

2011 SUMMARY OF NEW LAWS



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**FIRST REGULAR SESSION OF THE
117TH
INDIANA GENERAL ASSEMBLY
2011**

SUMMARY OF NEW LAWS

PREPARED BY THE SENATE MAJORITY ATTORNEY'S OFFICE

PREFACE

This document is a comprehensive Summary of Laws passed by the 2011 Indiana General Assembly, including 1 Senate Joint Resolution, 1 House Joint Resolution, and 231 bills (117 Senate Bills and 114 House Bills) passed during the Legislative Session completed on April 29, 2011. Two of these bills were subsequently vetoed by the Governor, each is marked in the summary. The bills have been categorized by general subject matter, as listed in the Table of Contents. The Index at the back of this document lists all Senate and House bills in numerical order and notes the page number for each bill.

Many of the bills passed could have been categorized under several related headings in the Summary. In order to limit the length of the Summary book, the complete digest has been included under only one heading, and a cross reference to the bill has been included under additional related topic headings. These other bills are noted by bill number, with the subject heading under which they appear in the Summary noted in brackets below the bill number and brief description.

For purposes of this Summary, we have listed only the first, second and third author(s) or sponsor(s) for each bill. Additional Senators and Representatives who co-authored or co-sponsored the bill are not reflected here but can be found under "Bills and Resolutions" on the General Assembly home page or by contacting the Legislative Information Center.

For further information concerning laws passed, please contact either the Senate Majority Attorney's Office at (317) 232-9413 or the Legislative Information Center of the Legislative Services Agency at (317) 232-9856 or visit the Indiana General Assembly home page at www.in.gov/legislative.

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AGRICULTURE & ANIMALS

See also:

SB 478: State fair foundation.
[General Provisions]

House Bill 1133 (Public Law 3-2011)

Author: R. Frye

Sponsors: Steele, Leising, Buck

Citations Affected: IC 34-31

Effective: July 1, 2011

Agritourism liability. Provides that an agritourism provider is not liable for the injury or death of an agritourism participant if the cause of the injury or death is an inherent risk of the agritourism activity. Establishes exceptions. Requires the agritourism provider to post a warning sign and place the warning notice in any contracts signed by the participant.

House Bill 1183 (Public Law 122-2011)

Author: Dermody

Sponsors: Charbonneau, Arnold

Citations Affected: IC 2-5; 5-22

Effective: July 1, 2011

Indiana business price preferences. Provides an additional preference for purchases made by a state agency for supplies manufactured, assembled, or produced by an Indiana business in Indiana. Provides a price preference for agriculture products grown or produced in Indiana. Deletes a provision specifying that the Indiana price preferences are ignored in certain circumstances if an offeror is from a state bordering Indiana. Requires the commission on military and veterans' affairs to study veterans' procurement preferences.

House Bill 1386 (Public Law 8-2011)

Author: Lehe

Sponsors: Head, Alting

Citations Affected: IC 15-19

Effective: July 1, 2011

Commercial feed certification. Allows the state chemist to inspect, audit, and certify certain commercial feed manufacturers and distributors that export commercial feed. Provides that the rules must include a schedule of fees to cover the cost of the state chemist's inspection activities. Provides that the failure to pay the fees is a Class C infraction.

House Bill 1387 (Public Law 130-2011)

Author: Lehe

Sponsors: Head, Alting

Citations Affected: IC 15-15

Effective: July 1, 2011

Commodity market development councils. Makes changes to the definition of an agricultural commodity. Transfers the responsibility for certain duties concerning commodity market development from the director of the department of agriculture to the Purdue University dean of agriculture (dean). Requires the dean to conduct a referendum on the continuation of the commodity market development council if the amount of refund requests under the commodity market development program exceeds 25% of the amount collected under the program for a fiscal year. (Current law requires a referendum one time every three years.) Allows a state commodity fee to be collected for an agricultural commodity even if a fee is collected under a federal program for promotion or market development.

ALCOHOL & TOBACCO

See also:

SB 47: Various riverboat matters.
[Gaming]

Senate Bill 78 (Public Law 216-2011)

Authors: Merritt, Alting

Sponsor: Steuerwald

Citations Affected: IC 7.1-3; 7.1-5

Effective: July 1, 2011

Alcoholic beverage matters. Makes it a Class B misdemeanor for an alcoholic beverage permittee or an employee or agent of the permittee to recklessly, knowingly, or intentionally sell, barter, exchange, provide, or furnish another person who is or reasonably appears to be less than 40 years of age an alcoholic beverage for consumption off the licensed premises without first requiring the person to produce specified identification showing that the person is at least 21 years of age. (Current law makes it a Class B misdemeanor for an alcoholic beverage permittee or an employee or agent of the permittee to recklessly, knowingly, or intentionally sell, barter, exchange, provide, or furnish another person an alcoholic beverage for consumption off the licensed premises without first requiring the person to produce specified identification showing that the person is at least 21 years of age.) Urges the legislative council to assign to an existing study committee the topic of which state agency should have authority to control dangerous alcohol products. Provides that only the alcohol and tobacco commission may conduct random unannounced inspections at locations where alcoholic beverages are sold or distributed to ensure compliance with certain alcoholic beverage laws. (Under current law, an Indiana law enforcement agency, the office of the sheriff of a county, or an organized police department of a municipal corporation may also conduct random unannounced inspections.) Provides that the holder of a club permit for alcoholic beverages may designate as "guest day" or "guest days" three or fewer days in a month or nine or fewer consecutive days in a quarter. (Current law allows a holder of a club permit to designate one day each month as a "guest day".)

Senate Bill 255 (Public Law 64-2011)

Authors: Schneider, Alting, Merritt

Sponsor: Speedy

Citations Affected: IC 7.1-3; 7.1-5

Effective: July 1, 2011

Carryout of alcoholic beverages. Allows the holder of a three-way permit issued for a premises within a city market to sell beer and wine for carryout. Excludes certain establishments from the application of a provision that: (1) makes it unlawful to sell beer in this state at retail in a bottle, can, or other container, unless the bottle, can, or other container was packaged and sealed by the brewer at the brewer's bottling house contiguous or adjacent to the brewery in which the beer was produced; and (2) makes it unlawful for a person to refill a bottle or container, in whole or in part, with an alcoholic beverage or knowingly possess a bottle or container that has been refilled, in whole or in part, with an alcoholic beverage after the container of liquor has been emptied in whole or in part.

House Bill 1132 (Public Law 186-2011)

Author: Koch

Sponsors: Steele, Alting, Becker

Citations Affected: IC 7.1-2; 7.1-3; 7.1-4; 7.1-5

Effective: July 1, 2011

Farm wineries and direct wine sellers. Farm wineries and direct wine sellers. Requires the alcohol and tobacco commission to submit a report, not later than November 1, 2011, to the general assembly concerning direct wine shipment to consumers in Indiana. Removes provisions concerning certain requirements for applicants of direct wine seller's permits. Allows a direct wine seller to ship directly to a consumer in Indiana only wine manufactured, produced, or bottled by the seller. Increases the number of days that a holder of a farm winery permit may participate in a trade show or an exposition with the approval of the alcohol and tobacco commission from 30 days to 45 days in a calendar year. Provides that the provisions concerning microbreweries apply to breweries that manufacture not more than 30,000 barrels of beer. (Under current law, the provisions apply to breweries that manufacture not more than 20,000 barrels of beer.).

House Bill 1405 (Public Law 10-2011)

Author: Cherry

Sponsors: Alting, Gard

Citations Affected: IC 35-46

Effective: July 1, 2011

Tobacco matters. Defines "dissolvable tobacco product". Provides that a person or retail establishment that knowingly: (1) sells or distributes a dissolvable tobacco product to a person less than 18 years of age; or (2) purchases a dissolvable tobacco product for delivery to a person less than 18 years of age; commits a Class C infraction. Provides that a person who is less than 18 years of age who: (1) purchases a dissolvable tobacco product; (2) accepts a dissolvable tobacco product for personal use; or (3) possesses a dissolvable tobacco product, commits a class

C infraction. Provides that a dissolvable tobacco product is considered a tobacco product for purposes of provisions relating to the regulation of tobacco vending machines. Provides that the owner of a retail establishment that sells or distributes tobacco products through a self-service display, commits a Class C infraction. (Current law provides that the owner of a retail establishment that sells or distributes cigarettes through a self-service display, commits a Class C infraction.)

BUDGET BILL

House Bill 1001 (Public Law 229-2011)

Author: Espich

Sponsors: Kenley, Broden

Citations Affected: Various Titles throughout the Indiana Code; Noncode

Effective: Retroactive (November 1, 2010); Retroactive (January 1, 2011); Upon Passage (May 10, 2011); June 1, 2011; July 1, 2011; January 1, 2012

Budget bill. Appropriates money for capital expenditures, the operation of the state, the delivery of Medicaid and other services, and various other distributions and purposes. Permits an action to recover a civil penalty from a member of the general assembly who is absent from the member's chamber with the result that the member's body is unable to form a quorum. Defines travel expenses for purposes of lobbyist reporting laws. Provides for disposition of an excess state reserve. Updates references to the Internal Revenue Code and decouples Indiana from certain changes made to federal income tax law. Changes deductions and credits. Requires certain tax preparers to electronic file returns. Changes the distribution formula for cigarette tax, sales tax, and racino assessments. Provides additional information to local units concerning local income tax collections and changes the method of calculating supplemental distributions. Makes changes in the distribution of revenue from certain food and beverage taxes and innkeeper's taxes. Indicates when the Allen County supplemental food and beverage tax expires. Reorganizes the state public employee civil service. Makes changes in retirement benefit programs for certain state public safety employees. Limits the term of future port commission bonds to 25 years. Permits the issuance of refunding bonds to extend the payment period for certain bonds. Terminates and transfers responsibilities of the family and social services committee, the Indiana tobacco use prevention and cessation executive board, and the community residential facilities council. Permits the issuance of alcoholic beverage permits in certain smaller cities. Limits medical expense liability for inmates. Makes changes in the Medicaid program and other health benefit programs, the first steps program, higher education scholarship programs, dual credit programs, and the Indiana comprehensive health insurance association (ICHIA) policy program. Imposes a moratorium on new Medicaid beds. Authorizes the adoption of emergency rules for programs administered by the family and social services administration. Makes changes related to distributions to hospitals. Provides for a quality assurance fee on nursing homes and hospitals. Establishes the council on Evansville state hospitals. Provides for infant screening. Makes changes related to collective bargaining of school employees, vacation leave for deaf and blind school employees, textbook reimbursement, and other education provisions. Provides for

turnaround academies. Provides a tuition support distribution formula for public elementary and high schools. Specifies a schedule for establishment of recommended limits on higher education tuition and fee increases. Mandates participation of universities in the state health plan if required by the budget agency. Makes changes in university capital project procedures. Makes changes in the department of child services guardianships. Changes court fees. Freezes salaries of legislators, and permits increases in judicial salaries only if approved by the chief justice. Provides for a thirteenth check to certain retired public employees. Extends the time in which to repay a loan to the public deposit insurance fund. Exempts meals served at a legislative conference from gross retail tax. Provides for various studies. Makes other changes.

BUSINESS ASSOCIATIONS

Senate Bill 180 (Public Law 37-2011)

Authors: Simpson, Bray

Sponsor: Foley

Citations Affected: Noncode

Effective: July 1, 2011

Limited partnerships and liability companies. Requires the Indiana business law survey commission to conduct a study concerning the desirability of enacting: (1) the uniform limited partnership act; and (2) the revised uniform limited liability company act.

CIVIL LAW & PROCEDURE

See also:

- SB 79: Motor fuel theft.
[Motor Vehicles]
- SB 582: Settlement conferences in residential foreclosures.
[Property]
- HB 1058: Homeowners associations.
[Property]

See also the following bills containing civil immunities:

- SB 6: Interstate mutual aid agreements.
[State & Local Administration]
- SB 93: Concussions and head injuries in student athletes.
[Health & Human Services]
- SB 127: Driver education.
[Motor Vehicles]

- SB 577: Financial aid.
[Education]
- HB 1133: Agritourism liability.
[Agriculture & Animals]

See also the following bills containing civil penalties:

- SB 338: Work zone safety.
[Motor Vehicles]
- SB 532: Various natural resources matters.
[Natural & Cultural Resources]
- SB 576: Worker's compensation.
[State & Local Administration]
- HB 1386: Commercial feed certification.
[Agriculture & Animals]
- HB 1405: Tobacco matters.
[Alcohol & Tobacco]

Senate Bill 67 (Public Law 32-2011)

Authors: Gard, Bray

Sponsor: McMillin

Citations Affected: IC 4-21.5; 14-25

Effective: July 1, 2011

Procedures in administrative proceedings. Establishes additional grounds for disqualification of an administrative law judge and replacement procedures. Provides that the proceedings before an administrative law judge are de novo. Confirms summary judgment procedures and electronic service procedures in an administrative proceeding to the procedures under the Indiana Rules of Trial Procedure. Provides that settlement of an administrative matter results in the issuance of a final order that effectuates the settlement in certain cases. Requires additional limited proceedings if the settlement of the matter includes the modification of an environmental permit. Provides that an environmental law judge has the same authority and responsibilities as an administrative law judge.

Senate Bill 346 (Public Law 154-2011)

Authors: Gard, Bray

Sponsor: Wolkins

Citations Affected: IC 13-23; 13-30; 34-6; 34-11

Effective: Upon Passage (May 10, 2011)

Environmental legal action statute of limitations. Specifies the statute of limitations for: (1) an environmental legal action; and (2) an action for a contribution to pay for corrective action related to a release from an underground storage tank. Prohibits a person from reviving or raising new claims in an action that was finally adjudicated or settled prior to the effective date of the statute of limitations. Specifies that a person who brings an action prior to the effective of the statute of limitations for an environmental legal action may not amend the action or bring a new

action based on the establishment of the statute of limitations.

Senate Bill 411 (Public Law 17-2011)

Authors: Nugent, Tomes

Sponsor: Eberhart

Citations Affected: IC 10-14; 34-28

Effective: July 1, 2011

Disclosure of firearm or ammunition information. Provides that a civil action may be brought against a public or private employer that has: (1) required an applicant for employment or an employee to disclose information under certain circumstances about whether the applicant or employee owns, possesses, uses, or transports a firearm or ammunition; or (2) conditioned employment, or any rights, benefits, privileges, or opportunities offered by the employment, upon an agreement that the applicant for employment or the employee forgo the otherwise lawful ownership, possession, storage, transportation, or use of a firearm or ammunition. Provides that a governmental entity may not restrict the possession of a firearm at a person's residence during a declared emergency.

Senate Bill 495 (Public Law 69-2011)

Authors: Kruse, Yoder, Banks

Sponsor: Behning

Citations Affected: IC 20-26

Effective: July 1, 2011

Lawsuits by school corporations. Prohibits the governing body of a school corporation from using funds received from the state to bring or join in an action against the state unless the school corporation is challenging an adverse decision by a state agency, board, or commission.

House Bill 1200 (Public Law 6-2011)

Author: Davis

Sponsors: Eckerty, Paul

Citations Affected: IC 13-19; 34-30

Effective: July 1, 2011

Immunity for certain surficial activities. Provides that, subject to certain conditions, a person who: (1) owns or otherwise legally possesses real property that is not more than one acre in size; and (2) only installs pavement or another hard surface or landscaping and other surficial plantings on the surface of the real property; does not incur any additional liability for those paving or landscaping activities under the environmental management laws for costs or damages associated with the presence of a hazardous substance, a contaminant, petroleum, or a petroleum product that is located beneath the surface of the real property.

House Bill 1548 (Public Law 213-2011)

Author: Foley

Sponsors: Bray, Simpson, Head

Citations Affected: IC 34-11; 34-54

Effective: July 1, 2011

Recognition of foreign country money judgments. Enacts the uniform foreign country money judgments recognition act. Provides a process for recognizing money judgments obtained in other nations for the purpose of enforcement.

CORRECTIONS

See also:

HB 1017: Unused medication.
[Health & Human Services]

House Bill 1416 (Public Law 228-2011)

Author: McNamara

Sponsors: Waterman, M. Young

Citations Affected: IC 11-13; 35-50

Effective: July 1, 2011

Credit time. Provides that, for an imprisoned person to earn credit time for successfully completing the requirements for a high school diploma through correspondence courses, each correspondence course must be approved in advance by the department of correction. Specifies that a period of confinement is consecutive even if an inmate was released on the basis of an erroneous court order, and requires the department of correction to identify an offender to the parole board and provide certain information if the offender has been consecutively confined for 21 to 25 years, depending on the amount of educational credit time earned by the offender.

COURTS & COURT OFFICERS

See also:

SB 67: Procedures in administrative proceedings.
[Civil Law & Procedure]

SB 216: Access to child pornography in criminal discovery.
[Criminal Law & Procedure]

Senate Bill 96 (Public Law 78-2011)

Authors: Head, Eckerty

Sponsor: McMillin

Citations Affected: IC 33-39

Effective: July 1, 2011

Cass County deputy prosecuting attorneys. Allows the prosecuting attorney of Cass County to appoint one additional deputy prosecuting attorney paid by the state.

Senate Bill 463 (Public Law 161-2011)

Authors: Buck, Bray, Steele

Sponsor: Karickhoff

Citations Affected: IC 33-29; 33-30; 33-33

Effective: July 1, 2011

Mandatory retirement age for trial court judges. Repeals or otherwise removes all provisions that establish a mandatory retirement age for superior court and county court judges. Makes conforming amendments.

House Bill 1153 (Public Law 187-2011)

Author: Koch

Sponsors: Bray, Steele, Broden

Citations Affected: IC 2-5; 2-5.5; 12-7; 33-23; 33-37

Effective: July 1, 2011

Problem solving courts. Expands the types of persons that may participate in court established alcohol and drug services programs. Establishes procedures to be used by a problem solving court to terminate an individual's participation in a problem solving court program. Provides that the parent or guardian of a child: (1) who is adjudicated a delinquent child or in a program of informal adjustment approved by a juvenile court; and (2) who is accepted into a problem solving court program; is financially responsible for the problem solving court service fees and chemical testing expenses assessed against the child by the problem solving court. Specifies that a city or town user fee fund or county user fee fund includes problem solving court fees collected by the clerk of the court. Establishes the criminal law and sentencing policy study committee.

House Bill 1215 (Public Law 28-2011)

Author: Davis

Sponsor: Eckerty

Citations Affected: IC 35-37

Effective: July 1, 2011

Closed circuit television testimony. Provides that for purposes of a hearing concerning the admissibility of certain statements or videotapes made by a protected person, the protected person may attend the hearing through the use of closed circuit television.

House Bill 1266 (Public Law 201-2011)

Author: Stemler

Sponsors: Bray, J. Smith, Grooms

Citations Affected: Various Titles throughout the Indiana Code

Effective: Retroactive (December 31, 2010); Upon Passage (May 10, 2011); June 29, 2011; June 30, 2011; July 1, 2011; January 1, 2012

Various provisions concerning courts. Changes the expiration date of the commission on courts from June 30, 2011, to June 30, 2015. Provides that all circuit courts, superior courts, and probate courts have: (1) original and concurrent jurisdiction in all civil cases and in all criminal cases; (2) de novo appellate jurisdiction of appeals from city and town courts; and (3) in Marion

County, de novo appellate jurisdiction of appeals from township small claims courts. Makes conforming amendments. Repeals the law concerning the establishment and operation of county courts. (Since January 1, 2009, no county court exists in Indiana.) Makes conforming amendments. Repeals or otherwise removes all provisions that establish a mandatory retirement age for superior court and county court judges. Makes conforming amendments. Establishes a unified circuit court for Clark County by combining the current judge of the Clark circuit court and the three judges of the Clark superior court into a unified circuit court with four judges. Specifies that the Clark superior court judges serving on December 31, 2011, serve as judges of the unified circuit court beginning January 1, 2012. Transfers all cases and other matters pending in the Clark superior court at the close of business on December 31, 2011, to the unified circuit court on January 1, 2012. Repeals provisions concerning the establishment and operation of the Clark superior court. Establishes a unified circuit court for Madison County by combining the current judge of the Madison circuit court and the five judges of the Madison superior court into a unified circuit court with six judges. Specifies that the Madison superior court judges serving on June 30, 2011, serve as judges of the unified circuit courts beginning July 1, 2011. Transfers all cases and other matters pending in the Madison superior court at the close of business on June 30, 2011, to their respective circuit courts on July 1, 2011. Repeals provisions concerning the establishment and operation of the Madison superior court. Establishes a unified circuit court for Henry County by combining the current judge of the Henry circuit court and the two judges of the Henry superior court into a unified circuit court with three judges. Specifies that the Henry superior court judges serving on June 30, 2011, serve as judges of the unified circuit court beginning July 1, 2011. Transfers all cases and other matters pending in the Henry superior court at the close of business on June 30, 2011, to the circuit court on July 1, 2011. Repeals provisions concerning the establishment and operation of the Henry superior court. Provides for the four judges of the Lake superior court county division to be: (1) nominated by the Lake County superior court judicial nominating commission and appointed by the governor; and (2) subject to the question of retention or rejection by the Lake County electorate every six years. (Current law provides that the judges of the Lake superior court county division are elected by the electorate of Lake County every six years.) Repeals provisions concerning elected judges of the county division. Makes conforming amendments.

CRIMINAL LAW & PROCEDURE

See also:

- SB 78: Alcoholic beverage matters.
[Alcohol & Tobacco]
- SB 363: Criminal background checks of licensed professionals.
[Professions & Occupations]
- SB 525: Bail agent education and reporting.
[Insurance]

Senate Bill 19 (Public Law 75-2011)

Authors: Wyss, Steele

Sponsor: Foley

Citations Affected: IC 35-45

Effective: July 1, 2011

Public voyeurism. Makes it a Class A misdemeanor for a person to peep at the private area of an individual and record an image by means of a camera. Increases the penalty to a Class D felony if the person has a prior conviction or: (1) publishes the image; (2) makes the image available on the Internet; or (3) transmits or disseminates the image to another person. Provides a defense if an individual deliberately exposed the individual's private area. (The introduced version of this bill was prepared by the criminal law and sentencing policy study committee.)

Senate Bill 57 (Public Law 38-2011)

Authors: Alting, Charbonneau, Miller

Sponsor: Yarde

Citations Affected: IC 16-31; 20-28; 22-15; 25-1; 34-24; 35-41; 35-45; 35-48

Effective: July 1, 2011

Synthetic cannabinoids and salvia. Defines "synthetic cannabinoid" and "salvia" (salvia divinorum or salvinorin A). Makes possessing, dealing in, manufacturing, or delivering a synthetic cannabinoid, or salvia equivalent to possessing, dealing in, manufacturing, or delivering marijuana, hash oil, or hashish. Makes conforming amendments.

Senate Bill 90 (Public Law 98-2011)

Authors: Arnold, Steele

Sponsor: Foley

Citations Affected: IC 2-5; 2-5.5; Noncode

Effective: July 1, 2011

Criminal law study committees. Relocates the statute establishing the criminal law and sentencing policy study committee. Extends the expiration of the criminal code evaluation commission until December 31, 2012. (The introduced version of this bill was prepared by the criminal law and sentencing policy study committee.)

Senate Bill 94 (Public Law 60-2011)

Authors: Holdman, Tomes

Sponsor: Lehman

Citations Affected: IC 35-47

Effective: July 1, 2011

Purchase of firearms. Makes it a Class C felony for a person to knowingly or intentionally give false information on certain forms or offer false evidence of identity in purchasing or otherwise securing delivery of a firearm. Repeals a provision that states: (1) a resident of Indiana may purchase a rifle or shotgun in Ohio, Kentucky, Michigan, or Illinois; and (2) a resident of Ohio, Kentucky, Michigan, or Illinois may purchase a rifle or shotgun in Indiana. (This provision was enacted in 1983 in response to the federal Gun Control Act, which allowed sales of rifles and

shotguns to a nonresident of a contiguous state only if both states enacted laws allowing the sales. However, this contiguous state requirement of the federal law was amended in 1986 so that firearms dealers can sell to residents of any other state if the purchase is legal under federal law and any applicable state laws.)

Senate Bill 216 (Public Law 148-2011)

Author: Bray

Sponsor: Foley

Citations Affected: IC 35-36

Effective: July 1, 2011

Access to child pornography in criminal discovery. Allows a court to permit a defendant to inspect, view, and examine material that constitutes child pornography at a state or local court or law enforcement facility if the defendant demonstrates that inspecting, viewing, and examining the material is necessary to the defendant's defense. Requires a court to impose certain restrictions on the inspection, viewing, and examination of the material.

Senate Bill 217 (Public Law 102-2011)

Authors: Bray, Head

Sponsor: Koch

Citations Affected: IC 35-44

Effective: July 1, 2011

Official misconduct. Specifies that a public servant commits official misconduct if the public servant knowingly or intentionally commits a crime in the performance of the public servant's official duties.

Senate Bill 262 (Public Law 151-2011)

Authors: Steele, Bray

Sponsor: Koch

Citations Affected: IC 35-36

Effective: July 1, 2011

Competency examination. Permits a physician to examine a defendant who raises an incompetency claim. Requires that a psychologist, psychiatrist, or physician appointed to examine a defendant have expertise in determining competency.

Senate Bill 464 (Public Law 107-2011)

Author: Bray

Sponsor: Foley

Citations Affected: IC 4-13; 5-13

Effective: July 1, 2011

Depository rule. Defines "public servant", and substitutes "public servants" for "public officers" with respect to certain duties and obligations concerning public funds. Makes knowingly or intentionally failing to properly deposit public funds a Class A misdemeanor, and increases the penalty to a Class D felony if the amount involved is at least \$750 and to a Class C felony if the

amount involved is at least \$50,000. (The offense is currently a Class B felony.) Repeals a conflicting provision.

Senate Bill 503 (Public Law 221-2011)

Authors: Yoder, Steele, M. Young

Sponsor: L. Lawson

Citations Affected: IC 35-48

Effective: July 1, 2011

Sale of ephedrine or pseudoephedrine. Defines "retailer" and provides that the duties relating to the electronic tracking of ephedrine and pseudoephedrine (PSE) apply only to retailers. Requires a retailer to submit information relating to the purchase of nonprescription PSE to the National Precursor Log Exchange (NPLEx) administered by the National Association of Drug Diversion Investigators (NADDI) before completing a sale, and prohibits a retailer from completing a sale if NPLEx generates a "stop sale" notice. Provides that the maximum amount of PSE that may be purchased by an individual in a 30 day period is 7.2 grams. Requires PSE containing substances to be kept behind the counter, and specifies that the PSE weight limits apply to the base amount of PSE in the drug. Provides that a retailer who uses the electronic sales tracking system is liable for any negligent, reckless, deliberate, or wanton act or omission committed in carrying out the duties required by this section, and provides that a retailer may be liable to a third party for a violation of the duties required in using the electronic sales tracking system. Specifies that: (1) a law enforcement official may access Indiana transaction information contained in the NPLEx; (2) information contained in the NPLEx may be shared only with law enforcement officials; (3) NADDI may not modify information shared with law enforcement officials; and (4) NADDI shall forward Indiana data contained in the NPLEx at least one time per week to the state police department.

Senate Bill 559 (Public Law 110-2011)

Authors: Bray, Head

Sponsor: Koch

Citations Affected: IC 35-44

Effective: July 1, 2011

Conflict of interest. Specifies certain definitions and defenses that apply to the crime of conflict of interest.

House Bill 1054 (Public Law 70-2011)

Author: Foley

Sponsors: Bray, Head, Taylor

Citations Affected: IC 35-51

Effective: July 1, 2011

Crimes outside Title 35. Lists criminal statutes that are codified outside IC 35. (The introduced version of this bill was prepared by the criminal code evaluation commission.)

House Bill 1083 (Public Law 180-2011)

Author: Crouch

Sponsor: Head

Citations Affected: IC 20-26; 20-33; 35-42; 35-49

Effective: July 1, 2011

Various criminal law matters. Provides defenses to the crimes of disseminating matter that is harmful to minors, child exploitation, and possession of child pornography if a cellular telephone was used and the defendant and recipient of the matter are certain ages and meet other requirements. Provides that a school corporation may offer classes, instruction, or programs regarding the risks and consequences of creating and sharing sexually suggestive or explicit materials. Provides that discipline rules adopted by a school corporation must prohibit bullying through the use of computers, computer systems, or computer networks of a school corporation. Provides a defense to child exploitation and possession of child pornography if the acts constituting the offense were performed by a school employee in the course of the person's employment. Requires the criminal code evaluation commission to study certain sex crimes against children during the 2011 interim.

House Bill 1102 (Public Law 182-2011)

Author: Yarde

Sponsors: Head, M. Young

Citations Affected: IC 11-12; 16-31; 20-28; 22-15; 25-1; 34-24; 35-41; 35-45; 35-48

Effective: July 1, 2011

Synthetic cannabinoids and salvia. Defines "synthetic cannabinoid" and "salvia" (salvia divinorum or salvinorin A). Makes possessing, dealing in, manufacturing, or delivering a synthetic cannabinoid, or salvia equivalent to possessing, dealing in, manufacturing, or delivering marijuana, hash oil, or hashish. Makes conforming amendments.

House Bill 1211 (Public Law 194-2011)

Author: Turner

Sponsors: Steele, Kruse

Citations Affected: IC 35-38

Effective: July 1, 2011

Arrest records. Provides that a person charged with a crime may petition a court to restrict disclosure of arrest records related to the arrest if the person: (1) is not prosecuted or if charges against the person are dismissed; (2) is acquitted of all criminal charges; or (3) is convicted of the crime and the conviction is subsequently vacated. Provides that eight years after the date a person completes a sentence and satisfies any other obligations imposed on the person as a part of the sentence, the person may petition the sentencing court to restrict access to the person's arrest and criminal records.

House Bill 1318 (Public Law 127-2011)

Author: Borders

Sponsors: Waterman, Tomes

Citations Affected: IC 10-13; 33-23; 35-47

Effective: July 1, 2011

National fingerprint based criminal history checks. Provides that on request of an individual who has applied for employment with a noncriminal justice organization or individual, the state police shall process a request for a national fingerprint based criminal history check of the individual from the Federal Bureau of Investigation's National Crime Information Center. (Current law provides that on request of an individual who has applied for employment with a noncriminal justice organization or individual, the state police shall process a request for a limited criminal history check of the individual.) Prohibits certain individuals with mental illnesses from possessing a firearm, and establishes a procedure to remove this prohibition after the person is released from commitment or has completed treatment.

House Bill 1324 (Public Law 128-2011)

Author: Steuerwald

Sponsor: Bray

Citations Affected: Noncode

Effective: July 1, 2011

Child molesting and child solicitation study. Urges the legislative council to assign the topics of child molesting and child solicitation to an existing study committee to study the topic, including whether to elevate the sentences for the offenses under certain circumstances.

House Bill 1325 (Public Law 227-2011)

Author: Steuerwald

Sponsors: Merritt, Alting

Citations Affected: IC 35-43

Effective: July 1, 2011

Criminal conversion of leased motor vehicles. Makes criminal conversion of a leased motor vehicle a Class D felony instead of a Class A misdemeanor.

