



March 10, 2023

ENGROSSED HOUSE BILL No. 1048

DIGEST OF HB 1048 (Updated March 8, 2023 2:09 pm - DI 140)

Citations Affected: Numerous provisions throughout the Indiana Code.

Synopsis: Technical corrections. Addresses technical errors in the Indiana Code, including spelling, tabulation, formatting, grammatical, and cross-reference issues. Makes conforming amendments to align the style of population parameter wording. (The introduced version of this bill was prepared by the code revision commission.)

Effective: Upon passage; July 1, 2023; January 1, 2024.

Engleman, Snow, Boy, DeLaney

(SENATE SPONSORS — FREEMAN, GASKILL)

January 9, 2023, read first time and referred to Committee on Judiciary.
January 19, 2023, reported — Do Pass.
January 23, 2023, read second time, ordered engrossed.
January 24, 2023, engrossed. Read third time, passed. Yeas 96, nays 0.

SENATE ACTION

February 23, 2023, read first time and referred to Committee on Judiciary.
March 9, 2023, reported favorably — Do Pass.

EH 1048—LS 6125/DI 112



March 10, 2023

First Regular Session of the 123rd General Assembly (2023)

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

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

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2022 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1048

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

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

- 1 SECTION 1. IC 3-5-10-7, AS ADDED BY P.L.169-2022,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2023]: Sec. 7. (a) Subject to section 8 of this chapter, a
4 redistricting authority shall redistrict election districts according to the
5 following schedule:
6 (1) If the census event is a federal decennial census, the
7 following:
8 (A) For a county executive or county fiscal body, only during
9 the first year after the federal decennial census is conducted.
10 (B) For a school corporation, only during the first year after
11 the federal decennial census is conducted.
12 (C) For a municipality that conducts its municipal elections in
13 an ~~odd numbered~~ **odd-numbered** year, only during the second
14 year after the federal decennial census is conducted.
15 (D) For a municipality that conducts its municipal elections in:
16 (i) an ~~even numbered~~ **even-numbered** year; or
17 (i) **(ii)** both an ~~even numbered~~ **even-numbered** year and an

EH 1048—LS 6125/DI 112



- 1 ~~odd numbered~~ **odd-numbered** year;
 2 only during the first year after the federal decennial census is
 3 conducted.
 4 However, a body described in clauses (A) through (D) that has not
 5 completed the redistricting on March 1, 2022, has until December
 6 31, 2022, to redistrict the election districts from the 2020
 7 decennial census.
 8 (2) For a census event other than a federal decennial census, only
 9 during the first year after the year the census event becomes
 10 effective with respect to the political subdivision, as provided in
 11 IC 1-1-3.5-3.
 12 (3) Whenever a county adopts an order declaring a county
 13 boundary to be changed under IC 36-2-1-2 that affects the
 14 boundaries of the political subdivision.
 15 (4) Whenever required to assign annexed territory to a district,
 16 subject to the provisions of IC 36-4-3.
 17 (5) Whenever the boundary of the political subdivision is
 18 changed.
 19 (6) As provided in the order of a court that has found the current
 20 redistricting plan unconstitutional or otherwise unlawful.
 21 (b) A redistricting authority may not redistrict at a time other than
 22 is provided in subsection (a).
 23 SECTION 2. IC 3-6-4.2-14, AS AMENDED BY P.L.131-2022,
 24 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2023]: Sec. 14. (a) Each year in which a general or municipal
 26 election is held, the election division shall call a meeting of all the
 27 members of the county election boards, the boards of registration
 28 (subject to IC 3-7-12), and the boards of elections and registration (as
 29 defined in IC 3-5-2-5.3) to instruct them regarding all of the following:
 30 (1) Their duties under this title and federal law (including HAVA
 31 and NVRA).
 32 (2) Requirements and best practices concerning cybersecurity for
 33 the computerized list, voting systems, and electronic poll books.
 34 (3) Physical security for all aspects of the election process,
 35 including voting systems, electronic poll books, absentee voting,
 36 and polling places.
 37 (4) Requirements and best practices to ensure that voting systems,
 38 precinct polling places, and vote centers are accessible to voters
 39 with disabilities.
 40 (5) Best practices in answering voters' questions on how to vote,
 41 including providing instructions to voters on straight ticket voting.
 42 (b) The election division may call a meeting under this section:



- 1 (1) during a year in which a general or a municipal election is not
 2 held; and
 3 (2) at other times when the election division determines that doing
 4 so is necessary or desirable.
- 5 (c) Each circuit court clerk, each member of a board of registration
 6 established under IC 3-7-12, and each director, assistant director, or
 7 co-director of a board of elections and registration shall attend a
 8 meeting called by the election division under this section. A member
 9 of a county election board may attend a meeting called by the election
 10 division under this section. A circuit court clerk, member of a board of
 11 registration, or member of a board of elections and registration may
 12 require the attendance of the following:
- 13 (1) Each of the circuit court clerk's, board of registration
 14 member's, or board of elections and registration member's
 15 appointed and acting chief deputies or chief assistants with
 16 election related responsibilities.
- 17 (2) If the number of deputies or assistants:
 18 (A) is not more than three (3), one (1) of the clerk's or
 19 member's appointed and acting deputies or assistants; or
 20 (B) is greater than three (3), two (2) of the clerk's or member's
 21 appointed and acting deputies or assistants.
- 22 (d) The election division shall set the time and place of the
 23 instructional meeting. In years in which a primary election is held, the
 24 election division:
 25 (1) may conduct the meeting before the first day of the year; and
 26 (2) shall conduct the meeting before primary election day.
- 27 The instructional meeting may not last for more than three (3) days.
- 28 (e) This subsection applies to a meeting under subsection (c)
 29 conducted before January 1, 2022. Each individual required to attend
 30 the meeting under subsection (c) and an individual who has been
 31 elected or selected to serve as circuit court clerk but has not yet begun
 32 serving in that office is entitled to receive all of the following from the
 33 county general fund without appropriation:
- 34 (1) A per diem of twenty-four dollars (\$24) for attending the
 35 instructional meeting called by the election division under this
 36 section.
- 37 (2) A mileage allowance at the state rate for the distance
 38 necessarily traveled in going and returning from the place of the
 39 instructional meeting called by the election division under this
 40 section.
- 41 (3) Reimbursement for the payment of the instructional meeting
 42 registration fee.



- 1 (4) An allowance for lodging for each night preceding conference
2 attendance equal to the lodging allowance provided to state
3 employees in travel status.
4 Payment of a per diem, mileage allowance, reimbursement, or lodging
5 allowance under this section for a meeting conducted before January
6 1, 2022, is legalized and validated.
- 7 (f) This subsection applies to a meeting under subsection (c)
8 conducted on or after January 1, 2022. Each individual who attends the
9 meeting under subsection (c) and an individual who has been elected
10 or selected to serve ~~a~~ as circuit court clerk but has not yet begun
11 serving in that office is entitled to receive all of the following from the
12 county general fund without appropriation:
- 13 (1) A sum for mileage at a rate determined by the fiscal body of
14 the unit the official represents for each mile necessarily traveled
15 in going to and returning from the meeting by the most
16 expeditious route. Regardless of the duration of the conference,
17 only one (1) mileage reimbursement shall be allowed to the
18 official furnishing the conveyance even if the official transports
19 more than one (1) person.
- 20 (2) An allowance for lodging for each night preceding conference
21 attendance in an amount equal to the single room rate. However,
22 lodging expense, in the case of a one (1) day conference, shall
23 only be allowed for persons who reside fifty (50) miles or farther
24 from the conference location.
- 25 (3) Reimbursement of an official, a deputy, or an assistant in an
26 amount determined by the fiscal body of the unit the official,
27 deputy, or assistant represents, for meals purchased while
28 attending a conference called under this section.
- 29 (g) This subsection applies to a meeting conducted on or after
30 January 1, 2022. The election division shall certify the number of days
31 of attendance and the mileage for each conference to each official,
32 deputy, or assistant attending any conference under this section.
- 33 (h) This subsection applies to a meeting conducted on or after
34 January 1, 2022. All payments of mileage and lodging shall be made by
35 the proper disbursing officer in the manner provided by law on a duly
36 verified claim or voucher to which shall be attached the certificate of
37 the election division showing the number of days attended and the
38 number of miles traveled. All payments shall be made from the county
39 general fund from any money not otherwise appropriated and without
40 any previous appropriation being made therefore.
- 41 (i) This subsection applies to a meeting conducted on or after
42 January 1, 2022. A claim for reimbursement under this section may not



1 be denied by the body responsible for the approval of claims if the
2 claim complies with IC 5-11-10-1.6 and this section.

3 SECTION 3. IC 3-6-5.2-1 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. This chapter applies
5 to a county having a population of more than four hundred thousand
6 (400,000) ~~but~~ **and** less than seven hundred thousand (700,000).

7 SECTION 4. IC 3-8-2-6 IS AMENDED TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2023]: Sec. 6. (a) A declaration of candidacy
9 for:

- 10 (1) any local office not described in section 5 of this chapter;
11 (2) precinct committeeman; or
12 (3) delegate to a state convention;

13 shall be filed in the office of the county election board located in the
14 county seat.

15 (b) Whenever the election district for a local office includes more
16 than one (1) county, the declaration of candidacy shall be filed in the
17 office of the county election board located in the county seat of the
18 county that contains the greatest percentage of population of the
19 election district.

20 (c) This subsection applies to a county having a population of more
21 than four hundred thousand (400,000) ~~but~~ **and** less than seven hundred
22 thousand (700,000). The chief deputy of the combined election board
23 and board of registration shall post for public inspection a copy of each
24 declaration of candidacy filed under this section on the day the
25 declaration is filed.

26 SECTION 5. IC 3-10-1-18, AS AMENDED BY P.L.76-2014,
27 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2023]: Sec. 18. (a) Except as provided by subsection (b), the
29 names of all candidates for each office who have qualified under IC 3-8
30 shall be arranged in alphabetical order by surnames under the
31 designation of the office.

32 (b) This subsection applies to a county having a population of more
33 than four hundred thousand (400,000) ~~but~~ **and** less than seven hundred
34 thousand (700,000). The names of all candidates for each office who
35 have qualified under IC 3-8, except for a school board office, precinct
36 committeeman, or state convention delegate, shall be arranged in
37 random order by surnames under the designation of the office. The
38 random order shall be determined using a lottery. The lottery held in
39 accordance with this subsection shall be conducted in public by the
40 county election board. The lottery shall be held not later than fifteen
41 (15) days following the last day for a declaration of candidacy under
42 IC 3-8-2-4. All candidates whose names are to be arranged by way of



1 the lottery shall be notified at least five (5) days prior to the lottery of
 2 the time and place at which the lottery is to be held. Each candidate
 3 may have one (1) designated watcher, and each county political party
 4 may have one (1) designated watcher who shall be allowed to observe
 5 the lottery procedure.

6 (c) For paper ballots, the left margin of the ballot for each political
 7 party must show the name of the uppermost candidate printed to the
 8 right of the number 1, the next candidate number 2, the next candidate
 9 number 3, and so on, consecutively to the end of the ballot as
 10 prescribed in section 19 of this chapter. If ordered by a county election
 11 board or a board of elections and registration under IC 3-11-15-13.1(b),
 12 a ballot number or other candidate designation uniquely associated
 13 with the candidate must be displayed on the electronic voting system
 14 and printed on the ballot cards.

15 (d) This subsection applies to a county having a population of more
 16 than four hundred thousand (400,000) ~~but~~ **and** less than seven hundred
 17 thousand (700,000). If there is insufficient room on a row to list each
 18 candidate of a political party, a second or subsequent row may be
 19 utilized. However, a second or subsequent row may not be utilized
 20 unless the first row, and all preceding rows, have been filled.

21 SECTION 6. IC 3-10-6-2.5, AS AMENDED BY P.L.278-2019,
 22 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2023]: Sec. 2.5. (a) This section does not apply to a town
 24 located wholly or partially within a county having a consolidated city
 25 unless the town has a population of more than one thousand (1,000) ~~but~~
 26 **and** less than one thousand four hundred (1,400).

27 (b) This section applies to a town that has not adopted an ordinance:

- 28 (1) under IC 18-3-1-16(b) (before its repeal on September 1,
 29 1981); or
- 30 (2) in 1982 under P.L.13-1982, SECTION 3 (before its expiration
 31 on January 1, 1988).

32 (c) Notwithstanding ~~IC 3-10-6-6~~, **section 6 of this chapter**, a town
 33 may adopt an ordinance during the year preceding a municipal election
 34 conducted under section 2 of this chapter prescribing the length of the
 35 term of office for town legislative body members elected in the
 36 municipal election.

37 (d) The ordinance must provide that:

- 38 (1) no more than fifty percent (50%) of the members will be
 39 elected for terms of three (3) years beginning at noon January 1
 40 following the municipal election under section 2 of this chapter;
 41 and
- 42 (2) the remainder of the members will be elected for terms of four



1 (4) years beginning at noon January 1 following the election.

2 (e) An ordinance described in this section or an ordinance repealing
3 an ordinance described in this section is effective upon filing the
4 ordinance with the circuit court clerk of the county in which the largest
5 percentage of the town is located.

6 SECTION 7. IC 3-10-7-2.5, AS AMENDED BY P.L.119-2012,
7 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2023]: Sec. 2.5. (a) This section does not apply to a town
9 located wholly or partially within a county having a consolidated city
10 unless the town has a population of more than one thousand (1,000) ~~but~~
11 **and** less than one thousand four hundred (1,400).

12 (b) A town may adopt an ordinance under IC 3-10-6-2.5, if the town
13 has not adopted an ordinance under IC 18-3-1-16(b) (before its repeal
14 on September 1, 1981) or P.L.13-1982, SECTION 3 (before its
15 expiration on January 1, 1988).

16 SECTION 8. IC 3-11-2-6 IS AMENDED TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2023]: Sec. 6. (a) The device named and list of
18 nominees shall be placed on the ballots as follows:

19 (1) The major political party whose candidate received the highest
20 number of votes in the county for secretary of state at the last
21 election in the first column or row on the left side of all ballots.

22 (2) The major political party whose candidate received the second
23 highest number of votes in the county for secretary of state at the
24 last election in the second column or row.

25 (3) Any other political party in the same order.

26 (b) If a political party did not have a candidate for secretary of state
27 in the last election or a nominee is an independent candidate (or an
28 independent ticket for President and Vice President of the United
29 States or for governor and lieutenant governor), the party or
30 independent candidate or ticket shall be placed on the ballot after the
31 parties described in subsection (a). If more than one (1) political party
32 or independent candidate or ticket that has qualified to be on the ballot
33 did not have a candidate for secretary of state in the last election, those
34 parties, candidates, or tickets shall be listed on the ballot in the order
35 in which the party filed its petition of nomination under IC 3-8-6-12.

36 (c) Subject to subsection (e), a column or row for write-in voting
37 shall be placed to the right of all party and independent columns on the
38 ballot.

39 (d) This subsection applies to a county having a population of more
40 than four hundred thousand (400,000) ~~but~~ **and** less than seven hundred
41 thousand (700,000). If there is insufficient room on a row to list each
42 candidate of a political party, a second or subsequent row may be



1 utilized. However, a second or subsequent row may not be utilized
2 unless the first row, and all preceding rows, have been filled.

3 (e) A column or row for write-in voting for an office is not required
4 if there are no declared write-in candidates for that office. However,
5 procedures must be implemented to permit write-in voting for
6 candidates for federal offices.

7 SECTION 9. IC 3-11-3-35, AS AMENDED BY P.L.221-2005,
8 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2023]: Sec. 35. (a) This section applies to a county having a
10 population of more than four hundred thousand (400,000) ~~but~~ **and** less
11 than seven hundred thousand (700,000).

12 (b) In each precinct where voting is by electronic voting system, the
13 county election board shall provide the following to be used if an
14 electronic voting system malfunctions:

15 (1) The following number of paper ballots:

16 (A) Not less than ten (10) if the number of registered voters in
17 the precinct is not more than three hundred (300).

18 (B) Not less than twenty-five (25) if the number of registered
19 voters in the precinct is more than three hundred (300).

20 (2) The necessary supplies and equipment as required by
21 IC 3-11-11.

22 (c) Upon notice that an electronic voting system is out of order or
23 fails to work, the precinct election board shall make the paper ballots
24 provided under subsection (b) available to voters. The precinct election
25 board shall contact the county election board to obtain additional
26 ballots.

27 (d) Upon notice that an electronic voting system is out of order or
28 fails to work, the county election board shall deliver additional
29 necessary supplies to any precinct in the county, including additional
30 paper ballots.

31 SECTION 10. IC 3-11-4-2, AS AMENDED BY P.L.115-2022,
32 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2023]: Sec. 2. (a) A voter who wants to vote by absentee
34 ballot must apply to the county election board for an official absentee
35 ballot. Except as provided in subsection (b), the voter must sign the
36 absentee ballot application.

37 (b) If a voter with disabilities is unable to sign the absentee ballot
38 application and the voter has not designated an individual to serve as
39 attorney in fact for the voter, the voter may designate an individual
40 eligible to assist the voter under IC 3-11-9-2(a) to sign the application
41 on behalf of the voter and add the individual's name to the application.
42 If an individual applies for an absentee ballot as the properly



1 authorized attorney in fact for a voter, the attorney in fact must attach
 2 a copy of the power of attorney to the application and comply with
 3 subsection (d).

4 (c) A person may provide an individual with an application for an
 5 absentee ballot with the following information already printed or
 6 otherwise set forth on the application when provided to the individual:

- 7 (1) The name of the individual.
- 8 (2) The voter registration address of the individual.
- 9 (3) The mailing address of the individual.
- 10 (4) The date of birth of the individual.

11 (d) A person may not provide an individual with an application for
 12 an absentee ballot with the following information already printed or
 13 otherwise set forth on the application when provided to the individual:

- 14 (1) The address to which the absentee ballot would be mailed, if
 15 different from the voter registration address of the individual.
- 16 (2) In a primary election, the major political party ballot requested
 17 by the individual.
- 18 (3) In a primary or general election, the types of absentee ballots
 19 requested by the individual.
- 20 (4) The reason why the individual is entitled to vote an absentee
 21 ballot:
 - 22 (A) by mail; or
 - 23 (B) before an absentee voter board (other than an absentee
 24 voter board located in the office of the circuit court clerk or a
 25 satellite office);
 in accordance with ~~IC 3-11-4-18~~, **section 18 of this chapter**,
 26 IC 3-11-10-24, or IC 3-11-10-25.
- 27 (5) The voter identification number of the individual.

28 (e) If the county election board determines that an absentee ballot
 29 application does not comply with subsection (d), the board shall deny
 30 the application under section 17.5 of this chapter.

31 (f) The following statement must be printed in at least 16 point font
 32 size, underlined, and clearly legible print on the envelope of an
 33 absentee ballot application that a person sends to an individual:

34 "(Name of person sending the absentee ballot application) has
 35 sent you the enclosed application. This is unsolicited and is not
 36 sent by a state or local ~~elections~~ **election** official."

37 (g) This subsection applies only to an absentee ballot application
 38 submitted in an electronic format using a module of the computerized
 39 list under IC 3-7-26.3. In order for an individual to access the absentee
 40 ballot application, the individual shall provide either of the following:

- 41 (1) The individual's ten (10) digit Indiana driver's license number.
- 42



1 (2) The last four (4) digits of the individual's Social Security
2 number.

3 (h) A person who assists an individual in completing any
4 information described in subsection (d) on an absentee ballot
5 application shall state under the penalties for perjury the following
6 information on the application:

7 (1) The full name, residence and mailing address, and daytime
8 and evening telephone numbers (if any) of the person providing
9 the assistance.

10 (2) The date this assistance was provided.

11 (3) That the person providing the assistance has complied with
12 Indiana laws governing the submission of absentee ballot
13 applications.

14 (4) That the person has no knowledge or reason to believe that the
15 individual submitting the application:

16 (A) is ineligible to vote or to cast an absentee ballot; or

17 (B) did not properly complete and sign the application.

18 When providing assistance to an individual, the person must, in the
19 individual's presence and with the individual's consent, provide the
20 information listed in subsection (d) if the individual is unable to do so.

21 (i) This subsection does not apply to an employee of the United
22 States Postal Service or a bonded courier company acting in the
23 individual's capacity as an employee of the United States Postal Service
24 or a bonded courier company. A person who receives a completed
25 absentee ballot application from the individual who has applied for the
26 absentee ballot shall indicate on the application the date the person
27 received the application, and file the application with the appropriate
28 county election board or election division not later than:

29 (1) noon ten (10) days after the person receives the application;
30 or

31 (2) the deadline set by Indiana law for filing the application with
32 the board;

33 whichever occurs first. The election division, a county election board,
34 or a board of elections and registration shall forward an absentee ballot
35 application to the county election board or board of elections and
36 registration of the county where the individual resides.

37 (j) This subsection does not apply to an employee of the United
38 States Postal Service or a bonded courier company acting in the
39 individual's capacity as an employee of the United States Postal Service
40 or a bonded courier company, or to the election division, a county
41 election board, or a board of elections and registration. A person filing
42 an absentee ballot application, other than the person's own absentee



1 ballot application, must include an affidavit with the application. The
 2 affidavit must be signed by the individual who received the completed
 3 application from the applicant. The affidavit must be in a form
 4 prescribed by the election division. The form must include the
 5 following:

6 (1) A statement of the full name, residence and mailing address,
 7 and daytime and evening telephone numbers (if any) of the person
 8 submitting the application.

