineering standards for:

(i) stipulated savings; and

(ii) related capital expenditures; and

(2) annually report to the ~~lieutenant governor~~, **director of the Indiana office of energy development**, in accordance with procedures established by the ~~lieutenant governor~~, **director of the Indiana office of energy development**, the savings resulting in the previous year from the guaranteed savings contract or utility efficiency program.

SECTION 58. IC 36-1-12.5-12, AS AMENDED BY P.L.168-2006, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) An improvement that is not causally connected to a conservation measure may be included in a guaranteed savings contract if:

(1) the total value of the improvement does not exceed fifteen percent (15%) of the total value of the guaranteed savings contract; and

(2) either:

(A) the improvement is necessary to conform to a law, a rule, or an ordinance; or

(B) an analysis within the guaranteed savings contract demonstrates that:

(i) there is an economic advantage to the political subdivision in implementing an improvement as part of the guaranteed savings contract; and



(ii) the savings justification for the improvement is documented by industry engineering standards.

(b) The information required under subsection (a) must be reported to the ~~lieutenant governor~~: **director of the Indiana office of energy development**.

SECTION 59. IC 36-2-14-6.3, AS AMENDED BY P.L.128-2012, SECTION 183, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.3. (a) A coroner shall immediately notify:

(1) the local office of the department of child services by using the statewide hotline for the department; and

(2) either:

(A) the local child fatality review team; or

(B) if the county does not have a local child fatality review team, the statewide child fatality review committee;

of each death of a person who is less than eighteen (18) years of age, or appears to be less than eighteen (18) years of age and who has died in an apparently suspicious, unexpected, or unexplained manner.

(b) If a child less than eighteen (18) years of age dies in an apparently suspicious, unexpected, or unexplained manner, the coroner shall consult with a child death pathologist to determine whether an autopsy is necessary. If the coroner and the child death pathologist disagree over the need for an autopsy, the county ~~prosecutor~~ **prosecuting attorney** shall determine whether an autopsy is necessary. If the autopsy is considered necessary, a child death pathologist or a pathology resident acting under the direct supervision of a child death pathologist shall conduct the autopsy within twenty-four (24) hours **after the prosecuting attorney notifies the pathologist or pathology resident of the determination**. If the autopsy is not considered necessary, the autopsy shall not be conducted.

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

SECTION 60. IC 36-5-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Except as provided in subsection (b), (c), (d), (e), ~~or~~ (f), **or (g)**, the term of office of a member of the legislative body is four (4) years, beginning at noon January 1 after the member's election and continuing until the member's successor is elected and qualified.

(b) The term of office of a member of the legislative body appointed to fill a vacancy resulting from an increase in the number of town



legislative body members under section 4.2 of this chapter:

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

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

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

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

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

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

(e) The term of office of a member of a legislative body subject to an ordinance described by IC 3-10-6-2.6 is one (1) year, beginning at noon January 1 after the member's election and continuing until the member's successor is elected and qualified.

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

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

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

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

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

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

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

SECTION 61. IC 36-5-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The clerk-treasurer must reside within the town as provided in Article 6, Section 6 of the Constitution of the State of Indiana. The clerk-treasurer forfeits office if the clerk-treasurer ceases to be a resident of the town.

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

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

- (1) begins at noon November 30 following the election; and
- (2) continues until noon January 1 following the next municipal election scheduled under IC 3-10-6-5 or IC 3-10-7-6 and until the clerk-treasurer's successor is elected and qualified.

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

- (1) one (1) year if the clerk-treasurer is elected at the next municipal election not conducted in a general election year; and
- (2) four (4) years for the successors of the clerk-treasurer described in subdivision (1);

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

(e) The term of office of a clerk-treasurer subject to an ordinance described by IC 3-10-7-2.7 is:

- (1) three (3) years if the clerk-treasurer is elected at the next municipal election not conducted in a general election year; and
- (2) four (4) years for the successors of the clerk-treasurer described in subdivision (1);

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

(f) The term of office of a clerk-treasurer subject to an ordinance described by IC 3-10-7-2.9 is:

- (1) the term of office provided by the ordinance, not to exceed four (4) years, for the clerk-treasurer elected in the first election cycle after adoption of the ordinance; and**
- (2) four (4) years for the successors of the clerk-treasurer described in subdivision (1).**

SECTION 62. An emergency is declared for this act.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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