EDUCATION

See also:

- SB 495: Lawsuits by school corporations.
[Civil Law & Procedure]
- SB 575: Teacher collective bargaining.
[Labor]
- HB 1074: Selection of school board members.
[Elections]
- HB 1224: Speed zones for all year school.
[Transportation]

HB 1260: School corporation health insurance.
[Insurance]

HB 1406: Jurisdiction of university and college police.
[Public Safety]

Senate Bill 1 (Public Law 90-2011)

Authors: Kruse, Yoder

Sponsor: Behning

Citations Affected: IC 11-10; 20-18; 20-19; 20-20; 20-24; 20-25; 20-26; 20-28; 20-29;
20-31; 20-33; 20-35

Effective: July 1, 2011

Teacher evaluations and licensing. Eliminates the advisory board of the division of professional standards of the department of education. Requires the department of education to revoke the license of a licensed school employee if the employee is convicted in another state or under federal statutes of an offense that is comparable to the felonies for which the employee's license would be revoked if committed in Indiana. Establishes an annual staff performance evaluation that categorizes teachers as highly effective, effective, improvement necessary, or ineffective. Specifies that a teacher rated ineffective or improvement necessary may not receive a raise or increment for the following year. Provides that a student may not be instructed two years in a row by two different teachers who have been rated as ineffective in the year preceding the student's placement in that class if avoidable. Requires notice of cancellation of a teacher's contract not earlier than May 1 and not later than July 1. Changes the process concerning how teacher contracts are canceled. Specifies that current teacher salaries cannot be reduced due to a new salary scale adopted to meet the requirements of this act. Allows school corporations to consider additional content area degrees and credit hours in salary scale. Modifies language concerning supplemental services contracts to allow administrators to select and pay summer school teachers. Provides for the department of education to develop a program to provide training and evaluations for school corporations in operational efficiency. Defines "attend" for purposes of the compulsory school attendance law. Indicates that attendance is excused only if it is in accordance with the governing body's excused absence policy. Specifies additional methods for the service of a notice of violation to a parent. Requires a superintendent or attendance officer to report a habitually absent child to the juvenile court or the department of child services. Repeals references to the advisory board and the existing staff performance evaluation provisions, and makes corresponding changes to related sections.

Senate Bill 4 (Public Law 93-2011)

Authors: Miller, C. Lawson, Landske

Sponsor: Noe

Citations Affected: IC 12- 21; 20-28

Effective: July 2011

Suicide prevention. Allows a governing body to adjourn its schools to allow teachers to participate in a basic or inservice course of education and training on suicide prevention and the recognition of signs that a student may be considering suicide. Requires the division of mental

health and addiction to provide information and guidance to local school corporations on evidence based programs for teacher training on the prevention of child suicide and the recognition of signs that a student may be considering suicide. Provides that after June 30, 2013, an individual may not receive an initial teaching license unless the individual has completed training on suicide prevention and the recognition of signs that a student may be considering suicide. (The introduced version of this bill was prepared by the commission on mental health.)

Senate Bill 85 (Public Law 142-2011)

Author: Leising, Rogers

Sponsor: Behning

Citations Affected: IC 2-5

Effective: July 1, 2011

Graduation rate study. Creates the education issues study committee to study the causes of low graduation rates in Indiana high schools and to identify and highlight certain ways of improving graduation rates.

Senate Bill 93 (Public Law 144-2011)

Authors: Holdman, Landske, Simpson

Sponsor: Bacon

Citations Affected: IC 20-34; 34-30

Effective: July 1, 2011

Concussions and head injuries in student athletes. Requires the department of education, in consultation with specified persons, to disseminate guidelines, information sheets, and forms to school corporations for distribution to schools to inform and educate coaches, student athletes, and parents of student athletes of the nature and risk of concussions and head injuries. Requires that a high school student athlete and the student athlete's parent be given information concerning head injuries and concussions and return a form acknowledging receipt of the information to the student athlete's coach each year before beginning practice for a sport. Requires that a high school student athlete who is suspected of sustaining a head injury or concussion be removed from play at the time of the injury. Provides that the student athlete may not return to play until the student athlete has been evaluated and received written clearance from a licensed health care provider trained in evaluating head injuries. Provides that a health care provider who, as a volunteer in good faith and gratuitously, provides head injury evaluations to student athletes has immunity from civil liability for acts or omissions arising from the evaluations, except for gross negligence or willful or wanton misconduct.

Senate Bill 176 (Public Law 146-2011)

Authors: Miller, Gard

Sponsor: T. Brown

Citations Affected: IC 20-28; 34-30

Effective: July 1, 2011

Teacher training. Requires an applicant for an initial teaching license to be trained and certified in the use of an automated external defibrillator. Requires, after June 30, 2012, an applicant for

the renewal of a teaching license to complete training and obtain certification in cardiopulmonary resuscitation, removing a foreign body causing an obstruction in an airway, the Heimlich maneuver, and the use of an automated external defibrillator. Provides that a school nurse, teacher, or other employee of a school is not liable for damages for providing emergency assistance to another person in the course of the nurse's or employee's employment unless the act or omission constitutes gross negligence or willful and wanton misconduct.

Senate Bill 577 (Public Law 169-2011)

Authors: Kenley, Boots

Sponsor: Dermody

Citations Affected: IC 20-14; 21-7; 21-12; 21-14; 21-18; 34-40

Effective: Upon Passage (May 10, 2011); July 1, 2011

Financial aid. Names certain private colleges that qualify as approved postsecondary educational institutions. Specifies that students with associate degrees shall be treated the same as other applicants for scholarship awards. Requires attainment of a minimum cumulative grade point average to retain certain scholarships. In addition, with respect to the twenty-first century scholars program, specifies that certain applicants must attend an academic success program and meet certain financial need criteria. Limits scholarships and tuition remission programs to courses for an undergraduate degree and requires the scholarships be used in not more than eight years. Permits a scholarship to be used for summer classes and provides special rules for professional degree students. Provides a formula for calculating certain scholarships and tuition remission programs. Indicates that changes affecting tuition remissions for children of certain veterans apply only to children of veterans who enlist after July 1, 2011. Establishes a program for the collection of data from private colleges. Provides civil immunity to persons who provide the student data. Merges the higher education award fund and the freedom of choice grant fund. Makes other related changes.

House Bill 1002 (Public Law 91-2011)

Authors: Bosma

Sponsors: Kruse, Yoder, Buck

Citations Affected: IC 20-24; 20-26; 20-28; 20-43; 20-49

Effective: Upon Passage (May 5, 2011); July 1, 2011; January 1, 2012

Charter schools. Allows charter schools to opt in to the state health insurance plans. Establishes the charter school board as a statewide sponsor of charter schools. Provides that the department of education shall provide staff to the charter school board until the board begins receiving administrative fees from schools chartered by the board. Adds certain nonprofit private colleges and universities as eligible charter school sponsors. Establishes certain accountability criteria for charter school sponsors, and places charter schools under accountability standards for public schools. Adds: (1) student academic growth; (2) financial performance and stability; and (3) board performance and stewardship; to the list of items to be included in a charter school's charter. Requires uniform and consistent transfer of credits for students who transfer from a charter school to another public school. Stipulates that a teacher in a conversion charter school may be an employee of the charter school or the school corporation as determined in a charter

school's charter. Provides that at least 90% of the full time teachers in a charter school must be licensed or in the process of obtaining a license. Ends the virtual charter school pilot program, and allows existing virtual charter schools to seek sponsors. Provides that a virtual charter school's funding is equal to the sum of: (1) the virtual charter school's ADM multiplied by 85% of the school's foundation amount (rather than 80% of the statewide average basic tuition support, under current law); plus (2) the total of any special education grants to which the virtual charter school is entitled. Provides that each school year, at least 60% of the students who are enrolled in virtual charter schools for the first time must have been included in the state's ADM count for the previous school year. Sets out the conditions, accounting process, and reporting procedures for a charter school sponsor concerning the collection of fees from its sponsored charter schools. Requires the department of education to establish a charter school page on the department's Internet web site. Establishes the charter school facilities assistance program and fund. Specifies the purposes for which grants and loans of money in the fund may be used. Provides that money in the fund may be used to match federal grants from the United States Department of Education for charter school facilities, and deletes current law that allows common school fund interest to provide these state matching funds. Changes the procedure for converting a public school into a charter school. Establishes a process by which charter schools may lease or purchase unused, closed, or unoccupied school buildings that are maintained by school corporations and are not being used for classroom instruction. Permits the state board of education to close a charter school, transfer sponsorship of a charter school, or reduce the administrative fees collected by the sponsor of the charter school, if the charter school remains in the lowest performance category or designation for five years. Permits the state board of education to suspend the authority of a sponsor if at least 25% of the sponsor's charter schools have been subject to an accountability action. Provides that a charter school that has received an advance for operational costs from the common school fund does not have to make principal or interest payments during the state fiscal years beginning July 1, 2011, and July 1, 2012. Makes conforming changes. Repeals provisions concerning the number of charter schools an executive of a consolidated city may sponsor and that include teachers in a conversion charter school in the school corporation's bargaining unit.

House Bill 1003 (Public Law 92-2011)

Author: Behning

Sponsors: Kruse, Yoder

Citations Affected: IC 6-3; 6-3.1; 20-51

Effective: July 1, 2011

School scholarships. Provides a tax deduction for a parent who sends a child to a private school or home schools the child. Increases the school scholarship tax credits that may be awarded for donations to a scholarship granting organization. Prohibits a scholarship granting organization from limiting the availability of scholarships to students of only one participating school. Provides choice scholarships to students in families with income that is not more than 150% percent of the amount required for the individual to qualify for the federal free or reduced lunch program to pay the costs of tuition and fees at a public or private elementary school or high school that charges tuition. Requires fair admissions policies for schools eligible for choice

scholarships. Requires an eligible school to include certain subjects in the school's curriculum. Limits the number of choice scholarships awarded per school year before June 30, 2013. Limits the choice scholarship granted to a student in grade 1 through 8 to \$4,500 per school year. Provides consequences for nonpublic schools who receive: (1) consecutive low category designations for school performance and improvement; and (2) a distribution of choice scholarships. Makes conforming changes.

House Bill 1177

Author: Foley

Sponsors: Bray, Simpson, Wyss

Citations Affected: IC 21-19; 21-20

Effective: August 1, 2011

Boards of trustees for universities. Modifies the manner in which alumni members of the Indiana University board of trustees are elected. Requires all of the members of the board of trustees for Indiana University to be citizens of the United States. Requires a majority of the members of the board of trustees for Indiana University to be residents of Indiana. Allows the board of trustees to hold meetings at the dates, times, and places the board of trustees agrees upon. Repeals a provision concerning emergency appointments to the board of trustees of Indiana University. Requires a majority of the members of the board of trustees of Ball State University to be residents of Indiana.

House Bill 1340 (Public Law 7-2011)

Author: Behning

Sponsors: Kruse, Yoder

Citations Affected: IC 11-14; 12-14; 12-20; 20-19; 20-20; 20-23; 20-26; 20-30; 20-37; 21-11; 21-12; 21-14; 21-18; 21-43; 22-4; 22-4.1; 25-20; 35-50

Effective: Upon Passage (April 1, 2011)

Adult education. Requires the state board of education (state board) to receive, distribute, and account for funds received for career and technical education under federal law. Assigns to the state board responsibility for the planning and implementation of secondary career and technical education. Requires the state board to develop and coordinate career and technical education on a regional and statewide basis and to prepare budget requests for state and federal funds for career and technical education. Creates the advisory committee on career and technical education. Allows the state workforce innovation council (council) to make recommendations concerning the budget requests for the state board's review. Adds an individual recognized by an adult education organization to the membership of the council. Assigns to the council responsibility for the general educational development (GED) diploma program and the planning and implementation of postsecondary career and technical education. Assigns responsibility for adult education to the council and the department of workforce development (DWD). Allows an adult education program to include a pathway to obtain a high school diploma. Repeals statutes: (1) establishing the commission for career and technical education; (2) assigning responsibility for the GED diploma program and adult education to the state board; (3) assigning responsibility for postsecondary career and technical education to the commission for higher education; and (4)

assigning secondary career and technical education to the council and DWD. Makes conforming changes.

House Bill 1341 (Public Law 72-2011)

Author: Behning

Sponsors: Yoder, Kruse, Buck

Citations Affected: IC 20-43

Effective: Retroactive (January 1, 2011)

Special education grants. Requires a school corporation, including a charter school, to expend a proportionate share of its state special education grant on providing special education services to parentally placed nonpublic school students with disabilities.

House Bill 1402 (Public Law 209-2011)

Author: Karickhoff

Sponsor: Buck

Citations Affected: IC 21-14

Effective: July 1, 2011

Prohibiting resident tuition for illegal aliens. Provides that an individual who is not lawfully in the United States is not eligible to pay the resident tuition rate that is determined by the state educational institution.

House Bill 1429 (Public Law 73-2011)

Author: Yarde

Sponsors: Kruse, Yoder

Citations Affected: IC 4-13; 20-18; 20-19; 20-20; 20-25; 20-26; 20-30; 20-31; 20-32; 20-33

Effective: July 1, 2011

Textbooks and other curricular material. Expands the definition of "textbook" to include certain hardware, software, and digital content. Adds a definition of "curricular materials". Removes the authority of the state board of education to adopt a list of approved textbooks, and requires the governing body of each school corporation to adopt textbooks for the school corporation. Requires the department of education to review curricular materials, evaluate the curricular materials alignment to state academic standards, and publish the reviews, which governing bodies may use in making textbook adoption decisions. Repeals references to the state textbook advisory committee and the state board adoption of textbooks, and makes corresponding changes to related sections.

ELECTIONS

See also:

HB 1238: Advocacy with public funds.
[Local Government]

- HB 1601: Updates date references in the statute establishing general technical provisions relating to legislative redistricting.
[Redistricting]
- HB 1602: Establishes the 2011 Indiana congressional district plan.
[Redistricting]

Senate Bill 32 (Public Law 1-2011)

Authors: Alting, C. Lawson, Charbonneau

Sponsor: Truitt

Citations Affected: IC 3-5; 3-11

Effective: Retroactive (December 31, 2010)

Vote centers. Establishes the use of vote centers as an option for all counties. Requires the county election board (board) to adopt an order designating a county as a vote center county, adopt a plan to administer the vote centers, and file the order and the plan with the election division. Requires the board to accept and consider public comment before adopting an order designating the county as a vote center county. Requires that the plan provide that at least one vote center be established for early voting on the two Saturdays immediately preceding an election day. Provides that designation of a county as a vote center county remains in effect until the board rescinds the order designating the county as a vote center county and files a copy of the rescission with the election division. Redesignates automatically as a vote center county a county previously designated a vote center pilot county. (The law concerning the use of vote centers in vote center pilot counties has expired.)

Senate Bill 80 (Public Law 141-2011)

Authors: M. Young, Delph, Lanane

Sponsor: Richardson

Citations Affected: IC 3-10; 3-11.7

Effective: July 1, 2011

Public inspection of provisional ballot materials. Requires that election material related to provisional ballots (excluding the provisional ballots themselves) be made available for copying and inspection under the access to public records law in the same manner as other election material. Provides that information in material related to provisional ballots that identifies an individual, except for the individual's name, address, and birth date, remains confidential.

House Bill 1074 (Public Law 179-2011)

Author: Frizzell

Sponsors: C. Lawson, Landske

Citations Affected: IC 3-5; 3-8; 3-10; 5-9; 20-23; 20-25; 33-33

Effective: July 1, 2011

Selection of school board members. Provides that, beginning in 2012, school board members selected by election must be elected at general elections and take office the following January 1. Provides that a school board plan may be amended to allow for both election and appointment of the members of the school board. Allows a change in a school board plan to be initiated by the

filing of a petition signed by at least 10% of the voters of the school corporation with the clerk of the circuit court. (Under current law, a petition initiating a change in a school board plan must be signed by at least 20% of the voters of the school corporation.) Provides for a public question to be placed on the ballot at the 2011 municipal election in Mishawaka asking the voters whether the method of choosing members of the governing body of the Mishawaka school corporation should be changed. Establishes, if the voters of Mishawaka approve the public question, a governing body of five members, three of whom are elected at large by the voters of the city, one of whom is appointed by the city executive, and one of whom is appointed by the city legislative body. Provides other details of the organization of the governing body. Provides for the election rather than the appointment of the members of the school board for the city of East Chicago and adds certain other provisions concerning the composition and organization of the school board. Repeals provisions related to the election of school board members at the primary election.

House Bill 1190 (Public Law 190-2011)

Author: Richardson

Sponsors: Landske, C. Lawson, Lanane

Citations Affected: IC 3-10; 3-11

Effective: July 1, 2011

Ballots and voting systems. Provides that school board offices must be placed on the ballot under a nonpartisan title. Requires that: (1) local public questions be placed on a primary election ballot after the voting instructions and before the offices with candidates for nomination; and (2) public questions be placed on a general election ballot after the voting instructions and before the offices on the ballot. For ballot card voting systems and electronic voting systems, removes a requirement that school board offices, public questions concerning the retention of a justice or judge, local nonpartisan judicial offices, and local public questions be placed at the beginning of separate columns or pages on a general election ballot. Removes the requirement that a sample ballot must be an exact copy of the official ballot and requires a sample ballot to be altered so that marks on the sample ballot cannot be counted as votes. Provides that a county election board may require its voting system to display a ballot number or other designation that uniquely identifies the candidates. (Under current law, voting systems are required to display such a unique number or designation.) Repeals an obsolete statute relating to voting machines.

House Bill 1242 (Public Law 225-2011)

Author: Richardson

Sponsors: Landske, C. Lawson, Lanane

Citations Affected: IC 2-7; 3-5; 3-6; 3-7; 3-8; 3-9; 3-10; 3-11; 3-11.5; 3-11.7; 3-12; 3-13; 3-14; 9-24; 36-2

Effective: Retroactive (June 1, 2010); Retroactive (December 31, 2010); Upon Passage (May 13, 2011); July 1, 2011

Various election law matters. Makes the following changes to the election law: (1) Specifies the contents of statewide voter registration system reports. (2) Specifies certain procedures in connection with voter list maintenance, and updates procedures for address changes of voter registration records in the statewide voter registration system. (3) Permits a county voter

registration office to return to a candidate for President of the United States, United States Senator, or governor, after the petition is certified, an original petition that accompanies a declaration of candidacy. (4) Changes several dates concerning the certification of ballot questions and devices to conform to the date in current law for the certification of candidates. (5) Permits the dissolution of a committee without the waiver of outstanding civil penalties previously imposed on the committee, and specifies that the chairman or treasurer of the committee remains liable for any committee debts. (6) Requires that county voter registration records be updated not later than 60 days after election day or after completion of a recount or contest. (7) Provides that if a proposed precinct boundary splits a census block, the precinct establishment order must include a description of the precinct boundary in metes and bounds or one or more aerial photographs that depict each census block that is split and the boundary of the precinct that splits each census block. Makes other technical changes to precinct boundary change procedures. (8) Requires a certificate of nomination in a special election called by the governor to be filed not later than noon 74 days (rather than noon 50 days) before the date of the election. (9) Specifies that notice of a meeting to fill an early candidate vacancy must be filed not later than noon ten days before the meeting with the public official required to receive these notices. (10) Specifies that a certificate to fill certain early candidate vacancies must be filed not later than noon three days after the selection of the candidates. (11) Permits a county chairman of a political party to designate a person to preside over a meeting to fill an early candidate vacancy or a vacancy in a local office. (12) Makes other changes relating to filling candidate vacancies. (13) Amends the definition of "active voter". (14) Provides that a voter registration application received in person or by mail by the election division, or an absentee ballot application received by the election division, is timely filed if the election division receives the application before the deadline established for a county to receive the application. Requires the election division to forward the application promptly to the county where the applicant resides. (15) Provides that an absentee ballot application received from an absent uniformed services voter, an overseas voter, or an address confidentiality program participant is valid for the period that ends on December 31 after the filing of the application (rather than 12 months after the date of the application). (16) Provides that uncontested municipal offices are not required to appear on the ballot in a municipal or general election. (17) Provides that a voter who casts an absentee ballot before election day may not vote in person on election day. (18) Provides that one location of the office of the circuit court clerk (clerk) designated by the clerk is the location at which a voter is entitled to cast an absentee ballot before an absentee voter board. Establishes the office of the board of elections and registration in Lake County as the location at which a voter is entitled to cast an absentee ballot before an absentee voter board. Provides that all other locations at which the clerk or the board of elections and registration has an office must be established as satellite offices in order to be used as locations at which a voter is entitled to cast an absentee ballot before an absentee voter board. Provides that satellite offices and voting hours established for a primary election must be used in the subsequent general or municipal election. (19) Requires a vote center plan to: (A) include the total number and locations of satellite offices to be established at vote center locations; and (B) provide for at least one vote center to be established as a satellite office on the two Saturdays immediately preceding an election day. (20) Establishes a civil penalty of not more than \$1,000 for each communication circulated or published (but not for the

number of copies of the communication actually circulated or published) for a person who makes certain campaign communications that contain a disclaimer that is difficult to read or whose placement is easily overlooked. Specifies the type size and color contrast for a disclaimer that meets the statutory requirements. Provides that a person whose sole act is, in the normal course of business, participating in the preparation, printing, distribution, or broadcast of the communication containing the disclaimer is not liable for a disclaimer that violates the statute.

(21) Allows a member of a county executive or a county fiscal body: (A) who is elected from and must reside within a district; and (B) who is relocated outside the member's district as the result of the state's acquisition of the member's residence for a public use after the member has begun a term of office; to complete the member's term of office as long as the member remains a resident of the county that contains the member's district. (22) Moves up the starting date of the period for a candidate to file a declaration of candidacy for a primary election from 104 days before the primary election (approximately January 20) to 118 days before the primary election (approximately January 6). Continues the current 30 day window for primary candidate filings. Makes conforming changes for pre-primary candidate withdrawal, challenge, and challenge determination deadlines. (23) Provides that a town political party convention must be conducted not later than August 21 (rather than before August 21). (24) Specifies that an individual who signs a petition of nomination for an independent candidate must be a registered voter at the time the county voter registration office checks the validity of the signatures on the petition. (25) Specifies that provisional ballots must be counted by a county election board not later than 3 p.m. (rather than noon) 10 days after the election. (26) Provides that the state recount commission must complete certain recount and contest proceedings not later than December 20 (rather than before December 20) after a general election. (27) Provides that whenever the state recount commission makes a final determination that a candidate for a state office (other than the office of governor or lieutenant governor, or a judicial office) who is subject to a contest proceeding is not eligible to serve in the office to which the candidate is elected: (A) the office is considered vacant and the governor fills the office by appointment of a person of the same political party as the candidate who is not eligible to serve; and (B) the commission's determination does not affect the votes cast for the candidate for purposes of determining the number or percentage of votes cast for the office under other statutes. Provides that the vacancy filling provision does not apply to the filling of a state office following a contest proceeding or court action that resulted from an election held before January 1, 2011. (28) Allows a county executive to adopt an order by the unanimous vote of the entire membership of the county executive to establish or rescind a board of registration, except for a county in which a board of election and registration is established under IC 3-6-5.2 or IC 3-6-5.4, or a county containing a consolidated city. (Currently a board of registration is established in a county with a population of more than 125,000.) (29) Provides that expenditures and gifts reported in a lobbyist activity report are those made during a reporting (rather than a calendar) year. (30) Repeals provisions that: (A) have been superseded concerning: (i) an absentee ballot application filed by an absent uniformed services voter or an overseas voter; or (ii) the establishment of boards of registration based on a population parameter; (B) allow voters who cast an absentee ballot to vote in person under certain circumstances on election day; and (C) are obsolete concerning voting instructions, paper ballots, ballots formerly printed by the election division, and special polling places. (31) Makes conforming amendments

and technical corrections.

ENERGY & UTILITIES

See also:

SB 71: Coal bed methane and other oil and gas issues.
[Natural & Cultural Resources]

Senate Bill 66 (Public Law 96-2011)

Authors: Gard, Charbonneau, Buck

Sponsor: Wolkins

Citations Affected: IC 8-1

Effective: July 1, 2011

Utility matters. Provides that the following qualify as renewable energy resources for purposes of the statute that provides financial incentives for clean coal and energy projects: (1) Low temperature, oxygen starved gasification of municipal solid waste. (2) Methane recovered from landfills for the production of electricity. (3) Coal bed methane derived from a naturally occurring biogenic process.

Senate Bill 251 (Public Law 150-2011)

Authors: Gard, Merritt, Hershman

Sponsor: Lutz

Citations Affected: IC 8-1; 14-37; 14-39

Effective: Upon Passage (May 10, 2011); July 1, 2011

Clean energy. Defines a "compliance project" as a project undertaken by an energy utility to comply with certain specified federally mandated requirements. Requires an energy utility that seeks to recover federally mandated costs incurred in connection with a compliance project to apply to the utility regulatory commission (IURC) for a certificate of public convenience and necessity for the compliance project. Sets forth certain factors that the IURC must consider in determining whether to grant a certificate. Specifies that if the IURC approves a proposed compliance project and the projected federally mandated costs associated with the project, the following apply: (1) 80% of the approved costs shall be recovered by the energy utility through a periodic retail rate adjustment mechanism. (2) 20% of the approved costs shall be deferred and recovered by the energy utility as part of the next general rate case filed by the energy utility with the IURC. (3) Actual costs exceeding the projected federally mandated costs of the approved compliance project by more than 25% shall require specific justification and approval before being authorized in the energy utility's next general rate case. Allows a nuclear energy production or generating facility to qualify for certain financial incentives available for clean energy projects if the facility: (1) supplies electricity to Indiana retail customers on July 1, 2011; and (2) is undergoing a comprehensive life cycle management project to enhance the safety and reliability of the facility while it is licensed to operate by the United States Nuclear Regulatory

Commission. Requires the IURC to adopt rules to establish the voluntary clean energy portfolio standard program to provide incentives to participating electricity suppliers to obtain specified percentages of electricity from clean energy sources in accordance with two clean portfolio standard goals (CPS goals). Sets forth qualifying clean energy resources for purposes of the program. Amends the definition of "renewable energy resources" for purposes of the statute providing financial incentives for clean energy projects to consist of certain clean energy resources that qualify for the voluntary clean energy portfolio standard program. Requires the IURC to determine, before approving an application for participation in the program, that approving the application will not result in an increase to the electricity supplier's retail rates and charges above what could reasonably be expected if the application were not approved. Provides that in determining whether an electricity supplier has met a CPS goal, the IURC shall require that at least 50% of the clean energy obtained by the electricity supplier to meet the energy requirements of its Indiana retail customers must originate from clean energy resources located in Indiana. Provides that a participating electricity supplier may own or purchase clean energy credits to meet a CPS goal. Beginning in 2014, requires: (1) a participating electricity supplier to report annually to the IURC on the supplier's efforts to meet the CPS goals; and (2) the IURC to include in its annual report to the regulatory flexibility committee a summary of the information reported by participating electricity suppliers. Amends the Indiana Code section concerning the state utility forecasting group's (SUFU) annual study of renewable energy resources as follows: (1) Requires the SUFU to study certain specified clean energy resources. (2) Provides that the IURC: (A) may direct the SUFU to study additional clean energy resources; and (B) shall direct the SUFU concerning the appropriate level of detail for the report prepared in connection with the study. (3) Removes the requirement that the SUFU evaluate potential renewable energy generation opportunities from biomass and algae production systems. Establishes procedures for the issuance by the department of natural resources (department) of a carbon dioxide transmission pipeline certificate of authority that allows the construction, operation, and maintenance of a pipeline and the use of eminent domain for those purposes. Requires the department to deposit in the oil and gas environmental fund (fund) fees collected in connection with an application for a certificate. Allows money in the fund to be appropriated for pipeline safety purposes. Requires an applicant for a certificate to have entered into a contract for the transportation of carbon dioxide with at least one producer of carbon dioxide that is located in Indiana. Provides that an applicant for a certificate must comply with federal and state safety regulations governing carbon dioxide transmission pipelines. Provides that an applicant for a certificate must have: (1) entered into an agreement with the IURC concerning the mitigation of agricultural impacts from the construction of the proposed pipeline; or (2) signed a statement indicating that the applicant agrees to use, in constructing the pipeline, certain guidelines adopted by the IURC's pipeline safety division. Limits a carbon dioxide transmission pipeline company to exercising the power of eminent domain only for a right of way or an easement. Provides that a carbon dioxide transmission pipeline company that exercises the power of eminent domain must: (1) compensate the property owner by making a payment to the owner equal to: (A) 125% of the fair market value of the interest acquired, if the interest involves agricultural land; or (B) 150% of the fair market value of the interest acquired, if interest involves a residence; and (2) pay to the property owner: (A) any damages determined under the statute governing eminent domain; and

(B) any loss incurred in a trade or business; that are attributable to the exercise of eminent domain. Allows a carbon dioxide transmission pipeline company 180 days after the pipeline is completed to provide information to the department about the actual route of the pipeline. Provides that the provisions concerning carbon dioxide transmission pipelines expire July 1, 2021.

Senate Bill 480 (Public Law 219-2011)

Authors: Hershman, Merritt

Sponsor: Koch

Citations Affected: IC 8-1

Effective: July 1, 2011

Various communications matters. Authorizes the utility regulatory commission (IURC) to delegate authority to its staff to grant certain requests concerning telephone numbers. Provides that actions taken by the staff are appealable to the IURC. Specifies the information that the IURC may require certain communications service providers to include in applications for certificates of territorial authority. Provides that the IURC may not require a video service provider to disclose more frequently than in each odd numbered year information regarding the areas in which an applicant for a video service franchise has deployed, or plans to deploy, video service. Specifies that a video service provider or an applicant for a video service franchise may not be required to disclose information that identifies at a certain level of specificity the areas in which the provider or applicant has deployed, or plans to deploy, video service in Indiana. Grants jurisdiction to resolve certain matters concerning video service franchises to the IURC rather than a court with jurisdiction.

Senate Bill 481 (Public Law 46-2011)

Author: Hershman

Sponsor: Lehe

Citations Affected: IC 6-1.1

Effective: Retroactive (January 1, 2010)

Wind power device exemption. Specifies that a wind power device does not qualify for the assessed value deduction if it is owned or operated by: (1) a public utility; or (2) another entity that provides electricity at wholesale or retail for consideration, other than a person who participates in a net metering program offered by an electric utility.

House Bill 1098 (Public Law 71-2011)

Author: Dodge

Sponsors: Kruse, Gard

Citations Affected: IC 13-26

Effective: Upon Passage (April 26, 2011); July 1, 2011

Regional water, sewage, or solid waste districts. Allows the board of trustees of a regional water, sewage, or solid waste district to adopt an ordinance to authorize the district to do one or both of the following through an electronic funds transfer method of payment: (1) Pay claims owed by the district. (2) Receive payments owed to the district. Provides that a district authority

(authority) established to hear evidence and make certain determinations concerning certain rate increases by a regional sewage district: (1) must consist of an odd number of members; (2) must consist of at least three members; and (3) may not include as a member any trustee of the district. Amends provisions concerning the membership of an authority in: (1) a district located in one county; and (2) a district located in more than one county; to conform to these requirements. Provides that a district with an existing authority whose membership does not comply with these requirements shall, not later than September 1, 2011, file with the department of environmental management (department) a petition that proposes for the authority a new membership that complies with these requirements. Requires the department to issue an order approving or disapproving each petition not later than December 31, 2011. Conforms the standards that apply to an authority's determination in a case involving a rate increase to those that apply to a court's determination in an appeal in such a case, by requiring the authority to determine whether the district's board, in adopting the ordinance increasing the rates, followed the procedures required by the statute governing rates and charges in regional districts. Provides that if an authority makes any ruling other than to: (1) sustain the ordinance establishing the rates; or (2) sustain the petition objecting to the rates; the ruling must comply with the statute defining just and equitable rates for a district. Amends a provision that provides that liens against property served by a district are established and enforced in the same manner as provided in the statute governing municipal sewage works, in order to cross reference additional applicable provisions in the statute governing municipal sewage works.

House Bill 1128 (Public Law 224-2011)

Author: Koch

Sponsor: Gard

Citations Affected: IC 8-1

Effective: July 1, 2011

Renewable energy resources. Provides that the following qualify as renewable energy resources for purposes of the statute that provides financial incentives for clean coal and energy projects: (1) Certain resources that qualify as clean energy resources for purposes of the statute governing the voluntary clean energy portfolio standard program .(2) Low temperature, oxygen starved gasification of municipal solid waste. (3) Methane recovered from landfills for the production of electricity.