9 (2) A statement that the person filing the affidavit has complied
 10 with Indiana laws governing the submission of absentee ballot
 11 applications.

12 (3) The date (or dates) that the absentee ballot applications
 13 attached to the affidavit were received.

14 (4) A statement that the person has no knowledge or reason to
 15 believe that the individual whose application is to be filed:

16 (A) is ineligible to vote or to cast an absentee ballot; or

17 (B) did not properly complete and sign the application.

18 (5) A statement that the person is executing the affidavit under the
 19 penalties of perjury.

20 (6) A statement setting forth the penalties for perjury.

21 (k) The county election board shall record the date and time of the
 22 filing of the affidavit.

23 SECTION 11. IC 3-11-11-1.7 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1.7. (a) Each county
 25 election board shall provide an adequate number of sample ballots for
 26 each precinct of the county. The county election board shall arrange the
 27 sample ballots in the form of a diagram showing:

28 (1) the political party and independent tickets;

29 (2) the offices to be filled;

30 (3) the names of the candidates; and

31 (4) the public questions;

32 in the same order in which they will occur on the official ballots printed
 33 under the jurisdiction of the election division and the county election
 34 board. However, if presidential electors are to be voted for at an
 35 election, then the ballot of each party or independent ticket must be in
 36 the form prescribed by IC 3-10-4-1.

37 (b) This subsection applies to a county having a population of more
 38 than four hundred thousand (400,000) ~~but~~ **and** less than seven hundred
 39 thousand (700,000). At least ten (10) days before an election, each
 40 county election board shall duplicate, distribute, and cause to be posted
 41 copies of official sample ballots:

42 (1) received from the election division; and



1 (2) prepared by the county election board;
 2 to schools, fire stations, county courthouses, and other public buildings
 3 in the county.

4 SECTION 12. IC 3-11-14-8, AS AMENDED BY P.L.194-2013,
 5 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2023]: Sec. 8. (a) Each county election board may make
 7 available at convenient places throughout the county electronic voting
 8 systems for the instruction of the voters. The board shall locate the
 9 systems at places where people usually assemble, such as shopping
 10 centers. The board shall have the systems attended at convenient hours
 11 designated by the board by persons able to instruct others in their use.
 12 The county chairmen of the major political parties of the state must
 13 approve the persons attending the systems under this section.

14 (b) This subsection applies to a county having a population of more
 15 than four hundred thousand (400,000) ~~but and~~ less than seven hundred
 16 thousand (700,000). At least ten (10) days before an election, each
 17 county election board shall duplicate, distribute, and cause to be posted
 18 copies of official sample ballots prepared by the county election board
 19 to schools, fire stations, county courthouses, and other public buildings
 20 in the county.

21 SECTION 13. IC 4-23-34-6, AS ADDED BY P.L.3-2022,
 22 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2023]: Sec. 6. Each member of the commission serves until
 24 the expiration of this chapter, as provided in section ~~16~~ **15** of this
 25 chapter.

26 SECTION 14. IC 4-32.3-2-12.5, AS ADDED BY P.L.136-2022,
 27 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2023]: Sec. 12.5. "Charitable government services
 29 organization" means a bona fide charitable organization that meets the
 30 following requirements:

31 (1) The organization:

32 (A) operates; and

33 (B) is in existence;

34 in Indiana.

35 (2) The organization has a constitution, articles, charter, or bylaws
 36 that contain a clause that provides that upon dissolution all
 37 remaining assets shall be used for the ~~nonprofit's~~ **organization's**
 38 stated purposes.

39 (3) The organization is exempt from federal income taxation
 40 under Section 501(c)(3) of the Internal Revenue Code.

41 (4) The organization has a contract with the department of child
 42 services to provide child welfare services.



1 SECTION 15. IC 4-33-6-20 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 20. (a) This section
 3 applies to a city that:

4 (1) has a population of less than one hundred thousand (100,000);
 5 and

6 (2) is located in a county contiguous to Lake Michigan that has a
 7 population of more than four hundred thousand (400,000) ~~but and~~
 8 less than seven hundred thousand (700,000).

9 (b) Notwithstanding any other provision of this article, the
 10 commission may not issue a license under this article to allow a
 11 riverboat to operate from a city to which this section applies unless the
 12 voters of the city have approved the conducting of gambling games on
 13 riverboats in the city.

14 (c) If the legislative body of the city approves the docking of a
 15 riverboat under section 19 of this chapter, or if at least the number of
 16 the registered voters of the city required under IC 3-8-6-3 for a petition
 17 to place a candidate on the ballot sign a petition submitted to the circuit
 18 court clerk requesting that a local public question concerning riverboat
 19 gaming be placed on the ballot, the county election board shall place
 20 the following question on the ballot in the city during the next general
 21 election:

22 "Shall licenses be issued to permit riverboat gambling in the City
 23 of _____?"

24 (d) A public question under this section shall be placed on the ballot
 25 in accordance with IC 3-10-9 and must be certified in accordance with
 26 IC 3-10-9-3.

27 (e) The clerk of the circuit court of a county holding an election
 28 under this chapter shall certify the results determined under
 29 IC 3-12-4-9 to the commission and the department of state revenue.

30 (f) If a public question under this section is placed on the ballot in
 31 a city and the voters of the city do not vote in favor of permitting
 32 riverboat gambling under this article, another public question under
 33 this section may not be held in that city for at least two (2) years.

34 SECTION 16. IC 5-2-1-3, AS AMENDED BY P.L.21-2022,
 35 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2023]: Sec. 3. There is created, as a criminal justice agency of
 37 the state, a law enforcement training board to carry out the provisions
 38 of this chapter. The board members are to be selected as provided by
 39 this chapter. The board is composed of the following members:

40 (1) The superintendent of the Indiana state police department,
 41 representing the Indiana state police academy. The superintendent
 42 shall serve as chairperson of the board.



- 1 (2) The executive director of the department of homeland security
- 2 appointed under IC 10-19-3-1. The executive director shall serve
- 3 as the vice chair of the board.
- 4 (3) The chief of police of a consolidated city, representing the
- 5 police department academy of the consolidated city.
- 6 (4) One (1) county sheriff from a county with a population of at
- 7 least one hundred thousand (100,000).
- 8 (5) One (1) county sheriff from a county of at least fifty thousand
- 9 (50,000) ~~but~~ **and** less than one hundred thousand (100,000)
- 10 population.
- 11 (6) One (1) county sheriff from a county of under fifty thousand
- 12 (50,000) population.
- 13 (7) One (1) chief of police from a city of at least thirty-five
- 14 thousand (35,000) population, who is not the chief of police of a
- 15 consolidated city.
- 16 (8) One (1) chief of police from a city of at least ten thousand
- 17 (10,000) but under thirty-five thousand (35,000) population.
- 18 (9) One (1) chief of police, police officer, or town marshal from
- 19 a city or town of under ten thousand (10,000) population.
- 20 (10) One (1) prosecuting attorney.
- 21 (11) One (1) judge of a circuit or superior court exercising
- 22 criminal jurisdiction.
- 23 (12) The chief administrative officer of the Indiana law
- 24 enforcement academy.
- 25 (13) The commander of the northwest Indiana law enforcement
- 26 academy.
- 27 (14) The commander of the southwest Indiana law enforcement
- 28 academy.
- 29 (15) The commander of the Fort Wayne police department
- 30 academy.
- 31 (16) The commander of the Indiana University police department
- 32 academy.
- 33 (17) One (1) member representing professional journalism.
- 34 (18) One (1) member representing education.
- 35 (19) One (1) member representing a minority owned business or
- 36 nonprofit organization.
- 37 (20) One (1) member representing Indiana elected officials of
- 38 counties, cities, and towns.
- 39 (21) Three (3) members representing the general public.

40 SECTION 17. IC 5-2-1-9, AS AMENDED BY P.L.178-2022(ts),
 41 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2023]: Sec. 9. (a) The board shall adopt in accordance with



1 IC 4-22-2 all necessary rules to carry out the provisions of this chapter.
2 The rules, which shall be adopted only after necessary and proper
3 investigation and inquiry by the board, shall include the establishment
4 of the following:

5 (1) A consistent and uniform statewide deadly force policy and
6 training program, that is consistent with state and federal law.
7 Upon adoption by the law enforcement training board, the policy
8 and training program must be implemented, without modification,
9 by all Indiana law enforcement agencies, offices, or departments.

10 (2) A consistent and uniform statewide defensive tactics policy
11 and training program, that is consistent with state and federal law.
12 Upon adoption by the law enforcement training board, the policy
13 and training program must be implemented, without modification,
14 by all Indiana law enforcement agencies, offices, or departments.

15 (3) A uniform statewide minimum standard for vehicle pursuits
16 consistent with state and federal law.

17 (4) Minimum standards of physical, educational, mental, and
18 moral fitness which shall govern the acceptance of any person for
19 training by any law enforcement training school or academy
20 meeting or exceeding the minimum standards established
21 pursuant to this chapter.

22 (5) Minimum standards for law enforcement training schools
23 administered by towns, cities, counties, law enforcement training
24 centers, agencies, or departments of the state.

25 (6) Minimum standards for courses of study, attendance
26 requirements, equipment, and facilities for approved town, city,
27 county, and state law enforcement officer, police reserve officer,
28 and conservation reserve officer training schools.

29 (7) Minimum standards for a course of study on cultural diversity
30 awareness, including training on the U nonimmigrant visa created
31 through the federal Victims of Trafficking and Violence
32 Protection Act of 2000 (P.L. 106-386) that must be required for
33 each person accepted for training at a law enforcement training
34 school or academy. Cultural diversity awareness study must
35 include an understanding of cultural issues related to race,
36 religion, gender, age, domestic violence, national origin, and
37 physical and mental disabilities.

38 (8) Minimum qualifications for instructors at approved law
39 enforcement training schools.

40 (9) Minimum basic training requirements which law enforcement
41 officers appointed to probationary terms shall complete before
42 being eligible for continued or permanent employment.



- 1 (10) Minimum basic training requirements which law
 2 enforcement officers appointed on other than a permanent basis
 3 shall complete in order to be eligible for continued employment
 4 or permanent appointment.
 5 (11) Minimum basic training requirements which law
 6 enforcement officers appointed on a permanent basis shall
 7 complete in order to be eligible for continued employment.
 8 (12) Minimum basic training requirements for each person
 9 accepted for training at a law enforcement training school or
 10 academy that include six (6) hours of training in interacting with:
 11 (A) persons with autism, mental illness, addictive disorders,
 12 intellectual disabilities, and developmental disabilities;
 13 (B) missing endangered adults (as defined in IC 12-7-2-131.3);
 14 and
 15 (C) persons with Alzheimer's disease or related senile
 16 dementia;
 17 to be provided by persons approved by the secretary of family and
 18 social services and the board. The training must include an
 19 overview of the crisis intervention teams.
 20 (13) Minimum standards for a course of study on human and
 21 sexual trafficking that must be required for each person accepted
 22 for training at a law enforcement training school or academy and
 23 for inservice training programs for law enforcement officers. The
 24 course must cover the following topics:
 25 (A) Examination of the human and sexual trafficking laws (IC
 26 35-42-3.5).
 27 (B) Identification of human and sexual trafficking.
 28 (C) Communicating with traumatized persons.
 29 (D) Therapeutically appropriate investigative techniques.
 30 (E) Collaboration with federal law enforcement officials.
 31 (F) Rights of and protections afforded to victims.
 32 (G) Providing documentation that satisfies the Declaration of
 33 Law Enforcement Officer for Victim of Trafficking in Persons
 34 (Form I-914, Supplement B) requirements established under
 35 federal law.
 36 (H) The availability of community resources to assist human
 37 and sexual trafficking victims.
 38 (14) Minimum standards for ongoing specialized, intensive, and
 39 integrative training for persons responsible for investigating
 40 sexual assault cases involving adult victims. This training must
 41 include instruction on:
 42 (A) the neurobiology of trauma;



- 1 (B) trauma informed interviewing; and
 2 (C) investigative techniques.
- 3 (15) Minimum standards for de-escalation training. De-escalation
 4 training shall be taught as a part of existing use-of-force training
 5 and not as a separate topic.
- 6 (16) Minimum standards regarding best practices for crowd
 7 control, protests, and First Amendment activities.
- 8 All statewide policies and minimum standards shall be documented in
 9 writing and published on the **Indiana law enforcement academy**
 10 (ILEA) website. Any policy, standard, or training program
 11 implemented, adopted, or promulgated by a vote of the board may only
 12 subsequently be modified or rescinded by a two-thirds (2/3) majority
 13 vote of the board.
- 14 (b) A law enforcement officer appointed after July 5, 1972, and
 15 before July 1, 1993, may not enforce the laws or ordinances of the state
 16 or any political subdivision unless the officer has, within one (1) year
 17 from the date of appointment, successfully completed the minimum
 18 basic training requirements established under this chapter by the board.
 19 If a person fails to successfully complete the basic training
 20 requirements within one (1) year from the date of employment, the
 21 officer may not perform any of the duties of a law enforcement officer
 22 involving control or direction of members of the public or exercising
 23 the power of arrest until the officer has successfully completed the
 24 training requirements. This subsection does not apply to any law
 25 enforcement officer appointed before July 6, 1972, or after June 30,
 26 1993.
- 27 (c) Military leave or other authorized leave of absence from law
 28 enforcement duty during the first year of employment after July 6,
 29 1972, shall toll the running of the first year, which shall be calculated
 30 by the aggregate of the time before and after the leave, for the purposes
 31 of this chapter.
- 32 (d) Except as provided in subsections (e), (m), (t), and (u), a law
 33 enforcement officer appointed to a law enforcement department or
 34 agency after June 30, 1993, may not:
- 35 (1) make an arrest;
 36 (2) conduct a search or a seizure of a person or property; or
 37 (3) carry a firearm;
- 38 unless the law enforcement officer successfully completes, at a board
 39 certified law enforcement academy or at a law enforcement training
 40 center under section 10.5 or 15.2 of this chapter, the basic training
 41 requirements established by the board under this chapter.
- 42 (e) This subsection does not apply to:



1 (1) a gaming agent employed as a law enforcement officer by the
 2 Indiana gaming commission; or

3 (2) an:

4 (A) attorney; or

5 (B) investigator;

6 designated by the securities commissioner as a police officer of
 7 the state under IC 23-19-6-1(k).

8 Before a law enforcement officer appointed after June 30, 1993,
 9 completes the basic training requirements, the law enforcement officer
 10 may exercise the police powers described in subsection (d) if the
 11 officer successfully completes the pre-basic course established in
 12 subsection (f). Successful completion of the pre-basic course authorizes
 13 a law enforcement officer to exercise the police powers described in
 14 subsection (d) for one (1) year after the date the law enforcement
 15 officer is appointed.

16 (f) The board shall adopt rules under IC 4-22-2 to establish a
 17 pre-basic course for the purpose of training:

18 (1) law enforcement officers;

19 (2) police reserve officers (as described in IC 36-8-3-20); and

20 (3) conservation reserve officers (as described in IC 14-9-8-27);

21 regarding the subjects of arrest, search and seizure, the lawful use of
 22 force, de-escalation training, interacting with individuals with autism,
 23 and the operation of an emergency vehicle. The pre-basic course must
 24 be offered on a periodic basis throughout the year at regional sites
 25 statewide. The pre-basic course must consist of at least forty (40) hours
 26 of course work. The board may prepare the classroom part of the
 27 pre-basic course using available technology in conjunction with live
 28 instruction. The board shall provide the course material, the instructors,
 29 and the facilities at the regional sites throughout the state that are used
 30 for the pre-basic course. In addition, the board may certify pre-basic
 31 courses that may be conducted by other public or private training
 32 entities, including postsecondary educational institutions.

33 (g) Subject to subsection (h), the board shall adopt rules under
 34 IC 4-22-2 to establish a mandatory inservice training program for
 35 police officers and police reserve officers (as described in
 36 IC 36-8-3-20). After June 30, 1993, a law enforcement officer who has
 37 satisfactorily completed basic training and has been appointed to a law
 38 enforcement department or agency on either a full-time or part-time
 39 basis is not eligible for continued employment unless the officer
 40 satisfactorily completes the mandatory inservice training requirements
 41 established by rules adopted by the board. Inservice training must
 42 include de-escalation training. Inservice training must also include



1 training in interacting with persons with mental illness, addictive
 2 disorders, intellectual disabilities, autism, developmental disabilities,
 3 and Alzheimer's disease or related senile dementia, to be provided by
 4 persons approved by the secretary of family and social services and the
 5 board, and training concerning human and sexual trafficking and high
 6 risk missing persons (as defined in IC 5-2-17-1). The board may
 7 approve courses offered by other public or private training entities,
 8 including postsecondary educational institutions, as necessary in order
 9 to ensure the availability of an adequate number of inservice training
 10 programs. The board may waive an officer's inservice training
 11 requirements if the board determines that the officer's reason for
 12 lacking the required amount of inservice training hours is due to either
 13 an emergency situation or the unavailability of courses.

14 (h) This subsection applies only to a mandatory inservice training
 15 program under subsection (g). Notwithstanding subsection (g), the
 16 board may, without adopting rules under IC 4-22-2, modify the course
 17 work of a training subject matter, modify the number of hours of
 18 training required within a particular subject matter, or add a new
 19 subject matter, if the board satisfies the following requirements:

- 20 (1) The board must conduct at least two (2) public meetings on
 21 the proposed modification or addition.
 22 (2) After approving the modification or addition at a public
 23 meeting, the board must post notice of the modification or
 24 addition on the Indiana law enforcement academy's ~~Internet web~~
 25 **site website** at least thirty (30) days before the modification or
 26 addition takes effect.

27 If the board does not satisfy the requirements of this subsection, the
 28 modification or addition is void. This subsection does not authorize the
 29 board to eliminate any inservice training subject matter required under
 30 subsection (g).

31 (i) The board shall also adopt rules establishing a town marshal
 32 basic training program, subject to the following:

- 33 (1) The program must require fewer hours of instruction and class
 34 attendance and fewer courses of study than are required for the
 35 mandated basic training program.
 36 (2) Certain parts of the course materials may be studied by a
 37 candidate at the candidate's home in order to fulfill requirements
 38 of the program.
 39 (3) Law enforcement officers successfully completing the
 40 requirements of the program are eligible for appointment only in
 41 towns employing the town marshal system (IC 36-5-7) and having
 42 not more than one (1) marshal and two (2) deputies.



- 1 (4) The limitation imposed by subdivision (3) does not apply to an
 2 officer who has successfully completed the mandated basic
 3 training program.
- 4 (5) The time limitations imposed by subsections (b) and (c) for
 5 completing the training are also applicable to the town marshal
 6 basic training program.
- 7 (6) The program must require training in interacting with
 8 individuals with autism.
- 9 (j) The board shall adopt rules under IC 4-22-2 to establish an
 10 executive training program. The executive training program must
 11 include training in the following areas:
- 12 (1) Liability.
 13 (2) Media relations.
 14 (3) Accounting and administration.
 15 (4) Discipline.
 16 (5) Department policy making.
 17 (6) Lawful use of force and de-escalation training.
 18 (7) Department programs.
 19 (8) Emergency vehicle operation.
 20 (9) Cultural diversity.
- 21 (k) A police chief shall apply for admission to the executive training
 22 program within two (2) months of the date the police chief initially
 23 takes office. A police chief must successfully complete the executive
 24 training program within six (6) months of the date the police chief
 25 initially takes office. However, if space in the executive training
 26 program is not available at a time that will allow completion of the
 27 executive training program within six (6) months of the date the police
 28 chief initially takes office, the police chief must successfully complete
 29 the next available executive training program that is offered after the
 30 police chief initially takes office.
- 31 (l) A police chief who fails to comply with subsection (k) may not
 32 continue to serve as the police chief until completion of the executive
 33 training program. For the purposes of this subsection and subsection
 34 (k), "police chief" refers to:
- 35 (1) the police chief of any city;
 36 (2) the police chief of any town having a metropolitan police
 37 department; and
 38 (3) the chief of a consolidated law enforcement department
 39 established under IC 36-3-1-5.1.
- 40 A town marshal is not considered to be a police chief for these
 41 purposes, but a town marshal may enroll in the executive training
 42 program.



1 (m) A fire investigator in the department of homeland security
2 appointed after December 31, 1993, is required to comply with the
3 basic training standards established under this chapter.

4 (n) The board shall adopt rules under IC 4-22-2 to establish a
5 program to certify handgun safety courses, including courses offered
6 in the private sector, that meet standards approved by the board for
7 training probation officers in handgun safety as required by
8 IC 11-13-1-3.5(2).

9 (o) The board shall adopt rules under IC 4-22-2 to establish a
10 refresher course for an officer who:

11 (1) is hired by an Indiana law enforcement department or agency
12 as a law enforcement officer;

13 (2) has not been employed as a law enforcement officer for:

14 (A) at least two (2) years; and

15 (B) less than six (6) years before the officer is hired under
16 subdivision (1); and

17 (3) completed at any time a basic training course certified or
18 recognized by the board before the officer is hired under
19 subdivision (1).

20 (p) An officer to whom subsection (o) applies must successfully
21 complete the refresher course described in subsection (o) not later than
22 six (6) months after the officer's date of hire, or the officer loses the
23 officer's powers of:

24 (1) arrest;

25 (2) search; and

26 (3) seizure.

27 (q) The board shall adopt rules under IC 4-22-2 to establish a
28 refresher course for an officer who:

29 (1) is appointed by an Indiana law enforcement department or
30 agency as a reserve police officer; and

31 (2) has not worked as a reserve police officer for at least two (2)
32 years after:

33 (A) completing the pre-basic course; or

34 (B) leaving the individual's last appointment as a reserve
35 police officer.

36 An officer to whom this subsection applies must successfully complete
37 the refresher course established by the board in order to work as a
38 reserve police officer.

39 (r) This subsection applies to an individual who, at the time the
40 individual completes a board certified or recognized basic training
41 course, has not been appointed as a law enforcement officer by an
42 Indiana law enforcement department or agency. If the individual is not



1 employed as a law enforcement officer for at least two (2) years after
 2 completing the basic training course, the individual must successfully
 3 retake and complete the basic training course as set forth in subsection
 4 (d).

5 (s) The board shall adopt rules under IC 4-22-2 to establish a
 6 refresher course for an individual who:

7 (1) is appointed as a board certified instructor of law enforcement
 8 training; and

9 (2) has not provided law enforcement training instruction for
 10 more than one (1) year after the date the individual's instructor
 11 certification expired.

12 An individual to whom this subsection applies must successfully
 13 complete the refresher course established by the board in order to
 14 renew the individual's instructor certification.

15 (t) This subsection applies only to a gaming agent employed as a
 16 law enforcement officer by the Indiana gaming commission. A gaming
 17 agent appointed after June 30, 2005, may exercise the police powers
 18 described in subsection (d) if:

19 (1) the agent successfully completes the pre-basic course
 20 established in subsection (f); and

21 (2) the agent successfully completes any other training courses
 22 established by the Indiana gaming commission in conjunction
 23 with the board.

24 (u) This subsection applies only to a securities enforcement officer
 25 designated as a law enforcement officer by the securities
 26 commissioner. A securities enforcement officer may exercise the police
 27 powers described in subsection (d) if:

28 (1) the securities enforcement officer successfully completes the
 29 pre-basic course established in subsection (f); and

30 (2) the securities enforcement officer successfully completes any
 31 other training courses established by the securities commissioner
 32 in conjunction with the board.

33 (v) As used in this section, "upper level policymaking position"
 34 refers to the following:

35 (1) If the authorized size of the department or town marshal
 36 system is not more than ten (10) members, the term refers to the
 37 position held by the police chief or town marshal.

38 (2) If the authorized size of the department or town marshal
 39 system is more than ten (10) members but less than fifty-one (51)
 40 members, the term refers to:

41 (A) the position held by the police chief or town marshal; and

42 (B) each position held by the members of the police



- 1 department or town marshal system in the next rank and pay
 2 grade immediately below the police chief or town marshal.
 3 ~~(3)~~ If the authorized size of the department or town marshal
 4 system is more than fifty (50) members, the term refers to:
 5 (A) the position held by the police chief or town marshal; and
 6 (B) each position held by the members of the police
 7 department or town marshal system in the next two (2) ranks
 8 and pay grades immediately below the police chief or town
 9 marshal.
- 10 ~~(w)~~ (v) This subsection applies only to a correctional police officer
 11 employed by the department of correction. A correctional police officer
 12 may exercise the police powers described in subsection (d) if:
 13 (1) the officer successfully completes the pre-basic course
 14 described in subsection (f); and
 15 (2) the officer successfully completes any other training courses
 16 established by the department of correction in conjunction with
 17 the board.
- 18 ~~(x)~~ (w) This subsection applies only to the sexual assault training
 19 described in subsection (a)(14). The board shall:
 20 (1) consult with experts on the neurobiology of trauma, trauma
 21 informed interviewing, and investigative techniques in developing
 22 the sexual assault training; and
 23 (2) develop the sexual assault training and begin offering the
 24 training not later than July 1, 2022.
- 25 ~~(y)~~ (x) After July 1, 2023, a law enforcement officer who regularly
 26 investigates sexual assaults involving adult victims must complete the
 27 training requirements described in subsection (a)(14) within one (1)
 28 year of being assigned to regularly investigate sexual assaults involving
 29 adult victims.
- 30 ~~(z)~~ (y) A law enforcement officer who regularly investigates sexual
 31 assaults involving adult victims may complete the training
 32 requirements described in subsection (a)(14) by attending a:
 33 (1) statewide or national training; or
 34 (2) department hosted local training.
- 35 ~~(aa)~~ (z) Notwithstanding any other provisions of this section, the
 36 board is authorized to establish certain required standards of training
 37 and procedure.
- 38 SECTION 18. IC 5-2-21.2-2, AS ADDED BY P.L.115-2015,
 39 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2023]: Sec. 2. As used in this chapter, "crisis intervention
 41 team training" means free training that crisis intervention teams
 42 provide for law enforcement officers regarding:



- 1 (1) signs and symptoms of mental health crisis;
- 2 (2) mental health treatment options in the local community; and
- 3 (3) ~~de-escalation~~ **de-escalation** and crisis intervention techniques
- 4 to facilitate interaction and referrals to treatment.

5 SECTION 19. IC 5-10.2-2-2.5, AS AMENDED BY P.L.35-2012,
 6 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2023]: Sec. 2.5. (a) The board may establish investment
 8 guidelines and limits on all types of investments (including, but not
 9 limited to, stocks and bonds) and take other actions necessary to fulfill
 10 its duty as a fiduciary for all assets under its control, subject to the
 11 limitations and restrictions set forth in section 18 of this chapter
 12 **(before its expiration)**, IC 5-10.3-5-3, IC 5-10.4-3-10, and
 13 IC 5-10.5-5.

14 (b) The board may commingle or pool assets with the assets of any
 15 other persons or entities. This authority includes, but is not limited to,
 16 the power to invest in commingled or pooled funds, partnerships, or
 17 mortgage pools, including pools that consist in part or entirely of
 18 mortgages that qualify as five star mortgages under the program
 19 established by IC 24-5-23.6. In the event of any such investment, the
 20 board shall keep separate detailed records of the assets invested. Any
 21 decision to commingle or pool assets is subject to the limitations and
 22 restrictions set forth in IC 5-10.3-5-3, IC 5-10.4-3-10, and IC 5-10.5-5.

23 SECTION 20. IC 5-11-1-24.4, AS AMENDED BY P.L.241-2017,
 24 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2023]: Sec. 24.4. (a) This section applies only to an audited
 26 entity (excluding a college or university (as defined in IC 21-7-13-10))
 27 that has:

- 28 (1) an internal control officer; and
 - 29 (2) an internal control department;
- 30 established by the legislative body of the audited entity. However, the
 31 requirements of this section do not apply to a consolidated city that
 32 hires an internal auditor or an independent certified public accountant,
 33 or both, as authorized under IC 36-3-4-24 to examine the books and
 34 records of the consolidated city.

35 (b) An audited entity may request in writing that the state board of
 36 accounts authorize the audited entity to:

- 37 (1) opt out of examinations by the state board of accounts; and
- 38 (2) engage a certified public accountant to conduct the
- 39 examinations.

40 The request must be approved by resolution adopted by the legislative
 41 body for the audited entity.

42 (c) The state board of accounts shall, not more than sixty (60) days



- 1 after receiving a written request under subsection (b):
- 2 (1) acknowledge receipt of the request; and
- 3 (2) notify the requesting audited entity that the request is:
- 4 (A) approved; or
- 5 (B) disapproved.
- 6 (d) The state board of accounts shall approve a request under
- 7 subsection (b) by an audited entity if the state examiner determines
- 8 that:
- 9 (1) the audited entity filed the written request under subsection
- 10 (b) with the state board of accounts more than one hundred eighty
- 11 (180) days before the beginning of the audited entity's fiscal year;
- 12 (2) the audited entity selects the certified public accountant in
- 13 accordance with the selection procedure under this section;
- 14 (3) the certified public accountant selected by the audited entity
- 15 is:
- 16 (A) licensed in Indiana; and
- 17 (B) qualified to conduct examinations in accordance with the
- 18 government auditing standards adopted by the state board of
- 19 accounts;
- 20 (4) the certified public accountant's examination shall:
- 21 (A) be conducted in accordance with the guidelines
- 22 established by the state board of accounts; and
- 23 (B) make findings regarding the audited entity's compliance
- 24 with the uniform compliance guidelines established by the
- 25 state board of accounts;
- 26 (5) the certified public accountant's examination is paid for by the
- 27 audited entity; and
- 28 (6) the certified public accountant's examination of the audited
- 29 entity includes:
- 30 (A) all associated component units;
- 31 (B) audits required or necessary for federal financial
- 32 assistance;
- 33 (C) findings of noncompliance with state law and uniform
- 34 compliance guidelines as required by IC 5-11-5-1; and
- 35 (D) a separate report in accordance with the guidelines
- 36 established by the state board of accounts for any items of
- 37 noncompliance identified.
- 38 (e) The audited entity must use the following selection procedures:
- 39 (1) The legislative body of the audited entity shall establish an
- 40 audit committee to facilitate the selection of a certified public
- 41 accountant. The audit committee shall be composed of the
- 42 following three (3) members:



- 1 (A) One (1) member of the legislative body appointed by the
 2 legislative body.
 3 (B) One (1) certified public accountant appointed by the
 4 legislative body who is not the fiscal officer or an employee of
 5 the audited entity.
 6 (C) One (1) person appointed by the executive of the audited
 7 entity who is qualified due to an involvement with financial
 8 matters, and who is not the fiscal officer or an employee of the
 9 audited entity.
- 10 Each member shall be appointed for a three (3) year term and
 11 shall serve without compensation. However, a member appointed
 12 under ~~subdivision (1)~~(A) **clause (A)** who ceases to hold the office
 13 of legislative body member ceases to be a member of the audit
 14 committee. A member may not have a contractual relationship,
 15 financial interest, or political affiliation with the certified public
 16 accountant selected.
- 17 (2) The audit committee established under subdivision (1) shall
 18 do the following:
- 19 (A) Establish factors to evaluate the audit services provided by
 20 a certified public accountant, including:
- 21 (i) experience;
 - 22 (ii) ability to perform the required services;
 - 23 (iii) capability to follow the guidelines and standards
 24 adopted by the state board of accounts;
 - 25 (iv) ability to timely complete all necessary components of
 26 the examination; and
 - 27 (v) any other factors considered necessary by the audit
 28 committee.
- 29 (B) Publish notice of a request for proposals under IC 5-3-1
 30 that includes:
- 31 (i) a brief description of the audit requirements;
 - 32 (ii) a time frame;
 - 33 (iii) application procedures;
 - 34 (iv) evaluation criteria; and
 - 35 (v) any other items considered necessary by the audit
 36 committee.
- 37 (C) Evaluate the proposals submitted by qualified certified
 38 public accountants. If compensation is a factor established
 39 under clause (A), it may not be the sole factor used to evaluate
 40 proposals.
- 41 (D) Rank and recommend in order of preference not fewer
 42 than three (3) certified public accountants considered most



- 1 highly qualified on the factors established under clause (A). If
 2 fewer than three (3) certified public accountants respond to the
 3 request for proposals, the audit committee shall recommend
 4 the remaining qualified certified public accountants in order
 5 of preference.
- 6 (3) The legislative body of the audited entity shall select a
 7 qualified certified public accountant from the list recommended
 8 by the audit committee and shall negotiate a contract with the
 9 certified public accountant using one (1) of the following
 10 methods:
- 11 (A) If compensation is a factor established under subdivision
 12 (2)(A), the legislative body shall:
- 13 (i) select; or
 14 (ii) document the reason for not selecting;
 15 the highest ranked certified public accountant.
- 16 (B) If compensation is not a factor established under
 17 subdivision (2)(A), the legislative body shall negotiate a
 18 contract with the highest ranked qualified certified public
 19 accountant. If unable to negotiate a satisfactory contract with
 20 the highest ranked qualified certified public accountant, the
 21 legislative body shall:
- 22 (i) formally terminate negotiations; and
 23 (ii) negotiate with the second highest ranked certified public
 24 accountant.
- 25 Negotiations with the other ranked certified public accountants
 26 shall be undertaken in the same manner. The legislative body
 27 may reopen formal negotiations with any of the top three (3)
 28 ranked certified public accountants but may not negotiate with
 29 more than one (1) certified public accountant at a time.
- 30 (C) The legislative body may select a certified public
 31 accountant recommended by the audit committee and
 32 negotiate a contract using an appropriate alternative
 33 negotiation method for which compensation is not the sole or
 34 predominant factor.
- 35 (D) In negotiations with a certified public accountant, the
 36 legislative body may allow a designee, who is not the fiscal
 37 officer of the audited entity, to conduct negotiations on its
 38 behalf.
- 39 (4) If the legislative body is unable to negotiate a satisfactory
 40 contract with any of the recommended certified public
 41 accountants, the audit committee shall recommend additional
 42 certified public accountants, and negotiations shall continue in



1 accordance with this section until an agreement is reached.

2 (5) The procurement of audit services shall be evidenced by a
3 written contract embodying all provisions and conditions. For
4 purposes of this section, an engagement letter signed and
5 executed by both parties shall constitute a written contract. The
6 written contract shall include the following provisions:

7 (A) Specification of services to be provided and fees or other
8 compensation for the services.

9 (B) Invoices for fees or other compensation shall be submitted
10 in sufficient detail to demonstrate compliance with the terms
11 of the contract.

12 (C) Specification of the contract period and conditions under
13 which the contract may be terminated or renewed.

14 (D) The certified public accountant shall perform the
15 examination in accordance with:

16 (i) the guidelines and standards adopted by the state board
17 of accounts;

18 (ii) auditing standards generally accepted in the United
19 States; and

20 (iii) if applicable, government auditing standards, Office of
21 Management and Budget Circular A-133, and any other
22 guidelines required by the industry.

23 (E) If the certified public accountant discovers or suspects
24 instances of fraud, abuse of public funds, or the commission of
25 a crime, the certified public accountant shall notify the state
26 board of accounts:

27 (i) immediately; and

28 (ii) before disclosing the discovery or suspicion to the
29 audited entity.

30 (F) The certified public accountant shall deliver the completed
31 examination report to the state board of accounts:

32 (i) at the same time as the audited entity; and

33 (ii) not later than thirty (30) days after completion of the
34 examination.

35 The report shall be in a readable format prescribed by the state
36 board of accounts.

37 (G) All work papers supporting the examination report shall be
38 available for review by the state board of accounts.

39 (6) If a legislative body of an audited entity renews a written
40 contract with a certified public accountant that was entered into
41 in accordance with this section, the legislative body may renew
42 the contract without complying with the selection procedures in



- 1 this subsection.
- 2 (f) The certified public accountant must deliver the completed
3 examination report to the state board of accounts not later than thirty
4 (30) days after completion of the examination. The state board of
5 accounts shall review the examination report and may:
- 6 (1) ask questions of the certified public accountant;
7 (2) review the examination work papers; and
8 (3) take any other actions necessary to verify that the guidelines
9 and standards adopted by the state board of accounts have been
10 satisfied.
- 11 (g) If the certified public accountant's examination:
12 (1) satisfies the guidelines and standards adopted by the state
13 board of accounts, the state examiner shall publicly file the
14 examination report under IC 5-11-5-1; or
15 (2) fails to satisfy the guidelines and standards adopted by the
16 state board of accounts:
- 17 (A) the state board of accounts shall perform the audit; and
18 (B) the audited entity shall reimburse the state board of
19 accounts for the actual and direct cost of performing the
20 examination.
- 21 (h) An audited entity that engages a certified public accountant
22 under this section shall reimburse the state board of accounts for all
23 direct and indirect costs incurred by the state board of accounts for any
24 technical assistance and support requested by the audited entity.
- 25 (i) An audited entity may terminate the use of a certified public
26 accountant engaged under this section if:
- 27 (1) the termination is approved by resolution adopted by the
28 legislative body of the audited entity; and
29 (2) written notice of the termination is provided to the state board
30 of accounts more than one hundred eighty (180) days before the
31 beginning of the audited entity's fiscal year.
- 32 (j) Conducting an examination of an audited entity by a certified
33 public accountant does not prohibit the state board of accounts from
34 conducting a compliance review of the audited entity or an examination
35 under section 9.5 of this chapter on the schedule determined by the
36 state board of accounts.
- 37 SECTION 21. IC 5-13-9.3-4, AS AMENDED BY P.L.157-2022,
38 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JULY 1, 2023]: Sec. 4. (a) Except as provided in subsection (d), if the
40 fiscal body of a political subdivision adopts an ordinance or a
41 resolution under section 3 of this chapter for a particular capital asset,
42 the fiscal officer of the political subdivision shall establish a separate



1 fund into which some or all of the proceeds from the sale of the capital
 2 asset shall be deposited. All interest and other income earned on
 3 investments of money in the fund shall be deposited in the fund. The
 4 ordinance or resolution under section 3 of this chapter must require that
 5 the investing officer of the political subdivision shall contract with a
 6 registered investment advisor concerning the investment of the
 7 proceeds in the fund with the expanded investment authority granted
 8 to the political subdivision under this section.

9 (b) Notwithstanding ~~IC 5-13~~ **this article** or any other law, the
 10 investing officer of the political subdivision may invest money in the
 11 fund in the same manner as money in the next generation trust fund
 12 may be invested under IC 8-14-15.2-9(b). A political subdivision shall
 13 enter into an agreement with a registered investment advisor to provide
 14 advice regarding investment of money in the fund. The political
 15 subdivision shall, with the advice of the registered investment advisor,
 16 enter into agreements with investment managers for the investment of
 17 the funds. These agreements:

- 18 (1) must be a fee-for-service agreement; and
- 19 (2) may not provide that the compensation of the investment
 20 management professionals or investment advisors is determined
 21 in whole or in part by the amount or percentage of the investment
 22 income earned on money in the fund.

23 (c) Money in the fund may not be expended or transferred from the
 24 fund, except as provided in this chapter.

25 (d) This subsection applies only to a town that receives proceeds
 26 from the sale of a capital asset under section 3(b)(1)(B) of this chapter.
 27 The fiscal body of a town that receives proceeds from the sale of a
 28 capital asset described in section 3(b)(1)(B) of this chapter shall
 29 contract with a financial institution eligible to receive public funds of
 30 a political subdivision under IC 5-13-8-1 to assist the ~~board~~ **fiscal body**
 31 in its investment program.

32 SECTION 22. IC 6-1.1-8.5-3 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 3. As used in this
 34 chapter, "qualifying county" means a county having a population of
 35 more than four hundred thousand (400,000) ~~but and~~ less than seven
 36 hundred thousand (700,000).

37 SECTION 23. IC 6-1.1-17-5, AS AMENDED BY P.L.159-2020,
 38 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2023]: Sec. 5. (a) The officers of political subdivisions shall
 40 meet each year to fix the budget, tax rate, and tax levy of their
 41 respective subdivisions for the ensuing budget year as follows:

- 42 (1) The board of school trustees of a school corporation that is



1 located in a city having a population of more than one hundred
 2 thousand (100,000) ~~but~~ **and** less than one hundred ten thousand
 3 (110,000), not later than:

4 (A) the time required in section 5.6(b) of this chapter; or

5 (B) November 1 if a resolution adopted under section 5.6(d) of
 6 this chapter is in effect.

7 (2) Except as provided in section 5.2 of this chapter, the proper
 8 officers of all other political subdivisions that are not school
 9 corporations, not later than November 1.

10 (3) The governing body of a school corporation (other than a
 11 school corporation described in subdivision (1)) that elects to
 12 adopt a budget under section 5.6 of this chapter for budget years
 13 beginning after June 30, 2011, not later than the time required
 14 under section 5.6(b) of this chapter for budget years beginning
 15 after June 30, 2011.

16 (4) The governing body of a school corporation that is not
 17 described in subdivision (1) or (3), not later than November 1.

18 Except in a consolidated city and county and in a second class city, the
 19 public hearing required by section 3 of this chapter must be completed
 20 at least ten (10) days before the proper officers of the political
 21 subdivision meet to fix the budget, tax rate, and tax levy. In a
 22 consolidated city and county and in a second class city, that public
 23 hearing, by any committee or by the entire fiscal body, may be held at
 24 any time after introduction of the budget.

25 (b) Ten (10) or more taxpayers may object to a budget, tax rate, or
 26 tax levy of a political subdivision fixed under subsection (a) by filing
 27 an objection petition with the proper officers of the political
 28 subdivision not more than seven (7) days after the hearing. The
 29 objection petition must specifically identify the provisions of the
 30 budget, tax rate, and tax levy to which the taxpayers object.

31 (c) If a petition is filed under subsection (b), the fiscal body of the
 32 political subdivision shall adopt with its budget a finding concerning
 33 the objections in the petition and any testimony presented at the
 34 adoption hearing.

35 (d) A political subdivision shall file the budget adopted by the
 36 political subdivision with the department of local government finance
 37 not later than five (5) business days after the budget is adopted under
 38 subsection (a). The filing with the department of local government
 39 finance must be in a manner prescribed by the department.

40 (e) In a consolidated city and county and in a second class city, the
 41 clerk of the fiscal body shall, notwithstanding subsection (d), file the
 42 adopted budget and tax ordinances with the department of local



1 government finance within five (5) business days after the ordinances
 2 are signed by the executive, or within five (5) business days after action
 3 is taken by the fiscal body to override a veto of the ordinances,
 4 whichever is later.

5 (f) If a fiscal body does not fix the budget, tax rate, and tax levy of
 6 the political subdivisions for the ensuing budget year as required under
 7 this section, the most recent annual appropriations and annual tax levy
 8 are continued for the ensuing budget year.