House Bill 1197 (Public Law 123-2011)

Author: Lehe

Sponsors: Gard, Buck

Citations Affected: IC 13-26

Effective: Upon Passage (May 9, 2011)

Regional water, sewage, and solid waste districts. Provides that certain property owners who install new septic tank soil absorption systems are exempt from connecting to a regional sewage or solid waste district's sewer system for 10 years beginning on the date the septic tank system is installed. Specifies the connection fee a property owner who received an exemption must pay when the property owner connects to the district's sewer system. Provides that if a regional

sewage or solid waste district uses eminent domain to acquire an easement or right-of-way that easement or right-of-way may not exceed 50 feet in width. Allows territory to be added to a regional water, sewage, or solid waste district if the district's board files: (1) a motion adopted by the board requesting the addition; and (2) a petition signed by a majority of freeholders within the area proposed to be added requesting the addition; with the department of environmental management. Specifies the procedures that must be used to add territory to a district. Provides that if a district changes or readjusts the district's rates and charges, the board of trustees of the district must mail a notice of the new rates and charges to each user affected by the change or readjustment. Provides that if a sewage district adopts an ordinance increasing the rates and charges by more than 5% per year, the required notice must: (1) be mailed to each affected user not later than seven days after the ordinance is adopted; and (2) include a statement of a freeholder's right to file a petition objecting to the rates and charges.

ENVIRONMENT

See also:

- SB 346: Environmental legal action statute of limitations.
[Civil Law & Procedure]
- HB 1200: Immunity for certain surficial activities.
[Civil Law & Procedure]

Senate Bill 157 (Public Law 62-2011)

Authors: Zakas, Charbonneau

Sponsor: Dermody

Citations Affected: IC 13-13

Effective: July 1, 2011

Great Lakes task force. Reassigns duties from the Great Lakes task force to the environmental quality service council to review and discuss various topics related to the supply and quality of water in the Great Lakes. Modifies duties to add review of federal funds for water protection, infrastructure conditions and regulatory matters affecting shipping, and other relevant matters.

Senate Bill 159 (Public Law 79-2011)

Authors: Gard, Charbonneau

Sponsor: Wolkins

Citations Affected: IC 13-14

Effective: Upon Passage (April 28, 2011)

Streamlined environmental rule making procedures. Provides that, if the commissioner of the department of environmental management determines that a proposed rule includes an adoption or incorporation by reference of a federal law, regulation, or rule: (1) any part of the proposed rule that corresponds to the federal law, regulation, or rule may not be adopted if after the commissioner's determination the federal law, regulation, or rule on which that part of the

proposed rule is based is repealed, is invalidated by judicial, legislative, or regulatory action, or has its enforcement stayed; and (2) the commissioner may not enforce that part of the adopted rule if after the adoption the federal law, regulation, or rule on which that part of the proposed rule is based is repealed, is invalidated by judicial, legislative, or regulatory action, or has its enforcement stayed. Specifies how legislative, administrative, or judicial action related to a federal law, rule, or regulation affects a state rule based on the federal law, rule, or regulation. Establishes that a state rule is only affected by that specific part of the invalidated law or regulation. Provides that the state or federal court affecting a rule adopted by the department has jurisdiction over Indiana laws and regulations. Provides that certain environmental rulemaking procedures do not apply to a proposed rule that constitutes an amendment to an existing Indiana rule if the primary and intended purpose of the rule is to clarify the existing rule.

Senate Bill 200 (Public Law 81-2011)

Authors: Gard, Charbonneau

Sponsor: Wolkins

Citations Affected: IC 13-18

Effective: Upon Passage (April 28, 2011); July 1, 2011

Environmental general permits. Allows the department of environmental management (IDEM) to develop and issue NPDES general permits under federal law. Establishes transitional provisions for current NPDES general permits authorized by rule. Requires IDEM to conduct an antidegradation review of all NPDES general permits. Provides that IDEM may modify the general permits for purposes of antidegradation compliance. Provides that after an antidegradation review of a permit is conducted, activities covered by an NPDES general permit are not required to undergo an additional antidegradation review. Requires IDEM to establish a general coal mine permit that may be obtained for a facility instead of obtaining another more specialized NPDES coal mine permit and to determine the criteria that must be met to qualify for the general permit. Provides that the general permit must allow a coal mine operator the option of submitting a notice of intent to be governed by the general permit requirements before the requirements apply to the coal mine operator. Requires persons regulated by a national pollutant discharge elimination systems (NPDES) general permit to submit a notice of intent within ninety (90) days after the department of environmental management makes the form available.

Senate Bill 347 (Public Law 105-2011)

Authors: Gard, Bray

Sponsor: Wolkins

Citations Affected: IC 13-23

Effective: Upon Passage (May 9, 2011); July 1, 2011

Underground storage tank operators. Requires the department of environmental management to establish an underground storage tank (UST) operator training program: (1) on an Internet web site; and (2) that complies with the requirements of the federal Energy Policy Act of 2005. Provides for the use of the excess liability trust fund to be used for expenses incurred in establishing and implementing the UST operator training program. Increases the limit on the combined amount of payments from the excess liability trust fund in a fiscal year to 11% percent.

Senate Bill 433 (Public Law 159-2011)

Authors: Gard, Charbonneau, Buck

Sponsor: Wolkins

Citations Affected: IC 13-11; 13-13; 13-14; 13-15; 13-17; 13-18; 13-20; 13-21; 13-23; 13-25; 32-21; 36-1; 36-2; 36-3; 36-4; 36-5; 36-7

Effective: Upon Passage (May 10,2011); July 1, 2011

Environmental issues. Expands the duties of solid waste management districts to include the implementation of educational programs for the public concerning reuse and recycling of electronic waste, collection programs, and proper disposal of electronic waste. Provides that the electronic digital signature act does not apply to the department of environmental management (IDEM). Amends definitions of "owner" and "operator" and defines "foreclosure" to delineate exceptions from potential liability for cleanup that: (1) are consistent with federal law under underground storage tank, petroleum facility, and hazardous substance facility statutes; and (2) apply to lenders that foreclose on sites at which they did not participate in management before foreclosure and that undertake certain enumerated activities after foreclosure. Replaces the undefined term "sanitary landfill" with "solid waste landfill". Establishes deadlines for action by IDEM on various permit applications with respect to certain solid waste processing facilities. Expands the grounds on which the commissioner of IDEM may suspend or revoke a drinking water or wastewater operator certification. For purposes of wastewater management statutes, replaces the term "wastewater" with "septage". Provides that wastewater management statutes apply to land application of septage. Removes the limitation on the number of landfill inspectors IDEM may designate. Provides that an environmental restrictive ordinance (ERO) is an ordinance adopted by a municipal corporation that seeks to control the use of groundwater in a manner and to a degree that protects human health and the environment against unacceptable exposure to a release of hazardous substances, petroleum, or both. Requires IDEM to give written notice to a municipal corporation that the department is relying on an ERO adopted by the municipal corporation as part of a risk based remediation proposal. Requires a municipal corporation to notify IDEM of adoption, repeal, or amendment of an ERO only if the municipal corporation received that written notice. Allows, in streamlined rulemaking processes, the adoption of a proposed rule with amendments at the public hearing, and requires that the amendments meet logical outgrowth requirements. Modifies the deductible for claims against the underground petroleum storage tank excess liability trust fund by certain underground storage tank owners. Requires disclosure in the residential real estate sales disclosure form of known contamination caused by the manufacture of a controlled substance on the property that has not been certified as decontaminated by an approved environmental inspector. Provides that an owner or agent is required to disclose to a transferee any knowledge of a psychologically affected property in a real estate transaction if the transferred property is listed on the Indiana criminal justice institute's methamphetamine registry web site. Requires the environmental quality service council to study in 2011 each program administered by IDEM for which the annual revenue generated by the program exceeds IDEM's annual cost to administer the program. Authorizes IDEM to administer certain federal programs. Repeals a provision concerning air pollution control board permit or registration exemptions. Eliminates the northwest Indiana advisory board. Provides that for purposes of rules adopted by the air pollution control board, until April

1, 2012, a reference to "chemical process plants" does not include an ethanol production operation that: (1) produces ethanol by natural fermentation after July 2, 2007; and (2) is included in the North American Industry Classification System (NAICS) code 325193 (Ethyl Alcohol Manufacturing) or 312140 (Distilleries), as described in 72 FR 24059 (May 1, 2007). Provides that certain environmental rulemaking procedures do not apply to a proposed rule that constitutes an amendment to an existing Indiana rule if the primary and intended purpose of the rule is to clarify the existing rule.

House Bill 1097 (Public Law 181-2011)

Author: Dodge

Sponsors: Buck, Arnold

Citations Affected: IC 2-5.5

Effective: June 30, 2011

Lake management work group. Extends the final report date and expiration date of the lake management work group from July 1, 2011, to July 1, 2012.

House Bill 1112 (Public Law 223-2011)

Author: Pond

Sponsors: Gard, Banks, Kruse

Citations Affected: IC 13-15; 13-18

Effective: July 1, 2011

Land application of industrial waste products. Requires the commissioner of the department of environmental management (department) to approve or deny an application for a permit: (1) concerning the land application of a material; or (2) for marketing and distribution of a biosolid or an industrial waste product; within 180 days after receiving the application. Provides that the department and the environmental rulemaking boards may allow a person to use industrial waste products in a land application operation or as ingredients in a soil amendment or soil substitute to be land applied under certain circumstances. Provides that the department may allow the use of industrial waste products in a land application operation or as ingredients in a soil amendment or soil substitute to be land applied on the same basis as other materials under the rules concerning land application and marketing and distribution permits. Imposes a fee that may not exceed the costs incurred by the department to issue the permit. Prohibits the department from: (1) discriminating against the use of industrial waste products on the basis that the industrial waste products lack biological carbon; (2) imposing requirements beyond criteria found in the applicable water pollution control board rules, unless necessary for protection of human health and the environment; (3) requiring that the finished soil amendment, soil substitute, or material to be land applied must be of a particular economic value; or (4) for certain pollutants subject to an established pollutant limit or concentration, requiring that an industrial waste product or the finished soil amendment, soil substitute, or material to be land applied satisfies: (a) the department's risk integrated system of closures nonrule policy document; or (b) any other standards other than criteria found in rules adopted by the water pollution control board concerning land application of biosolids, industrial waste products, and pollutant-bearing water. Requires the department, in the case of a pollutant present in industrial waste products that does

not have an established pollutant limit or concentration, to weigh the benefits of a finished soil amendment, soil substitute, or material to be land applied against the risks to human health and the environment. Allows the department to require that a permit application for industrial waste products includes characterization of individual waste stream at the point of generation before mixing with other waste streams.

House Bill 1187 (Public Law 189-2011)

Author: Davis

Sponsor: Gard

Citations Affected: IC 13-11; 13-18; 13-20; 15-16

Effective: July 1, 2011

Satellite manure storage structures. Provides that after June 30, 2011, a person may not start: (1) construction of certain satellite manure storage structures; or (2) expansion of certain satellite manure storage structures that increases manure containment capacity; without obtaining the prior approval of the department of environmental management. Adds definition of "biomass", "biomass anaerobic digestion facility" (BADF), "biomass gasification facility" (BGF), and "fertilizer material". Requires approval of the Indiana department of environmental management (IDEM) for construction or expansion of a satellite manure storage or biomass related structures. Exempts anaerobic digestion and gasification facilities (not biomass related) that maintain an air permit from having to seek prior approval from IDEM to construct or expand a structure. Requires that prior approval be obtained to construct a BADF or BGF on the premises of a CFO. Provides that a facility for which the only input is biomass is not subject to regulation as a solid waste processing facility, but IDEM may determine whether it be subject to such regulation. Exempts from the definition of "solid waste" the requirement that certain manures or crop residues are returned to the soil at the point of generation. Provides that a statutory water pollution prohibition is not violated by fertilizer material that: (1) is contained in runoff from a storm event or irrigation return flow; (2) enters waters of Indiana as a result of land application of the fertilizer material that is for agricultural purposes, (3) is done at appropriate agronomic rates for proper nutrient uptake in the field, and (4) is documented. Requires certain guidelines under which IDEM may issue a notice of violation. Provides that the state chemist may also adopt rules for distribution and use of fertilizer material to protect waters of the state. Adjusts certain restrictions to pollutants that enter the waters of Indiana contained in land applications that comply with rules adopted by the state chemist. Requires the state chemist to adopt rules before July 1, 2012, concerning the staging and use of organic fertilizer material.

House Bill 1291 (Public Law 125-2011)

Author: M. Smith

Sponsors: Gard, Charbonneau, Holdman

Citations Affected: IC 34-13; 36-9

Effective: July 1, 2011

Storm water management. Provides that a municipality is not liable for the investigation, assessment, or opinion offered by the city board of works, town council, or designee in connection to storm water nuisances. Establishes an alternative dispute process for dealing with

storm water nuisance complaints. Provides that the person seeking the removal of a storm water nuisance may file a request with a designated unit of government to investigate and make an assessment of the alleged problem. Allows a local unit to adopt an ordinance to charge a fee to recover the costs associated with the process. Requires the unit of government designee to provide an oral or written report pertaining to the assessment and alternative dispute resolution information. Establishes certain limitations in the applicability of the storm water nuisance investigation or assessment. Provides that an artificial conveyance or runoff operating in compliance with a permit issued by a political subdivision is not subject to the provisions related to the alternative dispute process dealing with storm water nuisance complaints. Requires a person who lays out commercial, industrial, or other land developments outside the corporate boundaries of a municipality to submit drainage plans and specifications to a county drainage board. Establishes that "development", for purposes of a drainage plan submitted to a county drainage board, does not include public or municipally owned utility infrastructure.

House Bill 1343 (Public Law 207-2011)

Author: Neese

Sponsors: Head, Landske

Citations Affected: IC 6-6

Effective: July 1, 2011

Lake and river enhancement fund. Allows money in the lake and river enhancement fund to be used in projects such as sediment removal, control of exotic or invasive plants or animals, or removal of logjams or obstructions.

House Bill 1348 (Public Law 129-2011)

Author: Eberhart

Sponsors: Mishler, Arnold

Citations Affected: IC 14-32; 14-33

Effective: July 1, 2011

Soil and water conservation districts and conservancy districts. Makes the following changes in the statutes governing soil and water conservation districts: (1) Amends the statement of the general assembly's policy on the management of soil and water resources to include the goal of protecting and improving soil quality. (2) Eliminates the condition that, to be an elected supervisor on the governing body of a district, an individual must occupy a tract of land larger than ten acres. (3) Changes certain voting procedures. (4) Requires the supervisors of a district to provide supervision for employees of the district. (5) Generally authorizes the use of money in the clean water Indiana fund to qualify for federal matching funds. (Under current law, the fund can be used to qualify for federal matching funds only if the federal matching funds are for county soil survey computerization.) Permits the board of directors of a conservancy district to adopt a resolution authorizing the financial clerk of the district to make claim payments for certain expenses in advance of allowances by the board.

House Bill 1451 (Public Law 57-2011)

Author: Dermody

Sponsors: Charbonneau, Arnold

Citations Affected: Noncode

Effective: July 1, 2011

Mint distilling operations. Requires the environmental quality service council to study air emissions of mint distilling operations and report findings and recommendations to the department of environmental management.

FAMILY & JUVENILE LAW

See also:

HB 1153: Problem solving courts.

[Courts & Court Officers]

HB 1324: Child molesting and child solicitation study.

[Criminal Law & Procedure]

Senate Bill 34 (Public Law 37-2011)

Authors: Zakas, Broden

Sponsor: Foley

Citations Affected: IC 11-13; 31-30; 34-30

Effective: July 1, 2011

Interstate compact for juveniles. Adopts the interstate compact for juveniles. Creates a national interstate commission for juveniles made up of the compact administrators from states that join the interstate compact. Delegates to the interstate compact the authority to adopt rules concerning the transfer of juvenile probationers and parolees between states. Adds members to the state council for interstate adult offender supervision. Provides that the state council for interstate adult offender supervision is also the council for interstate juvenile supervision. Requires an offender and juvenile offender to pay a \$125 application fee to apply for a transfer out of state. Requires counties to establish a county offender transportation fund.

Senate Bill 465 (Public Law 162-2011)

Authors: C. Lawson, Becker

Sponsor: McNamara

Citations Affected: IC 12-18; 29-3; 31-9; 31-14; 31-17; 31-19; 31-25; 31-27; 31-30; 31-33; 31-34; 31-35; 31-37; 35-40; 35-50

Effective: July 1, 2011

Department of child services. Makes changes to the laws concerning: (1) guardianship of a minor; (2) regulation of child caring institutions, foster family homes, including therapeutic and special needs foster family homes, group homes, and child placing agencies; (3) adoption; (4) incentive payments to counties for enforcing and collecting child support; (5) juvenile court

jurisdiction; (6) child abuse and neglect reporting and investigation; (7) the child protection index; (8) placement of a child in need of services; (9) notification requirements regarding proceedings on motions for child testimony by closed circuit television; and (10) placement of a child that is a delinquent child. Provides that a county domestic violence fatality review team shall review cases in which a person who committed suicide was a victim of an act of domestic violence. Permits a court to require a noncustodial parent who has been convicted of certain crimes of domestic violence to attend a batterer's intervention program certified by the Indiana coalition against domestic violence as a condition of receiving unsupervised visitation time. Requires that a batterer's intervention program to which a court may order a person to attend must be certified by the Indiana coalition against domestic violence.

House Bill 1107 (Public Law 183-2011)

Author: Richardson

Sponsors: Buck, Lanane, C. Lawson

Citations Affected: IC 31-9; 31-32; 34-30

Effective: July 1, 2011

Preventative programs for at-risk children. Provides that a juvenile court may create a voluntary preventative program for at-risk children (program). Allows a court to appoint program staff and an early intervention advocate to implement, coordinate, and carry out the purposes of the program. Requires that staff and early intervention advocates who are likely to work with children to undergo a criminal history background check. Provides procedures for program staff and early intervention advocates participating in a program. Provides civil and criminal immunity to a person who: (1) requests that a child participate in a program; (2) provides information concerning a child to program staff or an early intervention advocate; or (3) participates in a plan for an at-risk child in a program. Specifies that, subject to the duty to report suspected child abuse or neglect, no information received under the program by staff or an early intervention advocate may be used against the child in a civil or criminal matter.

House Bill 1201 (Public Law 191-2011)

Author: Karickhoff

Sponsors: Steele, Zakas, Broden

Citations Affected: IC 31-9; 31-19; 31-25

Effective: July 1, 2011

Release of adoption information. Makes various changes to the adoption laws regarding the release of identifying and nonidentifying information. Establishes requirements regarding requests for information concerning pre-adoptive siblings and conforms those requirements with laws concerning the release of identifying information. Requires the department of child services, a county office of family and children, a licensed child placing agency, a professional health care provider, an attorney, and a court to send a copy of a written consent, any signed writing that withdraws or modifies a consent to the release of identifying information, and a written nonrelease form to the state registrar. Requires the department of child services to provide, at least one time each month, to the state department of health a list of certain children whose birth parents have had their paternity rights terminated. Prohibits the state registrar, the department of

child services, a county office of family and children, a licensed child placing agency, a professional health care provider, an attorney, and a court from releasing identifying information if the request involves an adoptee who is less than 21 years of age and whose name is on the list provided to the state department of health from the department of child services. Repeals a provision that allows an individual who submits a request for the release of identifying information to request the state registrar to search the death certificates for an adoptee or birth parent. Repeals provisions that are being replaced concerning: (1) requests for information concerning adoptees and pre-adoptive siblings; and (2) allowing an attorney, a licensed child placing agency, or a county office of family and children to charge reasonable fees for certain services and actual expenses. Repeals a redundant provision that: (1) allows the state registrar to adopt rules; and (2) requires the state registrar to prescribe certain forms.

House Bill 1316 (Public Law 204-2011)

Author: Dermody

Sponsors: Steele, Arnold, Head

Citations Affected: IC 11-10; 31-40

Effective: July 1, 2011

Parental reimbursement for juvenile services. Establishes the division of youth services transitional services fund (fund) to provide juvenile transitional services to delinquent offenders. Permits a juvenile court to order a parent to pay the clerk of the court to provide funds to reimburse: (1) the department of correction for the costs incurred by the department of correction for a child who is committed to the department of correction; and (2) a county for the payment of costs or services for the placement of a child in need of services or a delinquent child. Urges the legislative council to assign as study topics during the 2011 legislative interim whether there should be additional oversight of the fund, parental reimbursement, and other legislative recommendations.

House Bill 1558 (Public Law 31-2011)

Author: McMillin

Sponsor: Zakas

Citations Affected: IC 35-46

Effective: Upon Passage (April 15, 2011)

Unauthorized adoption facilitation. Makes it a Class A misdemeanor for a person to knowingly or intentionally provide, engage in, or facilitate adoption services to a birth parent or prospective adoptive parent who lives in Indiana. (Current law makes it a Class A misdemeanor for a person to knowingly or intentionally provide, engage in, or facilitate adoption services to a birth parent or prospective adoptive parent who resides in Indiana.) Provides that the crime of unauthorized adoption facilitation against prospective adoptive parents does not apply to child placing agencies licensed under any state's law or attorneys licensed to practice law in any state. (Current law provides that the crime of unauthorized adoption facilitation does not apply to child placing agencies licensed under Indiana law or attorneys licensed to practice in Indiana.)

FINANCIAL INSTITUTIONS

See also:

SB 360: Retained asset accounts.
[Insurance]

Senate Bill 59 (Public Law 76-2011)

Authors: Holdman, Paul

Sponsor: Speedy

Citations Affected: IC 26-2

Effective: July 1, 2011

Credit agreements. Specifies that for purposes of the law governing credit agreements, a credit agreement includes an agreement to: (1) amend or modify a credit agreement; (2) enter into a new credit agreement; (3) forbear from exercising rights under a credit agreement; or (4) grant an extension under a credit agreement. Makes a technical correction. Repeals a provision made unnecessary by expanding the definition of "credit agreement".

Senate Bill 205 (Public Law 147-2011)

Authors: Paul, Holdman

Sponsor: Saunders

Citations Affected: IC 5-13

Effective: Upon Passage (May 10, 2011)

Capital ratio requirement for public depositories. Provides that in order to serve as a depository of public funds, a financial institution does not have to maintain a capital ratio in excess of the minimum required by the institution's governmental supervisory body if the institution has fully collateralized the institution's public funds on deposit by pledging and delivering acceptable collateral to the board for depositories. Provides that a service charge to be paid by a political subdivision to a public depository in which the political subdivision's funds are deposited may be paid from interest earned on the funds in the political subdivision's account with the public depository. Provides that a service charge to be paid by a political subdivision to a public depository for the depository's management of an investment cash management system for the political subdivision may be paid from interest earned on the funds in the political subdivision's account with the public depository that manages the system.

House Bill 1180 (Public Law 9-2011)

Author: Clere

Sponsors: Head, Broden, Landske

Citations Affected: IC 24-4.4; 24-4.5

Effective: July 1, 2011

Zero interest mortgages by nonprofit entities. Specifies that: (1) the statute concerning first lien mortgage lending; and (2) the uniform consumer credit code; do not apply to a bona fide nonprofit entity that does not operate in a commercial context and that meets other specified

criteria. Makes a technical amendment.

House Bill 1297 (Public Law 202-2011)

Author: Messmer

Sponsor: Paul

Citations Affected: IC 5-13

Effective: Upon Passage (May 10, 2011)

Public depositories. Provides that in order to serve as a depository of public funds, a financial institution does not have to maintain a capital ratio in excess of the minimum required by the institution's governmental supervisory body if the institution has fully collateralized the institution's public funds on deposit by pledging and delivering acceptable collateral to the board for depositories. Provides that a service charge to be paid by a political subdivision to a public depository in which the political subdivision's funds are deposited may be paid from interest earned on the funds in the political subdivision's account with the public depository. Provides that a service charge to be paid by a political subdivision to a public depository for the depository's management of an investment cash management system for the political subdivision may be paid from interest earned on the funds in the political subdivision's account with the public depository that manages the system.

House Bill 1528 (Public Law 89-2011)

Author: Bardon

Sponsors: Holdman, Tallian

Citations Affected: IC 24-4.4; 24-4.5; 24-5; 24-7; 24-9; 27-1; 28-1; 28-2; 28-6.1; 28-7; 28-8; 28-10; 28-11; 28-14; 28-15; 30-4; 32-30; 32-44

Effective: Upon Passage (April 28, 2011); July 1, 2011

Financial institutions and consumer credit. Makes various changes to the laws concerning: (1) financial institutions; (2) debt management companies; (3) pawnbrokers; (4) money transmitters; (5) check cashers; (6) persons licensed under the Uniform Consumer Credit Code; and (7) first lien mortgage lenders. Repeals provisions that are being superseded by this bill and that concern the following: (1) Mergers or acquisitions of certain Indiana banks by out of state banks. (2) Change in control of a money transmitter. (3) A definition section in the statute regulating check cashers. (4) The acceptance by credit unions of trusts as members.

GAMING

Senate Bill 36 (Public Law 14-2011)

Authors: Alting, Lanane, Leising

Sponsor: Davis

Citations Affected: IC 4-31

Effective: Upon Passage (April 15, 2011)

Horse racing permits. Provides that the horse racing commission is not required to deny a

permit to a person, an association, a trust, a limited liability company, or a corporation that owns, or has one or more members or stockholders who own, an interest in any other permit issued by the commission in the same year for any other racetrack in Indiana, if the commission finds that it is in the best interests of the Indiana horse racing industry and the state to issue a permit to that person, association, trust, limited liability company, or corporation.

Senate Bill 47 (Public Law 15-2011)

Authors: Alting, Hershman, Mrvan

Sponsor: Davis

Citations Affected: IC 4-33; 7.1-2; 7.1-3; 7.1-5

Effective: July 1, 2011

Various riverboat matters. Permits a licensed owner to convert a riverboat into a permanently moored craft without propulsion or navigation equipment. Provides for submission of plans and commission approval of the construction of a permanently moored craft to replace a licensed owner's self-propelled excursion boat. Provides that a licensed owner converting a self-propelled excursion boat into a permanently moored craft is not required to substantially alter the marine structural and life safety systems of the excursion boat if the excursion boat was in service before January 1, 2010. Removes obsolete provisions concerning the original riverboat licensing process. Authorizes a licensed owner or an operating agent to conduct card tournaments in a hotel or other facility owned or leased by the licensed owner or operating agent. Allows a riverboat or a racetrack casino to receive compensation for advertising alcoholic beverages by brand name. Eliminates certain restrictions under which the holder of a gaming permit may pay for complimentary drinks at certain events. Specifies that servers employed by a lessee or caterer providing food and beverage service at a gaming facility do not have to be employed by the gaming entity. Provides that servers who serve alcoholic beverages in a gaming area must be employed by a person holding a gaming site permit.

Senate Bill 325 (Public Law 82-2011)

Author: Banks, Delph

Sponsor: McMillin

Citations Affected: IC 4-33

Effective: Upon Passage (April 28, 2011)

Local development agreements. Provides for the Indiana gaming commission's regulation of local development agreements.

Senate Bill 340 (Public Law 104-2011)

Authors: Kruse, Yoder

Sponsor: Davis

Citations Affected: IC 2-5; 4-32.2

Effective: July 1, 2011

Charity gaming. Establishes the charity gaming study committee for the 2011 interim. Authorizes a qualified organization to use volunteer ticket agents (VTA). Requires a qualified organization to provide to the gaming commission a list containing: (1) the name, address, and

telephone number of each retail establishment whose employees will serve as volunteer ticket agents; and (2) the name of the general manager of each retail establishment listed by the qualified organization. Provides that each ticket or entry sold by a volunteer ticket agent must have the name of the qualified organization, the date of the allowable event, and a valid license number for the allowable event. Requires all tickets sold by volunteer ticket agents to be numbered sequentially. Requires a qualified organization to provide to the gaming commission the name, address, and telephone number of each person who served as a volunteer ticket agent. Increases the number of days that a qualified organization can conduct charity gaming under a festival license from four to five days. Provides that a worker at a bingo event may participate as a player at the bingo event under certain circumstances. Authorizes a qualified organization to accept credit cards for certain sales occurring at an allowable event. Prohibits the acceptance of credit cards or extending credit for the chance to play a game of chance or to purchase a licensed supply at an allowable event. Excludes revenue from related activities occurring at an allowable event from the determination of a qualified organization's license renewal fee.

Senate Bill 429 (Public Law 19-2011)

Author: Head

Sponsor: Davis

Citations Affected: IC 4-36

Effective: July 1, 2011

Type II gaming. Allows type II gaming retailers to profit from qualified drawings. Includes sales of the tickets in the retailer's gross receipts. Limits the size of a qualified drawing conducted for profit by limiting the amount wagered to \$500. Prohibits awarding cash, alcohol, and tobacco as prizes in qualified drawings conducted for profit. Requires retailers to report the amounts retained. Requires retailers to obtain tickets for qualified drawings from licensed distributors. Includes tickets for qualified drawings in the preference for Indiana manufacturers.

GENERAL PROVISIONS

Senate Bill 266 (Public Law 39-2011)

Authors: Holdman, Delph

Sponsors: Foley, Bartlett

Citations Affected: IC 4-4; 5-28; 31-16

Effective: July 1, 2011

Noncode statutes project trailer provisions. Deletes certain references to obsolete entities in codified noncode transitional provisions relating to the creation of the Indiana finance authority. Repeals a codified noncode statute relating to enforcement of child support orders that was held unconstitutional by the Indiana court of appeals. (The introduced version of this bill was prepared by the code revision commission.)

Senate Bill 295 (Public Law 42-2011)

Author: Holdman, Delph, Taylor

Sponsor: Foley

Citations Affected: Various Titles throughout the Indiana Code

Effective: Upon Passage (April 20, 2011)

Technical corrections bill. Resolves: (1) technical conflicts between differing 2010 amendments to Indiana Code sections; and (2) other technical problems in the Indiana Code, including incorrect statutory references, nonstandard tabulation, grammatical problems, and misspellings. Repeals an obsolete chapter and a section defining a term only for purposes of a chapter that has expired. (The introduced version of this bill was prepared by the code revision commission.)

Senate Bill 478 (Public Law 20-2011)

Authors: Merritt, M. Young, Leising

Sponsor: Cherry

Citations Affected: IC 15-13

Effective: July 1, 2011

State fair foundation. Authorizes the state fair commission (commission) to establish a nonprofit subsidiary corporation to solicit and accept private funding. Provides that the members of the commission are the members of the board of directors of the subsidiary corporation. Requires the state board of accounts to annually audit the subsidiary corporation.

Senate Bill 485 (Public Law 47-2011)

Authors: Gard, C. Lawson

Sponsor: Saunders

Citations Affected: IC 4-23

Effective: July 1, 2011

State library foundation. Authorizes the Indiana library and historical board to establish a nonprofit foundation to solicit and accept private funding. Allows certain funds to be transferred to the foundation. Provides that the foundation is governed by a board of directors. Requires the state board of accounts to annually audit the foundation.

Senate Bill 490 (Public Law 220-2011)

Authors: Holdman, Delph, Taylor

Sponsor: Foley

Citations Affected: Various Titles throughout the Indiana Code

Effective: July 1, 2011

Noncode statutes. Repeals all noncode statutes enacted after the 1984 regular session of the general assembly and before the 2010 regular session, except certain specifically preserved noncode statutes. Codifies other noncode provisions. Establishes general rules relating to the operation of legislative study commissions and committees. Relocates the statute establishing the criminal law and sentencing policy study committee. Repeals the statute enacted for temporary legislative study committees. (The introduced version of this bill was prepared by the code

revision commission.)

Senate Bill 537 (Public Law 167-2011)

Authors: Merritt, Wyss

Sponsor: Saunders

Citations Affected: IC 4-37; 14-8; 14-9; 14-10; 14-12; 14-20; 34-30; 35-43

Effective: July 1, 2011

State museum and historic sites. Establishes the Indiana state museum and historic sites corporation (corporation) as a public body corporate and politic to govern the state museum and historic sites. Establishes the corporation's board of trustees to oversee and govern the corporation. Provides that the Indiana state museum and historic sites corporation board of trustees are exempt from the state procurement requirements. Makes meetings of the board subject to the open meetings law and makes records of the corporation subject to the open records law. Provides an exception from the procurement statutes for the board's acquisition of artifacts for the state museum and historic sites. Provides that employees of the corporation are subject to the state personnel system and participation in the public employees' retirement fund. Provides that the corporation is subject to the state personnel system. Permits the corporation's employees to participate in the state employee group insurance and other benefit plans. Provides that the board and corporation employees are under the jurisdiction of the ethics commission and the executive branch ethics rules. Specifies that the corporation's proposed budget is subject to the budget statutes governing state agencies if the proposed budget includes funding from the state general fund. Establishes the state museum and historic sites development fund. Provides that the board's investments must be consistent with the public funds investment requirements that apply to the treasurer of state. Provides that interest earned on the corporation's investments shall be deposited in the corporation's funds. Provides that all earned income accruing to the corporation's fund is appropriated continuously. Requires the chief executive officer of the corporation to report annually to the state budget committee concerning the activities, revenues, expenditures, and profits of the museums' shops, facility rentals, and restaurants. Requires the executive officer of the corporation to enter into a memorandum of understanding with nonprofit organizations that are recognized supporters of state historic sites. Requires the chief executive officer of the corporation to enter into a memorandum of understanding with: (1) the Indiana department of transportation; (2) the department of correction; and (3) the department of natural resources (DNR). Establishes the state museum foundation. Includes transitional provisions to transfer the museum and historic sites functions and funds from the DNR to the corporation. Requires prior review of the state budget committee and the approval of the budget director for obligations to be incurred by the corporation for lands and structures. Repeals laws governing the state museum and historic sites as entities administered by the DNR. Makes conforming changes.

HEALTH & HUMAN SERVICES

See also:

- SB 93: Concussions and head injuries in student athletes.
[Education]
- SB 431: Department of toxicology.
[State & Local Administration]

Senate Bill 86 (Public Law 12-2011)

Authors: Leising, Schneider

Sponsor: Leonard

Citations Affected: IC 22-4

Effective: Retroactive (March 1, 2011); July 1, 2011

Unemployment benefits. Specifies the conditions for the payment of extended unemployment benefits after March 1, 2011. Requires that a drug test used for unemployment purposes be performed at a United States Department of Health and Human Services certified laboratory, with specimen collection performed by a collector certified by the United States Department of Transportation, and that the cost of the drug test be paid by the employer. Provides that an individual is considered to have refused an offer of suitable work if the individual: (1) tests positive for drugs after; or (2) refuses without good cause to submit to; a drug test required by a prospective employer as a condition of an offer of employment. Specifies the conditions under which a drug test is positive for purposes of the unemployment insurance system. Prohibits the admission of department of workforce development (department) records concerning the results of a drug test against a defendant in a criminal proceeding. Makes technical corrections.

Senate Bill 88 (Public Law 143-2011)

Authors: C. Lawson, Miller

Sponsor: T. Brown

Citations Affected: IC 5-20; 11-10; 12-7; 12-10; 12-21; 12-22; 12-23; 12-24; 12-26; 12-29

Effective: Upon Passage (May 10, 2011); July 1, 2011

Various health issues. Renames the commission on mental health the commission on mental health and addiction, changes qualification requirements for certain commission members, eliminates per diem for lay members of the commission, and extends the commission until June 30, 2016. Changes the allocation of federal aid used for local drug abuse and alcohol abuse programs. Redefines the services provided by community mental health centers and specifies that instead of a continuum of care, these services are to be provided. Eliminates the authority of the division of mental health and addiction (DMHA) to license respite care. Changes elements of community based residential programs. Eliminates the duty of DMHA to submit a biennial report to the governor and the legislative council on the evaluation of the continuum of care. Makes conforming changes. Requires the family and social services administration and DMHA to provide the select joint commission on Medicaid oversight and the commission on mental health

and addiction with a report on access to mental health drugs before November 1, 2011. Repeals: (1) provisions providing for respite care for persons with mental illness; (2) a provision listing elements of community residential programs; (3) provisions establishing and governing the children's mental health bureau; (4) certain placement provisions for community residential facilities; and (5) definitions made obsolete by the bill.

Senate Bill 146 (Public Law 34-2011)

Authors: Steele, Mishler

Sponsor: Foley

Citations Affected: IC 23-14; 25-15; 29-2; 30-2; 34-30; 36-2

Effective: July 1, 2011

Disposition and interment of human remains. Makes changes to the priority of individuals who may determine the final disposition of the remains of a decedent. Provides that if a person does not exercise a right to determine final disposition within 72 hours of notification of the death of the decedent, the person forfeits the person's right to determine the final disposition of the decedent, and the right to determine final disposition passes to the next person listed in priority. Allows a crematory, cemetery, or funeral home that agrees to shelter the remains of a decedent while parties are in dispute as to the final disposition of the decedent to collect fees for storing the remains of the decedent. Requires that certain causes of action must be filed in the county where the decedent was a resident. Provides that a cemetery or funeral home that relies in good faith on a signed authorization for the cremation, interment, entombment, or inurnment of human remains is not liable for carrying out the disposition of the decedent in accordance with the instructions in the authorization. (Current law provides cemetery owners immunity for making a final disposition under a written authorization unless the cemetery owner has actual notice that the authorization is untrue.)

Senate Bill 178 (Public Law 100-2011)

Authors: Miller, Gard, Becker

Sponsor: T. Brown

Citations Affected: Noncode

Effective: July 1, 2011

Outpatient benefit study. Requires the health finance commission to study possible prohibitions on certain insurer and health maintenance organization activities related to outpatient benefits.

Senate Bill 199 (Public Law 80-2011)

Authors: Gard, Miller

Sponsor: Bacon

Citations Affected: IC 16-22

Effective: Upon Passage (April 28, 2011)

County hospital matters. Allows noncounty residents to be members of county governing boards with certain limitations and under certain circumstances. Requires a governing board to submit a list naming at least one but not more than three candidates for consideration of the

governing board for a vacancy on the governing board and a list of qualifications for the vacancy. (Current law requires the governing board to submit three candidate names.) Requires the appointing authority of a county hospital governing board to consider a list of qualifications submitted by the governing board for assessing a candidate for a vacant governing board seat. Allows a county hospital governing board to dispose of personal property owned by the county hospital if the personal property value does not exceed \$30,000. (The limit under current law is \$15,000.) Requires the health finance commission to study issues concerning the credentialing of vendors in hospitals.

Senate Bill 223 (Public Law 149-2011)

Authors: Miller, Gard

Sponsor: Crouch

Citations Affected: IC 25-1; 25-22.5

Effective: Upon Passage (May 10, 2011)

Medical licensing board investigations. Authorizes the medical licensing board of Indiana (board) to investigate and assess civil penalties for specified violations by licensed physicians. Requires the division of consumer protection within the office of the attorney general to forward complaints for specified violations to the board unless certain circumstances are met. Allows a physician who is determined by the board to have committed a violation to appeal the board's determination. Establishes the physician compliance fund consisting of penalties assessed and collected by the board for violations determined by the board through investigations. Specifies reporting requirements that the board is required to make to the National Practitioner Data Bank concerning disciplinary action taken by the board, and prohibits the board from reporting specified administrative penalties.

Senate Bill 331 (Public Law 153-2011)

Author: Miller, Gard, Simpson

Sponsor: T. Brown

Citations Affected: IC 4-21.5; 10-13; 12-7; 12-8; 12-9; 12-9.1; 12-10; 12-11; 12-12; 12-14; 12-15; 35-46

Effective: Upon Passage

FSSA matters. Authorizes the division of aging, the bureau of aging services, the division of disability and rehabilitative services, and the bureau of developmental disabilities services to issue certain notice orders and citations against a provider that violates certain rules. Allows the Indiana state police to release criminal background check information concerning the maintenance of a provider's license. Requires the division of aging to establish standards of practice governing the services provided by the adult protective services unit. Requires the Alzheimer's disease and related senile dementia task force (task force) to develop a state plan concerning the provision of Alzheimer's and related senile dementia services and sunsets the task force on December 31, 2013. Reduces the statewide independent living council from a minimum of 20 members to a minimum of 11 members. Requires a family to be provided a cash assistance benefit of at least \$10 under the Temporary Assistance for Needy Families (TANF) program if certain income standards and employment earnings are met. Specifies that access to a child

support enforcement program and IMPACT (JOBS) training program are included as TANF services for certain eligible families. Deems that a Medicaid recipient has automatically assigned certain medical support rights for the duration of the recipient's enrollment in Medicaid. Changes the time after which certain Medicaid program changes may take effect from 45 to 30 days after issuance of the notice or bulletin concerning the change. Provides that the notice or bulletin is void if it is not properly communicated to the parties. Removes language from the definition of "Medicaid inpatient days" concerning dually eligible individuals. Transfers administrative rules concerning aging to the division of aging. Requires the probate code study commission to study how to amend probate law concerning the sale of real estate to satisfy certain claims. Repeals: (1) a provision that requires the adult protective services unit and the division of aging to destroy any records concerning a report concerning an endangered adult that is unsubstantiated; (2) expiration dates for the office of the secretary of family and social services, the office of Medicaid policy and planning, the statutes concerning directors of divisions within family and social services (FSSA), and certain advisory committees under the FSSA statutes; (3) the law concerning Alzheimer's disease and related senile dementia programs; and (4) the law concerning supplemental payments for ambulance transportation services. Makes technical changes.

Senate Bill 366 (Public Law 156-2011)

Authors: Miller, C. Lawson, Simpson

Sponsor: T. Brown

Citations Affected: IC 4-4; 6-1.1; 11-10; 11-11; 16-18; 16-19; 16-21; 16-25; 16-27; 16-28; 16-29; 16-35; 16-37; 16-41; 25-19; 31-26

Effective: Retroactive (December 31, 2010); Upon Passage (May 10, 2011); July 1, 2011

State department of health matters. Transfers responsibilities for administering specified federal food and nutrition program funds from the office of the lieutenant governor to the state department of health (state department). Requires the state department to annually inspect certain department of corrections facilities only if the facility is not accredited by a national accrediting organization. Creates the health care facility advisory council within the state department. Requires, beginning October 1, 2013, hospitals to record external cause-of-injury code for each individual who receives care in the emergency department of the hospital. Requires certain certified nurse aides to be certified by the state department, and requires the state department to: (1) establish a program; (2) prescribe education and training programs; (3) determine specified standards; and (4) establish annual certification fees; for certified nurse aides who work in health facilities. Requires the state department to maintain a registry for certified nurse aides and registered home health aides. Removes the requirements that a candidate must meet to be appointed director of the program for children with special health care needs. Authorizes a physician last in attendance of a deceased to initiate the document process for the death record and defines physician to include individuals with specified physician permits. Specifies that certain licensed professionals are subject to discipline under the person's license instead of committing a Class B misdemeanor for violating the statutes concerning vital statistics and specifies that the state department may not start sanctioning providers for certain violations until January 1, 2012. Requires the health finance commission to study whether hospitals should be required to report hospital employee influenza immunization rates to the state department.

Repeals: (1) provisions establishing the hospital council, the home health care services and hospice services council, and the Indiana health facilities council; and (2) the requirement that the state department design, promote, and sell heirloom birth certificates.

Senate Bill 461 (Public Law 160-2011)

Authors: Miller, C. Lawson, Simpson

Sponsor: T. Brown

Citations Affected: IC 4-1; 12-7; 12-15; 27-8; 27-13

Effective: Retroactive (September 23, 2010); Upon Passage (May 10, 2011); July 1, 2011

Federal health care matters. Provides that a resident may not be required to purchase a health plan. Requires the office of the secretary of family and social services and the department of insurance to investigate, and allows submission of a waiver for, a specified provision of the federal Patient Protection and Affordable Care Act (Act). Allows the office of Medicaid policy and planning (office) to request federal approval to change how the state determines Medicaid eligibility for the aged, blind, and disabled. Requires the Indiana check up plan (plan) to include any federally required bench mark services. Allows, instead of requires, the plan to include dental and vision services. Makes the following changes concerning the plan beginning January 1, 2014: (1) changes income eligibility requirements for the plan from 200% to 133%; and (2) removes the requirement that the individual's employer not provide health insurance and that the individual be without health insurance for six months. Allows a nonprofit organization and health insurers to make deposits into a plan participant's account under specified circumstances. Requires a plan participant to contribute at least \$160 per year. Requires a health insurer that provides coverage under the plan until December 31, 2013, to also offer to provide coverage to certain other individuals in a manner consistent with federal law concerning underwriting, rating, and with state approval of the rate. Allows the office to amend the plan in a manner to be used to cover individuals eligible for Medicaid resulting from passage of the Act. Amends current health insurance law to specify application of the law in conformity with the Act, including provisions concerning coverage of children until age 26, grievances, and rescissions. Requires the office to apply to amend the Medicaid state plan to extend Medicaid coverage of family planning services for certain women and men. Makes conforming amendments.

Senate Bill 484 (Public Law 108-2011)

Authors: C. Lawson, Rogers

Sponsor: Ellsperman

Citations Affected: IC 6-1.1; 16-41

Effective: July 1, 2011

Lupus and Parkinson's disease education. Allows the state department of health to: (1) work with a national lupus organization in educating the public, health care providers, and human services providers about lupus; (2) distribute information concerning lupus on the state department's Internet web site to certain persons; and (3) accept grants and seek waivers for the purposes of educating the public about lupus. Allows the state department of health to: (1) work with a Parkinson's disease organization in educating the public, health care providers, and human services providers about Parkinson's disease (2) distribute information concerning Parkinson's

disease on the state department's Internet web site to certain persons; and (3) accept grants and seek waivers for the purposes of educating the public about Parkinson's disease.

Senate Bill 581 (Public Law 112-2011)

Authors: Becker, Leising

Sponsor: Crouch

Citations Affected: IC 16-41

Effective: July 1, 2011

HIV testing of pregnant women. Requires oral or written consent by a pregnant woman to have HIV testing to be documented in the pregnant woman's medical chart instead of requiring a written statement of consent. Requires a committee to study issues concerning the current laws that require a person's consent before HIV testing.

House Bill 1017 (Public Law 174-2011)

Author: Burton

Sponsors: Miller, C. Lawson

Citations Affected: IC 11-10; 11-12; 16-28; 25-26; 35-48

Effective: July 1, 2011

Unused medication. Allows a county jail or a department of correction facility to return: (1) certain unused medication to the pharmacy that dispensed the medication; and (2) unused medical devices or medical supplies that are used for prescription drug therapy and that meet specified requirements. Allows a pharmacist or pharmacy that enters into an agreement to accept the return of unused medication, unused medical devices, or unused medical supplies to negotiate a fee for processing the return. Allows the use of an electronic prescription for certain controlled substances.

House Bill 1047 (Public Law 176-2011)

Author: Crouch

Sponsors: C. Lawson, Buck

Citations Affected: Noncode

Effective: Upon Passage (May 10, 2011)

Audit and survey requirements of providers study. Requires the division of disability and rehabilitative services (division) to: (1) conduct a study on the number and types of audits and surveys required of entities providing services for which the division pays; and (2) evaluate whether certain providers that have achieved national accreditation should be considered by the division to be accredited for purposes of surveys conducted by state agencies; and (3) report back concerning the study to the developmental disabilities commission and the health finance commission by September 1, 2011.

House Bill 1071 (Public Law 222-2011)

Author: Frizzell

Sponsors: Miller, Mishler

Citations Affected: IC 16-48

Effective: July 1, 2011

Anatomic pathology services. Specifies requirements for billing and claims related to anatomic pathology services.

House Bill 1075 (Public Law 24-2011)

Author: R. Frye

Sponsors: Becker, Arnold

Citations Affected: IC 16-36

Effective: July 1, 2011

Do not resuscitate declarations. Specifies that for purposes of out of hospital do not resuscitate declarations, health care facilities are considered out of hospital.

House Bill 1121 (Public Law 119-2011)

Author: Mahan

Sponsors: Banks, Delph

Citations Affected: IC 4-22; 16-28; 16-42; 25-26; 34-30

Effective: July 1, 2011

Unused medication. Requires the board of pharmacy to adopt rules concerning a returning unused medication program (program). Provides civil liability immunity for an entity or employee of an entity who participates in a program, except for certain intentional misconduct and the enforcement of certain rules.

House Bill 1171 (Public Law 27-2011)

Author: T. Brown

Sponsors: Miller, Simpson

Citations Affected: IC 12-15

Effective: July 1, 2011

Medicaid verification and claims. Requires the office of Medicaid policy and planning (office) and a contractor of the office to operate a single electronic eligibility verification system. Updates claims processing forms under the Medicaid program. Requires the office to use the most current forms for claims that the office processes within 90 days after the effective date of the new form.

House Bill 1210 (Public Law 193-2011)

Author: Turner

Sponsors: Miller, Walker, Banks

Citations Affected: IC 5-22; 16-18; 16-34; 27-8

Effective: Upon Passage (May 10, 2011); July 1, 2011

Abortion matters. Prohibits state agencies from entering contracts with or making grants to any entity that performs abortions or maintains or operates a facility where abortions are performed. Cancels state funding for any current contracts with or grants to any entity that performs abortions or maintains or operates a facility where abortions are performed. States public policy findings concerning a fetus feeling pain and a compelling state interest in protecting the fetus. Sets requirements for performing an abortion after the first trimester but before the earlier of

viability of the fetus or 20 weeks of postfertilization age of the fetus (current law requirements are based on viability of the fetus). Requires that a physician determine the postfertilization age of a fetus before performing an abortion, and allows for the discipline of a physician who fails to do this in certain circumstances. Adds information that a pregnant woman must be informed of orally and in writing (current law requires that the information be given only orally) before an abortion may be performed concerning the physician, risks involved, information concerning the fetus, available assistance, and existing law. Requires a pregnant woman seeking an abortion to view fetal ultrasound imaging unless the pregnant woman states in writing that the pregnant woman does not want to view the fetal ultrasound imaging. Requires a physician who performs an abortion to: (1) have admitting privileges at a hospital in the county or in a contiguous county to the county where the abortion is performed; or (2) enter into an agreement with a physician who has admitting privileges in the county or contiguous county; and notify the patient of the hospital location where the patient can receive follow-up care by the physician. Requires the state department of health to post Internet website links on the state department's web site to materials setting forth certain information concerning a fetus and abortion. Prohibits qualified health plans under the federal health care reform law from providing coverage for abortions except for in certain circumstances.

House Bill 1221 (Public Law 196-2011)

Author: T. Brown

Sponsors: Kenley, Buck

Citations Affected: IC 12-15

Effective: July 1, 2011

Life insurance and Medicaid. Allows the state to use federal or state Medicaid funds to pay life insurance premiums and expenses for certain Medicaid applicants or recipients who have irrevocably named the state as the beneficiary of an in-force life insurance policy or assigned a life insurance policy to the state. Provides that life insurance proceeds that exceed the amount of Medicaid benefits be paid to the beneficiary of the recipient. Provides that the value of a life insurance policy owned by certain applicants or recipients may not be considered in determining Medicaid eligibility if the applicant or recipient has irrevocably named the state as the beneficiary or assigned the life insurance policy to the state.

House Bill 1273 (Public Law 226-2011)

Author: Koch

Sponsors: Zakas, Lanane

Citations Affected: IC 4-6; 9-13; 9-23; 16-28; 24-4.7; 24-5; 25-1; 25-22.5; 25-35.6; 27-7; 34-30

Effective: Upon Passage (May 13, 2011); July 1, 2011

Consumer protection, unfair practices, and licensing matters. Defines health care provider for purposes of the statute authorizing the attorney general to take certain actions with respect to abandoned health records and other records containing personal information. Provides that it is an unfair practice for an automotive manufacturer or distributor to fail to pay certain claims made by an automotive dealer. Authorizes an automotive manufacturer or distributor to: (1) audit

certain claims; or (2) charge back to a dealer any amounts paid on false or materially unsubstantiated claims. Requires certain certified nurse aides to be certified by the state department and requires the state department to: (1) establish a program; (2) prescribe education and training programs; (3) determine specified standards; and (4) establish annual certification fees; for certified nurse aides who work in health facilities. Specifies that the statute governing the quarterly listing of telephone numbers of Indiana consumers who request not to be solicited by telephone applies to a residential telephone subscriber who meets certain requirements. Requires the attorney general's consumer protection division (division) to notify Indiana residents of the right of certain subscribers or users to place a telephone number on the listing. Specifies what qualifies as a "telephone sales call" for purposes of the statute. Amends the statute concerning deceptive consumer sales to: (1) provide that a violation of the federal Fair Debt Collection Practices Act (FDCPA) is a deceptive act; and (2) include cross references to certain consumer protection statutes, the violation of which constitutes a deceptive act. Limits the civil penalty that the attorney general may recover for a violation of the FDCPA to \$1,000 per consumer. Specifies that for purposes of the statute governing home loan practices, a "deceptive act" includes a knowing or intentional misrepresentation made regarding real estate transactions and mortgage transactions. Recognizes speech-language pathologists who: (1) before September 1, 1990, completed all the course work and obtained all the experience required to receive a life license from the department of education; and (2) were issued a life license by the department of education; as eligible to supervise speech-language pathology support personnel (in lieu of another requirement to have obtained a certificate of clinical competence from a nationally recognized association). Removes a provision requiring that, to supervise speech-language pathology support personnel, a speech-language pathologist have at least three years of clinical experience. Provides for licensure of speech-language pathologists if certain continuing education standards are met. Voids part of an administrative rule concerning qualification requirements to supervise speech-language pathology support personnel. Provides that the requirement of the collection and storage in an electronic system of certain information about persons participating in or assisting with certain residential mortgage transactions also applies in the case of certain residential real estate transactions that do not involve mortgage transactions. Requires certain additional information about residential mortgage transactions and residential real estate transactions to be collected and stored in the system.

House Bill 1329 (Public Law 205-2011)

Author: Dermody

Sponsors: Wyss, Arnold

Citations Affected: IC 11-12; 36-2

Effective: June 29, 2011

Liability for county detainee health care services. Allows a county and a health care provider to enter into a reimbursement agreement for a lower reimbursement rate than the statutory rate for health care services provided to individuals subject to lawful detention. Removes expiration dates of applicable statutes.

House Bill 1432 (Public Law 132-2011)

Author: GiaQuinta

Sponsor: Bray

Citations Affected: IC 23-14

Effective: July 1, 2011

Disinterment of human remains. Provides that a court may authorize the removal of the remains of a deceased human from a cemetery for certain purposes if the: (1) consent of the owner of the cemetery cannot be obtained; or (2) identity of certain individuals from whom consent is required cannot be determined.

House Bill 1467 (Public Law 133-2011)

Author: Heaton

Sponsors: Miller, Broden

Citations Affected: IC 27-8; 27-13

Effective: July 1, 2011

Athletic trainer reimbursement. Requires reimbursement under a policy of accident and sickness insurance or health maintenance organization contract for certain services that are covered under the policy or contract and are provided by a licensed athletic trainer under the athletic trainer's scope of practice.

House Bill 1474 (Public Law 74-2011)

Author: R. Frye

Sponsor: Walker

Citations Affected: IC 16-34

Effective: July 1, 2011

Terminated pregnancy form. Provides that the information forms to be completed by medical facilities where abortions are performed must: (1) elicit disclosure of the age of the father; (2) include the date the pregnancy was terminated; and (2) include the date the form was received by the state department of health (department). Provides that if an abortion is performed on a female who is less than 14 years of age, the physician who performed the abortion shall transmit the information form to the department and the department of child services within three days after the abortion is performed.

House Bill 1502 (Public Law 134-2011)

Author: Bacon

Sponsors: Delph, Banks

Citations Affected: Noncode

Effective: July 1, 2011

Substance abuse study. Urges the legislative council to assign the topics of: (1) unlawful ingestion of controlled substances by pregnant women; (2) substance abuse by men; and (3) whether the penalty for unlawful use of a controlled substance should be based on the amount of active ingredient contained in the controlled substance; to an interim or a statutory study committee for study during the 2011 legislative interim.

IMMIGRATION RELATED MATTERS

Senate Bill 590 (Public Law 171-2011)

Authors: Delph, Boots, Kruse

Sponsor: Koch

Citations Affected: IC 5-2; 6-3; 6-3.1; 6-5.5; 11-10; 12-7; 12-32; 22-4; 22-5; 34-28; 34-30; 35-33; 35-44

Effective: July 1, 2011

Illegal immigration matters. Makes various changes concerning enforcement of federal immigration laws, illegal immigration, and related criminal matters, including the following: (1) Requiring the office of management and budget to calculate the costs of illegal aliens to Indiana and make a written request to the Congress of the United States to reimburse the state for those costs. (2) Prohibiting governmental bodies from limiting or restricting: (A) certain actions by other governmental bodies with regard to information of the citizenship or immigration status of an individual; and (B) the enforcement of federal immigration laws to less than the full extent permitted by federal law. Allows certain persons to bring an action to compel a governmental body to comply with these provisions. (3) Prohibiting a law enforcement agency or law enforcement officer from requesting verification of the citizenship or immigration status of an individual from federal immigration authorities if the individual has contact with the agency or officer only as a witness to or a victim of a crime or for purposes of reporting a crime. (4) Disallowing certain state income tax credits and deductions for individuals who are prohibited from being hired as employees, unless the employer participated in the E-Verify program. (5) Requiring the department of correction to verify the citizenship or immigration status of criminal offenders. (6) Requiring an agency or political subdivision to verify the eligibility of an individual who applies for federal, state, or local public benefits. (7) Requiring the department of workforce development (DWD) to verify the status of an individual as a qualified alien through the Systematic Alien Verification for Entitlements program to determine the individual's eligibility for unemployment compensation benefits. (8) Authorizing DWD to file civil actions to obtain the reimbursement of amounts paid as unemployment insurance benefits from employers that knowingly employed unauthorized aliens. (9) Requiring state agencies, political subdivisions, contractors with public contracts for services with the state or a political subdivision, and certain business entities to use E-Verify. Requiring certain subcontractors to certify that they use E-Verify. (10) Allowing a state agency or political subdivision to terminate a public contract for services with a contractor for breach of the public contract for services if the contractor knowingly employs an unauthorized alien. (11) Prohibiting individuals from commencing day labor without completing an attestation required under federal law. Requiring probable cause before a law enforcement officer may submit a complaint to the United States Customs and Immigration Enforcement office concerning violations of required federal attestations related to day labor. (12) Establishing certain state crimes, including: (A) offenses related to consular identification; (B) false identity statement; (C) knowingly or intentionally transporting or moving an alien, for the purpose of commercial advantage or private financial

gain, knowing or in reckless disregard of the fact that the alien has come to, entered, or remained in the United States in violation of the law; and (D) knowingly or intentionally concealing, harboring, or shielding from detection an alien in any place, including a building or means of transportation, for the purpose of commercial advantage or private financial gain, knowing or in reckless disregard of the fact that the alien has come to, entered, or remained in the United States in violation of law. (13) Requiring law enforcement officers to impound motor vehicles for violations of crimes related to moving, transporting, concealing, harboring, or shielding from detection aliens. (14) Allowing a law enforcement officer to arrest a person if the officer has a certain removal order, detainer, or notice of action issued for the person or if the officer has probable cause to believe the person has been indicted for or convicted of one or more certain aggravated felonies. (15) Requiring a judicial officer in setting bail to consider that the defendant is a foreign national who has not been lawfully admitted to the United States as relevant to the risk of nonappearance. (16) Establishing certain bond requirements if bail is set for a defendant who is a foreign national unlawfully present in the United States. (17) Urging the legislative council to: (A) assign to an existing study committee certain topics concerning immigration; and (B) urge the study committee to consult with the lieutenant governor on the topics.

INSURANCE

See also:

- SB 334: Registry of previously uninsured motorists.
[Motor Vehicles]
HB 1467: Athletic trainer reimbursement.
[Health & Human Services]

Senate Bill 293 (Public Law 41-2011)

Author: Holdman

Sponsor: Mahan

Citations Affected: IC 9-16

Effective: July 1, 2011

License branch contractor insurance. Limits the liability insurance coverage requirement for a partial service license branch contractor to \$2 million and requires indemnification of the bureau of motor vehicles commission for additional liability.

Senate Bill 360 (Public Law 67-2011)

Authors: Simpson, Holdman

Sponsor: Lehman

Citations Affected: IC 27-2; 27-4

Effective: July 1, 2011

Retained asset accounts. Specifies requirements for use of retained asset accounts for life insurance claim settlements.

Senate Bill 525 (Public Law 86-2011)

Authors: Paul, Buck

Sponsor: Frizzell

Citations Affected: IC 27-10

Effective: July 1, 2011

Bail agent education and reporting. Requires submission of certain information to the insurance commissioner at the time a bail agent's license is renewed. Specifies certain qualifications for a provider of bail agent and recovery agent education courses.

Senate Bill 578 (Public Law 111-2011)

Authors: Simpson, Holdman

Sponsor: Lehman

Citations Affected: IC 27-18; 34-30

Effective: July 1, 2011

Surplus lines insurance compact. Provides for enactment of a surplus lines insurance compact. Specifies requirements applying to compacting states and contracting states with respect to provision of surplus lines insurance in multiple states. Provides for collection of premium taxes on surplus lines insurance.

House Bill 1015 (Public Law 115-2011)

Author: Torr

Sponsors: Paul, Simpson

Citations Affected: IC 27-1; 27-8

Effective: Upon Passage (May 9, 2011); July 1, 2011

Insurance matters. Amends the law concerning financial requirements that applies to limited purpose subsidiary life insurance companies, including: (1) the definition of "parent"; (2) filings with and reports to the commissioner of insurance; and (3) valuation of admitted assets. Specifies qualifications and educational requirements for solicitation, negotiation, and sale of annuities. Makes changes to limitations on long term care insurance commission amounts.

House Bill 1024 (Public Law 116-2011)

Author: Lehman

Sponsors: Holdman, Paul

Citations Affected: IC 27-1; 27-7; 32-30

Effective: July 1, 2011

Property insurance. Removes a requirement that the insurance producer's contact information be included in a written notice concerning a change in a residential policy and requires that the notice indicate that the insurance producer or insurer may be contacted concerning the change. Exempts coverage for certain motor vehicles used for authorized purposes in connection with a commercial policy from the law requiring an insurer to make available uninsured and underinsured motorist coverage. Requires an insurer to provide a written notice of residential policy cancellation in a foreclosure action under certain circumstances. Requires the creditor in a residential property foreclosure action to send a copy of the complaint to the insurance company

of record.

House Bill 1260 (Public Law 200-2011)

Author: Dermody

Sponsors: Charbonneau, Arnold, Hershman

Citations Affected: IC 20-26

Effective: July 1, 2011

School corporation health insurance. Specifies certain requirements and recommendations for school corporation employee health coverage programs.

House Bill 1385 (Public Law 55-2011)

Author: Lehman

Sponsors: Holdman, Buck

Citations Affected: IC 27-1

Effective: July 1, 2011

Discrimination in premium rates. Provides that certain property and casualty insurance premium rate differences are not unfairly discriminatory, unfair or deceptive acts or practices, or premium rebating.

House Bill 1486 (Public Law 11-2011)

Author: Lehman

Sponsors: Paul, Holdman

Citations Affected: IC 4-22; 5-22; 27-1; 27-2; 27-4; 27-6; 27-7; 27-8; 27-9; 27-13; 27-14; 27-16

Effective: Upon Passage (April 6, 2011); July 1, 2011

Insurance matters. Makes various changes to the law concerning retention of an examiner by the department of insurance, annual audited financial reporting, insurance producer education and licensing, insurer investments, holding company system transactions, insurance administrator licensing fees, risk based capital, credit for reinsurance with reduced collateral, requirements applying to certain domestic insurers and health maintenance organizations, and small employer health insurance plans. Adds a law providing for limited purpose subsidiary life insurance companies. Adds a law providing for independent adjuster licensing. Defines "industrial insured" for purposes of certain insurer transactions exempt from licensure requirements. Adds a provision concerning treatment of certain agreements in the event of insurer rehabilitation. Amends a provision concerning the conversion of a mutual insurance holding company into a stock company to replace a reference to the former statute on the demutualization of mutual insurance companies with a reference to the current statute on the demutualization of mutual insurance companies. Defines "working capital" for purposes of the law regulating professional employer organizations (PEOs). Amends the current law applying to PEOs with respect to registration and financial requirements and unemployment compensation status. Repeals provisions concerning notice of insurance administrator claim recoding and concerning individual policies in the small employer group health insurance law. Makes conforming amendments.