9 (g) When fixing a budget, tax rate, or tax levy under subsection (a),
 10 the political subdivision shall indicate on its adopting document, in the
 11 manner prescribed by the department, whether the political subdivision
 12 intends to:

13 (1) issue debt after December 1 of the year preceding the budget
 14 year; or

15 (2) file a shortfall appeal under IC 6-1.1-18.5-16.

16 SECTION 24. IC 6-2.5-5-8.5, AS ADDED BY P.L.137-2022,
 17 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2023]: Sec. 8.5. Transactions involving electrical energy,
 19 natural or artificial gas, water, steam, or steam heating service sold or
 20 furnished by a power subsidiary or a person engaged as a public utility
 21 are exempt from the state gross retail tax when:

22 (1) the power subsidiary or person provides, installs, constructs,
 23 services, or removes tangible personal property which is used in
 24 connection with the furnishing of the services or commodities
 25 listed in IC 6-2.5-4-5;

26 (2) the power subsidiary or person sells the services or
 27 commodities listed in IC 6-2.5-4-5 to another public utility or
 28 power subsidiary or a person described in IC 6-2.5-4-6; or

29 (3) the power subsidiary or person sells the services or
 30 commodities listed in IC 6-2.5-4-5 and all of the following
 31 conditions are satisfied:

32 (A) The services or commodities are sold to a business that:

33 (i) relocates all or part of its operations to a facility; or

34 (ii) expands all or part of its operations in a facility;

35 located in a military base (as defined in IC 36-7-30-1(c)), a
 36 military base reuse area established under IC 36-7-14.5-12.5
 37 that is or formerly was a military base (as defined in
 38 IC 36-7-30-1(c)), or a qualified military base enhancement
 39 area established under IC 36-7-34.

40 (B) The business uses the services or commodities in the
 41 facility described in clause (A) not later than five (5) years
 42 after the ~~operation~~ **operations** that relocated to the facility, or



- 1 expanded in the facility, commence.
- 2 (C) The sales of the services or commodities are separately
3 metered for use by the relocated or expanded operations.
- 4 (D) In the case of a business that uses the services or
5 commodities in a qualified military base enhancement area
6 established under IC 36-7-34-4(1), the business must satisfy at
7 least one (1) of the following criteria:
- 8 (i) The business is a participant in the technology transfer
9 program conducted by the qualified military base (as defined
10 in IC 36-7-34-3).
- 11 (ii) The business is a United States Department of Defense
12 contractor.
- 13 (iii) The business and the qualified military base have a
14 mutually beneficial relationship evidenced by a
15 memorandum of understanding between the business and
16 the United States Department of Defense.
- 17 (E) In the case of a business that uses the services and
18 commodities in a qualified military base enhancement area
19 established under IC 36-7-34-4(2), the business must satisfy at
20 least one (1) of the following criteria:
- 21 (i) The business is a participant in the technology transfer
22 program conducted by the qualified military base (as defined
23 in IC 36-7-34-3).
- 24 (ii) The business and the qualified military base have a
25 mutually beneficial relationship evidenced by a
26 memorandum of understanding between the business and
27 the qualified military base (as defined in IC 36-7-34-3).
- 28 ~~However, this subdivision does not apply to a business that~~
29 ~~substantially reduces or ceases its operations at another~~
30 ~~location in Indiana in order to relocate its operations in an area~~
31 ~~described in this subdivision, unless the department~~
32 ~~determines that the business had existing operations in the area~~
33 ~~described in this subdivision and that the operations relocated~~
34 ~~to the area are an expansion of the business's operations in the~~
35 ~~area.~~
- 36 **However, this subdivision does not apply to a business that**
37 **substantially reduces or ceases its operations at another**
38 **location in Indiana in order to relocate its operations in an**
39 **area described in this subdivision, unless the department**
40 **determines that the business had existing operations in the**
41 **area described in this subdivision and that the operations**
42 **relocated to the area are an expansion of the business's**



1 **operations in the area.**

2 SECTION 25. IC 6-3-3-12.1, AS ADDED BY P.L.122-2022,
3 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JANUARY 1, 2024]: Sec. 12.1. (a) As used in this section, "ABLE
5 account" has the meaning set forth in IC 12-11-14-1.

6 (b) As used in this section, "contribution" means the amount of
7 money directly provided to an Indiana ABLE 529A savings plan
8 account by a taxpayer. A contribution does not include any of the
9 following:

10 (1) Money credited to an ABLE account as a result of bonus
11 points or other forms of consideration earned by the taxpayer that
12 result in a transfer of money to the ABLE account.

13 (2) Money transferred from any qualified ABLE program under
14 Section 529A of the Internal Revenue Code or from any other
15 similar plan.

16 (3) Money transferred from any qualified tuition program under
17 Section 529 of the Internal Revenue Code or from any other
18 similar plan.

19 (c) As used in this section, "designated beneficiary" has the meaning
20 set forth in IC 12-11-14-5.

21 (d) As used in this section, "Indiana ABLE 529A savings plan"
22 refers to the Achieving a Better Life Experience (ABLE) 529A plan
23 established under IC 12-11.

24 (e) As used in this section, "nonqualified withdrawal" means a
25 withdrawal or distribution from an Indiana ABLE 529A savings plan
26 that is not a qualified withdrawal.

27 (f) As used in this section, "qualified disability expense" has the
28 meaning set forth in IC 12-11-14-8.

29 (g) As used in this section, "qualified withdrawal" means a
30 withdrawal or distribution from an Indiana ABLE 529A savings plan
31 that is made:

32 (1) to pay for qualified disability expenses, excluding any
33 withdrawals or distributions used to pay for qualified disability
34 expenses, if the withdrawals or distributions are made from an
35 Indiana ABLE 529A savings plan that is terminated within twelve

36 (12) months after the ABLE account is opened;

37 (2) as a result of the death of a designated beneficiary; or

38 (3) by an Indiana ABLE 529A savings plan as the result of a
39 transfer of funds by an Indiana ABLE 529A savings plan from
40 one (1) third party custodian to another.

41 A qualified withdrawal does not include a rollover distribution or
42 transfer of assets from an Indiana ABLE 529A savings plan to any



1 other qualified ABLE program under Section 529A of the Internal
 2 Revenue Code, or to any qualified tuition program under Section 529
 3 of the Internal Revenue Code other than a college choice 529 ~~savings~~
 4 **education savings** plan established under IC 21-9, or to any other
 5 similar plan.

6 (h) As used in this section, "taxpayer" means:

- 7 (1) an individual filing a single return;
- 8 (2) a married couple filing a joint return; or
- 9 (3) a married individual filing a separate return.

10 (i) A taxpayer is entitled to a credit against the taxpayer's adjusted
 11 gross income tax imposed by IC 6-3-1 through IC 6-3-7 for a taxable
 12 year equal to the least of the following:

- 13 (1) Twenty percent (20%) of the amount of the total contributions
 14 made by the taxpayer to an ABLE account or accounts of an
 15 Indiana ABLE 529A savings plan during the taxable year.
- 16 (2) Five hundred dollars (\$500).
- 17 (3) The amount of the taxpayer's adjusted gross income tax
 18 imposed by IC 6-3-1 through IC 6-3-7 for the taxable year,
 19 reduced by the sum of all credits (as determined without regard to
 20 this section) allowed by IC 6-3-1 through IC 6-3-7.

21 (j) A taxpayer is not entitled to a carryback, carryover, or refund of
 22 an unused credit.

23 (k) A taxpayer may not sell, assign, convey, or otherwise transfer the
 24 tax credit provided by this section.

25 (l) To receive the credit provided by this section, a taxpayer must
 26 claim the credit on the taxpayer's annual state tax return or returns in
 27 the manner prescribed by the department. The taxpayer shall submit to
 28 the department all information that the department determines is
 29 necessary for the calculation of the credit provided by this section.

30 (m) An owner of an ABLE account of an Indiana ABLE 529A
 31 savings plan must repay all or a part of the credit in a taxable year in
 32 which any nonqualified withdrawal is made from the ABLE account.

33 The amount the taxpayer must repay is equal to the lesser of:

- 34 (1) twenty percent (20%) of the total amount of nonqualified
 35 withdrawals made during the taxable year from the ABLE
 36 account; or
- 37 (2) the excess of:
 - 38 (A) the cumulative amount of all credits provided by this
 39 section that are claimed by any taxpayer with respect to the
 40 taxpayer's contributions to the ABLE account for all prior
 41 taxable years; over
 - 42 (B) the cumulative amount of repayments paid by the owner of



1 the ABLÉ account under this subsection for all prior taxable
2 years.

3 (n) Any required repayment under subsection (m) must be reported
4 by the owner of the ABLÉ account on the owner's annual state income
5 tax return for any taxable year in which a nonqualified withdrawal is
6 made.

7 (o) A nonresident owner of an ABLÉ account who is not required
8 to file an annual income tax return for a taxable year in which a
9 nonqualified withdrawal is made shall make any required repayment on
10 the form required under IC 6-3-4-1(2). If the nonresident owner of the
11 ABLÉ account does not make the required repayment, the department
12 shall issue a demand notice in accordance with IC 6-8.1-5-1.

13 (p) The executive director of the Indiana ABLÉ authority shall
14 submit or cause to be submitted to the department a copy of all
15 information returns or statements issued to ABLÉ account owners,
16 designated beneficiaries, and other taxpayers for each taxable year with
17 respect to:

18 (1) nonqualified withdrawals made from ABLÉ accounts for the
19 taxable year; or

20 (2) ABLÉ account closings for the taxable year.

21 SECTION 26. IC 6-3.1-20-4, AS AMENDED BY P.L.146-2020,
22 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2023]: Sec. 4. (a) Except as provided in subsections (b) and
24 (c), an individual is entitled to a credit under this chapter if:

25 (1) the individual's Indiana income for the taxable year is less than
26 eighteen thousand six hundred dollars (\$18,600); and

27 (2) the individual pays property taxes in the taxable year on a
28 homestead that:

29 (A) the individual:

30 (i) owns; or

31 (ii) is buying under a contract that requires the individual to
32 pay property taxes on the homestead, if the contract or a
33 memorandum of the contract is recorded in the county
34 recorder's office; and

35 (B) is located in a county having a population of more than
36 four hundred thousand (400,000) ~~but~~ **and** less than seven
37 hundred thousand (700,000).

38 (b) An individual is not entitled to a credit under this chapter for a
39 taxable year for property taxes paid on the individual's homestead if the
40 individual claims the deduction under IC 6-3-1-3.5(a)(13) for the
41 homestead for that same taxable year.

42 (c) In the case of a married individual filing a separate return, the



1 income amount in subsection (a) shall be fifty percent (50%) of the
2 amount listed in that subsection.

3 SECTION 27. IC 6-9-2-1, AS AMENDED BY P.L.175-2018,
4 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2023]: Sec. 1. (a) A county having a population of more than
6 four hundred thousand (400,000) ~~but~~ **and** less than seven hundred
7 thousand (700,000) that establishes a medical center development
8 agency pursuant to IC 16-23.5-2 may levy each year a tax on every
9 person engaged in the business of renting or furnishing, for periods of
10 less than thirty (30) days by the same party in the same room, any room
11 or rooms, lodgings, or accommodations, in any hotel, motel, inn, tourist
12 camp, tourist cabin, or any other place in which rooms, lodgings, or
13 accommodations are regularly furnished for a consideration.

14 (b) Such tax shall be at a rate of five percent (5%) on the gross retail
15 income derived therefrom and is in addition to the state gross retail tax
16 imposed on the retail transaction.

17 (c) The county fiscal body may adopt an ordinance to require that
18 the tax shall be paid monthly to the county treasurer. If such an
19 ordinance is ~~adopted~~. **The adopted, the** tax shall be paid to the county
20 treasurer not more than twenty (20) days after the end of the month the
21 tax is collected. If such an ordinance is not adopted, the tax shall be
22 imposed, paid, and collected in exactly the same manner as the state
23 gross retail tax is imposed, paid, and collected.

24 (d) All of the provisions of the state gross retail tax (IC 6-2.5)
25 relating to rights, duties, liabilities, procedures, penalties, definitions,
26 exemptions, and administration shall be applicable to the imposition
27 and administration of the tax imposed by this section except to the
28 extent such provisions are in conflict or inconsistent with the specific
29 provisions of this chapter or the requirements of the county treasurer.
30 Specifically and not in limitation of the foregoing sentence, the terms
31 "person" and "gross retail income" shall have the same meaning in this
32 section as they have in the state gross retail tax (IC 6-2.5). If the tax is
33 paid to the department of state revenue, the returns to be filed for the
34 payment of the tax under this section may be either a separate return or
35 may be combined with the return filed for the payment of the state
36 gross retail tax as the department of state revenue may, by rule,
37 determine.

38 (e) If the tax is paid to the department of state revenue, the amounts
39 received from the tax shall be paid by the end of the next succeeding
40 month by the treasurer of state to the county treasurer upon warrants
41 issued by the auditor of state. The county treasurer shall deposit the
42 revenue received under this chapter as provided in section 2 of this



1 chapter.

2 SECTION 28. IC 6-9-25-1, AS AMENDED BY P.L.119-2012,
3 SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2023]: Sec. 1. (a) This chapter applies to a county having a
5 population of more than forty-eight thousand (48,000) ~~but~~ **and** less
6 than fifty thousand (50,000).

7 (b) The county described in subsection (a) is unique because:

8 (1) governmental entities and nonprofit organizations in the
9 county have successfully undertaken cooperative efforts to
10 promote tourism and economic development; and

11 (2) several unique tourist attractions are located in the county,
12 including:

13 (A) the Indiana basketball hall of fame;

14 (B) the Wilbur Wright birthplace memorial; and

15 (C) a historic gymnasium.

16 (c) The presence of these unique attractions in the county has:

17 (1) increased the number of visitors to the county;

18 (2) generated increased sales at restaurants and other retail
19 establishments selling food in the county; and

20 (3) placed increased demands on all local governments for
21 services needed to support tourism and economic development in
22 the county.

23 (d) The use of food and beverage tax revenues arising in part from
24 the presence of the attractions identified in subsection (b)(2) to support
25 tourism and economic development in the county permits
26 governmental units in the county to diversify the revenue sources for
27 which local government improvements and services are funded.

28 SECTION 29. IC 7.1-3-3-4, AS AMENDED BY P.L.79-2022,
29 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2023]: Sec. 4. (a) The premises to be used as a warehouse by
31 an applicant shall be described in the application for the permit. The
32 commission shall not issue a beer wholesaler's permit to an applicant
33 for any other warehouse or premises than that described in the
34 application. The commission shall issue only one (1) beer wholesaler's
35 permit to an applicant, but a permittee may be permitted to transfer the
36 permittee's warehouse to another location within the county that is not
37 required to be within the corporate limits of an incorporated city or
38 town, upon application to, and approval of, the commission.

39 (b) As used in this subsection, "immediate relative" means the
40 father, the mother, a brother, a sister, a son, or a daughter of a
41 wholesaler permittee. Notwithstanding subsection (a), if a wholesaler
42 permittee is:



- 1 (1) dead;
- 2 (2) legally adjudged to be mentally incapacitated; or
- 3 (3) at least seventy-five (75) years of age and has held an interest
- 4 in the wholesaler's permit for at least ten (10) years;

5 the commission may allow the transfer of the wholesaler permit only
6 to an immediate relative of the wholesaler permittee who concurrently
7 holds a majority share in a valid wholesaler permit. In the case of a
8 permit transfer from a wholesaler permittee under ~~subsection (b)(3)~~;
9 **subdivision (3)**, the immediate relative to whom the permit is
10 transferred must concurrently hold a majority share in a valid
11 wholesaler permit and must have held an interest in the wholesaler
12 permit for at least ten (10) years.

13 SECTION 30. IC 7.1-3-6-3.5 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 3.5. (a) This section
15 applies to a temporary beer permit for the sale of beer within a city
16 having a population of more than one hundred fifty thousand (150,000)
17 ~~but and~~ less than five hundred thousand (500,000).

18 (b) The commission may not issue a temporary beer permit to a
19 person unless:

- 20 (1) the person meets all requirements for a temporary beer permit
- 21 under this chapter; and
- 22 (2) the mayor of the city in which the beer will be sold approves
- 23 the issuance of the temporary beer permit.

24 (c) If a person asks the mayor to approve the issuance of a
25 temporary beer permit, the mayor shall notify the commission of the
26 mayor's decision to approve or disapprove the permit not later than
27 fourteen (14) days after the person's request for approval.

28 (d) If the mayor does not approve or disapprove the request within
29 the time required by subsection (c), the commission shall consider the
30 request to be approved by the mayor.

31 SECTION 31. IC 7.1-3-20-26, AS AMENDED BY P.L.119-2012,
32 SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2023]: Sec. 26. (a) The commission may issue a one-way,
34 two-way, or three-way permit to sell alcoholic beverages for
35 on-premises consumption only to an applicant who is the owner of an
36 indoor theater that:

- 37 (1) is located in a city having a population of more than one
- 38 hundred fifty thousand (150,000) ~~but and~~ less than five hundred
- 39 thousand (500,000); and
- 40 (2) has been listed in the National Register of Historic Places
- 41 maintained under the National Historic Preservation Act of 1966,
- 42 as amended. A permit issued under this subsection may not be



- 1 transferred.
- 2 (b) A permit issued under this section is subject to the quota
3 requirements of IC 7.1-3-22-3.
- 4 SECTION 32. IC 7.1-3-22-4, AS AMENDED BY P.L.94-2008,
5 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2023]: Sec. 4. (a) The commission may grant:
- 7 (1) in an incorporated city or town that has a population of less
8 than fifteen thousand one (15,001):
- 9 (A) one (1) beer dealer's permit for each two thousand (2,000)
10 persons, or a fraction thereof; or
11 (B) two (2) beer dealer's permits;
12 whichever is greater, within the incorporated city or town;
- 13 (2) in an incorporated city or town that has a population of more
14 than fifteen thousand (15,000) ~~but~~ **and** less than eighty thousand
15 (80,000):
- 16 (A) one (1) beer dealer's permit for each three thousand five
17 hundred (3,500) persons, or a fraction thereof; or
18 (B) eight (8) beer dealer's permits;
19 whichever is greater, within the incorporated city or town; and
- 20 (3) in an incorporated city or town that has a population of at least
21 eighty thousand (80,000):
- 22 (A) one (1) beer dealer's permit for each six thousand (6,000)
23 persons, or a fraction thereof; or
24 (B) twenty-three (23) beer dealer's permits;
25 whichever is greater, within the incorporated city or town.
- 26 (b) The commission may grant:
- 27 (1) in an incorporated city or town that has a population of less
28 than fifteen thousand one (15,001):
- 29 (A) one (1) liquor dealer's permit for each two thousand
30 (2,000) persons, or a fraction thereof; or
31 (B) two (2) liquor dealer's permit;
32 whichever is greater, within the incorporated city or town;
- 33 (2) in an incorporated city or town that has a population of more
34 than fifteen thousand (15,000) ~~but~~ **and** less than eighty thousand
35 (80,000):
- 36 (A) one (1) liquor dealer's permit for each three thousand five
37 hundred (3,500) persons, or a fraction thereof; or
38 (B) eight (8) liquor dealer's permits;
39 whichever is greater, within the incorporated city or town; and
- 40 (3) in an incorporated city or town that has a population of at least
41 eighty thousand (80,000):
- 42 (A) one (1) liquor dealer's permit for each six thousand (6,000)



- 1 persons, or a fraction thereof; or
 2 (B) twenty-three (23) liquor dealer's permits;
 3 whichever is greater, within the incorporated city or town.
 4 (c) The commission may grant in an area in the county outside an
 5 incorporated city or town:
 6 (1) one (1) beer dealer's permit for each two thousand five
 7 hundred (2,500) persons, or a fraction thereof, or two (2) beer
 8 dealer's permits, whichever is greater; and
 9 (2) one (1) liquor dealer's permits for each two thousand five
 10 hundred (2,500) persons, or a fraction thereof, or two (2) liquor
 11 dealer's permits, whichever is greater;
 12 within the area in a county outside an incorporated city or town.
 13 (d) Notwithstanding subsections (a), (b), and (c), the commission
 14 may renew or transfer a beer dealer's or liquor dealer's permit for a beer
 15 dealer or liquor dealer that:
 16 (1) held a permit before July 1, 2008; and
 17 (2) does not qualify for a permit under the quota restrictions set
 18 forth in subsection (a), (b), or (c).
 19 (e) Notwithstanding subsection (a) or (c), the commission may grant
 20 not more than two (2) new beer dealer's permits or five percent (5%) of
 21 the total beer dealer permits established under the quota restrictions set
 22 forth in subsection (a) or (c), whichever is greater, for each of the
 23 following:
 24 (1) An incorporated city or town that does not qualify for any new
 25 beer dealer's permits under the quota restrictions set forth in
 26 subsection (a).
 27 (2) An area in a county outside an incorporated city or town that
 28 does not qualify for any new beer dealer's permits under the quota
 29 restrictions set forth in subsection (c).
 30 (f) Notwithstanding subsection (b) or (c), the commission may grant
 31 not more than two (2) new liquor dealer's permits or five percent (5%)
 32 of the total liquor dealer permits established under the quota
 33 restrictions set forth in subsection (b) or (c), whichever is greater, for
 34 each of the following:
 35 (1) An incorporated city or town that does not qualify for any new
 36 liquor dealer's permits under the quota restrictions set forth in
 37 subsection (b).
 38 (2) An area in a county outside an incorporated city or town that
 39 does not qualify for any new liquor dealer's permits under the
 40 quota restrictions set forth in subsection (c).
 41 SECTION 33. IC 7.1-3-30-6, AS ADDED BY P.L.121-2022,
 42 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

EH 1048—LS 6125/DI 112



1 JULY 1, 2023]: Sec. 6. A hospitality permit issued under this chapter
 2 is subject to the following:

3 (1) Except as provided in subdivision (4), alcoholic beverages
 4 may be sold by a craft manufacturer only for consumption on the
 5 licensed premises of the host permittee.