LABOR

Senate Bill 418 (Public Law 18-2011)

Authors: Kruse, Walker

Sponsor: Davis

Citations Affected: IC 5-16; 5-30

Effective: July 1, 2011

Common construction wage. Provides that the committee established in a county to determine the common construction wage for the county does not need to meet more often than once every three months and that the common construction wage determined at a meeting applies to all public works contracts awarded within the three months following the meeting. (Currently the committee must meet for each project.) Requires the committee to establish wages for all classifications that a county may need during the following three months. Requires that a new committee meet to establish wages for projects that require classifications not included on the three-month wage scale. Removes a requirement that the department of workforce development must provide reports for each meeting of the committee.

Senate Bill 533 (Public Law 166-2011)

Authors: Mishler, Charbonneau

Sponsor: Messmer

Citations Affected: IC 5-30

Effective: July 1, 2011

Design-build public works projects. Provides that a public agency may not require an offeror to appear in person more than three times before the technical review committee for a design-build contract. Requires a public agency that proposes a public project for which a referendum is to be held to wait until after the referendum is completed to issue a request for proposals for the public project. Limits the deliverables required for a qualitative proposal submitted in response to a request for proposals. Repeals the provision in current law requiring the governing body of a public agency to give prior authorization to use design-build contracting. Amends the definition of "public agency" to include conservancy districts established for water supply or sewage treatment. Amends the definition of "public project" to include improvements other than buildings. Provides that the meetings of a technical review committee for a public project comprised entirely of employees of the public agency undertaking the public project are not open to the public. Allows a state educational institution to use the combined request for qualifications and request for proposals for all design-build projects (combined request procedure). Allows a public agency other than a state educational institution to use the combined request procedure for public projects having an initial estimated cost that does not exceed \$5,000,000. Provides that a technical review committee must give a written comprehensive score for each qualitative proposal received in response to a request for proposals, which includes: (1) an explanation of the scoring methodology; (2) for each factor used in determining the composite score of the qualitative proposal, the scores awarded by each member of the technical review committee, the

resulting technical review committee score, and the resulting weighted score, if applicable; and (3) the composite score calculated for the qualitative proposal.

Senate Bill 575 (Public Law -2011)

Authors: Boots, Kenley, Charbonneau

Sponsor: Behning

Citations Affected: IC 5-14; 20-26; 20-28; 20-29; 20-40

Effective: Upon Passage (April 20, 2011); July 1, 2011

Teacher collective bargaining. Extends the use of temporary teacher contracts to hiring for positions funded by grants outside the school funding formula. Provides that wage payment arrangements may not contain terms beyond those permitted to be bargained. Provides that the statutory procedures for refusing to continue or canceling a teacher contract may not be modified by a collective bargaining agreement (agreement). Limits the number of teachers the exclusive representative may appoint to serve on statutory or locally created district wide and school wide committees of a school corporation. Provides that an agreement may not include provisions that limit a school employer's ability to restructure schools that do not meet federal or state accountability standards, or that limit a school employer's ability to enter into programs that offer postsecondary credit or dual credits to students. Provides that an agreement may not extend beyond December 31 of the year at the end of a state budget biennium. Prohibits certain subjects from being bargained collectively, and provides that prohibited subjects and items that lead to deficit financing may not be included in an agreement. Removes certain items from the list of discussion subjects between a school employer and an exclusive representative. Provides that collective bargaining begins before August 1 in the first year of the state budget biennium. Provides that if a complaint that is filed alleging an unfair practice concerning a subject of discussion is found to be frivolous, the complaining party is liable for costs and attorney's fees. Modifies the mediation process. Establishes a process for factfinding. Expands the purposes for which money in the capital projects fund may be used. Repeals provisions concerning minimum salary and salary increments for teachers, the definition of "submission date", and a provision allowing the statutory procedures for refusing to continue or canceling a teacher contract to be modified by an agreement, certain provisions concerning mediation and factfinding, and makes conforming changes to related sections.

House Bill 1203 (Public Law 192-2011)

Author: Ubelhor

Sponsors: M. Young, Steele

Citations Affected: IC 22-6

Effective: July 1, 2011

Employee representation campaigns. Provides that: (1) an individual's right to vote by secret ballot in; and (2) an employer's right to engage in a campaign in connection with; an election that is required or permitted by Indiana or federal law for the designation, authorization, or retention of employee representation is guaranteed, unless there is a conflict with the National Labor Relations Act or another federal law or regulation concerning labor relations or labor organizations. Provides that the results of an election that violates these rights are void.

House Bill 1216 (Public Law 195-2011)

Author: Davis

Sponsors: Walker, Boots, Kruse

Citations Affected: IC 5-16

Effective: July 1, 2011

Public works projects. Provides that the state president of the Associated Builders and Contractors of Indiana appoints a member of a common construction wage committee currently appointed by the governor. Raises the threshold for the application of the common construction wage statute from \$150,000 to \$250,000 for contracts awarded after December 31, 2011, and before January 1, 2013, and to \$350,000 for contracts awarded after December 31, 2012. Provides that a committee must consider any written reports with respect to wage scales submitted by the Indiana State Building and Construction Trades Council or the Associated Builders and Contractors of Indiana when making a determination of the common construction wage for a public works project. Provides that a public works project may not be artificially divided to avoid application of the common construction wage statute. Urges the legislative council to assign the following topics to a study committee during the 2011 legislative interim: (1) The use of an agreement with a labor organization on public works projects covered by a public works statute. (2) Job classifications used in a common construction wage determination. Makes technical changes.

House Bill 1450 (Public Law 2-2011)

Author: Leonard

Sponsors: Hershman, Boots, Kruse

Citations Affected: IC 22-4

Effective: Retroactive (December 31, 2010); July 1, 2011

Unemployment insurance. Provides that an individual employed for any week on an on-call or as-needed basis and who receives remuneration for personal services or has available work from an on-call employer is not totally or partially unemployed for purposes of receiving an unemployment benefit. Provides that an individual is not eligible for an unemployment insurance benefit (benefit) for any week in which the individual is on a vacation week, if the individual receives remuneration from the employer for that week, or the individual does not receive remuneration from the employer for that week, because of a written contract with the employer or the employer's regular vacation policy and practice, and has a reasonable assurance of employment with the employer after the vacation period ends. Removes the cap on wage credits. Establishes the weekly unemployment insurance benefit amount as 47% of the individual's prior average weekly wage. Establishes the maximum weekly benefit amount at \$390. Removes from the definition of "deductible income": (1) for a week in which a payment is actually received by an individual, payments made by an employer to an individual who accepts an offer from the employer in connection with a layoff or a plant closure; and (2) the part of a payment made by an employer to an individual who accepts an offer from the employer in connection with a layoff or a plant closure if that part is attributable to a week, and the week: (A) occurs after an individual receives the payment; and (B) was used under the terms of a written agreement to compute the payment. Includes in the definition of "deductible income": (1) compensation made under a valid

negotiated contract or agreement in connection with a layoff or plant closure, without regard to how the compensation is characterized by the contract or agreement; and (2) a supplemental unemployment insurance benefit made under a valid negotiated contract or agreement. Provides for an annual employer surcharge that, for 2011, is equal to 13% of the contribution rate paid by the employer, if the state is required to pay interest on advances made to the state from the federal unemployment account in the federal unemployment trust fund. For a calendar year after 2011, requires the department of workforce development (department) to determine the surcharge percentage for the year by January 31 based on factors that include: (1) the interest rate charged the state for the year; and (2) the state's outstanding loan balance to the federal unemployment account on January 1. Allows the department to use the employer surcharge to repay interest on federal advances. Exempts new employers from payment of the unemployment insurance surcharge. Establishes the unemployment insurance solvency fund for the part of the employer surcharge used to repay interest on federal advances. Provides that, for calendar years 2011 through 2020, Schedule E applies in determining and assigning each employer's contribution rate. Makes changes to the method used to determine an employer's contribution rate when the employer fails to properly file all required contribution and wage reports and to pay all contributions, penalties, and interest due and owing by the employer or the employer's predecessors. Provides that unemployment benefits may not be paid to an individual employed by a Head Start or an Early Head Start program for a week during a period between two successive academic years or terms if the individual performs the employment in the first academic year or term and there is a reasonable assurance that the individual will be employed in the second academic year or term. Provides that, in 2012, an individual may elect to have state income tax and local income tax withheld from unemployment compensation received by the individual. Provides that a distribution from a pension, retirement, or annuity plan is not deductible from an individual's unemployment benefit if the individual uses the distribution to satisfy a severe financial hardship resulting from an unforeseeable emergency that is the result of events beyond the individual's control. Makes conforming amendments.

House Bill 1538 (Public Law 211-2011)

Author: Speedy

Sponsor: Schneider

Citations Affected: IC 22-2

Effective: July 1, 2011

Minimum wage required by local unit. Prohibits a local unit of government (unit) from establishing, mandating, or requiring a minimum wage that exceeds the state or federal minimum wage unless federal or state law provides otherwise. Allows a unit to establish wage rates in a contract to which the unit is a party.

LOCAL GOVERNMENT

See also:

- SB 6: Interstate mutual aid agreements.
[State & Local Government]
- HB 1174: Sale of real property by local government.
[Property]
- HB 1180: Zero interest mortgages by nonprofit entities.
[Financial Institutions]
- HB 1538: Minimum wage required by local unit.
[Labor]

Senate Bill 26 (Public Law 58-2011)

Authors: Head, Hershman

Sponsor: Truitt

Citations Affected: IC 36-1; 36-6

Effective: July 1, 2011

Local government reorganization and merger. Requires the department of local government finance (DLGF) to develop criteria for making an adjustment to allow a political subdivision to retain a part of its levy and budget that would otherwise be reduced because of savings: (1) from a government reorganization or township merger; (2) from the transfer, combination, or sharing of powers, duties, functions, or resources under an interlocal cooperation agreement; or (3) from the combination or reorganization of the political subdivision's departments, agencies, or functions. Provides that the amount of such an adjustment may not exceed a specified percentage of the savings or reduction realized in the first full year of operation after the merger or reorganization or the transfer, combination, or sharing of powers, duties, functions, or resources. Provides that the percentage is 50% in the first year of the adjustment and phases down to 10% in the fourth year of the adjustment and thereafter. Provides that the fiscal body of the political subdivision shall determine and certify to the DLGF the amount of the adjustment that the political subdivision wishes to accept. Specifies that in the case of a reorganization under the government reorganization statutes, the amount of any adjustment accepted by a reorganized political subdivision must comply with the reorganization agreement.

Senate Bill 54 (Public Law 59-2011)

Authors: Head, Hershman

Sponsor: Truitt

Citations Affected: IC 8-1

Effective: July 1, 2011

Local regulation of video service franchises. Provides that a local unit of government may not: (1) regulate a holder of a certificate to provide, or a provider of, video service in Indiana; and (2) establish or fund an entity to regulate a holder or provider.

Senate Bill 60 (Public Law 139-2011)

Authors: C. Lawson, Boots

Sponsor: Soliday

Citations Affected: IC 5-14; 8-22; 36-1

Effective: July 1, 2011; January 1, 2012

Local government issues. Provides that one executive session per calendar year may be held under the open door law to train members of a board of aviation commissioners or an airport authority board with an outside consultant about the performance of the role of the members as public officials. Specifies that the statutes governing public works projects by political subdivisions apply to contracts by a board of aviation commissioners or an airport authority board. Provides that an airport authority board may provide aviation services to public use airports within or outside Indiana either directly or through an affiliate entity established by the board. Provides that for purposes of the local public works statutes, bids may be opened after the time designated if: (1) the political subdivision makes a written determination that it is in the best interest of the political subdivision to delay the opening; and (2) the day, time, and place of the rescheduled opening are announced at the day, time, and place of the originally scheduled opening. Changes the membership of the board of the Indianapolis airport authority. Reduces the number of members appointed by the mayor of the consolidated city from six members to five members. Provides for the majority leader of the city-county council to appoint a member currently appointed by the county commissioners from one of the townships in which the airport is located. Increases the number of voting members by one member. Provides that the term of office of the member appointed by the county commissioners expires January 1, 2012. Provides that the appointment by the majority leader of the county legislative body is effective January 1, 2012. Provides that the individual appointed by the county commissioners and whose term expires January 1, 2012, may be reappointed by any public official who has appointment authority after December 31, 2011.

Senate Bill 201 (Public Law 63-2011)

Authors: Gard, C. Lawson

Sponsor: Richardson

Citations Affected: IC 36-12

Effective: July 1, 2011

Libraries. Allows a library board of a Class 1 or Class 2 public library to provide severance pay to a library employee who is voluntarily separated from employment with the library if the library board makes certain findings. Allows the library board of a Class 1 or Class 2 public library to appropriate funds to provide membership of library employees in local, state, and national associations of a civic, educational, professional, or governmental nature.

Senate Bill 215

Author: Bray

Sponsor: Foley

Citations Affected: IC 34-24

Effective: July 1, 2011

Forfeiture. Requires counties to create an asset forfeiture account. Provides that, in a forfeiture proceeding, 1/3 of the proceeds may be provided to the prosecuting attorney or an attorney retained by the prosecuting attorney in a forfeiture action, unless the prosecuting attorney has declined a request from the state police department to transfer the forfeiture to federal jurisdiction, in which case 20% of the proceeds but no more than \$5,000 may be transferred to the prosecuting attorney. Provides that of the remaining proceeds, 15% shall be provided to the common school fund and 85% shall be distributed to an account for distribution to law enforcement agencies participating in the seizure as necessary law enforcement expenses. Specifies that money or the proceeds of seized property placed in a county asset forfeiture account may be disbursed only by action of the county legislative body under a claim submitted by a law enforcement agency or prosecuting attorney, and must be disbursed pursuant to an interlocal agreement, if applicable. Permits a prosecuting attorney to retain an attorney to bring a forfeiture action only if the attorney general reviews the compensation agreement between the prosecuting attorney and the retained attorney, and requires that the compensation agreement with the attorney be capped at: (1) 33 1/3% of the first \$10,000 of the amount of the proceeds or money obtained; (2) 25% of the part of the amount between \$10,000 and \$100,000; and (3) 20% of the part of the amount that is at least \$100,000; unless a court finds that the forfeiture action is unusually complex. Requires a court to notify the Indiana criminal justice institute of the amount and manner of a forfeiture distribution. Provides that a prosecuting attorney or deputy prosecuting attorney who engages in a forfeiture action for the prosecuting attorney's office may not receive a contingency fee.

Senate Bill 267 (Public Law 40-2011)

Authors: Wyss, Arnold

Sponsors: Soliday, GiaQuinta

Citations Affected: IC 10-14

Effective: July 1, 2011

Local travel advisories. Establishes the following categories for local travel advisories: (1) "Advisory". (2) "Watch". (3) "Warning". Provides that the "warning" travel advisory may be used only if a local disaster emergency is declared.

Senate Bill 292 (Public Law 152-2011)

Authors: Tomes, Nugent

Sponsor: Speedy

Citations Affected: IC 14-22; 35-47

Effective: July 1, 2011

Preemption of local firearm regulation. Prohibits, with certain exceptions, a political subdivision from regulating: (1) firearms, ammunition, and firearm accessories; (2) the ownership, possession, carrying, transportation, registration, transfer, and storage of firearms, ammunition, and firearm accessories; and (3) commerce in and taxation of firearms, firearm ammunition, and firearm accessories. Allows a person to file an action against a political subdivision if the person is adversely affected by an ordinance, a measure, an enactment, a rule, or a policy of the political subdivision that violates the law. Repeals a conflicting statute

concerning local regulation of firearms.

Senate Bill 306 (Public Law 217-2011)

Authors: Buck Charbonneau, Steele

Sponsor: Dodge

Citations Affected: IC 14-9

Effective: July 1, 2011

Boat patrol grants. Provides that, for purposes of applying for a grant from the counties with special boat patrol needs fund, a fiscal body of a county may submit an estimated budget request to the department of natural resources (department) if the county sheriff does not request a grant. Provides that itemized receipts of expenditures of granted money must be submitted for inspection by the department upon request. Provides that upon request of the department, the county auditor shall conduct an audit of an account in which the grant money was deposited. Provides that all individuals providing law enforcement services funded by a grant, whether under the authority of the county sheriff or contracted by the fiscal body, must meet certain minimum law enforcement training requirements.

House Bill 1131 (Public Law 51-2011)

Author: Koch

Sponsor: Merritt

Citations Affected: Noncode

Effective: Upon Passage (April 20, 2011)

Video service franchise fees. Directs the regulatory flexibility committee (committee) to study the following not later than November 1, 2011: (1) Whether video service franchise fees paid to local units are used by local units for purposes related to the provision of video service in the units and in a manner consistent with the statute concerning video service franchises. (2) Whether video service franchise fees have an anti competitive effect on the pricing and provision of video service in Indiana. Requires the committee to submit to the legislative council not later than November 1, 2011, a report on any recommendations made by the committee concerning these topics.

House Bill 1238 (Public Law 198-2011)

Author: Noe

Sponsors: Charbonneau, Head

Citations Affected: IC 6-1.1; 20-46

Effective: Upon Passage (May 10, 2011); July 1, 2011

Advocacy with public funds. Provides that during the period beginning with the adoption of a resolution by a school corporation to place a school levy referendum question on the ballot and continuing through the day on which the referendum is submitted to the voters, the school corporation may not promote a position on the referendum by taking certain actions. Provides that a political subdivision may not artificially divide a capital project into multiple capital projects in order to avoid the requirements of the petition and remonstrance process. (Under current law, such a prohibition applies under the capital projects referendum statutes.) Provides

that the ballot language for a capital project referendum must first be approved by the department of local government finance (DLGF). (Under current law, the DLGF makes recommendations concerning the ballot language.) Provides that the language of a school referendum levy question to be submitted to voters must first be approved by the DLGF. Prohibits a person or organization that provides goods or services to a school corporation under contract from spending money to promote a position on a school corporation's capital project petition and remonstrance, capital project referendum, or referendum tax levy, unless: (1) the person is an employee of the school corporation whose employment is governed by a collective bargaining contract or employment contract; or (2) the person or organization has a contract with a school corporation solely for the use of the school corporation's facilities. Provides that if a referendum levy is approved by the voters in a school corporation in a calendar year, another referendum levy question may not be placed on the ballot in the school corporation in the following calendar year. Provides that if a school corporation imposes a referendum levy approved in a referendum, the school corporation may not simultaneously impose more than one additional referendum levy approved in a subsequent referendum. Provides that advocacy or discussion by certain officials concerning a petition and remonstrance or referendum is allowed and is not considered a use of public funds. Prohibits an employee of a school corporation from initiating discussion of a petition and remonstrance or referendum at a meeting between a teacher and parents of a student regarding the student's performance or behavior at school. Provides that an official of a political subdivision who is authorized to discuss or advocate for or against a petition or remonstrance or a referendum may be assisted by an employee of the political subdivision. Removes the county fiscal body from the school referendum levy process. Provides that the county fiscal body is not required to certify the referendum question. Repeals a superseded provision.

House Bill 1275 (Public Law 53-2011)

Author: Saunders

Sponsors: C. Lawson, Simpson, Buck

Citations Affected: IC 6-3.5; 36-1

Effective: July 1, 2011

Local transfers between funds. Authorizes a county, city, or town to transfer money from its economic development income tax fund or rainy day fund to its general fund or any appropriated funds of the county, city, or town. Requires a county, city, or town to make the transfer by adopting an ordinance or resolution.

MILITARY & VETERANS' AFFAIRS

Senate Bill 248 (Public Law 38-2011)

Authors: Wyss, Arnold, Buck

Sponsor: Borders

Citations Affected: IC 10-16

Effective: July 1, 2011

Indiana National Guard. Makes changes to the powers of the state armory board to accept and convey real and personal property and to expend funds. Provides for certain changes to the structure of the state armory board, and expands the definition of "commanding officer". Provides that for purposes of the federal controlled substance statutes, the Indiana National Guard is considered a law enforcement agency and is eligible to receive forfeited property from federal law enforcement agencies. Establishes a First Sergeant Ribbon as an award for the Indiana Air National Guard.

House Bill 1109 (Public Law 118-2011)

Author: Gutwein

Sponsors: Wyss, Paul

Citations Affected: IC 3-5; 9-13; 9-24

Effective: July 1, 2011

Military service information on BMV documents. Provides that an identification document issued by the United States Department of Defense, a branch of the uniformed services, the Merchant Marine, or the National Guard that has no expiration date or an indefinite expiration date is an acceptable proof of identification for voting. Requires the bureau of motor vehicles (BMV) to put an indication of an individual's status as a veteran of the armed forces of the United States on an individual's license, permit, or identification card if the individual wishes to have the indication put on the license, permit, or identification card and provides proof of discharge from the armed forces. Makes technical corrections.

MOTOR VEHICLES

See also:

- SB 154: Firearms on off-road vehicles or snowmobiles.
[Public Safety]
- SB 293: License branch contractor insurance.
[Insurance]
- HB 1109: Military service information on BMV documents.
[Military & Veterans' Affairs]
- HB 1325: Criminal conversion of leased motor vehicles.
[Criminal Law & Procedure]

Senate Bill 79 (Public Law 97-2011)

Authors: M. Young, Glick

Sponsor: Dermody

Citations Affected: IC 9-14; 24-4.6; 34-24

Effective: July 1, 2011

Motor fuel theft. Provides that if motor fuel (fuel) from a retailer is pumped into a vehicle and proper payment is not made to the retailer, the owner of the vehicle is liable to the retailer for the

total pump price of the fuel pumped plus a service charge of \$50. Provides that: (1) the bureau of motor vehicles (BMV) may disclose the name and address of a vehicle owner (owner) to an association of retailers (association) when the information is requested for purposes of contact information in connection with fuel theft; and (2) the name and address may be used only by the association for purposes of collection efforts to recover the price of the fuel and certain other costs. Provides that, if an owner does not pay the total pump price of the fuel pumped plus the service charge within 30 days after the association sends the notice, the owner is also subject to liability to the retailer for other damages, costs, fees, and expenses. Provides that within 30 days after the sending of the retailer's notice, the owner may send a written response to the retailer disputing the retailer's claim or stating that, when the fuel was pumped into the vehicle, the owner was not operating the vehicle and was not responsible for paying for the fuel. Provides that if an owner sends such a response to the retailer, the retailer shall cease communications with the owner but may still seek to recover from the owner by initiating a civil action. Provides that if the owner makes complete payment for the price of fuel that has been pumped into the vehicle and certain other costs, no criminal prosecution for theft or conversion may be brought against the owner for the failure to make proper payment to the motor fuel retailer. Requires the BMV to adopt rules under which an association may obtain the names and mailing addresses of owners from the BMV for purposes of recovering for fuel theft.

Senate Bill 127 (Public Law 145-2011)

Authors: Holdman, Merritt, Charbonneau

Sponsor: Hinkle

Citations Affected: IC 5-2; 8-14; 9-13; 9-14; 9-24; 9-27; 9-29; 20-19; 20-30; 34-13; 34-30

Effective: Upon Passage (May 10, 2011); July 1, 2011

Driver education. Transfers the responsibilities concerning: (1) commercial driver training schools from the Indiana criminal justice institute; (2) motorcycle operator education and secondary school driver training from the department of education; and (3) truck driver training from the Indiana commission on proprietary education (commission) and the state department of revenue; to the bureau of motor vehicles (bureau). Establishes the driver education advisory board and requires the bureau to adopt rules concerning driver education training, including rules pertaining to commercial driver training schools, certain driver education programs, and driver education instructors. Requires an applicant for an operator's license who is required to complete at least 50 hours of supervised practice driving to submit to the commission a log, under penalty of perjury, of the time driven before receiving the operator's license. Authorizes the bureau to adopt rules concerning service charges for the administration of a skills or written test by certain driver education instructors. Changes the term "road test" for purposes of examination of the ability to operate a motor vehicle to "skills test". Permits an applicant for examination for the issuance of a driver's license to take the required written tests or skills test in any location in Indiana (current law requires the tests to be administered in the county where the license branch in which the application was made is located). Provides that certain rules pertaining to driver education adopted by the Indiana commission on proprietary education, the Indiana criminal justice institute, the department of state revenue, and the state board of education concerning

driver education are considered, after December 31, 2011, rules of the bureau. Provides for certain immunities pertaining to governmental entities and public employees for: (1) members of the driver education advisory board; and (2) driver education instructors making reports concerning the fitness of applicants to operate a motor vehicle. Authorizes the bureau to issue a learner's permit to a person at least 15 years of age under certain conditions. Makes corresponding changes.

Senate Bill 334 (Public Law 65-2011)

Authors: Walker, Lanane

Sponsor: Foley

Citations Affected: IC 9-25

Effective: July 1, 2011

Registry of previously uninsured motorists. Requires the bureau of motor vehicles (bureau) to: (1) add the name of a person against whom the bureau has taken administrative action for operating a motor vehicle without financial responsibility (person) to the registry of previously uninsured motorists; and (2) remove the name of a person from the registry not more than five years after the date on which the administrative action by the bureau for which the person's name is maintained on the registry was entered against the person.

Senate Bill 337 (Public Law 43-2011)

Author: Grooms

Sponsor: Stemler

Citations Affected: IC 9-13; 9-21

Effective: July 1, 2011

Traffic control signals. Provides that: (1) a person operating a vehicle entering an intersection or crosswalk facing a pedestrian hybrid beacon (beacon) may proceed without stopping if no indication is displayed on the beacon; and (2) in that instance the operator is not required to yield the right-of-way to a pedestrian crossing that intersection within a crosswalk. Provides that when a yellow lens with an arrow illuminated with rapid intermittent flashes is used in a traffic signal, a person who operates a vehicle may turn only after yielding to oncoming traffic.

Senate Bill 338 (Public Law 66-2011)

Author: Grooms

Sponsor: Stemler

Citations Affected: IC 9-21

Effective: July 1, 2011

Work zone safety. Requires a worksite speed limit to be at least ten miles per hour below the maximum established speed limit for the location on the road or highway on which the worksite is located. Provides that a driver who, in a highway work zone, engages in certain acts that in combination otherwise constitute the offense of aggressive driving commits a Class B infraction. Provides that the Indiana department of transportation may use funds collected as judgments for these infractions to hire off-duty police officers to patrol highway work zones.

Senate Bill 458 (Public Law 45-2011)

Authors: Wyss, Arnold

Sponsor: Davis

Citations Affected: IC 6-6; 8-2.1; 9-20; 9-24

Effective: July 1, 2011, January 1, 2012

Motor carriers and commercial drivers licenses. Requires electronic filing and payment for motor carrier fuel use tax returns. Provides that a passenger vehicle that has seats for more than nine passengers does not have to be registered for the motor carrier fuel use tax. Specifies that the responsibility for civil penalties for an oversize/overweight violation is with the person whose United States Department of Transportation number is registered on the vehicle transporting the load. Authorizes the department of state revenue (department) to impose a penalty that is less than the maximum penalty for an oversize/overweight violation. Provides that, for purposes of persons making occasional trips during eligible events, the department may issue temporary authority or emergency temporary authority for not more than 15 consecutive days. Changes commercial driver license provisions to conform with federal regulations concerning medical issues.

Senate Bill 494 (Public Law 68-2011)

Authors: Merritt, Wyss

Sponsor: Torr

Citations Affected: IC 9-13; 9-23

Effective: July 1, 2011

Vehicle manufacturers and distributors. Provides that it is an unfair practice for an automotive manufacturer or distributor to fail to pay all claims made by an automotive dealer (dealer) for compensation for incentive payments within 30 days after approval. Authorizes an automotive manufacturer or distributor to: (1) audit claims made by a dealer for warranty work or incentive payments for up to one year after the date on which a claim is paid; or (2) charge back to a dealer any amounts paid on false or materially unsubstantiated claims for warranty work or incentive payments.

Senate Bill 528 (Public Law 109-2011)

Authors: Merritt, Wyss

Sponsor: Soliday

Citations Affected: IC 6-6; 9-17; 9-18; 9-24; 9-29; 9-30; 31-37

Effective: January 1, 2012

Various motor vehicle issues. Reduces from 10% to 8.33% the prorated excise tax credit due to a boat owner upon the sale of the boat. (The 10% rate was based on a ten month registration cycle; the current cycle is twelve months.) Provides that employees at full or partial service branches of the bureau of motor vehicles (BMV) may inspect applications for certificates of title. Authorizes the BMV to issue distinctive permanent plates to the department of correction for vehicles used for official business by correctional police officers. Relocates a provision requiring a duplicate or replacement license plate to be displayed in the same manner as an original license plate. Requires an individual who holds a motorcycle operator's license to hold another driver's

license with a motorcycle endorsement in order to operate a motorcycle. Specifies that an amended driver's license or card is issued when information on the driver's license or card has changed. Specifies that a replacement driver's license or card is issued when the driver's license or card has been lost, stolen, or destroyed. Removes statutory inconsistencies concerning the ineligibility of a habitual traffic violator for a hardship license. Removes duplicative provision concerning the eligibility of certain individuals for restricted driving permits. Specifies that an individual is required to provide proof of future responsibility during the three years following the termination of the suspension of the individual's driving privileges. Removes incorrect cross references in section concerning the probationary status of certain habitual traffic violators. Repeals a provision requiring the BMV to issue a certificate for a duplicate license plate in the form of a sticker. Removes and repeals language concerning motorcycle operator's licenses and motorcycle learner's permits. Repeals the requirement that the holder of an identification card must contact the bureau of motor vehicles when the card is lost or stolen. Provides that a person is required to provide proof of future financial responsibility if a court recommends suspension of the person's driving privileges for a conviction for operating a vehicle while intoxicated. Provides that if a court recommends suspension of the driving privileges of a person who is arrested for or charged with operating a vehicle while intoxicated and there is not a conviction, the person is excluded from the requirement to provide proof of future financial responsibility.

House Bill 1082 (Public Law 25-2011)

Author: Eberhart

Sponsors: Mishler, Hume

Citations Affected: IC 14-16

Effective: July 1, 2011

Off-road vehicle registration. Provides that an off-road vehicle or snowmobile that is owned and used for official business by the state, a municipal corporation, or a volunteer fire department is not required to be registered with the department of natural resources (DNR). Provides that the owner of an off-road vehicle or snowmobile may submit either a bill of sale or a certificate of title with a registration application. (Under current law, only a bill of sale may be submitted.) Provides that DNR may use money in the off-road vehicle and snowmobile fund to pay for operating expenses related to DNR properties on which are located off-road vehicle or snowmobile trails.

House Bill 1117 (Public Law 184-2011)

Author: Pond

Sponsor: Wyss

Citations Affected: IC 9-18

Effective: July 1, 2011

Display of license plates. Authorizes the display of a license plate upon the front of a truck with a rear mounted forklift or the mechanism to carry a rear mounted forklift or implement. (Current law requires the display of the license plate upon the rear of the vehicle.)

House Bill 1129 (Public Law 185-2011)

Author: Koch

Sponsor: Holdman

Citations Affected: IC 9-13; 9-21; 9-24

Effective: July 1, 2011

Use of telecommunications device while driving. Provides that it is a Class C infraction if a person uses a telecommunications device to type, transmit, or read a text message or an electronic mail message while operating a moving motor vehicle, but permits a person: (1) to use hands free or voice operated technology to transmit a text message or an electronic mail message; and (2) to call 911 to report an emergency; while operating a moving motor vehicle. Provides, for purposes of the prohibition against using a telecommunications device while operating a motor vehicle, that "telecommunications device" does not include: (1) amateur radio equipment operated by a person licensed by the Federal Communications Commission as an amateur radio operator; or (2) a communications system installed in a commercial motor vehicle weighing more than 10,000 pounds. Prohibits a police officer from confiscating a telecommunications device for the purpose of determining compliance or confiscating a telecommunications device and retaining it as evidence pending trial for a violation. Repeals the current definition of "telecommunications device".

House Bill 1150 (Public Law 26-2011)

Author: Saunders

Sponsors: Paul, Wyss

Citations Affected: IC 9-18

Effective: July 1, 2011

General assembly license plate registration date. Provides that the registration of a vehicle registered to a member of the general assembly or to a spouse of a member of the general assembly expires on December 14 of each year.

NATURAL & CULTURAL RESOURCES

Senate Bill 71 (Public Law 40-2011)

Authors: Gard, Steele

Sponsor: Eberhart

Citations Affected: IC 14-8; 14-10; 14-37; 32-23

Effective: July 1, 2011

Coal bed methane and other oil and gas issues. Allows the department of natural resources to adopt emergency rules for most aspects of oil and gas and other petroleum regulation. Provides that oil and gas statutes do not apply to methane ventilation governed under an approved federal Mine Safety and Health Administration coal mine ventilation plan. Requires the natural resources commission to regulate various aspects of coal bed methane wells. Provides for regulation of coal bed methane wells and other gas wells in a similar manner. Requires coal bed methane well

permit applicants to disclose products to be used in the stimulation process of coal seams. Terminates the restriction on the extraction of coal bed methane from a well for oil and gas purposes. Requires the division of oil and gas division to give written notice of permit applications to each person who files an affidavit under IC 14-37-7-8. Requires the division to give notice to interested persons of applications for coal bed methane permits, prohibits issuance of a permit less than 30 days after the posting, and establishes other permit issuance criteria. Requires a permit applicant to submit documentation of: (1) receipt of the permit application notice to the coal owner or lessee, and (2) the notice provided to the owner of surface property before the division issues a permit. Requires the division to act on a permit application within fifteen (15) days after the elapse of the notice period to parties interested in developing commercially minable coal resources. Requires the director of the division to hold, within 30 days after a request, an informal hearing when there is a dispute regarding well locations. Modifies the definition of "waste" to include a manner that unreasonably reduces the quantity of commercially minable resources. Allows the division to require an owner or operator to modify the location for the drilling of a well for oil and gas purposes, and requires an owner or operator to provide notice of the intent to drill under certain circumstances. Establishes coal seam protection requirements with respect to producing vertical oil and gas wells. Requires the coal owner to acknowledge that the recovery of coal bed methane may result in waste of the commercially minable resource in the written consent authorizing the drilling. Provides thirty (30) days from receipt of the permit application notice to object to the issuance of a permit. Establishes endangerment of the health and safety of miners as basis for objection. Modifies certain requirements for an affidavit and map used to determine if a commercially minable coal resource is present in an area for which a permit application has been filed. Allows the division to release information regarding the presence of commercially minable coal seams to a person with an interest only in oil and gas explorations in addition to a well applicant. Adjusts the requirements for plugging wells. Allows the director to review certain activities that may result in waste or endangerment of the health and safety of miners. Allows the director of the division to approve alternative plugging methods. Allows an owner or operator of a coal mine to burn by flares coal bed methane under certain circumstances. Limits the exercise of rights in certain circumstances under a coal bed methane estate if the exercise affects miner safety or coal resources. Repeals provisions concerning requirements for coal seam protection and for plugging of wells. Provides that actual damages are damages to marketable timber, crops, drainage systems, or erosion control systems, or quantifiable and verifiable damage to crops from compaction, abnormal flooding, or abnormal soil erosion caused by oil and gas operations. Requires an owner or holder of mineral interests, unless otherwise agreed by the surface owner, to provide written notice of intent to enter the surface owner's property at least five (5) days before an entry for purposes of surveying for drilling for oil, gas, or coal bed methane.

Senate Bill 375 (Public Law 106-2011)

Authors: Boots, R. Young

Sponsor: Saunders

Citations Affected: IC 2-5

Effective: Upon Passage (May 9, 2011)

Sustainable natural resource task force. Establishes the sustainable natural resource task force to: (1) collect programmatic and funding data on current natural resource protection programs in Indiana; (2) perform a needs assessment concerning natural resource programs; and (3) collect information concerning the natural resource protection programs of other states, including information about funding and funding mechanisms for those programs. Establishes reporting requirements. Provides that the task force expires May 1, 2013.

Senate Bill 532 (Public Law 165-2011)

Authors: Mishler, Steele, Buck

Sponsor: Eberhart

Citations Affected: IC 14-8; 14-15; 14-22; 14-33; 14-34

Effective: July 1, 2011

Various natural resources matters. Makes certain changes to the implied consent law while operating a motorboat. Requires that a portable breath test must be offered to a person who operates a motorboat that was involved in a fatal accident or an accident involving serious bodily injury. Provides that a person who refuses to take a breath test related to the operation of a motorboat must be informed their motor vehicle operation privileges will be suspended. (Current law applies to motorboat operation privileges.) Prohibits certain activities on the swim platform, in the wake, or on a towed device of certain motorboats. Provides that a violation of these prohibitions is a Class C infraction. Allows hides and furs to be transported out of Indiana after open season as allowed by rule. (Current law requires shipment within five days after the end of open season.) Allows the department of natural resources (DNR) to issue combined hunting, fishing, and trapping licenses. Removes DNR's authority to issue a commercial fishing license for the Ohio River to a Kentucky resident. Establishes a roe harvester and roe dealer's license concerning certain fish species. Allows a person who violates the commercial fishing statutes to have administrative action taken on their license or to be charged with a Class A misdemeanor. Changes the name of "charter fishing boat" licenses to "fishing guide" licenses. Makes certain fishing guide violations a Class C misdemeanor. (Current law is a Class C infraction.) Requires the DNR to establish a pilot program for the purpose of containing and reducing invasive animal species in the Wabash River. Makes certain changes to the falconry laws. Provides that federal money for restoration of abandoned mine land must be deposited into separate funds. Makes changes in how money in the funds may be used. Creates the acid drainage and treatment fund and the reclamation set aside fund. Makes certain changes to the abandoned mine laws. Repeals a requirement that DNR adopt rules concerning commercial fishing on the Ohio River that conform to Kentucky laws. Limits conservation districts' repayment to the natural resources commission for expenses pertaining to investigations, surveys, or hearings to only expenses incurred for services provided by an entity that is not a state agency.

PENSIONS

Senate Bill 12 (Public Law 13-2011)

Authors: Boots, Buck

Sponsor: Crouch

Citations Affected: IC 5-10; 5-10.2; 33-38; 33-39; 36-8

Effective: Upon Passage (April 15, 2011); July 1, 2011

PERF and TRF administrative matters. Removes a provision requiring the teachers' retirement fund (TRF) to maintain separate accounts for each employer within the retirement allowance account of the 1996 account. Permits a member of the public employees' retirement fund (PERF) or TRF who is eligible for an early retirement to withdraw the member's annuity savings account without applying for a retirement benefit. Requires, after December 31, 2011, that an employer of participants in: (1) the state excise police, gaming agent, gaming control officer, and conservation enforcement officers' retirement fund; (2) the judges' retirement system; (3) the prosecuting attorneys' retirement fund (PARF); and (4) the 1977 police officers' and firefighters' pension and disability fund (1977 Fund); submit contributions, reports, and records electronically. Authorizes the PERF board of trustees to establish due dates for contributions, reports, and records submitted by an employer. Permits an administrative law judge, for cause shown, to order the waiver or extension of the 180-day limit in which the PERF board of trustees is required to issue a final order after the date the PERF board receives a local board's initial disability determination or the PERF director initiates a review of a default disability award for a 1977 Fund member. Makes technical corrections to remove references to the auditor of state in connection with the administration of PERF. Codifies P.L.33-2006, Section 4, concerning PARF and repeals the noncode provision. Makes technical corrections in conformity with amendments in P.L.22-1998 to the 1977 Fund that reduced from 55 to 52 the age at which a fund member reaches regular retirement status. (The introduced version of this bill was prepared by the pension management oversight commission.)

Senate Bill 76 (Public Law 16-2011)

Authors: Walker, Buck

Sponsor: Torr

Citations Affected: IC 5-10; 33-38; 33-39; 36-8

Effective: July 1, 2011

PERF administrative matters. Requires that the board of trustees of the public employees' retirement fund (PERF) specify by rule the interest rate credited to a participant's contributions for: (1) the state excise police, gaming agent, gaming control officer, and conservation enforcement officers' retirement fund; (2) the judges' retirement system; (3) the prosecuting attorneys retirement fund; and (4) the 1977 police officers' and firefighters' pension and disability fund. Provides that a judge or a magistrate who is a participant in the judges' retirement system and who purchases prior service credit in PERF waives credit for the PERF service only for the amount of PERF service purchased. (The introduced version of this bill was prepared by the pension management oversight commission.)

Senate Bill 521 (Public Law 21-2011)

Author: Walker

Sponsor: Steuerwald

Citations Affected: IC 5-10

Effective: July 1, 2011

State deferred compensation plan. Provides that if an employee does not choose another amount, the state shall, in each pay period during the first year the employee is automatically enrolled in the state's deferred compensation plan (plan), deduct from the employee's compensation the greater of: (1) the maximum amount of any match provided by the state on behalf of the employee to a defined contribution plan; or (2) one-half percent of the employee's base salary; and deposit the amount deducted in the employee's account. Provides that the percentage of an employee's base salary used to determine the employee's contribution increases each year, for five years, by one-half percent from the percentage determined in the immediately preceding year to a maximum of three percent.

Senate Bill 524 (Public Law 22-2011)

Authors: Walker, Waltz, Boots

Sponsor: Torr

Citations Affected: IC 5-10.2; 5-10.3

Effective: July 1, 2011

Public employees' defined contribution plan. Establishes a defined contribution plan (plan) as an option for new state employees. A state employee who does not elect to become a member of the plan becomes a member of the public employees' retirement fund (PERF). Requires the PERF board of trustees (board) to establish the same investment options for the plan that are available for the investment of a PERF member's annuity savings account. Provides that a member's contribution to the plan is 3% of the member's compensation and is paid by the state on behalf of the member. Provides that the state's employer contribution rate for the plan is equal to the state's employer contribution rate for PERF. Provides that the amount credited from the employer's contribution rate to the member's account shall not be greater than the normal cost of PERF with any amount not credited to the member's account applied to PERF's unfunded accrued liability. Establishes a minimum state employer contribution of 3% of plan members' compensation. Establishes a five year vesting schedule for employer contributions, and requires a member who terminates state employment before the member is fully vested to forfeit amounts that are not vested. Establishes provisions for the withdrawal of amounts in member accounts. Authorizes rollover contributions to the plan. Urges the legislative council to assign to the pension management oversight commission (commission) the study of whether to create a defined contribution plan as an option for new employees of political subdivisions that participate in PERF and for new employees who are eligible to become members of the teachers' retirement fund. Requires, if the commission is assigned the topic, that the commission issue a final report containing the commission's findings and recommendations, including any recommended legislation, not later than November 1, 2011.

Senate Bill 549 (Public Law 23-2011)

Authors: Boots, Buck, Walker

Sponsor: Torr

Citations Affected: IC 2-3.5; 4-2; 5-10; 5-10.2; 5-10.3; 5-10.4; 5-10.5; 33-38; 33-39; 36-8

Effective: July 1, 2011

Indiana public retirement system. Establishes the Indiana public retirement system (system) to administer and manage: (1) the public employees' retirement fund (PERF); (2) the teachers' retirement fund (TRF); (3) the judges' retirement fund; (4) the prosecuting attorneys retirement fund; (5) the state excise police, gaming agent, gaming control officer, and conservation enforcement officers' retirement fund; (6) the 1977 police officers' and firefighters' pension and disability fund (1977 Fund); (7) the legislators' retirement system; (8) the pension relief fund; (9) the special death benefit fund; and (10) the state employees' death benefit fund. Creates a nine member board of trustees (board) for the system appointed by the governor as follows: (1) at least one member with experience in economics, finance, or investments; (2) at least one member with experience in executive management or benefits administration; (3) the director of the budget agency (or designee) serving as an ex officio voting member; (4) two members nominated by the speaker of the house of representatives: one an active or retired police officer or firefighter who is a member of the 1977 Fund and one TRF member; (5) two members nominated by the president pro tempore of the senate: one PERF member and one TRF member; (6) one member nominated by the auditor of state: the auditor of state or an individual with experience in professional financial accounting or actuarial science; and (7) one member nominated by the treasurer of state: the treasurer of state or an individual with experience in economics, finance, or investments. Requires that initial appointments to the board give a preference for those individuals who, on June 30, 2011, are serving as trustees of PERF and TRF, and provides that a PERF or TRF trustee appointed to the board serves until the trustee's term would have expired under prior law. Provides for a four year term for trustees. Provides that a trustee is strongly encouraged to complete annually at least 12 hours of trustee education. Provides that five trustees constitute a quorum and requires a majority vote of the trustees present in order for the board to adopt a resolution or take other action at a regular or special meeting. Requires the system's chief investment officer and the officer's staff to file annual financial disclosure statements with the inspector general. Provides that the board's powers and duties are the combined powers and duties of the PERF and TRF boards. Provides that each retirement fund continues as a separate fund managed by the board. Provides for a director of the system who is appointed by and serves at the pleasure of the board. Provides that employees of PERF and TRF remain members of those funds. Provides that new hires of the system become PERF members, unless the director expressly determines otherwise. Allows the board to establish contribution rate groups for PERF, and removes the requirement that each employer have a separate account within the retirement allowance account. Eliminates the 1977 Fund advisory committee. Authorizes the board to adopt rules without complying with IC 4-22-2 in establishing impairment standards, a list of excludable medical conditions, and standards and tests for the baseline statewide physical examination for the 1977 Fund. Repeals provisions that establish the PERF and TRF boards and require PERF and TRF to hire a common director. Repeals corresponding definitions and cross-references.

House Bill 1048 (Public Law 177-2011)

Author: Niezgodski

Sponsors: M. Young, Breaux

Citations Affected: IC 4-4; 5-1.5; 5-10.5; 5-13; 5-20; 8-10; 9-15; 10-15; 14-12; 14-13; 15-13; 21-11; 26-4; 27-1; 36-8

Effective: Upon Passage (May 10, 2011); July 1, 2011

Public pension funds. Makes the following changes: (1) Allows a member of the 1977 police officers' and firefighters' pension and disability fund (1977 fund) (or survivor of a member) who applied for disability prior to 1990 and is receiving a disability benefit to apply to a local board for a recommendation as to whether the member's disability occurred in the line of duty. Provides that the local board shall make a recommendation of its findings to the 1977 fund advisory committee (committee). Provides that the committee shall make an initial determination of whether the member's disability occurred in the line of duty. Provides that if the committee fails to timely provide an initial determination, the default determination will be made by the public employees' retirement fund (PERF) medical authority. Provides that the PERF board makes a final determination of whether the member's disability occurred in the line of duty. Establishes procedures to appeal: (A) a recommendation by the local board; (B) an initial determination by the committee; or (C) an initial default determination made by the PERF medical authority. Requires that a member or survivor apply to the local board within two years of the receipt of a PERF board's notice that the PERF board has received a favorable ruling from the Internal Revenue Service. (2) Provides that an active member of the 1977 fund who has entered the deferred retirement option plan (DROP) before July 1, 2011, may elect to exit the DROP and receive a partial lump sum distribution. Provides that a 1977 fund member who enters the DROP after June 30, 2011, may not elect to receive a partial lump sum distribution. (3) Provides a thirteenth check to participants of the state excise police, gaming agent, gaming control officer, and conservation officers' retirement fund. (4) Repeals or deletes provisions in the statutes governing the following quasi-governmental entities that give those entities the option of establishing a code of ethics for their employees or being under the jurisdiction of the state ethics commission (the state ethics commission statute provides that these entities are "agencies" for purposes of the commission's jurisdiction): (A) Indiana finance authority. (B) Indiana bond bank. (C) PERF. (D) Indiana state teachers' retirement fund. (E) Board for depositories. (F) Indiana housing and community development authority. (G) Ports of Indiana. (H) Bureau of motor vehicles commission. (I) Indiana homeland security foundation. (J) Indiana natural resources foundation. (K) Indiana White River state park development commission. (L) State fair commission. (M) State student assistance commission. (N) Indiana grain indemnity corporation. (O) Indiana political subdivision risk management commission. (The introduced version of this bill was prepared by the pension management oversight commission.)

PROBATE & TRUSTS

Senate Bill 169 (Public Law 36-2011)

Authors: Zakas, Broden

Sponsor: Foley

Citations Affected: IC 9-17; 9-31; 29-1; 29-2; 30-4; 32-17

Effective: Upon Passage (April 28, 2011); July 1, 2011

Probate, trusts, and transfer on death transfers. Provides that joint owners and other entities that own motor vehicles and watercraft may transfer title to a motor vehicle or watercraft as a transfer on death transaction. (Current law restricts the procedures to individuals who are the sole owners of motor vehicles or watercraft.) Specifies that in the case of an unsupervised estate in which it has been determined that a decedent died intestate, a will may not be probated unless it is presented before a closing statement is filed. Provides that the will of a decedent may be presented to the court for probate and admitted to probate at any time if no estate proceedings have been commenced for the decedent and an asset of the decedent remains titled or registered in the name of the decedent, and that the will may be probated for the sole purpose of transferring ownership of the asset. Provides that a domiciliary foreign personal representative may exercise all powers of a local unsupervised personal representative. Defines "discretionary interest". Specifies that real property transferred to matrimonial trusts for estate planning purposes continues to enjoy the ownership protection of real property owned as joint tenants by the entireties. Provides that the terms of a matrimonial trust may restrict the transfer of matrimonial property. Specifies when property continues to be matrimonial property despite a settlor's death, when claims against the property are barred, and when matrimonial trusts cease to be matrimonial trusts. Specifies that the transfer at death of an individual retirement account or a similar account or plan or of benefits under an employee benefit plan is not considered a nonprobate transfer. Provides that the transfer on death act does not apply to certain transfers of retirement or employee benefits. Provides that the endorsement of the county auditor is not necessary to record a transfer on death deed. Removes a provision stating that a surviving spouse's election to take against a will does not apply to a valid transfer on death transfer. Provides that the affidavit certifying the death of the transferor and cross-referencing the transferor's transfer on death deed must be endorsed by the county auditor in order to be recorded. Makes technical corrections. (The introduced version of this bill was prepared by the probate code study commission.)

House Bill 1055 (Public Law 178-2011)

Author: Foley

Sponsors: Zakas, Head, Broden

Citations Affected: IC 29-3; 32-17.5

Effective: Upon Passage (May 10, 2011); July 1, 2011

Probate matters. Enacts the uniform adult guardianship and protective proceedings jurisdiction act. Governs issues concerning original jurisdiction, registration, transfer, and out-of-state enforcement of guardianships and protective orders appointed or issued for adults. Specifies the

notice requirements following court action on a petition to appoint a temporary guardian. Authorizes a parent of a minor or a guardian of a protected person to designate a standby guardian effective upon the death or incapacity of the parent or guardian. Specifies the information required in a declaration designating a standby guardian. Provides that the declaration is not binding upon the juvenile justice system with respect to the placement of a child who is subject to an allegation of abuse or neglect; an open child in need of services case; or an open delinquency case. Provides that the declaration is effective for 90 days unless the standby guardian files a petition for guardianship, in which case the declaration is effective until the court rules on the petition. Provides that a delegation of parental powers by power of attorney is effective immediately. Makes conforming changes, including changing the duration of a temporary guardianship from 60 days to 90 days. Corrects a formula determining the amount of property interests that a joint holder may disclaim after the death of another joint owner if, during the deceased holder's lifetime, the deceased holder could have unilaterally regained a part of the jointly held property without the consent of any other holder. (The introduced version of this bill was prepared by the probate code study commission.)

PROFESSIONS & OCCUPATIONS

See also:

SB 223: Medical licensing board investigations.
[Health & Human Services]

Senate Bill 327 (Public Law 103-2011)

Authors: Mishler, Becker

Sponsor: Crouch

Citations Affected: IC 25-13; 25-14

Effective: July 1, 2011

Dental practice matters. Requires that the holder of an inactive dentist license meet competency standards determined by the state board of dentistry (board) before obtaining an active license. Specifies that an entity approved by the board is to conduct the examination of an applicant for a dentist or dental hygiene license. Limits the number of times a dental license applicant may take any portion of the examination to three times. Allows the board to require remediation before an applicant may take the examination for a third time. Eliminates the dental intern permit, and establishes a limited dental residency permit and a limited dental faculty permit. Changes the percentage from 5% to 10% on the number of instructors that can teach full time at a dental school under an instructor's license and removes the 2013 expiration of the instructor's license. Requires that at least half of a dentist's continuing education hours during each license period be from a live presentation or live workshop. Establishes a fund for use in administering and enforcing the law concerning dentists and dental hygienists. Makes changes to definitions concerning sedation.

Senate Bill 363 (Public Law 55-2011)

Authors: Miller, Becker

Sponsor: Frizzell

Citations Affected: IC 10-13; 20-28; 25-1; 35-38

Effective: Upon Passage (May 10, 2011); July 1, 2011

Criminal background checks of licensed professionals. Requires the state police department (department) to permanently retain a health professional applicant's fingerprints and store the fingerprints separately from fingerprints collected for the state central repository for criminal data. Amends and adds certain crimes for which the department of education must revoke the license of a school employee. Requires applicants for certain licensed health professions to submit to a national criminal history background check. Requires the department to release the results of the national criminal history background check to the Indiana professional licensing agency (agency). Authorizes a licensing board to suspend, deny, or revoke a license if the applicant or license holder has been convicted of specified offenses. Requires the department and the agency to enter into a memorandum of understanding to provide data exchange and data matching regarding licensees who are charged with or convicted of an offense. Requires the personal information data exchanged to be kept confidential. Allows the board of a regulated occupation to designate a person to act on behalf of the board to perform certain duties when seeking a cease and desist order.

PROPERTY

See also:

- SB 215: Forfeiture.
[Local Government]
- HB 1024: Property insurance.
[Insurance]
- HB 1200: Immunity for certain surficial activities.
[Civil Law & Procedure]

Senate Bill 107 (Public Law 33-2011)

Authors: Charbonneau, Lanane

Sponsor: Dermody

Citations Affected: 4-20.5; 14-21

Effective: July 1, 2011

Disposal of state owned real estate. Provides that the department of administration (department) may sell real property owned by the state by use of a request for proposals. Requires certain documentation to be kept if the department negotiates a sale of state owned real property with a potential buyer. Provides that the department may dispose of state owned real property involved in a dispute by exchanging the state owned real property for property of like value, regardless of the value of the state owned real property to be transferred. (Under current law,

such an exchange may not be made if the value of the state owned real property exceeds \$10,000.) Provides that state owned real property may also be exchanged for other real property to improve the state's ability to manage state property or to improve access to state property. Requires the division of historic preservation and archeology of the department of natural resources to notify the department of the results of its review of the state owned real property proposed for disposition not later than 30 days after receiving notice from the department of the intent to dispose of the state owned real property.

Senate Bill 374 (Public Law 83-2011)

Authors: Boots, Head

Sponsor: Steuerwald

Citations Affected: IC 25-21.5

Effective: July 1, 2011

Land surveyors. Allows a licensed land surveyor and any personnel under the supervision of a land surveyor to enter any land, water, or property within Indiana, except for: (1) land owned or controlled by the department of homeland security or a public utility; or (2) a building, dwelling, or structure on the land or property; to conduct a survey. Requires, to the extent practicable, a land surveyor or any personnel under the supervision of a land surveyor to present written identification to the occupant of the land, water, or property before a land surveyor or any personnel under the supervision of a land surveyor enters the land, water, or property. Makes a land surveyor and any personnel under the supervision of a land surveyor liable for damage caused by the entry.

Senate Bill 582 (Public Law 170-2011)

Authors: Tallian, Bray

Sponsor: Burton

Citations Affected: IC 5-14; 5-20; 32-30; 33-37; 34-30

Effective: Upon Passage (May 10, 2011); July 1, 2011

Settlement conferences in residential foreclosures. Amends the definition of "mortgage" in the statute governing settlement conferences in residential mortgage foreclosure actions to specify that the term does not include a land contract. For purposes of the statute, defines "loss mitigation package" as a set of documents, the components of which: (1) are specified by the Indiana housing and community development authority (authority); (2) provide certain financial information about a debtor; and (3) are necessary for a creditor to make underwriting decisions in connection with a potential foreclosure prevention agreement. Provides that in a residential foreclosure action filed after June 30, 2011, the creditor shall include with the complaint filed with the court the following most recent contact information for the debtor that the creditor has on file: (1) All telephone numbers and electronic mail addresses for the debtor. (2) Any mailing address for the debtor other than the address of the mortgaged property. Provides that the following are excepted from the act governing access to public records and may not be disclosed: (1) The debtor's contact information. (2) Any document submitted to the court as part of the debtor's loss mitigation package. Requires the following with respect to a residential foreclosure action filed after June 30, 2011: (1) That the creditor include on the first page of the summons

that is served on the debtor a notice that informs the debtor of the debtor's right to participate in a settlement conference. (Current law requires that a separate notice be included with the complaint served on the debtor.) (2) That upon the filing of the complaint by the creditor, the court shall send to the debtor a notice that informs the debtor of the debtor's right to participate in a settlement conference. (3) That a debtor who requests a settlement conference must provide a copy of the debtor's loss mitigation package to: (A) the creditor's attorney; and (B) the court; not later than 30 days before the date of the settlement conference. (4) That if the debtor requests a settlement conference, the creditor must send to the debtor, by certified mail and not later than 30 days before the date of the settlement conference: (A) a payment record substantiating the default; and (B) an itemization of all amounts claimed by the creditor as being owed on the mortgage. Provides that not later than June 1, 2011, the authority shall prescribe a list of documents that must be included as part of a debtor's loss mitigation package in a foreclosure action filed after June 30, 2011. Provides that the authority may amend the list: (1) in response to changes in any federal loan modification programs; or (2) as otherwise determined to be necessary by the authority. Requires: (1) the authority to make the list available on the authority's Internet web site; and (2) the division of state court administration to make the list available on the Internet web site maintained by the state's judicial branch. Provides that in a residential foreclosure action in which the debtor requests a settlement conference, the court shall do the following: (1) Stay the granting of any dispositive motion in the action until the court receives notice that the settlement conference has concluded and that the creditor and debtor either have agreed to enter into a foreclosure prevention agreement, or were unable to agree on the terms of an agreement. (2) Treat the debtor's request for a settlement conference as the entry of an appearance in the action. Provides that in a residential foreclosure action, any: (1) costs to a creditor associated with a settlement conference; or (2) civil penalty imposed on a creditor by the court for violation of a court order; may not be charged to or collected from the debtor. Provides that during the pendency of a residential foreclosure action filed after June 30, 2011, if the debtor continues to occupy the mortgaged dwelling, the court may issue an order requiring the debtor to continue to make monthly payments with respect to the mortgage on which the action is based. Provides that the court shall determine the amount of the payment, which: (1) may be based on debtor's ability to pay; and (2) may not exceed the debtor's monthly obligation under the mortgage. Provides that any payments made: (1) shall be held in trust for the parties by the clerk of the court or in an attorney trust account; and (2) may be disbursed only upon order of the court. Provides that any payments held shall be credited: (1) to the debtor if the parties subsequently enter into a foreclosure prevention agreement; or (2) against the amount of the judgment entered or the amount owed if a judgment of foreclosure is subsequently entered. Provides that any civil penalties imposed and collected by a court for violation of a court order in a residential foreclosure action shall be deposited in the home ownership education account to support programs conducted by specified entities to facilitate settlement conferences in residential foreclosure actions. Provides that a person who is not the owner of real property, and who suspects that the property may be vacant or abandoned, may enter upon the premises to do the following: (1) Visually inspect the property to determine whether the property may be vacant or abandoned. (2) Perform certain specified actions to secure and maintain the property. Provides that a person who enters the property and, after performing a visual inspection, determines that

the property may be vacant or abandoned, may notify the appropriate enforcement authority and request that the enforcement authority determine whether the property is in fact vacant or abandoned. Provides that a person that enters upon the property for one of the permitted purposes: (1) is immune from civil liability for an act or omission related to the entry or to any permitted action; and (2) shall be held harmless with respect to any claims of civil or criminal trespass. Urges the legislative council to assign the following topics of study to the commission on courts or to another appropriate study committee: (1) Short sale procedures in real estate transactions in Indiana. (2) Specified topics concerning nonjudicial mortgage foreclosure procedures. Provides that any committee assigned the topics must issue a final report on the topics not later than November 1, 2011.

House Bill 1058 (Public Law 49-2011)

Author: Cheatham

Sponsors: Bray, Yoder

Citations Affected: IC 32-25.5

Effective: July 1, 2011

Homeowners associations. Authorizes the attorney general to bring an action against the board of directors of a homeowners association or individual members of a homeowners association if the attorney general makes certain findings. Provides for judicial remedies for violations of the statute governing homeowners associations.

House Bill 1174 (Public Law 188-2011)

Author: Burton

Sponsors: Glick, Walker

Citations Affected: IC 36-1

Effective: July 1, 2011

Sale of real property by local government. Provides that a local government disposing agent may hire a broker to sell real property directly rather than using the bid process if: (1) the disposing agent publishes a notice of the determination to hire the broker; and (2) the property has been up for bid for at least 60 days before the broker is hired, and either no bids were received or the disposing agent has rejected all bids that were received. Provides that a political subdivision may sell real property to an abutting landowner without using a competitive bid process if the real property has not been assessed and the property was previously part of a public right-of-way. Allows a local government disposing agent to sell real property for less than 90% of the appraised value as determined by the average of the two appraisals of the property (instead of as determined by a joint appraisal of the property). Allows a local government disposing agent to sell real property for purposes of an economic development project or to facilitate compatible land use planning for a value that is not less than the appraised value as determined by the average of the two appraisals (instead of as determined by a joint appraisal of the property), if the agent publishes notice of the amount of the offer to be accepted. Allows a local government disposing agent to lease real property for a value that is less than 90% of the appraised fair market rental as determined by the average of the two appraisals (instead of as determined by a joint appraisal of the property), if the agent publishes notice of the amount of the bid to be

accepted. Provides that if the disposing agent rejects all offers or bids, the agent must make a written determination for the rejection and explain why the bids or offers were rejected. Provides that a sale or transfer of property constituting a public easement or right of way under the statutes governing disposal of property by local government does not deprive a public utility of the use of the public easement or right of way if, at the time of the sale or transfer, the public utility is occupying and using all or part of that public easement or right of way for the location and operation of its facilities.

House Bill 1311 (Public Law 126-2011)

Author: Truitt

Sponsors: Wyss, C. Lawson

Citations Affected: IC 14-28; 36-7

Effective: July 1, 2011

Numerous changes to planning and zoning law. Eliminates review of zoning decisions by certiorari, and establishes a judicial review procedure. Provides procedures for vacation of a plat, including any recorded covenants. Allows a plan commission to adopt a rule to limit further consideration for up to one year after its disapproval of a plat or vacation request. Allows a plan commission (or plat committee acting in its behalf) to: (1) grant waivers from the subdivision control ordinance; and (2) allow or require a commitment to be made as a condition of granting a waiver. Makes changes regarding: (1) qualifications of citizen members of plan commissions and boards of zoning appeals; (2) appointment of alternate members to all plan commissions (current law allows only an area plan commission to appoint alternate members); (3) disqualification of plan commission and board of zoning appeals members due to financial interest or bias; (4) publication of the zoning ordinance; and (5) commitments and conditions. Makes other changes to the planning and zoning law. Repeals superseded statutes concerning vacation of plats, commitments, and writ of certiorari.

House Bill 1541 (Public Law 136-2011)

Author: Speedy

Sponsors: Schneider, Steele, Eckerty

Citations Affected: IC 32-21

Effective: July 1, 2011

Transfer fee covenants. Defines "transfer fee covenant" as a declaration or covenant that: (1) purports to affect an interest in real property in Indiana; and (2) requires the payment of a transfer fee to a specified person upon a subsequent transfer of the interest in real property. Provides that a transfer fee covenant recorded in Indiana after June 30, 2011: (1) does not run with the title of the real property interest purported to be affected; and (2) is not binding or enforceable against any subsequent owner, purchaser, or mortgagee of the real property interest. Provides that any lien purporting to secure the payment of a transfer fee under a transfer fee covenant recorded in Indiana after June 30, 2011, is void and unenforceable.