6 (2) The sale of alcoholic beverages under a hospitality permit is
 7 subject to the same restrictions that apply to the sale of beer by
 8 the holder of a beer retailer's permit.

9 (3) A holder is not entitled to sell at wholesale or for carry out
 10 from the licensed premises of the host permittee.

11 (4) Notwithstanding subdivisions (2) and (3), a craft manufacturer
 12 may sell alcoholic beverages for carry out in an original container
 13 in the manner permitted for a trade show or exposition held
 14 under:

15 (A) IC 7.1-3-2-7(5)(J) (brewery);

16 (B) IC 7.1-3-12-5(d) (farm winery); or

17 (C) IC 7.1-3-27-8(a)(9) (artisan distillery).

18 (5) A craft manufacturer's participation in a temporary event
 19 counts against the maximum **number of** days that the craft
 20 manufacturer is permitted to participate in a trade show or
 21 exposition under IC 7.1-3-2-7(5)(J), IC 7.1-3-12-5(d), or
 22 IC 7.1-3-27-8(a)(9).

23 (6) Alcoholic beverages served and sold by a craft manufacturer
 24 under a hospitality permit must be provided by the craft
 25 manufacturer.

26 (7) A person who serves alcoholic beverages for a craft
 27 manufacturer must hold a valid employee's permit under
 28 IC 7.1-3-18-9 or IC 7.1-3-18-11.

29 (8) A minor may be present at a temporary event:

30 (A) only to the extent that a minor is permitted to be present
 31 on the licensed premises of the host permittee; and

32 (B) if the minor is in the company of a parent, legal guardian,
 33 or custodian, or family member who is at least twenty-one (21)
 34 years of age.

35 (9) The temporary event must meet applicable board of health
 36 requirements, including all requirements concerning restroom
 37 facilities.

38 (10) A holder may allow the sale of alcoholic beverages only
 39 during the times prescribed under IC 7.1-3-1-14.

40 (11) The hospitality permit must be posted in the most
 41 conspicuous place at the location of the temporary event.

42 (12) An excise officer, or commissioner for good cause, has the



1 authority to revoke a hospitality permit at any time before or
2 during the event.

3 SECTION 34. IC 8-1-2-84 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 84. (a) With the
5 consent and approval of the commission and with the authority of their
6 stockholders as provided in this chapter, but not otherwise, any two (2)
7 or more public utilities furnishing a like service or product and doing
8 business in the same municipality or locality within Indiana, or any two
9 (2) or more public utilities whose lines intersect or parallel each other
10 within Indiana, may be merged and may enter into contracts with each
11 other which will enable such public utilities to operate their plants or
12 lines in connection with each other. Before any merger shall become
13 effective there shall be filed with the commission proof that the voting
14 stockholders have authorized or consented to such merger. If the law
15 under which the company is incorporated or reorganized so provides,
16 then the authorization and consent of the holders of the majority of the
17 voting stock shall be shown. In all other cases the consent of the
18 holders of three-fourths (3/4) of the outstanding voting stock of the
19 company shall be shown. Such authority and consent may be shown by
20 filing with the commission a certified copy of the minutes of a
21 stockholders' meeting or by filing with the commission a written
22 consent of such holders or both. In case of such merger, union, or
23 consolidation, dissenting stockholders shall apply to the commission
24 within sixty (60) days after approval by the commission to have the
25 value of their stock assessed and determined. Stockholders not so
26 applying shall be held to have assented. Upon the determination of the
27 value of the stock of such dissenting stockholder, the corporation in
28 which they are stockholders may within sixty (60) days pay the
29 dissenting stockholders for their stock the appraised value thereof, or
30 may elect to abandon the merger, union, or consolidation by filing with
31 the commission notice of such election.

32 (b) It shall not be necessary for any public utility merging, uniting,
33 or consolidating to comply with such provisions of any law governing
34 the procedure in the merger, union, or consolidation of corporations as
35 are in conflict with the provisions of this chapter. This chapter shall not
36 create any new right of merger or enlarge any such right but is intended
37 only to prescribe and simplify the proceedings in mergers which are
38 authorized by other statutes.

39 (c) Any such public utility may purchase or lease the used and
40 useful property, plant, or business, or any part thereof, of any other
41 such public utility at a price and on terms approved by the commission.
42 Whenever, in the case of any such purchase, the amount to be paid by



1 the purchaser for the property, plant, or business to be purchased shall
2 be an amount in excess of five percent (5%) of the book cost to the
3 purchaser of all the properties, plants, and business owned by it at the
4 time application is made to the commission for approval of such
5 purchase, or whenever, in the case of any such lease, the book cost to
6 the lessor of the property, plant, or business to be leased shall be an
7 amount in excess of five percent (5%) of the book cost to the lessee of
8 all the properties, plants, and business owned by the lessee at the time
9 application is made to the commission for approval of such lease, there
10 shall be obtained from the holders of three-fourths (3/4) of the voting
11 stock of such purchaser or lessee their consent, authority, and approval
12 to such purchase or lease.

13 (d) Any such public utility may purchase or lease the used and
14 useful property, plant, or business, or any part thereof, of a municipally
15 owned utility, as used in this chapter, owned or operated by a city
16 having a population of more than one hundred fifty thousand (150,000)
17 ~~but~~ **and** less than five hundred thousand (500,000), with the approval
18 of the commission at a price or rental and on terms approved by the
19 commission.

20 (e) Any such public utility may sell or lease its used or useful
21 property, plant, or business, or any part thereof, to any other such
22 public utility at a price and on terms approved by the commission.
23 Whenever in the case of any such sale or lease the book cost to the
24 seller or lessor of such property, plant, or business to be sold or leased
25 shall be an amount in excess of five percent (5%) of the book cost to
26 such seller or lessor of all the properties, plants, and business owned by
27 it at the time application is made to the commission for approval of
28 such sale or lease, there shall be obtained from the holders of
29 three-fourths (3/4) of the voting stock of such seller or lessor their
30 consent, authority, and approval to such sale or lease. Whenever in the
31 case of any such sale or lease the book cost to the seller or lessor of
32 such property, plant, or business to be sold or leased shall be an amount
33 in excess of twenty percent (20%) of the book cost to such seller or
34 lessor of all the properties, plants, and business owned by it at the time
35 application is made to the commission for approval of such sale or
36 lease, dissenting stockholders of such seller or lessor shall, if the sale
37 or lease is consummated, be paid for their stock the appraised value
38 thereof as determined by the commission. Dissenting stockholders in
39 such a case shall, within sixty (60) days after publication of notice of
40 the approval by the commission of such sale or lease, apply to the
41 commission to have the value of their stock assessed and determined.
42 Stockholders not so applying shall be held to have assented. Such



1 publication of notice shall be given by the seller or lessor to its
 2 stockholders by publishing such notice once each week for three (3)
 3 successive weeks in a newspaper of general circulation printed in the
 4 English language and published in Marion County, Indiana. Upon
 5 determination of the value of the stock of such dissenting stockholders
 6 such seller or lessor may within sixty (60) days either pay the
 7 dissenting stockholders for their stock the appraised value thereof or
 8 elect to abandon the sale or lease by filing with the commission notice
 9 of its election to abandon.

10 (f) No such public utility shall encumber its used and useful
 11 property or business or any part thereof without the approval of the
 12 commission and the consent, authority, and approval of the owners of
 13 three-fourths (3/4) of its voting stock.

14 (g) Any public utility corporation upon the order of a majority of its
 15 board of directors and with the approval of the commission may
 16 acquire, purchase or lease any real or personal estate or other property
 17 of any other public utility not used and useful in the public service of
 18 such other public utility.

19 (h) Any public utility corporation, upon the order of a majority of its
 20 board of directors and with the approval of the commission, may sell
 21 and convey or lease to any other public utility corporation any of its
 22 real or personal estate or other property not used and useful in its
 23 public service.

24 SECTION 35. IC 8-1-8.5-12.1, AS ADDED BY P.L.155-2022,
 25 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2023]: Sec. 12.1. (a) As used in this section, "small modular
 27 nuclear reactor" means a nuclear reactor that:

- 28 (1) has a rated electric generating capacity of not more than three
 29 hundred fifty (350) megawatts;
 30 (2) is capable of being constructed and operated, either:
 31 (A) alone; or
 32 (B) in combination with one (1) or more similar reactors if
 33 additional reactors are, or become, necessary;
 34 at a single site; and
 35 (3) is required to be licensed by the United States Nuclear
 36 Regulatory Commission.

37 The term includes a nuclear reactor that is described in this subsection
 38 and that uses a process to produce hydrogen that can be used for energy
 39 storage, as a fuel, or for other uses.

40 (b) Not later than July 1, 2023, the commission, in consultation with
 41 the department of environmental management, shall adopt rules under
 42 ~~IC 4-2-22~~ IC 4-22-2 concerning the granting of certificates under this



1 chapter for the construction, purchase, or lease of small modular
2 nuclear reactors:

3 (1) in Indiana for the generation of electricity to be directly or
4 indirectly used to furnish public utility service to Indiana
5 customers; or

6 (2) at the site of a nuclear energy production or generating facility
7 that supplies electricity to Indiana retail customers on July 1,
8 2011.

9 (c) Rules adopted by the commission under this section must
10 provide for the following:

11 (1) That in acting on a public utility's petition for the construction,
12 purchase, or lease of one (1) or more small modular nuclear
13 reactors, as described in subsection (b), the commission shall
14 consider the following:

15 (A) Whether, and to what extent, the one (1) or more small
16 modular nuclear reactors proposed by the public utility will
17 replace a loss of generating capacity in the public utility's
18 portfolio resulting from the retirement or planned retirement
19 of one (1) or more of the public utility's existing electric
20 generating facilities that:

21 (i) are located in Indiana; and

22 (ii) use coal or natural gas as a fuel source.

23 (B) Whether one (1) or more of the small modular nuclear
24 reactors that will replace an existing facility will be located on
25 the same site as or near the existing facility and, if so, potential
26 opportunities for the public utility to:

27 (i) make use of any land and existing infrastructure or
28 facilities already owned or under the control of the public
29 utility; or

30 (ii) create new employment opportunities for workers who
31 have been, or would be, displaced as a result of the
32 retirement of the existing facility.

33 (2) That the commission may grant a certificate under this chapter
34 under circumstances and for locations other than those described
35 in subdivision (1).

36 (3) That the commission may not grant a certificate under this
37 chapter unless the owner or operator of a proposed small modular
38 nuclear reactor provides evidence of a plan to apply for all
39 licenses or permits to construct or operate the proposed small
40 modular nuclear reactor as may be required by:

41 (A) the United States Nuclear Regulatory Commission;

42 (B) the department of environmental management; or



- 1 (C) any other relevant state or federal regulatory agency with
 2 jurisdiction over the construction or operation of nuclear
 3 generating facilities.
- 4 (4) That any:
 5 (A) reports;
 6 (B) notices of violations; or
 7 (C) other notifications;
 8 sent to or from the United States Nuclear Regulatory Commission
 9 by or to the owner or operator of a proposed small nuclear reactor
 10 must be submitted by the owner or operator to the commission
 11 within such times as prescribed by the commission, subject to the
 12 commission's duty to treat as confidential and protect from public
 13 access and disclosure any information that is contained in a report
 14 or notice and that is considered confidential or exempt from
 15 public access and disclosure under state or federal law.
- 16 (5) That any person that owns or operates a small modular nuclear
 17 reactor in Indiana may not store:
 18 (A) spent nuclear fuel (as defined in IC 13-11-2-216); or
 19 (B) high level radioactive waste (as defined in
 20 IC 13-11-2-102);
 21 from the small modular nuclear reactor on the site of the small
 22 modular nuclear reactor without first meeting all applicable
 23 requirements of the United States Nuclear Regulatory
 24 Commission.
- 25 (d) In adopting the rules required by this section, the commission
 26 may adopt emergency rules in the manner provided by IC 4-22-2-37.1.
 27 Notwithstanding IC 4-22-2-37.1(g), an emergency rule adopted by the
 28 commission under this subsection and in the manner provided by
 29 IC 4-22-2-37.1 expires on the date on which a rule that supersedes the
 30 emergency rule is adopted by the commission under IC 4-22-2-24
 31 through IC 4-22-2-36.
- 32 (e) This section shall not be construed to affect the authority of the
 33 United States Nuclear Regulatory Commission.
- 34 SECTION 36. IC 8-1-8.8-8.5, AS AMENDED BY P.L.155-2022,
 35 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2023]: Sec. 8.5. (a) As used in this chapter, "nuclear energy
 37 production or generating facility" means: ~~either of the following:~~
 38 (1) an energy production or generation facility that:
 39 (A) uses a nuclear reactor as its heat source to provide steam
 40 to a turbine generator to produce or generate electricity;
 41 (B) supplies electricity to Indiana retail customers on July 1,
 42 2011;



1 (C) is dedicated primarily to serving Indiana customers; and
 2 (D) is undergoing a comprehensive life cycle management
 3 project to enhance the safe and reliable operation of the
 4 facility during the period the facility is licensed to operate by
 5 the United States Nuclear Regulatory Commission; or
 6 (2) a small modular nuclear reactor that is constructed after June
 7 30, 2023:
 8 (A) in Indiana for the generation of electricity to be directly or
 9 indirectly used to furnish public utility service to Indiana
 10 customers; or
 11 (B) at the site of a nuclear energy production or generating
 12 facility that supplies electricity to Indiana retail customers on
 13 July 1, 2011;

14 under rules adopted by the commission under IC 8-1-8.5-12.1.

15 (b) The term includes the transmission lines and other associated
 16 equipment employed specifically to serve a nuclear energy production
 17 or generating facility.

18 SECTION 37. IC 8-10-5-2, AS AMENDED BY P.L.49-2010,
 19 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2023]: Sec. 2. (a) Any municipal corporation, county, or any
 21 combination of a municipal corporation, municipal corporations,
 22 county, or counties may create a port authority and there may be
 23 created a port authority in a county having a population of more than
 24 four hundred thousand (400,000) ~~but~~ **and** less than seven hundred
 25 thousand (700,000). Such authority may operate in addition to any
 26 municipal authority that may be created under this chapter. A
 27 municipal corporation shall act by ordinance, and a county shall act by
 28 resolution of the county commissioners in authorizing the creation of
 29 a port authority. A port authority created hereunder shall be a body
 30 corporate and politic which may sue and be sued, plead and be
 31 impeaded, and shall have the powers and jurisdiction enumerated in
 32 this chapter. The exercise by such port authority of the powers
 33 conferred upon it shall be deemed to be essential governmental
 34 functions of the state of Indiana, but no port authority shall be immune
 35 from liability by reason thereof.

36 (b) In the exercise of the powers and authorities herein granted said
 37 port authority shall have power to make and enter into any and all
 38 contracts that may be necessary to effectuate the purposes of this
 39 chapter. Except as otherwise expressly provided by this chapter, a
 40 contract made by a port authority is not subject to ratification by any
 41 other board, body, or officer.

42 SECTION 38. IC 8-16-3.1-1, AS AMENDED BY P.L.119-2012,



1 SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2023]: Sec. 1. (a) As used in this chapter, "eligible county"
3 means a county that has:

- 4 (1) a population of more than one hundred thousand (100,000) ~~but~~
5 **and** less than seven hundred thousand (700,000); and
6 (2) a major obstruction between commercial or population centers
7 which is capable of causing an economic hardship because of
8 excess travel required to conduct a normal level of commerce
9 between the two (2) centers.

10 A major obstruction which is a part of a county boundary or a state
11 boundary does not qualify for the purpose of this chapter.

12 (b) As used in this chapter, "major bridge" means the following:

- 13 (1) A structure that is two hundred (200) or more feet in length
14 and that is erected over a depression or an obstruction for the
15 purpose of carrying motor vehicular traffic or other moving loads.
16 However, the structure shall be one hundred (100) or more feet in
17 length in a city having any of the following populations:

18 (A) More than sixty-five thousand (65,000) ~~but~~ **and** less than
19 seventy thousand (70,000).

20 (B) More than sixty thousand (60,000) ~~but~~ **and** less than
21 sixty-five thousand (65,000).

22 (C) More than thirty-one thousand (31,000) ~~but~~ **and** less than
23 thirty-one thousand five hundred (31,500).

- 24 (2) An underpass of any length that is designed to carry motor
25 vehicle traffic or other moving loads.

26 (c) As used in this chapter, "major obstruction" means a physical
27 barrier to the passage of motor vehicle traffic that inhibits the use of the
28 customary highway construction techniques to bridge the barrier
29 without use of a grade separation structure.

30 SECTION 39. IC 9-18.1-5-10, AS AMENDED BY P.L.108-2019,
31 SECTION 169, IS AMENDED TO READ AS FOLLOWS
32 [EFFECTIVE JULY 1, 2023]: Sec. 10. (a) The following vehicles shall
33 be registered as semitrailers:

34 (1) A semitrailer converted to a full trailer through the use of a
35 converter dolly.

36 (2) A trailer drawn behind a semitrailer.

37 (3) A trailer drawn by a vehicle registered under the International
38 Registration Plan.

39 (b) The fee for a permanent registration of a semitrailer is
40 eighty-two dollars (\$82).

41 (c) A fee described in subsection (b) that is collected for a
42 registration issued through an Indiana based International Registration



- 1 Plan account shall be distributed as set forth in section 10.5 of this
 2 chapter.
- 3 (d) The fee described in subsection (b) that is not required to be
 4 distributed under subsection (c) shall be distributed as follows:
- 5 (1) Twenty-five cents (\$0.25) to the state construction fund.
 6 (2) Fifty cents (\$0.50) to the state motor vehicle technology fund.
 7 (3) Two dollars and ninety cents (\$2.90) to the highway, road and
 8 street fund.
 9 (4) Twelve dollars (\$12) to the crossroads 2000 fund.
 10 (5) One dollar and twenty-five cents (\$1.25) to the integrated
 11 public safety communications fund.
 12 (6) Three dollars and ten cents (\$3.10) to the commission fund.
 13 (7) Any remaining amount to the motor vehicle highway account.
- 14 (e) A permanent registration under subsection (b) must be renewed
 15 on an annual basis to pay all applicable excise taxes. There is no fee to
 16 renew a permanent registration under subsection (b).
- 17 (f) A permanent registration under subsection (b) may be transferred
 18 under IC 9-18.1-11.
- 19 ~~(g) A semitrailer that is registered under IC 9-18-10-2(a)(2) (before~~
 20 ~~its expiration) remains valid until its expiration and is not subject to~~
 21 ~~renewal under subsection (e). This subsection expires July 1, 2020.~~
- 22 SECTION 40. IC 12-7-2-69, AS AMENDED BY P.L.74-2022,
 23 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2023]: Sec. 69. (a) "Division", except as provided in
 25 subsections (b), ~~and~~ (c), **and (d)**, refers to any of the following:
- 26 (1) The division of disability and rehabilitative services
 27 established by IC 12-9-1-1.
 28 (2) The division of aging established by IC 12-9.1-1-1.
 29 (3) The division of family resources established by IC 12-13-1-1.
 30 (4) The division of mental health and addiction established by
 31 IC 12-21-1-1.
- 32 (b) The term refers to the following:
- 33 (1) For purposes of the following statutes, the division of
 34 disability and rehabilitative services established by IC 12-9-1-1:
 35 (A) IC 12-9.
 36 (B) IC 12-11.
 37 (C) IC 12-12.
 38 (D) IC 12-12.7.
 39 (E) IC 12-28-5.
- 40 (2) For purposes of the following statutes, the division of aging
 41 established by IC 12-9.1-1-1:
 42 (A) IC 12-9.1.



- 1 (B) IC 12-10.
 2 (C) IC 12-10.5.
 3 (3) For purposes of the following statutes, the division of family
 4 resources established by IC 12-13-1-1:
 5 (A) **IC 12-8-12.**
 6 ~~(A)~~ (B) IC 12-13.
 7 ~~(B)~~ (C) IC 12-14.
 8 ~~(C)~~ (D) IC 12-15.
 9 ~~(D)~~ (E) IC 12-16.
 10 ~~(E)~~ (F) IC 12-17.2.
 11 ~~(F)~~ (G) IC 12-18.
 12 ~~(G)~~ (H) IC 12-19.
 13 ~~(H)~~ (I) IC 12-20.
 14 (4) For purposes of the following statutes, the division of mental
 15 health and addiction established by IC 12-21-1-1:
 16 (A) IC 12-21.
 17 (B) IC 12-22.
 18 (C) IC 12-23.
 19 (D) IC 12-25.
 20 (c) With respect to a particular state institution, the term refers to
 21 the division whose director has administrative control of and
 22 responsibility for the state institution.
 23 (d) For purposes of IC 12-24, IC 12-26, and IC 12-27, the term
 24 refers to the division whose director has administrative control of and
 25 responsibility for the appropriate state institution.
 26 SECTION 41. IC 12-15-2-0.5, AS AMENDED BY P.L.160-2012,
 27 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2023]: Sec. 0.5. (a) This section applies to a person who
 29 qualifies for assistance:
 30 (1) under sections 13 through 16 of this chapter;
 31 (2) under section 6 of this chapter **(before its expiration)** when
 32 the person becomes ineligible for medical assistance under
 33 IC 12-14-2-5.1 or IC 12-14-2-5.3; or
 34 (3) as an individual with a disability if the person is less than
 35 eighteen (18) years of age and otherwise qualifies for assistance.
 36 (b) Notwithstanding any other law, the following may not be
 37 construed to limit health care assistance to a person described in
 38 subsection (a):
 39 (1) IC 12-8-1.5-12.
 40 (2) IC 12-14-1-1.
 41 (3) IC 12-14-1-1.5.
 42 (4) IC 12-14-2-5.1.



- 1 (5) IC 12-14-2-5.2.
 2 (6) IC 12-14-2-5.3.
 3 (7) IC 12-14-2-17.
 4 (8) IC 12-14-2-18.
 5 (9) IC 12-14-2-20.
 6 (10) IC 12-14-2-21.
 7 (11) IC 12-14-2-24.
 8 (12) IC 12-14-2-25.
 9 (13) IC 12-14-2-26.
 10 (14) IC 12-14-2.5.
 11 (15) IC 12-14-5.5.
 12 (16) Section 21 of this chapter.
- 13 SECTION 42. IC 12-15-11.5-1 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. As used in this
 15 chapter, "hospital" refers to an acute care hospital provider that:
 16 (1) is licensed under IC 16-21;
 17 (2) qualifies as a disproportionate share hospital under
 18 IC 12-15-16; and
 19 (3) is the sole disproportionate share hospital in a city located in
 20 a county having a population of more than four hundred thousand
 21 (400,000) ~~but~~ **and** less than seven hundred thousand (700,000).
- 22 SECTION 43. IC 12-21-8-3, AS ADDED BY P.L.207-2021,
 23 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2023]: Sec. 3. As used in this chapter, "mobile crisis team"
 25 means behavioral health professionals and peers that provide
 26 professional onsite community based intervention, including
 27 ~~de-escalation~~, **de-escalation**, stabilization, and treatment for individuals
 28 who are experiencing a behavioral health crisis.
- 29 SECTION 44. IC 12-21-8-10, AS AMENDED BY P.L.74-2022,
 30 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2023]: Sec. 10. (a) The division shall coordinate:
 32 (1) available onsite response services of crisis calls using state
 33 and locally funded mobile crisis teams; and
 34 (2) crisis receiving and stabilization services resulting from a
 35 9-8-8 call.
- 36 (b) The mobile crisis teams must include:
 37 (1) a peer certified by the division; and
 38 (2) at least one (1) of the following:
 39 (A) A behavioral health professional licensed under
 40 IC 25-23.6.
 41 (B) An other behavioral health professional (OBHP), as
 42 defined in 440 IAC 11-1-12.



- 1 (C) Emergency medical services personnel licensed under
 2 IC 16-31.
- 3 (D) Law enforcement based coresponder behavioral health
 4 teams.
- 5 (c) Crisis response services provided by a mobile crisis team must
 6 be provided under the supervision of:
- 7 (1) a behavioral health professional licensed under IC 25-23.6;
 8 (2) a licensed physician; or
 9 (3) ~~a licensed advance~~ **an advanced** practice **registered nurse or**
 10 **clinical nurse specialist. (as defined in IC 12-7-2-3.1).**
- 11 The supervision required under this subsection may be performed
 12 remotely.
- 13 SECTION 45. IC 12-30-4-11, AS AMENDED BY P.L.73-2005,
 14 SECTION 163, IS AMENDED TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2023]: Sec. 11. (a) Each township trustee as the
 16 administrator of township assistance shall pay to the county the amount
 17 fixed for each individual admitted into the county home or other
 18 charitable institution from the township, except those otherwise able to
 19 pay the cost of their care from their own resources or from other
 20 assistance awards. Except as provided in subsection (b), the amount
 21 that may be charged to the township may not exceed one hundred
 22 dollars (\$100) per month per individual.
- 23 (b) This subsection applies to a county having a population of more
 24 than four hundred thousand (400,000) ~~but~~ **and** less than seven hundred
 25 thousand (700,000). The amount charged the township per individual
 26 may not exceed forty-eight dollars (\$48) per month or twelve dollars
 27 (\$12) per week.
- 28 (c) Each township shall levy a tax sufficient to meet those expenses.
- 29 (d) Payment and settlement shall be made in July and December of
 30 each year for the preceding year.
- 31 SECTION 46. IC 13-19-3-3.2, AS ADDED BY P.L.100-2021,
 32 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2023]: Sec. 3.2. (a) The CCR program fund is established for
 34 the purpose of paying costs incurred by the department in operating the
 35 state permit program established under section 3 of this chapter,
 36 including:
- 37 (1) the personnel costs incurred in employing staff needed to
 38 perform the duties associated with the state permit program; and
 39 (2) the cost of conducting the funding reviews required by section
 40 ~~3(h)~~ **3(j)** of this chapter.
- 41 (b) The fund shall be administered by the department.
- 42 (c) The expenses of administering the fund shall be paid from



- 1 money in the fund.
- 2 (d) The fund consists of:
- 3 (1) money appropriated by the general assembly;
- 4 (2) fees deposited under section 3 of this chapter; and
- 5 (3) donations, gifts, and money received from any other source,
- 6 including transfers from other funds or accounts.
- 7 (e) The treasurer of state shall invest the money in the fund not
- 8 currently needed to meet the obligations of the fund in the same
- 9 manner as other public funds may be invested.
- 10 (f) Money in the fund at the end of a state fiscal year does not revert
- 11 to the state general fund.
- 12 SECTION 47. IC 13-20-12-1 IS AMENDED TO READ AS
- 13 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. This chapter applies
- 14 to a county having a population of more than four hundred thousand
- 15 (400,000) ~~but~~ **and** less than seven hundred thousand (700,000).
- 16 SECTION 48. IC 13-21-3-7 IS AMENDED TO READ AS
- 17 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 7. (a) In:
- 18 (1) a joint district; or
- 19 (2) a single district having a population of more than four hundred
- 20 thousand (400,000) ~~but~~ **and** less than seven hundred thousand
- 21 (700,000);
- 22 the board appointed under section 5 of this chapter may elect from the
- 23 board's membership an executive committee having an odd number of
- 24 members.
- 25 (b) An executive committee elected under subsection (a) for a joint
- 26 district has only the powers invested in the committee by resolution of
- 27 the board. An executive committee may exercise any powers of the
- 28 board under this article that are delegated to the executive committee
- 29 by resolution of the board.
- 30 (c) The board of the joint district may appoint one (1) or more
- 31 alternates from among the membership of the board to:
- 32 (1) participate; and
- 33 (2) exercise the power to vote;
- 34 with the executive committee if a member of the executive committee
- 35 is absent.
- 36 (d) A meeting of an executive committee may serve as the regularly
- 37 scheduled monthly meeting of a board as required under IC 13-21-5-2.
- 38 SECTION 49. IC 13-21-3-12, AS AMENDED BY P.L.189-2016,
- 39 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 40 JULY 1, 2023]: Sec. 12. (a) Except as provided in section 14.5 of this
- 41 chapter and subject to subsection (b), the powers of a district include
- 42 the following:



- 1 (1) The power to develop and implement a district solid waste
 2 management plan under IC 13-21-5.
 3 (2) The power to impose district fees on the final disposal of solid
 4 waste within the district under IC 13-21-13.
 5 (3) The power to receive and disburse money, if the primary
 6 purpose of activities undertaken under this subdivision is to carry
 7 out the provisions of this article.
 8 (4) The power to sue and be sued.
 9 (5) The power to plan, design, construct, finance, manage, own,
 10 lease, operate, and maintain facilities for solid waste
 11 management.
 12 (6) The power to enter with any person into a contract or an
 13 agreement that is necessary or incidental to the management of
 14 solid waste. Contracts or agreements that may be entered into
 15 under this subdivision include those for the following:
 16 (A) The design, construction, operation, financing, ownership,
 17 or maintenance of facilities by the district or any other person.
 18 (B) The managing or disposal of solid waste.
 19 (C) The sale or other disposition of materials or products
 20 generated by a facility.
 21 Notwithstanding any other statute, the maximum term of a
 22 contract or an agreement described in this subdivision may not
 23 exceed forty (40) years.
 24 (7) The power to enter into agreements for the leasing of facilities
 25 in accordance with IC 36-1-10 or IC 36-9-30.
 26 (8) The power to purchase, lease, or otherwise acquire real or
 27 personal property for the management or disposal of solid waste.
 28 (9) The power to sell or lease any facility or part of a facility to
 29 any person.
 30 (10) The power to make and contract for plans, surveys, studies,
 31 and investigations necessary for the management or disposal of
 32 solid waste.
 33 (11) The power to enter upon property to make surveys,
 34 soundings, borings, and examinations.
 35 (12) The power to:
 36 (A) accept gifts, grants, loans of money, other property, or
 37 services from any source, public or private; and
 38 (B) comply with the terms of the gift, grant, or loan.
 39 (13) The power to levy a tax within the district to pay costs of
 40 operation in connection with solid waste management, subject to
 41 the following:
 42 (A) Regular budget and tax levy procedures.



- 1 (B) Section 16 of this chapter.
 2 However, except as provided in sections 15 and 15.5 of this
 3 chapter, a property tax rate imposed under this article may not
 4 exceed eight and thirty-three hundredths cents (\$0.0833) on each
 5 one hundred dollars (\$100) of assessed valuation of property in
 6 the district.
- 7 (14) The power to borrow in anticipation of taxes.
- 8 (15) The power to hire the personnel necessary for the
 9 management or disposal of solid waste in accordance with an
 10 approved budget and to contract for professional services.
- 11 (16) The power to otherwise do all things necessary for the:
 12 (A) reduction, management, and disposal of solid waste; and
 13 (B) recovery of waste products from the solid waste stream;
 14 if the primary purpose of activities undertaken under this
 15 subdivision is to carry out the provisions of this article.
- 16 (17) The power to adopt resolutions. However, a resolution is not
 17 effective in a municipality unless the municipality adopts the
 18 language of the resolution by ordinance or resolution.
- 19 (18) The power to do the following:
 20 (A) Implement a household hazardous waste and conditionally
 21 exempt small quantity generator (as described in 40 CFR
 22 261.5(a)) collection and disposal project.
 23 (B) Apply for a household hazardous waste collection and
 24 disposal project grant under IC 13-20-20 and carry out all
 25 commitments contained in a grant application.
 26 (C) Establish and maintain a program of self-insurance for a
 27 household hazardous waste and conditionally exempt small
 28 quantity generator (as described in 40 CFR 261.5(a))
 29 collection and disposal project, so that at the end of the
 30 district's fiscal year the unused and unencumbered balance of
 31 appropriated money reverts to the district's general fund only
 32 if the district's board specifically provides by resolution to
 33 discontinue the self-insurance fund.
 34 (D) Apply for a household hazardous waste project grant as
 35 described in IC 13-20-22-2 and carry out all commitments
 36 contained in a grant application.
- 37 (19) The power to enter into an interlocal cooperation agreement
 38 under IC 36-1-7 to obtain:
 39 (A) fiscal;
 40 (B) administrative;
 41 (C) managerial; or
 42 (D) operational;



- 1 services from a county or municipality.
- 2 (20) The power to compensate advisory committee members for
- 3 attending meetings at a rate determined by the board.
- 4 (21) The power to reimburse board and advisory committee
- 5 members for travel and related expenses at a rate determined by
- 6 the board.
- 7 (22) The power to pay a fee from district money to:
- 8 (A) in a joint district, the county or counties in which a final
- 9 disposal facility is located; or
- 10 (B) a county that:
- 11 (i) was part of a joint district;
- 12 (ii) has withdrawn from the joint district as of January 1,
- 13 2008; and
- 14 (iii) has established its own district in which a final disposal
- 15 facility is located.
- 16 (23) The power to make grants or loans of:
- 17 (A) money;
- 18 (B) property; or
- 19 (C) services;
- 20 to public or private recycling programs, composting programs, or
- 21 any other programs that reuse any component of the waste stream
- 22 as a material component of another product, if the primary
- 23 purpose of activities undertaken under this subdivision is to carry
- 24 out the provisions of this article.
- 25 (24) The power to establish by resolution a nonreverting capital
- 26 fund. A district's board may appropriate money in the fund for:
- 27 (A) equipping;
- 28 (B) expanding;
- 29 (C) modifying; or
- 30 (D) remodeling;
- 31 an existing facility. Expenditures from a capital fund established
- 32 under this subdivision must further the goals and objectives
- 33 contained in a district's solid waste management plan. Not more
- 34 than five percent (5%) of the district's total annual budget for the
- 35 year may be transferred to the capital fund that year. The balance
- 36 in the capital fund may not exceed twenty-five percent (25%) of
- 37 the district's total annual budget. If a district's board determines
- 38 by resolution that a part of a capital fund will not be needed to
- 39 further the goals and objectives contained in the district's solid
- 40 waste management plan, that part of the capital fund may be
- 41 transferred to the district's general fund, to be used to offset
- 42 tipping fees, property tax revenues, or both tipping fees and



- 1 property tax revenues.
- 2 (25) The power to conduct promotional or educational programs
- 3 that include giving awards and incentives that further:
- 4 (A) the district's solid waste management plan; and
- 5 (B) the objectives of minimum educational standards
- 6 established by the department of environmental management.
- 7 (26) The power to conduct educational programs under
- 8 IC 13-20-17.5 to provide information to the public concerning:
- 9 (A) the reuse and recycling of mercury in:
- 10 (i) mercury commodities; and
- 11 (ii) mercury-added products; and
- 12 (B) collection programs available to the public for:
- 13 (i) mercury commodities; and
- 14 (ii) mercury-added products.
- 15 (27) The power to implement mercury collection programs under
- 16 IC 13-20-17.5 for the public and small businesses.
- 17 (28) The power to conduct educational programs under
- 18 IC 13-20.5 to provide information to the public concerning:
- 19 (A) reuse and recycling of electronic waste;
- 20 (B) collection programs available to the public for the disposal
- 21 of electronic waste; and
- 22 (C) proper disposal of electronic waste.
- 23 (b) Before the county district of a county that has a population of
- 24 more than four hundred thousand (400,000) ~~but~~ **and** less than seven
- 25 hundred thousand (700,000) may exercise a power set forth in
- 26 subsection (a) to:
- 27 (1) enter into a contract or other agreement to construct a final
- 28 disposal facility;
- 29 (2) enter into an agreement for the leasing of a final disposal
- 30 facility;
- 31 (3) sell or lease a final disposal facility; or
- 32 (4) borrow in anticipation of taxes;
- 33 the county district must submit a recommendation to the county
- 34 executive of the county concerning the county district's proposed
- 35 exercise of the power, subject to subsections (c) and (d).
- 36 (c) In response to a recommendation submitted under subsection
- 37 (b), the county executive may adopt a resolution:
- 38 (1) confirming the authority of the county district to exercise the
- 39 power or powers referred to in subsection (b), as proposed in the
- 40 recommendation; or
- 41 (2) denying the county district the authority to exercise the power
- 42 or powers as proposed in the recommendation;



1 subject to subsection (d).
2 (d) The county district may exercise one (1) or more powers referred
3 to in subsection (b), as proposed in a recommendation submitted to the
4 county executive under subsection (b), if:
5 (1) the county executive, in response to the recommendation,
6 adopts a confirming resolution under subsection (c)(1)
7 authorizing the county district to exercise the power or powers; or
8 (2) the county executive adopts no resolution under subsection (c)
9 within forty-five (45) calendar days after the day on which the
10 county district submits the recommendation to the county
11 executive under subsection (b).
12 SECTION 50. IC 13-22-12-3.6, AS ADDED BY P.L.220-2014,
13 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2023]: Sec. 3.6. (a) The fees collected under section 3.5 of
15 this chapter upon the disposal of a quantity of hazardous waste shall be
16 deposited and paid over as follows:
17 (1) Seventy-five percent (75%) shall be deposited in the
18 hazardous substances response trust fund established by
19 IC 13-25-4-1.
20 (2) Twenty-five percent (25%) shall be paid over to the county in
21 which the hazardous waste is disposed of.
22 (b) Except as provided in subsection (e), and subject to subsections
23 (f) and (g), the revenue paid over to the county under subsection (a)(2)
24 shall be deposited in a separate fund established by the county for the
25 purposes of the following:
26 (1) Establishing monitoring wells on land near the site of the
27 disposal facility.
28 (2) Analyzing samples from the monitoring wells established
29 under subdivision (1).
30 (3) Conducting other types of testing and surveillance for
31 hazardous waste contamination of land near the disposal facility.
32 (4) Providing training for county and local public health and
33 public safety officers in the proper procedures for dealing with
34 emergencies involving hazardous substances or hazardous waste.
35 (5) Providing special clothing and equipment needed by county
36 and local public health and public safety officers for dealing with
37 emergencies involving hazardous substances or hazardous waste.
38 (6) Funding research on alternatives to land disposal as a means
39 of eliminating hazardous waste.
40 (7) Paying the cost of hazardous waste, hazardous substance, or
41 solid waste removal and remedial action at a site located within
42 the county.



- 1 (8) Meeting the county's requirements under IC 13-21 for the
 2 planning and implementation of a solid waste management
 3 district plan.
- 4 (9) Paying the costs associated with the construction or
 5 rehabilitation of a facility used for training described in
 6 subdivision (4).
- 7 (10) Paying the costs associated with any other project that has
 8 identifiable environmental benefits.
- 9 (11) Paying the costs associated with the construction, structural
 10 rehabilitation, and equipment of a facility used for either of the
 11 following purposes:
- 12 (A) A county public safety central dispatch.
- 13 (B) A county emergency operations center.
- 14 (12) Paying costs associated with the maintenance or repair of
 15 county roads.
- 16 (13) Paying for the costs of county ambulance service.
- 17 (c) The county fund established under subsection (b) shall be
 18 administered by the county treasurer, and the expenses of administering
 19 the fund shall be paid from money in the fund. Money in the fund not
 20 currently needed to meet the obligations of the fund may be invested
 21 in the same manner as other public funds may be invested. Interest that
 22 accrues from these investments shall be deposited in the fund. Money
 23 in the fund at the end of a particular fiscal year does not revert to the
 24 county general fund.
- 25 (d) No money in the county fund established under subsection (b)
 26 shall be used for activities authorized in subsection (b)(8) or (b)(9)
 27 until the purposes listed in subsection (b)(1) through (b)(7) have been
 28 fulfilled.
- 29 (e) Subsection (b)(9), (b)(10), and (b)(11) do not apply to a county
 30 having a population of more than three hundred thousand (300,000) ~~but~~
 31 **and** less than four hundred thousand (400,000).
- 32 (f) The county may not pay from the county fund established under
 33 subsection (b) in a calendar year for the purposes set forth in
 34 subsection (b)(11) an amount that exceeds ten percent (10%) of the
 35 balance in the fund as of January 1 of that calendar year.
- 36 (g) If a county expends money in the county fund established under
 37 subsection (b) for the maintenance or repair of county roads, the county
 38 may not annually expend more than ten percent (10%) of the balance
 39 in the fund (as determined on January 1 of the calendar year in which
 40 the expenditures are made) for those purposes.
- 41 (h) A fund established by a county under IC 6-6-6.6-3 before its
 42 repeal:



- 1 (1) satisfies the requirement of subsection (b) that a county
 2 establish a fund;
 3 (2) shall be administered under subsection (c); and
 4 (3) is in all other respects subject to this section.

5 (i) Money deposited in a fund established by a county under
 6 IC 6-6-6.6-3 before its repeal:

- 7 (1) may remain in the fund; and
 8 (2) may be used for the purposes set forth in subsection (b),
 9 subject to subsections (d) through (g);
 10 notwithstanding the repeal of IC 6-6-6.6-3.

11 SECTION 51. IC 14-13-8-1 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. (a) This section
 13 applies to a marina located in a county having a population of more
 14 than four hundred thousand (400,000) **but and** less than seven hundred
 15 thousand (700,000).

16 (b) The state may not give money or other consideration to a marina
 17 unless the marina fulfills the following conditions:

- 18 (1) Provides a boat ramp without charge for access by Indiana
 19 residents to the waters served by the marina.
 20 (2) Provides access to marina property without charge for fishing
 21 by Indiana residents in the waters served by the marina.
 22 (3) Dedicates at least eight percent (8%) of the total number of
 23 parking spaces at the marina for parking of vehicles, including
 24 boat trailers, by Indiana residents without charge.

25 SECTION 52. IC 14-26-2-3 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 3. (a) As used in this
 27 chapter, "public freshwater lake" means a lake that has been used by
 28 the public with the acquiescence of a riparian owner.

29 (b) The term does not include the following:

- 30 (1) Lake Michigan.
 31 (2) A lake lying wholly or in part within the corporate boundaries
 32 of any of the three (3) cities having the largest population in a
 33 county having a population of more than four hundred thousand
 34 (400,000) **but and** less than seven hundred thousand (700,000).
 35 (3) A privately owned body of water:
 36 (A) used for the purpose of; or
 37 (B) created as a result of;
 38 surface coal mining.

39 SECTION 53. IC 14-26-2-11 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 11. (a) This section
 41 applies to a private lake that lies wholly or in part within any of the
 42 three (3) cities having the largest population in a county having a



1 population of more than four hundred thousand (400,000) ~~but~~ **and** less
2 than seven hundred thousand (700,000).

3 (b) Sand mining may be conducted at the lake only if approved by
4 resolution of the legislative body of the city after a public hearing.