House Bill 1543 (Public Law 212-2011)

Author: Speedy

Sponsor: Holdman

Citations Affected: IC 36-1

Effective: Upon Passage (May 10, 2011)

Regulation of residential leases. Provides that the owner of a rental unit assessed any inspection, registration, or other fee by a political subdivision pertaining to the rental unit may: (1) notify the tenants of the rental unit of the assessment of the fee; and (2) require the tenants of the rental unit to reimburse the owner for the payment of the fee. Provides that tenants of a rental unit may not be required to reimburse the owner of a rental unit for fees assessed by a political subdivision relating to the construction of the rental unit, such as building permit fees. Requires the political subdivision to maintain the fees collected in a special non-reverting fund dedicated solely to reimbursing the costs reasonably related to services actually performed by the political subdivision that justified the imposition and amount of the fee.

PROPERTY TAX

House Bill 1046 (Public Law 175-2011)

Author: Crouch

Sponsors: Hershman, Becker, Banks

Citations Affected: IC 4-22; 6-1.1

Effective: July 1, 2011

Property tax deduction for new unsold residences. Provides a 50% property tax deduction to a residential builder for a single family residence, townhouse, or condominium that has never been occupied. Specifies that the deduction terminates when title to the structure is transferred to the homeowner. Provides that the deduction applies for one assessment date for which the structure is assessed as partially completed and not more than three assessment dates for which the structure is assessed as fully completed. Provides that a residential builder may not claim deductions for more than three residences in Indiana per assessment date.

House Bill 1288 (Public Law 124-2011)

Author: M. Smith

Sponsors: Charbonneau, Walker

Citations Affected: IC 6-1.1; 20-46

Effective: July 1, 2011

Property taxes. Provides that a civil taxing unit's maximum permissible property tax levy may not be reduced if the unit does not use its entire maximum levy authority in the preceding year. Provides that a school corporation's maximum permissible transportation levy may not be reduced if the school corporation does not use its entire maximum levy authority in the preceding year. Permits Christamore House Inc. and any similarly situated nonprofit property owner to file a late property tax exemption application for a parcel of property that: (1) had a property tax

exemption in 2006 and 2007 and has a property tax exemption in 2010 but did not have a property tax exemption in 2008 and 2009; and (2) is adjacent to a parcel of the owner's property that had a property tax exemption in 2008 and 2009. Permits a taxpayer having real property located in Decatur Township that failed to file a timely real property tax exemption for the 2008 and 2009 assessment dates to refile for the exemption and receive the exemption if the taxpayer had previously received an exemption and demonstrates that the real property otherwise qualified for the exemption.

PUBLIC SAFETY

See also:

- SB 94: Purchase of firearms.
[Criminal Law & Procedure]
- SB 292: Preemption of local firearm regulation.
[Local Government]
- SB 411: Disclosure of firearm ammunition information.
[Civil Law & Procedure]

Senate Bill 154 (Public Law 35-2011)

Author: Steele, Buck

Sponsor: Eberhart

Citations Affected: IC 14-16

Effective: July 1, 2011

Firearms on off-road vehicles or snowmobiles. Allows a person to carry a loaded and operational firearm while operating an off-road vehicle or snowmobile if: (1) the firearm is a handgun and the person has been issued an unlimited handgun license; (2) the firearm is a handgun and the person is not required to possess a license to carry a handgun; or (3) the person is operating the vehicle on property that the person owns, has a contractual interest in, legally possesses, or has permission from the owner to possess a firearm on.

Senate Bill 434 (Public Law 44-2011)

Authors: Hume, Tomes, Buck

Sponsor: Messmer

Citations Affected: IC 35-47

Effective: July 1, 2011

Retail handgun dealer's licenses. Provides that after June 30, 2011: (1) a retail handgun dealer's license is valid for six years from the date the license is issued instead of two years; and (2) the fee to obtain the license is \$60 instead of \$20.

Senate Bill 506 (Public Law 164-2011)

Authors: Tomes, Kruse

Sponsor: VanNatter

Citations Affected: IC 35-47

Effective: July 1, 2011

Handgun possession. Allows a person to carry a handgun without being licensed to carry a handgun if: (1) the person is in or on property, or in a vehicle, that is owned, leased, rented, or otherwise legally controlled by the person; (2) the person is lawfully present in or on private property that is owned, leased, rented, or otherwise legally controlled by another person, if the person has the consent of the owner to have the handgun on the premises, is attending a firearms related event, or is receiving firearms related services; (3) the person is lawfully present in a vehicle that is owned, leased, rented, or otherwise legally controlled by another person; (4) the person is carrying the handgun at a shooting range, while attending a firearms instructional course, or while engaged in a legal hunting activity; or (5) the handgun is unloaded and securely wrapped. (Current law provides that a person who does not possess a valid handgun license may not carry a handgun in any vehicle or on or about the person's body unless the person: (1) is in the person's dwelling or fixed place of business or on the person's property; or (2) is carrying the handgun unloaded and in a secure wrapper from the place where the handgun was purchased to the person's dwelling or fixed place of business, between a handgun repair shop and the person's dwelling or fixed place of business, or from one dwelling or fixed place of business to another.) Specifies that a person who has been convicted of domestic battery may not possess or carry a handgun unless the person's right to possess a firearm has been restored by a court.

House Bill 1310 (Public Law 29-2011)

Author: Truitt

Sponsors: Alting, Hershman

Citations Affected: IC 10-14; 21-39; 36-8

Effective: July 1, 2011

Purdue University fire department. Allows the board of trustees of Purdue University to establish a fire department for the West Lafayette campus, with fire and emergency response and medical services jurisdiction on the West Lafayette campus and streets passing through and adjacent to the campus. Allows the board of trustees to enter into agreements, interlocal cooperation agreements, and mutual aid agreements on behalf of the fire department. Provides that the fire chief of the Purdue fire department is an assistant to the state fire marshal. Requires the Purdue fire department to comply with an order issued by the fire and building safety division directing the fire department to assist the division. Includes a fire department established by a state education institution in the definition of "unit" for purposes of participation in the statewide mutual aid program. Specifies that the board of trustees of Purdue University may opt out of participating in the statewide mutual aid program.

House Bill 1365 (Public Law 208-2011)

Author: Dodge

Sponsor: Zakas

Citations Affected: IC 36-8

Effective: July 1, 2011

Volunteer fire department recovery of costs. Allows the first responding volunteer fire department to recover attorney's fees and costs incurred by the department in an action to recover unpaid service charges. Prohibits a volunteer fire department funded by taxes imposed by a unit or by a contract with a unit from imposing a charge on persons who reside or pay property taxes in the unit unless the spill or chemical or hazardous material fire poses an imminent threat to persons or property. Provides that a bill for a service charge by a volunteer fire department must contain: (1) verification that the bill has been approved by the chief of the volunteer fire department; and (2) language indicating that correspondence from the person being billed regarding the bill should be directed to the department. Provides that all bills sent by an agent of a volunteer fire department must be approved by the chief of the volunteer fire department before it is sent to the person being billed for services, and specifies that the chief of the volunteer fire department must review a bill before authorizing an agent to proceed with collection efforts for that bill.

House Bill 1393 (Public Law 56-2011)

Author: Heuer

Sponsors: Landske, Glick

Citations Affected: IC 36-8

Effective: Upon Passage (April 20, 2011)

Firefighter certification tests. Provides that the board of firefighting personnel standards and education may not, before January 2, 2012, require a candidate for mandatory, basic, firefighter I, or firefighter II certification to take the certification test solely by computer, the Internet, or other online arrangement.

House Bill 1406 (Public Law 30-2011)

Author: Truitt

Sponsors: Head, Arnold

Citations Affected: IC 21-17; 21-39

Effective: July 1, 2011

Jurisdiction of university and college police. Provides that a police officer employed by a college or university may exercise the officer's police power in any part of Indiana if: (1) the college or university adopts a resolution specifically describing the territorial jurisdiction of a police officer employed by the college or university; and (2) the board of trustees sends notice to the superintendent of state police and the sheriff (or in the case of a consolidated city, the chief of police) of the county in which the institution is primarily located. Requires a police officer employed by a college or university to meet certain training requirements in order to exercise the officer's police powers. Requires a police officer employed by a college or university that exercises the officer's police powers outside of the county in which the institution is primarily located to notify the sheriff (or in a consolidated city, the chief of police) as soon as practicable.

House Bill 1422 (Public Law 131-2011)

Author: Davisson

Sponsors: Tomes, Kruse

Citations Affected: IC 5-2

Effective: July 1, 2011

Notice to parent, guardian, or custodian. Provides that if a child is named in a written report of a crime and the law enforcement agency that receives the report reasonably believes that the child may be a victim of a crime, the law enforcement agency shall make a reasonable attempt to: (1) notify the parent, guardian or custodian of the child about the report; and (2) provide the parent, guardian or custodian with certain contact information. Provides certain exceptions to the notification requirement.

REDISTRICTING

House Bill 1601 (Public Law 214-2011)

Author: Koch

Sponsors: Landske, M. Young

Citations Affected: IC 2-; 3-11

Effective: Upon Passage (May 10, 2011); July 1, 2011; November 6, 2012

Updates date references in the statute establishing general technical provisions relating to legislative redistricting. States legislative policy relating to legal challenges to a redistricting plan. Provides that the speaker of the house of representatives and the president pro tempore of the senate shall determine the legal positions of their respective chambers with regard to a legal challenge to the redistricting plan for their respective chambers. Establishes the 2011 Indiana house of representatives district plan. Establishes the 2011 Indiana senate district plan. Requires the office of census data, not later than July 1, 2011, to file with the election division description information for a precinct established before January 1, 2011. Requires the election division to immediately notify each county executive and county election board (or board of elections and registration) that the filing has occurred. Requires the county executive to submit to the election division, not later than January 1, 2012, additional information for or corrections to the filing, which will become the precinct boundaries for the county, or to notify the election division that the county executive will establish precincts by preparing a new precinct establishment order. Provides that the precinct descriptions filed by the office of census data are the descriptions the county must use for elections conducted after January 1, 2012, if the county executive does not notify the election division otherwise, and prohibits objections to those precinct descriptions. Requires a county executive to correct and file with the election division not later than January 1, 2012, any IEC-8 submitted before January 1, 2011, that contains incorrect information as the result of the 2011 congressional or legislative district plans. Provides that this process does not prohibit a county executive from establishing precincts using a precinct establishment order. Repeals the 2001 house of representatives district plan. Repeals the 2001 senate district plan.

House Bill 1602 (Public Law 215-2011)

Author: Koch

Sponsors: Landske, M. Young

Citations Affected: IC 3-3

Effective: July 1, 2011

Establishes the 2011 Indiana congressional district plan. Voids the 2001 congressional district plan adopted by the redistricting commission. Repeals the 1991 congressional district plan.

STATE & LOCAL ADMINISTRATION

See also:

- SB 217: Official misconduct.
[Criminal Law & Procedure]
- SB 478: State fair foundation.
[General Provisions]
- SB 485: State library foundation.
[General Provisions]

Senate Bill 6 (Public Law 94-2011)

Authors: Zakas, Arnold

Sponsor: Neese

Citations Affected: IC 10-14; 34-30

Effective: Upon Passage (May 9, 2011)

Interstate mutual aid agreements. Authorizes the state and local units of government to enter into agreements to provide interstate mutual aid for emergency responses that do not rise to the level requiring a state or local declaration of a state of emergency or disaster. Recognizes certain out-of-state professional licenses, certifications, or other permits when the state or a political subdivision requests mutual aid from jurisdictions outside of Indiana. Provides immunity from civil liability to certain persons acting under such mutual aid agreements. Specifies that emergency responders from outside Indiana rendering mutual aid within Indiana under such mutual aid agreements remain employees and agents of their respective employers and jurisdictions. Provides that benefits enjoyed by emergency responders rendering mutual aid under such mutual aid agreements shall extend to the services the emergency responders perform outside their respective jurisdictions as if those services had been rendered in their own jurisdiction. Requires such mutual aid agreements to be approved in the same manner as interlocal cooperation agreements are approved.

Senate Bill 214 (Public Law 101-2011)

Authors: Bray, M. Young

Sponsor: Foley

Citations Affected: IC 4-6

Effective: July 1, 2011

State use of contingency fee counsel. Requires an agency to make certain determinations before entering into a contingency fee contract with a private attorney, and requires the inspector general to review the proposed contract and determine whether the contract would violate the code of ethics or any statute or rule concerning conflict of interest. Provides that the attorney general shall publish certain information concerning contingency fee contracts on the attorney general's web site, unless the attorney general determines that disclosing the contingency fee contract while the action is pending is not in the best interests of the state. Requires the attorney general to publish a contingency fee contract not later than 15 days after the action is concluded if the attorney general determines that disclosing the contract while the action is pending is not in the best interests of the state. Makes a technical correction.

Senate Bill 388 (Public Law 218-2011)

Author: Waltz

Sponsor: Speedy

Citations Affected: IC 5-1

Effective: July 1, 2011

Swap agreements. Defines "issuing body", for purposes of restrictions on swap agreements, to include the state of Indiana and its agencies, commissions, and authorities, the Indiana bond bank, a political subdivision, county, school corporation, hospital association, municipal corporation, or special taxing district, a local public improvement bond bank, and any entity that issues bonds payable by any of these entities. Provides that swap agreements are covered by the restrictions only if any part of the payments owed by an issuing body is payable from tax revenues or special assessments. Provides that the law places restrictions on the use of swap agreements and does not authorize entering into swap agreements for any entity not already authorized under another law. Provides that a swap agreement may be used only in connection with the financing activities of an issuing body and may not be used as an investment by an issuing body. Provides that a swap agreement may be entered into only under the following conditions: (1) The swap agreement would not cause the aggregate outstanding notional amounts of all of the issuing body's outstanding swap agreements on obligations payable from tax revenues to exceed 20% of the sum of all aggregate outstanding obligations of the issuing body payable from tax revenues plus obligations payable from tax revenues not yet issued but for which one or more swap agreements have been entered into by the issuing body. Provides that the Indiana finance authority may provide an exemption from the threshold for a local issuing body, and that the budget committee must review a proposed swap agreement that would cause a state issuer to exceed the threshold. (2) The issuing body (if other than the Indiana finance authority) has adopted a comprehensive swap agreement policy at a public meeting that is not less restrictive than the swap agreement policy governing the adoption of swap agreements that is in place for the Indiana finance authority. (3) The swap agreement is approved by the issuing body at a public meeting and the resolution includes a thorough analysis of the risk the issuing body is assuming by entering into the swap agreement. Requires reports by the issuing body to its governing board regarding swap agreements.

Senate Bill 431 (Public Law 158-2011)

Authors: Wyss, Zakas

Sponsor: Foley

Citations Affected: IC 9-27; 9-30; 10-20; 10-20.1; 21-45

Effective: Upon Passage (May 10, 2011); July 1, 2011

Department of toxicology. Creates the department of toxicology as a state agency. (Currently, the department of toxicology is part of Indiana University.) Makes conforming changes. Creates the toxicology department advisory council. Repeals the law pertaining to the department of toxicology that is part of Indiana University.

Senate Bill 576 (Public Law 168-2011)

Authors: Boots, Buck

Sponsor: Lehman

Citations Affected: IC 22-3

Effective: Upon Passage (May 10, 2011); July 1, 2011

Worker's compensation. Requires that all members of the worker's compensation board (board) be attorneys in good standing admitted to the practice of law in Indiana. Renames the position of executive secretary executive as administrator. Requires a health care provider to file a claim for payment with the board not later than two years after the provider receives an initial written communication from an employer, the employer's insurance carrier, or an agent acting on behalf of the employer in response to the provider's submission of a bill for services. Requires a hospital or facility that is a medical service provider to pay a \$60 filing fee for each application filed in a balance billing case. Provides that a filing fee is not required for an application filed for a denied or unpaid claim. Allows a provider to combine up to 10 individual claims into one application whenever all of the individual claims involve the same employer, insurance carrier, or billing review service, and the amount of each individual claim does not exceed \$200. Allows the second injury fund to be used to pay certain fund liabilities. Authorizes the board to resolve claims using mediation. Requires an employer to provide a copy of an injury or disablement report to the board upon request. Requires an injury or disablement report within seven days after the first day of a disability arising from a work place injury or disablement by occupational disease (rather than the occurrence of the injury or disablement). Increases civil penalties for failure to: (1) post certain notices; (2) file certain records; or (3) comply with IC 22-3-3-7 or IC 22-3-7-16 (concerning the determination and payment of compensation or benefits). Permits the board to request evidence of worker's compensation and occupational diseases compensation coverage from an employer. Establishes a civil penalty of \$50 per employee per day for an employer's failure to provide proof of coverage. Requires the board to waive a civil penalty assessed whenever an employer provides proof of coverage by the twentieth day after the board provides written notice of the employer's failure to provide evidence of the coverage. Allows the board, after notice and a hearing, to post on the board's web site the name of an employer who fails or refuses to provide proof of coverage or pay a civil penalty assessed for the failure or refusal to provide coverage. Provides that an employer's name may not be removed from the board's web site until the employer provides proof of coverage and pays the civil penalties assessed. Requires that civil penalties be deposited in the worker's compensation supplemental

administrative fund, instead of the state general fund. Increases criminal penalties for an employer's failure to insure or otherwise provide adequate security for the employer's worker's compensation and occupational disease liabilities and for violating any other worker's compensation or occupational disease laws. Provides that a court may temporarily order an employer that fails or refuses to pay worker's compensation or occupational disease benefits when due to cease doing business until the employer furnishes to the board proof of insurance or other assurances to establish that the employer has the ability to meet all worker's compensation and occupational disease liabilities. Allows the owner of a sole proprietorship who is an independent contractor and does not elect worker's compensation and occupational disease coverage to obtain a certification of exemption. Urges the legislative council to assign to the pension management oversight commission (commission) the task of studying whether to increase the benefit schedules for worker's compensation and occupational disease compensation. Urges the legislative council to assign to the commission or another committee the task of studying whether to amend the definition of "pecuniary liability" to establish the charge for services or products provided by a medical services facility as equal to a percentage determined using the Medicare program reimbursement methodologies, models, and values or weights, including the coding, billing, and reporting payment polices in effect on the date a service or product is provided. Requires, if the commission or another committee is assigned the topics, that the commission or committee issue a final report containing the commission's or committee's findings and recommendations, including any recommended legislation, not later than November 1, 2011. Makes conforming and technical corrections.

House Bill 1004 (Public Law 172-2011)

Author: Turner

Sponsor: Hershman, Kenley, Holdman

Citations Affected: Various Titles throughout the Indiana Code

Effective: Retroactive (January 1, 2010); Retroactive (January 1, 2011); Retroactive (March 1, 2011); Upon Passage (May 10, 2011); May 15, 2011; July 1, 2011; October 1, 2011; January 1, 2012

State and local administration. Raises the maximum amount of public funds that a nonprofit corporation may spend and be subject only to a limited audit of the expenditures of the public funds from \$100,000 to \$200,000. Requires the auditor of state to work with the office of technology and other state agencies to post on the Indiana transparency Internet web site a data base of state expenditures and fund balances and property owned by the state. Specifies that the state and state officers, officials, and employees are immune from liability for posting confidential information if the information was posted in reliance on a determination by a state agency. Requires the commission for higher education to establish a web site where members of the public may view financial and other reports to a state agency that are public records. Requires information concerning local governments and local schools to be on the web site. Specifies when a standard property tax deduction shall be granted for an individual's homestead when the individual's spouse maintains a separate principal place of residence in another state. Requires a county auditor who determines that a property is ineligible for the standard deduction to inform the property owner of the county auditor's determination in writing. Makes the following changes

to economic development programs and tax provisions: (1) Makes the economic development study committee a four year committee that expires December 31, 2014, and provides for certain studies. (2) Requires the Indiana economic development corporation (IEDC) to collaborate with local economic development organizations and submit an annual report to the study committee regarding collaboration. (3) Requires the state board of education, the commission for higher education, and the department of workforce development to work together to develop entrepreneurship education programs for elementary and secondary education, higher education, and individuals in the work force. (4) Requires the IEDC to conduct a statewide study to determine specific economic sectors that should be emphasized by the state and by local economic development organizations within geographic regions in Indiana. (5) Provides that a claim for a sales tax refund must be filed within 18 months if the claim is based on the predominant use of electrical energy, natural or artificial gas, water, steam, and steam heat by certain businesses or based on the sales tax exemption for these services or commodities. (6) Decreases the corporate income tax rate from 8.5% to 6.5% over four years. (7) Provides that the adjusted gross income tax and financial institutions tax (for investment companies) apply to interest on state and local bonds that are issued by a state other than Indiana, or a political subdivision of such a state, and that are acquired by the taxpayer after December 31, 2011. (8) Revises the attribution rules applicable to business income and sales receipts from certain intangibles under the adjusted gross income tax. (9) Eliminates the carryback of net operating losses under the adjusted gross income tax. (10) Extends the time in which a person must file an amended Indiana adjusted gross income tax return to reflect modifications made in a federal income tax return. (11) Prohibits the department of state revenue from taking an action to collect a protested listed tax until the later of the time to file a tax appeal has expired or a final decision is made in a tax appeal. (12) Requires higher education institutions to expand technology and innovation commercialization programs. (13) Provides that in the case of a county that becomes a member of a regional development authority (other than the northwest Indiana regional development authority) after June 30, 2011, and before July 1, 2013, the county may impose an additional county economic development income tax at a rate of 0.025% (rather than 0.05%, under current law). (14) Removes outdated individual income tax adjustments. (15) Allows counties that are more than two years behind on issuing tax bills to petition the department of local government finance to postpone the deadline for paying the first installment on a 2011 provisional property tax statement. (16) Provides that the tobacco products tax on moist snuff is based on the weight of the moist snuff and calculated at the rate of \$0.40 per ounce. (17) Extends the time in which the city of Marion, a second class, or the city of Westfield may establish a professional sports development area. (18) Permits a person who received an overpayment of unemployment compensation to repay the excess over 36 months. (19) Removes and repeals restrictions on activating a third community revitalization enhancement district in Delaware County and claiming tax credits for investments in the third district. Provides new criteria for designating a community revitalization enhancement district after 2010. Increases the maximum amount of income tax credits available under the venture capital investment tax credit from \$500,000 to \$1,000,000. Extends from 2013 to 2015 the end date for investments eligible for the venture capital investment tax credit. Suspends, for two years, the application fee for applicants seeking certification for the venture capital investment tax credit. Eliminates an advanced earned

income tax credit. Provides that the graduated slot machine wagering tax applies to 99% of the adjusted gross receipts received beginning July 1, 2012. Provides that when a tax warrant is filed in error, the warrant is to be removed from the judgment record. Permits local governments to pledge revenue from the county adjusted gross income tax and the county economic development income tax for redevelopment financing. Sets certain state credits to expire. Requires a nonprofit hospital to file its annual community benefits plan with the state department of health at the same time the nonprofit hospital files its annual information return with the Internal Revenue Service. Indicates that the delivery of services through a fire protection territory is not considered a municipal service for zoning outside the boundaries of the municipality. Specifies that a member of the legislative body of a unit may not vote on a proposed ordinance or resolution authorizing the unit to join or establish a fire protection territory if that member is also an employee of a participating unit or of another unit that is proposing to become a participating unit. Specifies that different tax rates may be levied for the participating units included within the territory. Specifies additional actions in order to become part of a fire protection territory and sets these additional requirements to expire on July 1, 2012. Requires the DLGF to review the tax rates and levies for each fire protection territory that is located in Hancock County and consider adjusting tax levies for participating units and whether different tax rates for fire protection services should be applied for the participating units included within the territory. Provides that a fire department, volunteer fire department, or emergency medical services provider may apply to the county to receive a distribution of the public safety local option income tax (LOIT) tax revenue before the remainder of the tax revenue is distributed to the county and to the municipalities in the county. Specifies that a municipality is entitled to receive a distribution of public safety LOIT revenue only if the municipality is providing public safety services. Increases the cost of projects that may be performed without awarding a public works contract. Requires certain public works contract provisions for a public works project of more than \$1,000,000. Specifies notice and public meeting requirements that must be satisfied in certain circumstances before a public work project may be performed by the workforce of a municipality, county, state agency, or state educational institution. Adds requirements for examination reports prepared by the state board of accounts concerning certain public work projects. Increases the cost threshold at which bids and quotes are required under the local public works statute. Extends the time for amending a personal property tax return and provides for a reduction in a refund or credit based on the time of filing. Provides that the circuit breaker credit and certain property tax deductions are to be allowed in the year of a property transfer if the property is determined to be exempt in the year following the transfer year. Allows the DLGF to cancel any property taxes assessed against real property owned by a local port authority. Prohibits the DLGF from approving a budget until a taxing unit files a financial report with the state board of accounts in the immediately preceding year. Corrects a reference to the date of the 2015 general reassessment. Establishes a procedure for a taxpayer to appeal an error in a circuit breaker or other property tax credit. Changes the methodology for certain property tax levy and rate determinations after a reassessment. Allows a county treasurer to include a statement of delinquent taxes and special assessments, interest, and penalties on a provisional statement or reconciling statement. Specifies that the full amount of property taxes imposed after being approved in a referendum shall be deposited in the fund for which the property taxes were imposed without reduction for the circuit breaker credits granted

to taxpayers. Provides that when assessed value is increased by more than 5% over the assessed value for the immediately preceding assessment date, the county assessor or township assessor making the assessment has the burden of proving that the assessment is correct. Repeals certain provisions concerning civil government property tax controls. Provides an exception to the confidential nature of information regarding an oil or gas interest for tax sale purposes. Requires an assessing official to make available certain information necessary to properly identify and determine the value of an oil or gas interest that is eligible for tax sale. Allows adjustments to the levies of certain local units. Provides that property taxes on property consisting primarily of onsite regulated amusement devices and related improvements may be allocated for purposes of tax increment financing (TIF). Removes the requirement that the IEDC approve enlargements of tax increment financing districts. Amends a provision added by SEA 1-2011 and amended by HEA 1001-2011. Amends a provision added by HEA 1003-2011 and amended by HEA 1001-2011. Deletes the prohibition for the Wabash River Enhancement Corporation from using any of its Tippecanoe County innkeeper's tax distributions for employee salaries or other ongoing administrative or operating costs. Changes the Lake County innkeepers tax to add members to the convention and visitor bureau in Lake County, to specify that the tax applies to the renting or furnishing of rooms for periods of less than 30 days and by the same party in the same room, to authorize the deposit of innkeepers' tax revenue into funds established by the convention and visitor bureau, and to change the budget and financial reporting deadline. Changes the membership of the Clark County and Floyd County special funds board of managers, specifies that the open door and public record laws apply to the board of managers, and requires the publication of financial information and an annual report. Provides that recipients of Clark County and Floyd County innkeeper's tax revenues are required to submit a report to the board of managers when requested by the board of managers. Authorizes the county council of White County to increase the county's innkeeper's tax rate to not more than 5% to be used to promote conventions, tourism, and economic development in the county. Extends the Nashville food and beverage tax to 2022. Provides that a school corporation's capital projects plan and school bus replacement plan must be adopted before November 1. Provides that for purposes of determining state minimum cigarette prices, the cost of doing business is presumed to be 10% of the basic cost of cigarettes. Legalizes an ordinance of a county adopted after December 31, 2006, and before February 1, 2007, that implemented a licensing system for dogs despite the fact that the county did not first adopt the county option dog tax. Allows certain nonprofit taxpayers that failed to timely file for property tax exemptions to file for the exemptions if certain conditions are satisfied. Provides a price preference to local Indiana businesses bidding on purchasing and public works contracts awarded by political subdivisions. Specifies a maximum levy for the school bus replacement fund. Makes other changes related to taxation. Requires the office of management and budget and the commission on state tax and financing policy to study certain topics. Requires the legislative council to assign an interim study committee to study which state agency should control dangerous alcohol products.

House Bill 1006 (Public Law 114-2011)

Author: Crouch

Sponsors: Hershman, Arnold

Citations Affected: IC 4-5; 5-28; 20-30; 21-18

Effective: July 1, 2011

Entrepreneurial know-how. Requires the secretary of state, in collaboration with other state agencies, to develop and maintain a web site that would allow a person to submit information concerning the person's business to the secretary of state and other state agencies, as applicable, for the purpose of complying with the requirements of state law, including establishing the new business, registering with states agencies, and obtaining necessary licenses and permits. Allows money in the electronic and enhanced access fund to be used to develop and maintain the Internet web site. Requires the Indiana economic development corporation (IEDC) to work with local economic development organizations within geographic regions in Indiana and with the various state economic development organizations within the states contiguous to Indiana. Requires the IEDC to include, in its annual report to the general assembly, recommendations for strategies and plans for collaboration with local economic development organizations and with the various state economic development organizations of neighboring states. Requires the department of education, in cooperation with the commission for higher education and the IEDC, to develop curriculum guides based on best practices for entrepreneurship instruction in high schools. Requires the commission for higher education (commission) to make an inventory of entrepreneurship programs conducted by colleges and universities in Indiana and to display the inventory on the commission's web site for the use of students, after consulting with the department of workforce development and the Indiana economic development corporation.

House Bill 1007 (Public Law 173-2011)

Author: Messmer

Sponsors: Hershman, Kruse, Head

Citations Affected: IC 6-1.1; 6-3.5; 21-34; 36-8

Effective: Retroactive (January 1, 2008); Upon Passage (May 10, 2011); July 1, 2011

State and local administration. Extends the period of time in which a county, city, or town may provide a tax exemption for enterprise information technology equipment until January 1, 2017. (Current law permits the exemptions until January 1, 2013.) Provides that the property tax exemption for fraternity or sorority property applies to property used for administrative purposes, including property owned by a national or international headquarters, fraternity or sorority foundations, and housing corporations. Specifies that the exemption applies only if the property is owned by a fraternity or sorority (or a national or international headquarters, foundation, or housing corporation related to a fraternity or sorority) that is exempt from federal income taxation under Section 501(c)(2), Section 501(c)(3), or Section 501(c)(7) of the Internal Revenue Code. Deletes from current law the requirement that property may qualify for the exemption only if the property is used exclusively by the fraternity or sorority to carry out its purposes. Provides a property tax exemption for certain property leased to the bureau of motor vehicles or bureau of motor vehicles commission for the 2010 through 2016 assessment dates. Provides that an exemption application does not have to be filed annually to continue the exemption through the 2016 assessment date. Permits a city, town, or county to enhance property tax abatement schedules to allow up to three years of 100% abatement if the business meets one of the following criteria: (1) locates in a large vacant building; (2) agrees to invest at least \$10 million

in the community; (3) rehabilitates and occupies property in designated downtown areas; or (4) locates in a county with high unemployment. Authorizes local entities to develop alternative methods for determining the duration and amount of property tax abatements. Authorizes cities and counties to pay hiring incentives for new employment in their jurisdictions. Requires hiring incentives to be paid from local option income taxes received by the city or county. Provides that the hiring incentives may not exceed the local option income taxes paid by the new employees. Removes the requirement that any annual operating savings realized by Purdue University and Indiana University with respect to qualified energy savings projects in excess of the annual debt service requirements on bonds issued for the projects be used to fund basic research for the Indiana Innovation Alliance. Provides that a PSAP operated by an excluded city in Marion County does not count against the limit on the number of PSAPs in the county. Provides for the retroactive application of a property tax exemption to a taxpayer that owns real and personal property used as part of or in connection with a men's cooperative house. Provides for a two year property tax exemption for the property of the Marion County Medical Society (which provides services to its members as the Indianapolis Medical Society) and similarly situated medical societies. Provides a property tax exemption for 2010 and 2011 for property owned by a nonprofit corporation and used as a center for the arts and for which an exemption was granted before 2010. Provides a property tax exemption for property taxes due in 2009, 2010, and 2011 for an organization in Marion County that is dedicated to providing services to the community and that failed to timely file an application for those years, if the organization was entitled to an exemption in 2007 for the same property.