5 (c) A sand mining operation at the lake:

6 (1) is subject to and shall be conducted in accordance with the
7 regulations and permit process of the United States Army Corps
8 of Engineers and the United States Environmental Protection
9 Agency; and

10 (2) is subject to local supervision and monitoring by the city
11 engineer of the city in which the lake lies.

12 (d) A person performing the sand mining is liable for any damages
13 directly attributable to the sand mining operation to any real property
14 located within a one (1) mile radius of the lake.

15 (e) After mining operations are completed, the lake may not be used
16 as a sanitary landfill or as a hazardous waste site.

17 SECTION 54. IC 14-33-17-1 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. This chapter applies
19 to two (2) districts:

20 (1) where at least part of the external boundaries of the two (2)
21 districts coincide;

22 (2) that are located in a county having a population of more than
23 four hundred thousand (400,000) ~~but~~ **and** less than seven hundred
24 thousand (700,000); and

25 (3) where the territory of each district contains part of the same
26 town.

27 SECTION 55. IC 15-17-5-11, AS AMENDED BY P.L.80-2016,
28 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2023]: Sec. 11. (a) As provided in this section, the board shall
30 issue limited permits for the operations of an establishment that are
31 exempt from antemortem inspection and postmortem inspection and
32 other requirements of this chapter if any of the following conditions
33 exist:

34 (1) To the extent the operations would be exempt from the
35 corresponding requirements under the federal Meat Inspection
36 Act, Section 23 (21 U.S.C. 623), or the Poultry Products
37 Inspection Act, Section 14 (21 U.S.C. 464), if the operations were
38 conducted in or for interstate commerce.

39 (2) The state is designated under the federal acts as one in which
40 the federal requirements apply to commerce in Indiana.

41 A person operating an establishment under subsection (f) shall obtain
42 a limited permit from the board.



1 (b) The board may enter and inspect the operation of an
 2 establishment described in subsection (a) to determine compliance with
 3 this chapter. When the operation of an establishment appears to be a
 4 detriment to health and public welfare, the establishment may be
 5 brought under this chapter by executive order of the state veterinarian
 6 issued in compliance with IC 4-21.5.

7 (c) Livestock and poultry slaughtered according to the ritual
 8 requirements of a religious faith that prescribes a method of slaughter
 9 by which the livestock or poultry suffers loss of consciousness by
 10 anemia of the brain caused by the simultaneous and instantaneous
 11 severance of the carotid arteries with a sharp instrument is a humane
 12 method under this chapter. However, livestock must be slaughtered
 13 immediately following total suspension from the floor.

14 (d) Except as required in an agreement between the United States
 15 Department of Agriculture and the board, a person operating under the
 16 inspection program of the federal acts, as amended, is exempt from this
 17 chapter.

18 (e) Except as provided in subsection (f), poultry products produced
 19 in an establishment operating under an exemption or limited permit
 20 described in subsection (a) must be labeled in accordance with rules
 21 adopted by the board and may only be distributed directly to a
 22 household consumer who:

- 23 (1) is the last person to purchase the poultry product; and
- 24 (2) does not resell the poultry.

25 Distribution directly to a household consumer includes sales at the
 26 farm, at a ~~farmers~~ **farmers'** market, at a roadside stand, and through
 27 delivery to the consumer.

28 (f) The board shall issue a limited permit to an establishment
 29 operating under subsection (a) and 9 CFR 381.10(a)(5) and 9 CFR
 30 381.10(a)(6) to produce poultry products for distribution to retail
 31 stores, hotels, restaurants, and institutions that resell or serve the
 32 products to consumers, if the establishment meets the following
 33 additional requirements:

- 34 (1) The establishment notifies the board of its operating schedule.
- 35 (2) The establishment meets the standards in 9 CFR Part 416.
- 36 (3) The establishment creates a food safety plan for the operation
 37 that includes an analysis of food safety hazards that are
 38 reasonably likely to occur in the production process and
 39 identification of control measures the establishment can apply to
 40 control those hazards.
- 41 (4) There is at least one (1) person who is responsible for all
 42 periods of the establishment's operations who has successfully



1 completed a course of instruction in the application of food safety
 2 principles to meat and poultry product production.
 3 (5) The poultry products are labeled in accordance with rules
 4 adopted by the board.
 5 The board may conduct microbial testing for food safety at
 6 establishments operating under this subsection. The board's microbial
 7 testing may not be more stringent than the board's microbial testing at
 8 inspected establishments. The board may create and publish
 9 recommended standards for microbial testing by establishments
 10 operating under this subsection.
 11 (g) The board may adopt rules under IC 4-22-2 to implement this
 12 section.
 13 SECTION 56. IC 15-17.5-3-1, AS ADDED BY P.L.48-2022,
 14 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2023]: Sec. 1. (a) The center shall facilitate the coordination
 16 of regulatory duties of the state board and the board upon the approval
 17 of each respective entity, as set forth in a ~~memoranda~~ **memorandum**
 18 of understanding or other agreement.
 19 (b) Nothing in this article shall be construed to amend the
 20 independent duties, authorities, and funding mechanisms of the board
 21 and the state board.
 22 SECTION 57. IC 16-19-3-30.5, AS AMENDED BY P.L.143-2022,
 23 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2023]: Sec. 30.5. The state department may enter into
 25 partnerships and joint ventures to encourage best practices in the
 26 following:
 27 (1) The identification and testing of populations at risk of disease
 28 related to substance ~~abuse~~ **use** disorder.
 29 (2) The health care treatment of incarcerated individuals for
 30 conditions related to substance ~~abuse~~ **use** disorder.
 31 SECTION 58. IC 16-21-15-4, AS AMENDED BY P.L.62-2022,
 32 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2023]: Sec. 4. (a) The state department, in consultation with
 34 the office of the secretary of family and social services, shall review an
 35 application for a certificate of public advantage and the documentation
 36 filed under section 3 of this chapter to determine whether there is clear
 37 evidence that the proposed merger agreement:
 38 (1) would benefit the population's health outcomes, health care
 39 access, and quality of health care; and
 40 (2) meets the standards described in this section.
 41 (b) The state department shall consider in the review of the
 42 application and documentation the effect of the merger agreement on



- 1 the following:
- 2 (1) The quality and price of hospital and health care services
- 3 provided to Indiana residents, including the demonstration of
- 4 population health improvement of the region serviced and the
- 5 extent to which medically underserved populations have access
- 6 to and are projected to use the proposed services.
- 7 (2) The preservation of sufficient health care services within the
- 8 geographic area to ensure public access to acute care.
- 9 (3) The cost efficiency of services, resources, and equipment
- 10 provided or used by the hospitals that are a party to the merger
- 11 agreement, including avoidance of duplication of services to
- 12 better meet the needs of the community.
- 13 (4) The ability of health care payors to negotiate payments and
- 14 service agreements with hospitals proposed to be merged under
- 15 the merger agreement.
- 16 (5) Employment.
- 17 (6) Economic impact.
- 18 (c) The state department shall grant the certification if the state
- 19 department determines in the review of the application and
- 20 documentation that, under the totality of the circumstances, the
- 21 following **apply**:
- 22 (1) There is clear evidence that the proposed merger would
- 23 benefit the population's health outcomes, health care access, and
- 24 quality of care in the county.
- 25 (2) The likely benefits resulting from the proposed merger
- 26 agreement outweigh any disadvantages attributable to a potential
- 27 reduction in competition that may result from the proposed
- 28 merger.
- 29 The holder of a certificate of public advantage issued by the state
- 30 department under this chapter receives immunity from claims made
- 31 pursuant to federal or state antitrust laws for the duration of the
- 32 certificate.
- 33 (d) The state department has one hundred twenty (120) days from
- 34 the filing of the application to review and make a determination on the
- 35 application. The state department's determination on whether to grant
- 36 the application must:
- 37 (1) be in writing;
- 38 (2) specify the basis for the determination; and
- 39 (3) be provided to the applicant on the date of the determination.
- 40 (e) The state department may include terms or conditions of
- 41 compliance with the issuance of a certificate of public advantage under
- 42 this chapter.



1 (f) The state department shall maintain records of all of the
 2 applications filed under this chapter, including records of any terms or
 3 conditions of issuing a certificate of public advantage that are imposed
 4 by the state department.

5 (g) The office of the attorney general may, at any time after an
 6 application is filed under this chapter and before the state department
 7 makes a determination on the application, require by civil investigative
 8 demand the attendance of witnesses and the production of documents
 9 for purposes of investigating whether the merger agreement satisfies
 10 the requirements of this chapter. Any documents produced or testimony
 11 given under this subsection are subject to confidentiality if the
 12 information is deemed proprietary information. The attorney general
 13 may seek compliance with the issuance of a civil investigative demand
 14 with the appropriate district court of the county in which the merger is
 15 to occur.

16 SECTION 59. IC 16-28-10-1, AS AMENDED BY P.L.205-2019,
 17 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2023]: Sec. 1. (a) Hearings under this article shall be
 19 conducted in accordance with IC 4-21.5.

20 ~~(b) Except for hearings held on the adoption of rules, an~~
 21 ~~administrative law judge must meet the following conditions:~~

22 ~~(1) Be admitted to the practice of law in Indiana.~~

23 ~~(2) Not be an employee of the state.~~

24 ~~This subsection expires June 30, 2020.~~

25 ~~(c)~~ (b) A health facility shall pay the costs of appointing an
 26 administrative law judge if the administrative law judge finds in favor of
 27 the state. However, if the administrative law judge finds in favor of
 28 the health facility, the state shall pay the costs of appointing the
 29 administrative law judge.

30 SECTION 60. IC 16-42-11-1.1, AS ADDED BY P.L.28-2009,
 31 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2023]: Sec. 1.1. The following definitions apply throughout
 33 this chapter:

34 (1) "Case" means thirty (30) dozen.

35 (2) "Eggs" means shell eggs represented as fresh or treated.

36 (3) ~~"Farmers "~~**Farmers'** market" means a common facility where
 37 two (2) or more farmers or growers gather on a regular basis to
 38 sell farm products, which they produce, directly to the consumer.

39 (4) "Fresh eggs" means consumer grades of eggs as defined by the
 40 standards of quality and weights as set forth by the state egg
 41 board.

42 (5) "Person" means any individual, partnership, association,



1 business trust, corporation, or any organized group of persons,
2 regardless of whether the group is incorporated.

3 (6) "Retailer" means any person who sells eggs for human
4 consumption and not for resale.

5 (7) "Treated eggs" means eggs that have been treated by a process
6 such as pasteurization, irradiation, or other method of treatment
7 that changes the interior quality of an egg in such a manner that
8 United States Department of Agriculture quality standards do not
9 apply.

10 (8) "Wholesaler" means any person engaged in buying eggs for
11 human consumption for resale to retailers, hotels, restaurants,
12 hospitals, nursing homes, schools, state or federal institutions,
13 operators of multiple unit retail outlets engaged in the distribution
14 of eggs to their own retail units, or producers who sell or deliver
15 eggs to retailers, hotels, restaurants, hospitals, nursing homes,
16 schools, or state or federal institutions.

17 SECTION 61. IC 16-42-11-9.5, AS AMENDED BY P.L.154-2014,
18 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2023]: Sec. 9.5. (a) A farmer or bona fide egg producer who
20 markets directly to the consumer at a location that is not the farmer's or
21 producer's own premises and is recognized as a ~~farmers~~ **farmers'**
22 market may be required to have a ~~farmers~~ **farmers'** market retail
23 permit issued by the state egg board. The state egg board shall establish
24 requirements and procedures for obtaining a ~~farmers~~ **farmers'** market
25 retail permit by rule under IC 4-22-2.

26 (b) Notwithstanding any other law, a local unit of government (as
27 defined in IC 14-22-31.5-1) may not by ordinance or resolution require
28 any licensure, certification, or inspection of foods or food products of
29 a farmer or bona fide egg producer acting under this section.

30 SECTION 62. IC 20-20-40-13, AS AMENDED BY P.L.92-2020,
31 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2023]: Sec. 13. (a) The commission has the following duties:

33 (1) To adopt rules concerning the following:

34 (A) The use of restraint and seclusion in a school corporation
35 or a state accredited nonpublic school, with an emphasis on
36 eliminating or minimizing the use of restraint and seclusion.

37 (B) The prevention of the use of types of restraint or seclusion
38 that may harm a student, a school employee, a school
39 volunteer, or the educational environment of the school.

40 (C) Requirements for notifying parents.

41 (D) Training regarding the use of restraint and seclusion,
42 including the frequency of training and what employees must



- 1 be trained.
- 2 (E) The distribution of the seclusion and restraint policy to
- 3 parents and the public.
- 4 (F) Requirements for the reporting of incidents of restraint and
- 5 seclusion in the annual school performance report, including
- 6 incidents of restraint and seclusion involving school resource
- 7 officers (as defined in IC 20-26-18.2-1).
- 8 (G) Circumstances that may require more timely incident
- 9 reporting and the requirements for such reporting.
- 10 (2) To develop, maintain, and revise a model restraint and
- 11 seclusion plan for schools that includes the following elements:
- 12 (A) A statement on how students will be treated with dignity
- 13 and respect and how appropriate student behavior will be
- 14 promoted and taught.
- 15 (B) A statement ensuring that the school will use prevention,
- 16 positive behavior intervention and support, and conflict
- 17 ~~deescalation~~ **de-escalation** to eliminate or minimize the need
- 18 for use of any of the following:
- 19 (i) Seclusion.
- 20 (ii) Chemical restraint.
- 21 (iii) Mechanical restraint.
- 22 (iv) Physical restraint.
- 23 (C) A statement ensuring that any behavioral intervention used
- 24 will be consistent with the student's most current behavioral
- 25 intervention plan, or individualized education program, if
- 26 applicable.
- 27 (D) Definitions for restraint and seclusion, as defined in this
- 28 chapter.
- 29 (E) A statement ensuring that if a procedure listed in clause
- 30 (B) is used, the procedure will be used:
- 31 (i) as a last resort safety procedure, employed only after
- 32 another, less restrictive procedure has been implemented
- 33 without success; and
- 34 (ii) in a situation in which there is an imminent risk of injury
- 35 to the student, other students, school employees, or visitors
- 36 to the school.
- 37 (F) An indication that restraint or seclusion may be used only
- 38 for a short time period, or until the imminent risk of injury has
- 39 passed.
- 40 (G) A documentation and recording requirement governing
- 41 instances in which procedures listed in clause (B) are used,
- 42 including:



- 1 (i) how every incident will be documented and debriefed;
- 2 (ii) how responsibilities will be assigned to designated
- 3 employees for evaluation and oversight; and
- 4 (iii) designation of a school employee to be the keeper of
- 5 such documents.
- 6 (H) A requirement that the student's parent must be notified as
- 7 soon as possible when an incident involving the student occurs
- 8 that includes use of procedures listed in clause (B).
- 9 (I) A requirement that a copy of an incident report must be
- 10 sent to the student's parent after the student is subject to a
- 11 procedure listed in clause (B).
- 12 (J) Required recurrent training for appropriate school
- 13 employees on the appropriate use of effective alternatives to
- 14 physical restraint and seclusion, including the use of positive
- 15 behavioral intervention and support and conflict ~~de-escalation:~~
- 16 **de-escalation.** The training must include the safe use of
- 17 physical restraint and seclusion in incidents involving
- 18 imminent danger or serious harm to the student, school
- 19 employees, or others. Consideration must be given to available
- 20 school resources and the time commitments of school
- 21 employees.
- 22 (3) To accept and review reports from the public and make
- 23 nonbinding recommendations to the department of any suggested
- 24 action to be taken.
- 25 (b) The model policy developed by the commission must take into
- 26 consideration that implementation and reporting requirements for state
- 27 accredited nonpublic schools may vary, and the model plan must
- 28 provide state accredited nonpublic schools flexibility with regards to
- 29 accountability under and implementation of the plan adopted by a state
- 30 accredited nonpublic school under section 14 of this chapter.
- 31 SECTION 63. IC 20-23-4-11, AS AMENDED BY P.L.233-2015,
- 32 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 33 JULY 1, 2023]: Sec. 11. (a) A county committee for the reorganization
- 34 of school corporations consists of nine (9) members. All the members
- 35 of the committee are appointed by the judge of the circuit court of the
- 36 county. Appointments under this subsection are subject to subsections
- 37 (f) through (h).
- 38 (b) Before the time specified in this section, the judge of the circuit
- 39 court shall call into a county convention each of the township trustees
- 40 of the county and the members of each local board of school trustees
- 41 or board of school commissioners in the county to advise the judge in
- 42 the selection of the members of the county committee. Except as



1 provided in subsection (c), the judge must give at least ten (10) days
2 notice of the convention by publication in:

3 (1) one (1) newspaper of general circulation published in the
4 affected area; or

5 (2) if a newspaper is not published in the affected area, in a
6 newspaper having a general circulation in the affected area.

7 (c) In a county having a population of more than four hundred
8 thousand (400,000) **but and** less than seven hundred thousand
9 (700,000), the judge of the circuit court shall publish the notice
10 referred to in subsection (b) in two (2) newspapers of general
11 circulation published in the affected area or having a general
12 circulation in the affected area. The notice must specify:

13 (1) the date, time, place, and purpose of the county convention;
14 and

15 (2) that the county convention is open to all residents of the
16 county.

17 (d) At the county convention, the judge of the circuit court shall:

18 (1) explain or have explained; and

19 (2) afford an opportunity for attendees to discuss;

20 the provisions of this chapter.

21 (e) Not later than ten (10) days after the date of the county
22 convention, the judge of the circuit court shall select the appointive
23 members of the county committee.

24 (f) One (1) member of the county committee:

25 (1) must be a member of:

26 (A) the board of school trustees if the county has a board of
27 school trustees; or

28 (B) the board of school commissioners if the county has a
29 board of school commissioners; and

30 (2) may not be a township trustee.

31 (g) One (1) member of the county committee must be:

32 (1) a superintendent of schools;

33 (2) a principal of:

34 (A) a school city;

35 (B) a school town; or

36 (C) a consolidated school or corporation; or

37 (3) a superintendent of a community school corporation.

38 (h) The members of the county committee not referred to in
39 subsections (f) through (g):

40 (1) may not be members of or employed by a governing body;

41 (2) may not be:

42 (A) township trustees; or



- 1 (B) employees of township trustees; and
 2 (3) are appointed without regard to political affiliation.
- 3 (i) The judge of the circuit court shall give written notice
 4 immediately to each person selected for appointment to the county
 5 committee. Each person selected shall notify the judge of the circuit
 6 court in writing not later than ten (10) days after receipt of the notice
 7 whether the person accepts the appointment. If a person:
 8 (1) refuses an appointment; or
 9 (2) fails to notify the judge of the circuit court of the person's
 10 acceptance or refusal of an appointment;
 11 the judge shall select a qualified replacement for appointment to the
 12 county committee.
- 13 (j) Not later than thirty (30) days after the date of the county
 14 convention, the county committee shall meet to organize and to elect
 15 from its membership:
 16 (1) a chairperson;
 17 (2) a treasurer; and
 18 (3) a secretary.
- 19 The secretary may be the county superintendent or the superintendent
 20 of one (1) of the school corporations in the county.
- 21 (k) The chairperson and the members of the county committee serve
 22 without compensation. Subject to approval by the state board, the
 23 chairperson of the county committee shall:
 24 (1) secure necessary office space and equipment;
 25 (2) engage necessary clerical help; and
 26 (3) receive reimbursement for any necessary expenses incurred by
 27 the chairperson with respect to duties in connection with the
 28 county committee.
- 29 (l) Members of the county committee hold office for terms of four
 30 (4) years until the reorganization program in the county is completed,
 31 subject to replacement as prescribed in this chapter. An appointed
 32 member who ceases to be a resident of the county may not continue to
 33 serve on a county committee.
- 34 (m) An individual appointed member of a county committee or the
 35 appointed members as a group are not disqualified from serving on a
 36 county committee because they fail at any time to meet the
 37 qualifications for appointment by the judge of the circuit court, other
 38 than county residence, if they met the qualifications at the time of their
 39 appointments.
- 40 (n) Vacancies shall be filled by the remaining members of the
 41 committee without regard for the qualifications for appointment by the
 42 judge of the circuit court.



1 (o) Meetings of the county committee shall be held:

2 (1) upon call of the chairperson; or

3 (2) by a petition to hold a meeting signed by a majority of the
4 members of the committee.

5 (p) A majority of the committee constitutes a quorum.

6 SECTION 64. IC 20-23-14-4.5, AS AMENDED BY P.L.169-2022,
7 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2023]: Sec. 4.5. (a) Until the first redistricting required under
9 this section, the school districts for the election of the members of the
10 governing body under section 3(b) of this chapter are the districts set
11 forth in section 4 of this chapter (before its repeal).

12 (b) The governing body shall, by resolution, establish the school
13 districts and change their boundaries, if necessary, at times permitted
14 in IC 3-5-10.

15 (c) The school districts established must:

16 (1) be as near as practicable equal in population;

17 (2) have boundaries set forth in the text of the resolution; and

18 (3) comply with:

19 (A) the Constitution of the United States; and

20 (B) the Constitution of the State of Indiana;

21 including the equal protection clauses of both constitutions.

22 (d) The limitations set forth in this section are part of the resolution,
23 but do not have to be specifically set forth in the resolution. The
24 resolution must be construed, if possible, to comply with this chapter.
25 If a provision of the resolution or an application of the resolution
26 violates this chapter, the invalidity does not affect the other provisions
27 or applications of the resolution that can be given effect without the
28 invalid provision or application. The provisions of the resolution are
29 severable.