House Bill 1025 (Public Law 117-2011)

Author: Lehman

Sponsor: Holdman

Citations Affected: IC 5-4; 5-11; 36-8

Effective: July 1, 2011

Public official bonding and internal control systems of local units. Removes language requiring an annual coverage amount under an individual surety bond filed by a public official. Specifies the aggregate liability under a required bond or crime insurance policy. Requires the secretary of a 1937 firefighters' pension fund board to execute a bond conditioned upon the faithful discharge of the secretary's duties. Requires the state board of accounts to define the acceptable minimum level of internal control standards and internal control procedures for internal control systems of counties, cities, towns, and townships. If a loss is reported, requires the state board of accounts to determine the internal control weakness that caused or contributed to the loss and make recommendations for correcting the condition and modifying internal control standards and procedures to prevent a recurrence.

House Bill 1182 (Public Law 121-2011)

Author: Burton

Sponsors: Bray, Lanane, Banks

Citations Affected: IC 24-5; 24-10

Effective: Upon Passage (May 9, 2011)

Consumer protection assistance fund. Establishes the consumer protection assistance fund (fund) to be administered by the office of the attorney general (office). Provides that money in the fund may be used to make payments to qualifying individuals who: (1) are awarded restitution by a court in a case instituted or maintained by the office in connection with a violation of certain specified consumer protection statutes; and (2) assist or otherwise cooperate with the office in the investigation, prosecution, or enforcement of the case. Provides that the office may not make a payment to a qualifying individual unless the party ordered to pay restitution to the qualifying individual has not paid the full amount ordered by the court. Provides that upon receiving a qualifying claim, the office shall pay, from money available in the fund, to each qualifying individual identified in the claim an amount that: (1) is determined at the discretion of the office; (2) may be up to the amount of the restitution awarded to the qualifying individual but not paid by the party ordered to pay the restitution; and (3) may not exceed \$3,000. Provides that a qualifying individual is not prohibited from seeking to recover, in any action or through any other lawful remedy available, any amount of the restitution that is awarded by the court and exceeds the amount paid to the individual by the office.

House Bill 1192 (Public Law 87-2011)

Author: Heaton

Sponsors: Kruse, Taylor

Citations Affected: IC 5-20; 5-28

Effective: July 1, 2011

Microenterprise partnership program. Transfers administration of the microenterprise partnership program from the Indiana economic development corporation to the Indiana housing and community development authority. Renames the "microenterprise partnership program fund" administered by the Indiana economic development corporation as the "small business development fund". Creates a new microenterprise partnership program fund under administration of the Indiana housing and community development authority. Repeals the law concerning the microenterprise partnership program administered by the Indiana economic development corporation.

House Bill 1233 (Public Law 197-2011)

Author: Wolkins

Sponsors: Miller, Eckerty

Citations Affected: Various Titles throughout the Indiana Code

Effective: July 1, 2011

State boards, commissions, and professional licensing. Establishes the interim study committee on insurance. Redefines "class I child care home" to include full-day kindergarten level children as part of the three additional children that may be served during the school year. Creates the health care facility advisory council and transfers the duties of the hospital council, the home health care services and hospice services council, and the Indiana health facilities council to the health care facility advisory council. Establishes a 30 day grace period for individuals who do not renew a professional license before expiration under certain conditions. Changes the phrase "quality review" to "peer review" for purposes of laws governing public

accountancy beginning July 1, 2012. Permits a peer review rating of fail to be used in disciplining a certified public accountant or public accounting firm after June 30, 2012. Specifies that an accountant must return to a client certain client records within 45 days. Provides civil immunity to a person engaged in a quality review or peer review or administering a quality review or peer review program. Requires occupational therapist assistants to be licensed. Specifies requirements for outpatient pharmacy drug therapy protocols. Removes certain limitations on physician assistants (PA) prescribing and dispensing certain drugs and controlled substances. Requires that the supervising physician or physician designee review specified percentages of PA patient encounters within 72 hours based on the PAs years of practice. Requires the medical licensing board to adopt rules concerning continuing competency requirements for physical therapists and physical therapist assistants before license or certification renewal. Allows a pharmacist to administer a shingles vaccine to a group of individuals under a drug order, a prescription, or according to a protocol approved by a physician. Eliminates the law enforcement training board advisory council. Repeals the personnel advisory board (IC 4-15-1, IC 4-15-2-2.2, and IC 4-15-2.5-2); motor vehicle sales advisory board (IC 9-23-1); operation lifesaver program (IC 9-27-2-12; Medicaid work incentives council (IC 12-15-42); New Harmony commission (IC 14-20-4); hospital council (IC 16-21-1); home health care services and hospice services council (IC 16-27-0.5); Indiana health facilities council (IC 16-28-1); and mandated health benefits task force (IC 27-1-3-30). Repeals the following entities: (1) Indiana tobacco use prevention and cessation advisory board. (2) Indiana health care account advisory board. (3) Indiana occupational information coordinating committee. (4) White River State Park Development Commission advisory councils. (5) Indiana organic peer review panel. Combines the Lake Michigan marina development commission and the shoreline development commission into a Lake Michigan marina and shoreline development commission. Requires the health care finance study committee to study licensure of: (1) brain injury care providers; and (2) diabetes educators. Makes conforming changes.

House Bill 1251 (Public Law 4-2011)

Author: Ellsperman

Sponsors: M. Young, Tomes, R. Young

Citations Affected: IC 5-28

Effective: July 1, 2011

Young entrepreneur program. Requires the Indiana economic development corporation (IEDC) to establish a young entrepreneurs program to promote the business proposals of students in entrepreneurial programs at state educational institutions. Provides that the program must include at least one auction per year in which communities bid for the opportunity to locate a young entrepreneur's start-up business in their community. Requires the office of community and rural affairs to assist rural communities in preparing for an auction.

House Bill 1539 (Public Law 135-2011)

Author: Speedy

Sponsor: Merritt

Citations Affected: IC 6-3.5; 36-3

Effective: July 1, 2011

Marion County COIT. Allows the Marion County city-county council to elect to provide revenue to a public library located in Marion County from the certified distribution of county option income tax (COIT) revenue.

TAXATION

See also:

- SB 388: Swap agreements.
[State & Local Administration]
- SB 578: Surplus lines insurance compact.
[Insurance]
- HB 1539: Marion County COIT.
[State & Local Administration]

Senate Bill 39 (Public Law 95-2011)

Authors: Landske, Mrvan

Sponsor: Clere

Citations Affected: Noncode

Effective: Upon Passage (May 9, 2011)

Tax structure study. Requires the commission on state tax and financing policy to study how the Indiana income tax structure, including existing and potentially new income tax credits and deductions, may influence a senior's decision on residency in Indiana after retirement. Requires the commission to study whether each of the local option income taxes affect the ability of political subdivisions to provide services to (1) a facility that employs a significant number of individuals who reside in another county; and (2) the individuals who reside outside the county and commute to jobs at the facility. Requires the commission to study whether political subdivisions should be provided additional financing options for providing such services. Requires the commission to study how local option income taxes should be distributed within a county to local units of government.

Senate Bill 62 (Public Law 77-2011)

Author: Holdman

Sponsor: Foley

Citations Affected: IC 6-3.5

Effective: Retroactive (January 1, 2009); Upon Passage (April 28, 2011)

Local option income tax adoption dates. Confirms references to ordinance adoption dates in the local income tax laws to the dates specified in P.L.113-2010, SECTIONS 61, 63, and 66 (HEA 1086-2010). (The introduced version of this bill was prepared by the code revision commission.)

Senate Bill 123 (Public Law 60-2011)

Author: Kruse, C. Lawson

Sponsor: Neese

Citations Affected: IC 6-1.1

Effective: Upon Passage (April 26, 2011)

Use of private services for tax bill delivery. Authorizes the county treasurer to send via a nationally recognized express parcel carrier any document that the county treasurer may send via the United States mail under the property tax billing statute or the property tax provisional billing statute.

Senate Bill 155 (Public Law 99-2011)

Authors: Steele, Tallian

Sponsor: Foley

Citations Affected: IC 6-8.1; 32-28

Effective: July 1, 2011

Tax liens. Requires the department of state revenue to release a judgment if: (1) it has been fully satisfied; or (2) the tax assessment or issuance of the tax warrant was erroneous. Provides that a tax lien on real property is void if the person owing the tax provides written notice to the department to file an action to foreclose the lien, and the department fails to file an action to foreclose the lien not later than 180 days after receiving the notice. Permits a sheriff to collect the outstanding tax liability if the taxpayer has taken an action to foreclose the lien. Specifies that a complaint to foreclose a homeowners association lien may not be filed earlier than 90 days after recording, unless a person files a notice to foreclose the lien, or another person files an action to foreclose the property that is the subject of the lien.

Senate Bill 381 (Public Law 157-2011)

Authors: Charbonneau, Miller

Sponsor: Friend

Citations Affected: IC 6-1.1

Effective: July 1, 2011

Tax representatives. Provides that certain local officials of a county or their employees or contractors may not serve as a tax representative for any taxpayer with respect to property subject to property taxes in the same county before the county property tax assessment board of appeals (county board) or the Indiana board of tax review (Indiana board). Provides that this prohibition does not prohibit a contract employee or contractor of a tax official from serving as a tax representative unless the contract employee or contractor personally and substantially participated in the assessment of the property. Specifies that an individual who is a former assessor or a former employee, contract employee, or contractor of an assessor may not represent or assist another person in an assessment appeal before the Indiana board or a county board if, while the individual was an assessor or an employee, contract employee, or contractor of an assessor, the individual personally and substantially participated in the assessment of the property.

Senate Bill 459 (Public Law 84-2011)

Author: Kenley

Sponsor: Espich

Citations Affected: IC 6-2.5

Effective: Upon Passage (April 28, 2011)

Streamlined sales and use tax conformity. Makes changes concerning calling services, durable medical equipment, and reliance on the department of state revenue's taxability matrix under the state gross retail and use taxes to bring the state into compliance with the Streamlined Sales and Use Tax Agreement.

House Bill 1005 (Public Law 113-2011)

Author: Clere

Sponsors: Charbonneau, Hershman, Arnold

Citations Affected: IC 6-3.1

Effective: Retroactive (January 1, 2011)

Industrial recovery tax credit. Makes certain changes to the industrial recovery tax credit (credit). Reduces, for purposes of qualifying for the credit: (1) the number of years, from 20 to 15, in which a vacant industrial facility must have been in service; and (2) from two years to one year the time that a facility must be vacant. Reduces the minimum amount of floor space that a vacant industrial facility may have to qualify for the credit from 250,000 square feet to: (1) 50,000 square feet, for taxable years beginning after December 31, 2010, and beginning before January 1, 2015; or (2) 100,000 square feet, for taxable years beginning after December 31, 2014.

House Bill 1252 (Public Law 199-2011)

Author: Ellsperman

Sponsors: C. Lawson, R. Young

Citations Affected: IC 6-3.5

Effective: Upon Passage (May 10, 2011)

CEDIT for Perry County jail. Authorizes the Perry County council to impose an additional county economic development income tax (EDIT) rate of up to 0.5% of a county taxpayer's adjusted gross income to construct or improve the county jail. Provides that the Perry County CEDIT tax rate plus the county option income tax (COIT) rate may not exceed 1.75% of a county taxpayer's adjusted gross income.

House Bill 1313 (Public Law 203-2011)

Author: Truitt

Sponsors: Hershman, C. Lawson

Citations Affected: IC 6-1.1; 8-22; 20-46; 36-7

Effective: January 1, 2012

Referendum taxes imposed in allocation area. Provides that tax increment revenues for a tax increment financing (TIF) allocation area do not include property taxes that are imposed after being approved by the voters in a referendum or local public question.

House Bill 1427 (Public Law 210-2011)

Author: Sullivan

Sponsors: Bray, Taylor

Citations Affected: IC 31-9; 31-14; 31-16; 31-25

Effective: July 1, 2011

Claiming child as dependent for tax purposes. Requires a court to specify in a child support order which parent of a child may claim the child as a dependent for purposes of federal and state taxes. Establishes factors the court must consider in determining which parent may claim the child as a dependent. Requires a court that specifies that the noncustodial parent of a child may claim the child as a dependent to order the custodial parent of the child to take all actions necessary to release the custodial parent's claim to the exemption in the manner required under federal law. Requires a court to include in a court order that a parent who is ordered to pay child support may only claim the child as a dependent if the parent has paid at least 95% of the parent's child support for the calendar year for which the parent is ordered to claim the child as a dependent by January 31 of the following year. Provides that a prosecuting attorney or private attorney who contracts or agrees to undertake activities required under Title IV-D is not required to mediate, resolve, or litigate a dispute between the parties relating to the assignment of the right to claim a child as a dependent for federal and state tax purposes.

TRADE REGULATION

House Bill 1321 (Public Law 54-2011)

Author: Delaney

Sponsors: Bray, Simpson

Citations Affected: IC 26-1

Effective: July 1, 2013

Secured transactions. Makes changes to the uniform commercial code pertaining to secured transactions to conform to recommendations made by the National Conference of Commissioners on Uniform State Laws. Provides clarification regarding how a name of an individual debtor is to be provided on a financing statement. Provides clarification regarding how a debtor's name should be included on a financing statement when the debtor is a corporation, limited liability company, or limited partnership and when the collateral is held in a statutory or common law trust or in a decedent's estate. Makes changes regarding the filing of financing statements. Makes changes to assist a secured party having a security interest in after-acquired property when the debtor relocates to another state or merges with another entity. Eliminates the requirement to contain certain information on a financing statement. Makes technical corrections. Repeals a statute that contains forms for a financing statement and a financing statement amendment.

TRANSPORTATION

Senate Bill 473 (Public Law 163-2011)

Authors: Wyss, Rogers, Charbonneau

Sponsor: Soliday

Citations Affected: IC 8-15; 8-15.5; 8-15.7; 8-23; 9-18; 9-21

Effective: Upon Passage (May 10, 2011); July 1, 2011

Various transportation issues. Requires the general assembly to enact a statute to authorize : (1) imposing tolls as part of a public-private agreement, on an existing highway, or on I-69; or (2) constructing part of I-69. Provides that, beginning July 1, 2011, and ending June 30, 2021, legislative approval is not required to impose tolls on certain projects. Provides that a public-private agreement entered into after June 30, 2011, must contain certain provisions concerning methodologies used to fix user fees or tolls. Requires the budget committee to meet within 90 days and conduct a review of any project that includes tolls. Provides that the common construction wage applies to projects that are subjects of public-private agreements entered into after April 30, 2011. Provides that the owner of a motor vehicle that passes through a toll collection facility without paying the proper toll commits a moving violation, a Class C infraction. Establishes procedures for the collections of unpaid fines for these moving violations.

Senate Bill 523 (Public Law 85-2011)

Authors: Charbonneau, Tallian

Sponsor: Dermody

Citations Affected: IC 6-1.1; 8-3

Effective: July 1, 2011

Commuter rail service fund. Provides that a commuter transportation district may use money deposited in the commuter rail fund that is revenue derived from the taxation of indefinite-situs distributable property of railroad car companies to: (1) satisfy any debt service; and (2) provide state matching funds for federal transportation capital grants.

House Bill 1124 (Public Law 50-2011)

Author: Dobis

Sponsors: Wyss, Lanane

Citations Affected: IC 8-3; 8-9; 9-21

Effective: July 1, 2011

Railroad statutes. Repeals certain provisions of the Indiana Code concerning state oversight of railroads. Repeals provisions concerning local ordinances regulating train speed. Repeals the full crew law. Makes conforming amendments.

House Bill 1137 (Public Law 120-2011)

Author: Stevenson

Sponsors: Charbonneau, Rogers, Randolph

Citations Affected: IC 9-20

Effective: Upon Passage (May 9, 2011)

Extra heavy duty highways. Provides that certain sections of Highway 912 in East Chicago are designated as extra heavy duty highways, and that the total gross weight of a vehicle or combination of vehicles operated with a special weight permit at one intersection on Highway 912 may not exceed 264,000 pounds, with several other weight restrictions on a vehicle operated at that intersection. Makes corresponding changes.

House Bill 1224 (Public Law 52-2011)

Author: Pryor

Sponsors: Merritt, Breaux

Citations Affected: IC 9-21

Effective: July 1, 2011

Speed zones for all year schools. Provides that after June 30, 2012, if a school speed zone has been established for a school that operates on a 12 month schedule, in order for the speed limit to be valid there must be a school zone sign indicating that the school is an all-year school.

House Bill 1265 (Public Law 88-2011)

Author: Stemler

Sponsors: Grooms, Wyss, M. Young

Citations Affected: IC 8-23

Effective: July 1, 2011

River Ridge Commerce Corridor. Establishes the River Ridge Commerce Corridor for the area that is adjacent to the segment of State Road 62 between Interstate Highway 265 and State Road 3 or adjacent to the rail line that is parallel to that segment of State Road 62. Assigns certain powers and duties concerning the corridor to the Indiana department of transportation, the Indiana economic development corporation, and the office of community and rural affairs.

House Bill 1334 (Public Law 206-2011)

Author: M. Smith

Sponsor: Becker

Citations Affected: IC 2-5

Effective: July 1, 2011

Joint study committee on transportation and infrastructure assessment and solutions.

Requires the joint study committee on transportation and infrastructure assessment and solutions to study, during the 2011 interim, issues related to the use of motorized bicycles and motor scooters.

House Bill 1371 (Public Law 5-2011)

Author: Soliday

Sponsors: Charbonneau, Wyss

Citations Affected: IC 2-5

Effective: July 1, 2011

Joint committee on transportation infrastructure. Establishes the joint study committee on

transportation and infrastructure assessment and solutions. Sets forth the membership of the committee. Provides that the committee operates under policies adopted by the legislative council. Provides that the committee expires January 1, 2016. Repeals law establishing the joint study committee on mass transit and transportation alternatives.

ADDENDUM

JOINT RESOLUTIONS PASSED AMENDING THE INDIANA CONSTITUTION

Senate Joint Resolution 9 (Public Law 230-2011)

Authors: Steele, Buck

Sponsor: Torr

Citations Affected: Indiana Constitution

Constitutional right to hunt and fish. Provides that the people have a right to hunt, fish, harvest game, or engage in the agricultural or commercial production of meat, fish, poultry, or dairy products, which is a valued part of our heritage and shall be forever preserved for the public good, subject to laws prescribed by the general assembly and rules prescribed by virtue of the authority of the general assembly. Provides that hunting and fishing is the preferred means of managing and controlling wildlife. Provides that this constitutional amendment does not limit the application of any laws relating to trespass or property rights. This proposed amendment has not been previously agreed to by a general assembly.

House Joint Resolution 6 (Public Law 231-2011)

Author: Turner

Sponsors: Kruse, Banks, Tomes

Citations Affected: Indiana Constitution

Marriage. Provides that only marriage between one man and one woman shall be valid or recognized as a marriage in Indiana. Provides that a legal status identical or substantially similar to that of marriage for unmarried individuals shall not be valid or recognized. This proposed amendment has not been previously agreed to by a general assembly.

VETOED BILLS: Brief Description

Senate Enrolled Act 215: Forfeiture.

House Enrolled Act 1177: Boards of trustees for universities.

VETO OVERRIDES

There were no bills vetoed by the Governor during the 2010 Regular Session of the Indiana General Assembly.

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SB 1	P.L.90 -2011	SB 159	P.L.79-2011
SB 4	P.L.93-2011	SB 169	P.L.36-2011
SB 6	P.L.94-2011	SB 176	P.L.146-2011
SB 12	P.L.13-2011	SB 178	P.L.100-2011
SB 19	P.L.75-2011	SB 199	P.L.80-2011
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SB 36	P.L.14-2011	SB 214	P.L.101-2011
SB 39	P.L.95-2011	SB 216	P.L.148-2011
SB 47	P.L.15-2011	SB 217	P.L.102-2011
SB 54	P.L.59-2011	SB 223	P.L.149-2011
SB 57	P.L.138-2011	SB 248	P.L.38-2011
SB 59	P.L.76-2011	SB 251	P.L.150-2011
SB 60	P.L.139-2011	SB 255	P.L.64-2011
SB 62	P.L.77-2011	SB 262	P.L.151-2011
SB 66	P.L.96-2011	SB 266	P.L.39-2011
SB 67	P.L.32-2011	SB 267	P.L.40-2011
SB 71	P.L.140-2011	SB 292	P.L.152-2011
SB 76	P.L.16-2011	SB 293	P.L.41-2011
SB 78	P.L.216-2011	SB 295	P.L.42-2011
SB 79	P.L.97-2011	SB 306	P.L.217-2011
SB 80	P.L.141-2011	SB 325	P.L.82-2011
SB 85	P.L.142-2011	SB 327	P.L.103-2011
SB 86	P.L.12-2011	SB 331	P.L.153-2011
SB 88	P.L.143-2011	SB 334	P.L.65-2011
SB 90	P.L.98-2011	SB 337	P.L.43-2011
SB 93	P.L.144-2011	SB 338	P.L.66-2011
SB 94	P.L.60-2011	SB 340	P.L.104-2011
SB 96	P.L.78-2011	SB 346	P.L.154-2011
SB 107	P.L.33-2011	SB 347	P.L.105-2011
SB 123	P.L.61-2011	SB 360	P.L.67-2011
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SB 155	P.L.99-2011	SB 375	P.L.106-2011
SB 157	P.L.62-2011	SB 381	P.L.157-2011

SB 388	P.L.218-2011	HB 1002	P.L.91-2011
SB 411	P.L.17-2011	HB 1003	P.L.92-2011
SB 418	P.L.18-2011	HB 1004	P.L.172-2011
SB 429	P.L.19-2011	HB 1005	P.L.113-2011
SB 431	P.L.158-2011	HB 1006	P.L.114-2011
SB 433	P.L.159-2011	HB 1007	P.L.173-2011
SB 434	P.L.44-2011	HB 1015	P.L.115-2011
SB 458	P.L.45-2011	HB 1017	P.L.174-2011
SB 459	P.L.84-2011	HB 1024	P.L.116-2011
SB 461	P.L.160-2011	HB 1025	P.L.117-2011
SB 463	P.L.161-2011	HB 1046	P.L.175-2011
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SB 465	P.L.162-2011	HB 1048	P.L.177-2011
SB 473	P.L.163-2011	HB 1054	P.L.70-2011
SB 478	P.L.20-2011	HB 1055	P.L.178-2011
SB 480	P.L.219-2011	HB 1058	P.L.49-2011
SB 481	P.L.46-2011	HB 1071	P.L.222-2011
SB 484	P.L.108-2011	HB 1074	P.L.179-2011
SB 485	P.L.47-2011	HB 1075	P.L.24-2011
SB 490	P.L.220-2011	HB 1082	P.L.25-2011
SB 494	P.L.68-2011	HB 1083	P.L.180-2011
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SB 503	P.L.221-2011	HB 1098	P.L.71-2011
SB 506	P.L.164-2011	HB 1102	P.L.182-2011
SB 521	P.L.21-2011	HB 1107	P.L.183-2011
SB 523	P.L.85-2011	HB 1109	P.L.118-2011
SB 524	P.L.22-2011	HB 1112	P.L.223-2011
SB 525	P.L.86-2011	HB 1117	P.L.184-2011
SB 528	P.L.109-2011	HB 1121	P.L.119-2011
SB 532	P.L.165-2011	HB 1124	P.L.50-2011
SB 533	P.L.166-2011	HB 1128	P.L.224-2011
SB 537	P.L.167-2011	HB 1129	P.L.185-2011
SB 549	P.L.23-2011	HB 1131	P.L.51-2011
SB 559	P.L.110-2011	HB 1132	P.L.186-2011
SB 575	P.L.48-2011	HB 1133	P.L.3-2011
SB 576	P.L.168-2011	HB 1137	P.L.120-2011
SB 577	P.L.169-2011	HB 1150	P.L.26-2011
SB 578	P.L.111-2011	HB 1153	P.L.187-2011
SB 581	P.L.112-2011	HB 1171	P.L.27-2011
SB 582	P.L.170-2011	HB 1174	P.L.188-2011
SB 590	P.L.171-2011	HB 1180	P.L.29-2011
SJR 9	P.L.230-2011	HB 1182	P.L.121-2011
HB 1001	P.L.229-2011	HB 1183	P.L.122-2011

HB 1187	P.L.189-2011	HB 1386	P.L.8-2011
HB 1190	P.L.190-2011	HB 1387	P.L.130-2011
HB 1192	P.L.87-2011	HB 1393	P.L.56-2011
HB 1197	P.L.123-2011	HB 1402	P.L.209-2011
HB 1200	P.L.6-2011	HB 1405	P.L.10-2011
HB 1201	P.L.191-2011	HB 1406	P.L.30-2011
HB 1203	P.L.192-2011	HB 1416	P.L.228-2011
HB 1210	P.L.193-2011	HB 1422	P.L.131-2011
HB 1211	P.L.194-2011	HB 1427	P.L.210-2011
HB 1215	P.L.28-2011	HB 1429	P.L.73-2011
HB 1216	P.L.195-2011	HB 1432	P.L.132-2011
HB 1221	P.L.196-2011	HB 1450	P.L.2-2011
HB 1224	P.L.52-2011	HB 1451	P.L.57-2011
HB 1233	P.L.197-2011	HB 1467	P.L.133-2011
HB 1238	P.L.198-2011	HB 1474	P.L.74-2011
HB 1242	P.L.225-2011	HB 1486	P.L.11-2011
HB 1251	P.L.4-2011	HB 1502	P.L.134-2011
HB 1252	P.L.199-2011	HB 1528	P.L.89-2011
HB 1260	P.L.200-2011	HB 1538	P.L.211-2011
HB 1265	P.L.88-2011	HB 1539	P.L.135-2011
HB 1266	P.L.201-2011	HB 1541	P.L.136-2011
HB 1273	P.L.226-2011	HB 1543	P.L.212-2011
HB 1275	P.L.53-2011	HB 1548	P.L.213-2011
HB 1288	P.L.124-2011	HB 1558	P.L.31-2011
HB 1291	P.L.125-2011	HB 1601	P.L.214-2011
HB 1297	P.L.202-2011	HB 1602	P.L.215-2011
HB 1310	P.L.29-2011	HJR 6	P.L.231-2011
HB 1311	P.L.126-2011		
HB 1313	P.L.203-2011		
HB 1316	P.L.204-2011		
HB 1318	P.L.127-2011		
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HB 1348	P.L.129-2011		
HB 1365	P.L.208-2011		
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P.L.4-2011	HB 1251	P.L.41-2011	SB 293
P.L.5-2011	HB 1371	P.L.42-2011	SB 295
P.L.6-2011	HB 1200	P.L.43-2011	SB 337
P.L.7-2011	HB 1340	P.L.44-2011	SB 434
P.L.8-2011	HB 1386	P.L.45-2011	SB 458
P.L.9-2011	HB 1180	P.L.46-2011	SB 481
P.L.10-2011	HB 1405	P.L.47-2011	SB 485
P.L.11-2011	HB 1486	P.L.48-2011	SB 575
P.L.12-2011	SB 86	P.L.49-2011	SB 1058
P.L.13-2011	SB 12	P.L.50-2011	HB 1124
P.L.14-2011	SB 36	P.L.51-2011	SB 1131
P.L.15-2011	SB 47	P.L.52-2011	HB 1224
P.L.16-2011	SB 76	P.L.53-2011	HB 1275
P.L.17-2011	SB 411	P.L.54-2011	HB 1321
P.L.18-2011	SB 418	P.L.55-2011	HB 1385
P.L.19-2011	SB 429	P.L.56-2011	HB 1393
P.L.20-2011	SB 478	P.L.57-2011	HB 1451
P.L.21-2011	SB 521	P.L.58-2011	SB 26
P.L.22-2011	SB 524	P.L.59-2011	SB 54
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P.L.26-2011	HB 1150	P.L.63-2011	SB 201
P.L.27-2011	HB 1171	P.L.64-2011	SB 255
P.L.28-2011	HB 1215	P.L.65-2011	SB 334
P.L.29-2011	HB 1310	P.L.66-2011	SB 338
P.L.30-2011	HB 1406	P.L.67-2011	SB 360
P.L.31-2011	HB 1558	P.L.68-2011	SB 494
P.L.32-2011	SB 67	P.L.69-2011	SB 495
P.L.33-2011	SB 107	P.L.70-2011	SB 1054
P.L.34-2011	SB 146	P.L.71-2011	HB 1098
P.L.35-2011	SB 154	P.L.72-2011	HB 1341
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P.L.77-2011	SB 62	P.L.114-2011	HB 1006
P.L.78-2011	SB 96	P.L.115-2011	HB 1015
P.L.79-2011	SB 159	P.L.116-2011	HB 1024
P.L.80-2011	SB 199	P.L.117-2011	HB 1025
P.L.81-2011	SB 200	P.L.118-2011	HB 1109
P.L.82-2011	SB 325	P.L.119-2011	HB 1121
P.L.83-2011	SB 374	P.L.120-2011	HB 1137
P.L.84-2011	SB 459	P.L.121-2011	HB 1182
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P.L.89-2011	HB 1528	P.L.126-2011	HB 1311
P.L.90-2011	SB 1	P.L.127-2011	HB 1318
P.L.91-2011	HB 1002	P.L.128-2011	HB 1324
P.L.92-2011	HB 1003	P.L.129-2011	HB 1348
P.L.93-2011	SB 4	P.L.130-2011	HB 1387
P.L.94-2011	SB 6	P.L.131-2011	HB 1422
P.L.95-2011	SB 39	P.L.132-2011	HB 1432
P.L.96-2011	SB 66	P.L.133-2011	HB 1467
P.L.97-2011	SB 79	P.L.134-2011	HB 1502
P.L.98-2011	SB 90	P.L.135-2011	HB 1539
P.L.99-2011	SB 155	P.L.136-2011	HB 1541
P.L.100-2011	SB 178	P.L.137-2011	SB 34
P.L.101-2011	SB 214	P.L.138-2011	SB 57
P.L.102-2011	SB 217	P.L.139-2011	SB 60
P.L.103-2011	SB 327	P.L.140-2011	SB 71
P.L.104-2011	SB 340	P.L.141-2011	SB 80
P.L.105-2011	SB 347	P.L.142-2011	SB 85
P.L.106-2011	SB 375	P.L.143-2011	SB 88
P.L.107-2011	SB 464	P.L.144-2011	SB 93
P.L.108-2011	SB 484	P.L.145-2011	SB 127
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P.L.110-2011	SB 559	P.L.147-2011	SB 205
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P.L.151-2011SB 262	P.L.188-2011HB 1174
P.L.152-2011SB 292	P.L.189-2011HB 1187
P.L.153-2011SB 331	P.L.190-2011HB 1190
P.L.154-2011SB 346	P.L.191-2011HB 1201
P.L.155-2011SB 363	P.L.192-2011HB 1203
P.L.156-2011SB 366	P.L.193-2011HB 1210
P.L.157-2011SB 381	P.L.194-2011HB 1211
P.L.158-2011SB 431	P.L.195-2011HB 1216
P.L.159-2011SB 433	P.L.196-2011HB 1221
P.L.160-2011SB 461	P.L.197-2011HB 1233
P.L.161-2011SB 463	P.L.198-2011HB 1238
P.L.162-2011SB 465	P.L.199-2011HB 1252
P.L.163-2011SB 473	P.L.200-2011HB 1260
P.L.164-2011SB 506	P.L.201-2011HB 1266
P.L.165-2011SB 532	P.L.202-2011HB 1297
P.L.166-2011SB 533	P.L.203-2011HB 1313
P.L.167-2011SB 537	P.L.204-2011HB 1316
P.L.168-2011SB 576	P.L.205-2011HB 1329
P.L.169-2011SB 577	P.L.206-2011HB 1334
P.L.170-2011SB 582	P.L.207-2011HB 1343
P.L.171-2011SB 590	P.L.208-2011HB 1365
P.L.172-2011HB 1004	P.L.209-2011HB 1402
P.L.173-2011HB 1007	P.L.210-2011HB 1427
P.L.174-2011HB 1017	P.L.211-2011HB 1538
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