30 (e) The governing body shall amend the resolution if an amendment
31 is necessary to change the school district boundaries to comply with
32 subsection (c). If the governing body determines that changes to the
33 boundaries of the school districts are not required, the governing body
34 shall recertify that the school districts as established comply with
35 subsection (c).

36 (f) Each time the governing body amends the resolution or makes a
37 recertification, the governing body shall file a copy of the following
38 with the board of elections and registration established by IC 3-6-5.2-3
39 not later than thirty (30) days after the amendment or recertification
40 occurs:

41 (1) A copy of the amendment or recertification.

42 (2) One (1) of the following:

EH 1048—LS 6125/DI 112



- 1 (A) A certification that changes to the school district
 2 boundaries as established are not required to comply with
 3 subsection (c).
 4 (B) If ~~reapportionment of the school districts and~~ changes to
 5 ~~their the school district~~ boundaries are required to comply
 6 with subsection (c), a map showing the boundaries of the new
 7 school districts.
 8 (g) IC 3-5-10 applies to a plan established under this section.
 9 SECTION 65. IC 20-30-8.5-1, AS ADDED BY P.L.86-2020,
 10 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2023]: Sec. 1. This ~~section~~ **chapter** applies to the following
 12 school corporations:
 13 (1) Richmond Community Schools.
 14 (2) Metropolitan School District of Washington Township
 15 Schools.
 16 (3) Metropolitan School District of Warren Township Schools.
 17 SECTION 66. IC 20-31-4.1-4, AS ADDED BY P.L.92-2020,
 18 SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2023]: Sec. 4. (a) Subject to subsection ~~(e)~~ **(b)** and section 7
 20 of this chapter, a school or group of schools accredited under this
 21 chapter may submit an application to the state board, in a manner
 22 prescribed by the state board, requesting flexibility and to waive
 23 compliance with any provision in this title or 511 IAC in order to do
 24 one (1) or more of the following:
 25 (1) Improve student performance and outcomes.
 26 (2) Offer the applicant flexibility in the administration of
 27 educational programs or improve the efficiency of school
 28 operations.
 29 (3) Promote innovative educational approaches to student
 30 learning.
 31 (4) Advance the mission or purpose of the school or group of
 32 schools.
 33 (b) The application submitted under subsection (a) must include the
 34 following:
 35 (1) A list of the one (1) or more provisions in this title, 511 IAC,
 36 or this title and 511 IAC that the school or group of schools is
 37 requesting that the state board waive.
 38 (2) The following information:
 39 (A) The specific goal or outcome or goals or outcomes that the
 40 school or group of schools intends to achieve by waiving the
 41 provisions described in subdivision (1).
 42 (B) How the specific goals or outcomes described in clause



- 1 (A) are likely to be achieved by waiving compliance with the
 2 provisions described in subdivision (1).
 3 (3) For an application submitted by:
 4 (A) the governing body of a school corporation, a copy of the
 5 resolution adopted by the governing body approving the
 6 submission of the application;
 7 (B) a charter school, written authorization by the charter
 8 school organizer approving the submission of the application;
 9 or
 10 (C) a nonpublic school, written authorization by the person or
 11 agency in active charge and management of the nonpublic
 12 school approving the submission of the application.
- 13 SECTION 67. IC 20-32-5.1-7, AS AMENDED BY P.L.192-2018,
 14 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2023]: Sec. 7. (a) Except as otherwise provided in this section
 16 and in the manner provided in section 6 of this chapter, the state board
 17 is responsible for determining the appropriate subjects, grades, and
 18 format of a statewide assessment.
- 19 (b) For each school year beginning after June 30, 2018, and except
 20 as provided in section 11 of this chapter, the statewide assessment must
 21 be administered to all full-time students attending a school corporation,
 22 charter school, state accredited nonpublic school, or eligible school (as
 23 defined in IC 20-51-1-4.7) in grades subject to the statewide
 24 assessment required by federal law and in a manner prescribed by the
 25 state board.
- 26 (c) Subject matter tested on the statewide assessment as determined
 27 by the state board under subsection (a) must, at a minimum, do the
 28 following:
 29 (1) Comply with requirements established under federal law with:
 30 (A) math and English/language arts assessed yearly in grades
 31 3 through 8, and at least once in grades 9 through 12; and
 32 (B) science assessed at least once in grades 3 through 5, grades
 33 6 through 9, and grades 10 through 12.
 34 (2) Require that United States history or United States
 35 government be assessed at least once in grades 5 or 8.
- 36 ~~(d) This subsection expires July 1, 2020. Each student in a grade 10~~
 37 ~~cohort must take a graduation examination.~~
- 38 ~~(e)~~ (d) Except as provided under subsection ~~(f)~~, (e), for each school
 39 year beginning after June 30, 2021, a nationally recognized college
 40 entrance exam must be administered for the high school subjects
 41 required under subsection (c). The proficiency benchmark must be
 42 approved by the commission for higher education, in consultation with



1 the state educational institutions, and may not be lower than the
2 national college ready benchmark established for that particular exam.

3 ~~(f)~~ (e) If the state board determines that no nationally recognized
4 college entrance exam assesses a given high school subject that is
5 required under subsection (c), the state board may select another type
6 of assessment, including an end of course assessment, for that subject.

7 ~~(g)~~ (f) The statewide assessment:

8 (1) may not use technology that may negatively influence the
9 ability to measure a student's mastery of material or a particular
10 academic standard being tested; and

11 (2) may use a technology enhanced test question only when the
12 technology enhanced test question is the best way to measure the
13 academic standard being tested.

14 ~~(h)~~ (g) A statewide assessment, other than an assessment
15 administered under subsection ~~(e)~~; (d), must use a scale score that will
16 ensure the statewide assessment scores are comparable to scale scores
17 used as part of the ISTEP program under IC 20-32-5, before its
18 expiration.

19 SECTION 68. IC 20-32-5.1-18.5, AS AMENDED BY P.L.82-2020,
20 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2023]: Sec. 18.5. (a) The department shall, to the extent
22 permitted under federal law, provide the same text-to-speech, screen
23 reader, or human reader and calculator accommodations to a student in
24 grades 6 through 12 on every section of the statewide assessment
25 program if that accommodation is provided as part of the student's:

26 (1) individualized education program;

27 (2) service plan developed under 511 IAC 7-34;

28 (3) choice special education plan developed under 511 IAC 7-49;
29 or

30 (4) plan developed under Section 504 of the federal Rehabilitation
31 Act of 1973, 29 U.S.C. 794.

32 (b) The department must submit any guidance or recommendations
33 the department plans to distribute to a school corporation or school that
34 attempts to affect in any manner based on statewide assessment
35 accommodations which instructional methods are included or excluded
36 from a program or plan described in subsection (a) to the state board
37 for approval.

38 ~~(c) This subsection expires January 1, 2020. The state board shall~~
39 ~~provide a report to the legislative council in an electronic format under~~
40 ~~IC 5-14-6, explaining in detail the extent that:~~

41 ~~(1) individualized education programs;~~

42 ~~(2) service plans developed under 511 IAC 7-34; or~~



1 ~~(3) choice special education plans developed under 511 IAC 7-49;~~
2 ~~were altered to align to the statewide assessment program.~~

3 SECTION 69. IC 20-43-8-3, AS AMENDED BY P.L.230-2017,
4 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2023]: Sec. 3. (a) Participation in a program is not required to
6 the extent of full-time equivalency.

7 ~~(b) This subsection expires July 1, 2018. The state board shall adopt~~
8 ~~rules that further define the nature and extent of participation and the~~
9 ~~type of program qualifying for approval.~~

10 ~~(c)~~ (b) A count may not be made on any program that has not been
11 approved by the state board or to the extent that a pupil is not
12 participating to the extent required by any rule of the state board.

13 SECTION 70. IC 21-7-13-6, AS AMENDED BY P.L.81-2019,
14 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2023]: Sec. 6. (a) "Approved postsecondary educational
16 institution", for purposes of this title (except section 15 of this chapter
17 **and IC 21-12-6) and ~~IC 21-13-1-4)~~ means the following:**

18 (1) A postsecondary educational institution that operates in
19 Indiana and:

20 (A) provides an organized two (2) year or longer program of
21 collegiate grade directly creditable toward a baccalaureate
22 degree;

23 (B) is either operated by the state or operated nonprofit; and

24 (C) is accredited by a recognized regional accrediting agency,
25 including:

26 (i) Ancilla College;

27 (ii) Anderson University;

28 (iii) Bethel University;

29 (iv) Butler University;

30 (v) Calumet College of St. Joseph;

31 (vi) DePauw University;

32 (vii) Earlham College;

33 (viii) Franklin College;

34 (ix) Goshen College;

35 (x) Grace College and Seminary;

36 (xi) Hanover College;

37 (xii) Holy Cross College;

38 (xiii) Huntington University;

39 (xiv) Indiana Institute of Technology;

40 (xv) Indiana Wesleyan University;

41 (xvi) Manchester University;

42 (xvii) Marian University;



- 1 (xviii) Martin University;
 2 (xix) Oakland City University;
 3 (xx) Rose-Hulman Institute of Technology;
 4 (xxi) Saint Mary-of-the-Woods College;
 5 (xxii) Saint Mary's College;
 6 (xxiii) Taylor University;
 7 (xxiv) Trine University;
 8 (xxv) University of Evansville;
 9 (xxvi) University of Indianapolis;
 10 (xxvii) University of Notre Dame;
 11 (xxviii) University of Saint Francis;
 12 (xxix) Valparaiso University; and
 13 (xxx) Wabash College;
 14 or is accredited by the board for proprietary education under
 15 IC 21-18.5-6 or an accrediting agency recognized by the
 16 United States Department of Education.
- 17 (2) Ivy Tech Community College.
- 18 (3) A hospital that operates a nursing diploma program that is
 19 accredited by the Indiana state board of nursing.
- 20 (4) A postsecondary credit bearing proprietary educational
 21 institution that meets the following requirements:
- 22 (A) Is incorporated in Indiana, or is registered as a foreign
 23 corporation doing business in Indiana.
- 24 (B) Is fully accredited by and is in good standing with the
 25 board for proprietary education under IC 21-18.5-6.
- 26 (C) Is accredited by and is in good standing with a regional or
 27 national accrediting agency.
- 28 (D) Offers a course of study that is at least eighteen (18)
 29 consecutive months in duration (or an equivalent to be
 30 determined by the board for proprietary education under
 31 IC 21-18.5-6) and that leads to an associate or a baccalaureate
 32 degree recognized by the board for proprietary education
 33 under IC 21-18.5-6.
- 34 (E) Is certified by the board for proprietary education as
 35 meeting the requirements of this subdivision.
- 36 (5) A postsecondary SEI affiliated educational institution.
- 37 (b) "Approved postsecondary educational institution" for purposes
 38 of section 15 of this chapter **and** IC 21-12-6, ~~and IC 21-13-1-4~~, means
 39 the following:
- 40 (1) A state educational institution.
- 41 (2) A nonprofit college or university.
- 42 (3) A postsecondary credit bearing proprietary educational



1 institution that is accredited by an accrediting agency recognized
2 by the United States Department of Education.

3 (4) A postsecondary SEI affiliated educational institution.

4 SECTION 71. IC 21-12-13-2, AS AMENDED BY P.L.52-2022,
5 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2023]: Sec. 2. (a) This section applies to the following
7 scholarship ~~stipend~~, and fee remission statutes:

8 (1) IC 21-12-3.

9 (2) IC 21-12-4.

10 (3) IC 21-12-6.

11 (4) IC 21-13-2.

12 (5) IC 21-13-7.

13 (6) IC 21-13-8.

14 (7) IC 21-13-4.

15 (8) IC 21-14-5.

16 (9) IC 21-12-16.

17 (b) Except as provided in subsection (c), and except for a
18 scholarship granted under IC 21-13-8 to an individual described in
19 IC 21-13-8-1(b)(2)(B), a grant or reduction in tuition or fees, including
20 all renewals and extensions, under any of the laws listed in subsection
21 (a) may not exceed the number of terms that constitutes:

22 (1) except as provided in subdivision (2), four (4) undergraduate
23 academic years, as determined by the commission; or

24 (2) for purposes of IC 21-13-4, six (6) academic years as
25 determined by the commission;

26 and must be used within eight (8) years after the date the individual
27 first applies and becomes eligible for benefits under the applicable law.

28 (c) The commission may, subject to the availability of funds, extend
29 eligibility under subsection (b) for a recipient who used a grant or
30 reduction in tuition or fees under any of the statutes listed in subsection
31 (a) at a postsecondary educational institution that closed. The extension
32 of eligibility may not exceed the number of terms used by the recipient
33 at the postsecondary educational institution that closed.

34 SECTION 72. IC 21-13-7-3, AS AMENDED BY P.L.52-2022,
35 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2023]: Sec. 3. (a) The amount of a ~~stipend~~ **scholarship**
37 awarded under this chapter may not be reduced because the student
38 receives other scholarships or forms of financial aid.

39 (b) Except as otherwise permitted by law and except as provided in
40 subsection (c), the amount of any other state financial aid received by
41 a student may not be reduced because the student receives a
42 scholarship under this chapter.



1 (c) The total amount of scholarships or other financial aid a student
 2 receives may not exceed the total amount of expenses to attend the
 3 accredited postsecondary educational institution, including tuition,
 4 room, board, and other fees.

5 SECTION 73. IC 21-18-6-6, AS AMENDED BY P.L.51-2022,
 6 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2023]: Sec. 6. (a) As used in this section, "FAFSA" refers to
 8 the Free Application for Federal Student Aid.

9 (b) The commission shall prepare a model notice for schools that
 10 includes the following information for parents and students:

11 (1) A statement regarding the:

12 (A) existence of;

13 (B) availability of; and

14 (C) state deadline to complete;

15 the FAFSA.

16 (2) A description that provides parents and students with an
 17 understanding of the process for and benefits of completing a
 18 FAFSA.

19 (3) A statement regarding the most recent labor market trends,
 20 including the number and percentage of state minimum wage jobs
 21 that:

22 (A) do not require education beyond high school; and

23 (B) require additional education or training after obtaining a
 24 high school diploma.

25 (4) A statement that Indiana offers guaranteed financial aid
 26 options for all high school graduates, regardless of family income,
 27 including information on Indiana's high value workforce ready
 28 credit-bearing grants described under IC 21-12-8.

29 (5) A statement that eligibility for many merit based and need
 30 based scholarships, grants, and other financial aid opportunities
 31 require the FAFSA to be completed by a certain date.

32 (6) A ~~web site~~ **website** link to the online FAFSA affirmation form
 33 described in IC 21-12-6-6.7.

34 (c) The commission shall annually update the model notice to
 35 amend any of the information in the model notice, as determined
 36 necessary by the commission.

37 (d) The commission shall post the model notice prepared under
 38 subsection (b) on the commission's ~~Internet web site.~~ **website.**

39 SECTION 74. IC 21-18-9-2, AS AMENDED BY P.L.141-2016,
 40 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2023]: Sec. 2. ~~(a)~~ The commission may:

42 (1) review all programs of any state educational institution,



1 regardless of the source of funding; and
 2 (2) make recommendations to the board of trustees of the state
 3 educational institution, the governor, and the general assembly
 4 concerning the funding and the disposition of the programs.

5 (b) ~~The commission, in consultation with the department of~~
 6 ~~workforce development, shall develop and recommend funding~~
 7 ~~amounts and performance metrics that reward workforce training~~
 8 ~~programs under IC 21-41-5-3(b) and that are not included in the~~
 9 ~~postsecondary performance funding formula. Ivy Tech Community~~
 10 ~~College shall assist the commission, and the department of workforce~~
 11 ~~development shall provide the data necessary for the commission to~~
 12 ~~develop these funding amounts and performance metrics. Funding~~
 13 ~~amounts and performance metrics recommended under this subsection~~
 14 ~~must be aligned with the workforce needs and training and education~~
 15 ~~needs identified in the occupational demand report prepared by the~~
 16 ~~department of workforce development under IC 22-4.1-4-10. This~~
 17 ~~subsection expires July 1, 2020.~~

18 SECTION 75. IC 22-2-2-3, AS AMENDED BY P.L.7-2019,
 19 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2023]: Sec. 3. As used in this chapter:

21 "Commissioner" means the commissioner of labor or the
 22 commissioner's authorized representative.

23 "Department" means the department of labor.

24 "Occupation" means an industry, trade, business, or class of work
 25 in which employees are gainfully employed.

26 "Employer" means any individual, partnership, association, limited
 27 liability company, corporation, business trust, the state, or other
 28 governmental agency or political subdivision during any work week in
 29 which they have two (2) or more employees. However, it shall not
 30 include any employer who is subject to the minimum wage provisions
 31 of the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C.
 32 ~~201-209~~; **201-219**).

33 "Employee" means any person employed or permitted to work or
 34 perform any service for remuneration or under any contract of hire,
 35 written or oral, express or implied by an employer in any occupation,
 36 but shall not include any of the following:

37 (a) Persons less than sixteen (16) years of age.

38 (b) Persons engaged in an independently established trade,
 39 occupation, profession, or business who, in performing the
 40 services in question, are free from control or direction both under
 41 a contract of service and in fact.

42 (c) Persons performing services not in the course of the



- 1 employing unit's trade or business.
- 2 (d) Persons employed on a commission basis.
- 3 (e) Persons employed by their own parent, spouse, or child.
- 4 (f) Members of any religious order performing any service for that
- 5 order, any ordained, commissioned, or licensed minister, priest,
- 6 rabbi, sexton, or Christian Science reader, and volunteers
- 7 performing services for any religious or charitable organization.
- 8 (g) Persons performing services as student nurses in the employ
- 9 of a hospital or nurses training school while enrolled and
- 10 regularly attending classes in a nurses training school chartered
- 11 or approved under law, or students performing services in the
- 12 employ of persons licensed as both funeral directors and
- 13 embalmers as a part of their requirements for apprenticeship to
- 14 secure an embalmer's license or a funeral director's license from
- 15 the state, or during their attendance at any schools required by law
- 16 for securing an embalmer's or funeral director's license.
- 17 (h) Persons who have completed a four (4) year course in a
- 18 medical school approved by law when employed as interns or
- 19 resident physicians by any accredited hospital.
- 20 (i) Students performing services for any school, college, or
- 21 university in which they are enrolled and are regularly attending
- 22 classes.
- 23 (j) Persons with physical or mental disabilities performing
- 24 services for nonprofit organizations organized primarily for the
- 25 purpose of providing employment for persons with disabilities or
- 26 for assisting in their therapy and rehabilitation.
- 27 (k) Persons employed as insurance producers, insurance
- 28 solicitors, and outside salesmen, if all their services are performed
- 29 for remuneration solely by commission.
- 30 (l) Persons performing services for any camping, recreational, or
- 31 guidance facilities operated by a charitable, religious, or
- 32 educational nonprofit organization.
- 33 (m) Persons engaged in agricultural labor. The term shall include
- 34 only services performed:
- 35 (1) on a farm, in connection with cultivating the soil, or in
- 36 connection with raising or harvesting any agricultural or
- 37 horticultural commodity, including the raising, shearing,
- 38 feeding, caring for, training, and management of livestock,
- 39 bees, poultry, and furbearing animals and wildlife;
- 40 (2) in the employ of the owner or tenant or other operator of a
- 41 farm, in connection with the operation, management,
- 42 conservation, improvement, or maintenance of the farm and its



- 1 tools and equipment if the major part of the service is
 2 performed on a farm;
 3 (3) in connection with:
 4 (A) the production or harvesting of maple sugar or maple
 5 syrup or any commodity defined as an agricultural
 6 commodity in the Agricultural Marketing Act, as amended
 7 (12 U.S.C. 1141j);
 8 (B) the raising or harvesting of mushrooms;
 9 (C) the hatching of poultry; or
 10 (D) the operation or maintenance of ditches, canals,
 11 reservoirs, or waterways used exclusively for supplying and
 12 storing water for farming purposes; and
 13 (4) in handling, planting, drying, packing, packaging,
 14 processing, freezing, grading, storing, or delivering to storage,
 15 to market, or to a carrier for transportation to market, any
 16 agricultural or horticultural commodity, but only if service is
 17 performed as an incident to ordinary farming operation or, in
 18 the case of fruits and vegetables, as an incident to the
 19 preparation of fruits and vegetables for market. However, this
 20 exception shall not apply to services performed in connection
 21 with any agricultural or horticultural commodity after its
 22 delivery to a terminal market or processor for preparation or
 23 distribution for consumption.
 24 As used in this subdivision, "farm" includes stock, dairy, poultry,
 25 fruit, furbearing animals, and truck farms, nurseries, orchards, or
 26 greenhouses or other similar structures used primarily for the
 27 raising of agricultural or horticultural commodities.
 28 (n) Those persons employed in executive, administrative, or
 29 professional occupations who have the authority to employ or
 30 discharge and who earn one hundred fifty dollars (\$150) or more
 31 a week, and outside salesmen.
 32 (o) Any person not employed for more than four (4) weeks in any
 33 four (4) consecutive three (3) month periods.
 34 (p) Any employee with respect to whom the Interstate Commerce
 35 Commission has power to establish qualifications and maximum
 36 hours of service under the federal Motor Carrier Act of 1935 (49
 37 U.S.C. 304(3)) or any employee of a carrier subject to IC 8-2.1.
 38 (q) A person engaged in services as a direct seller. The term shall
 39 include only services performed:
 40 (1) by a person that is in the trade or business of:
 41 (A) selling, or soliciting the sale of, consumer products or
 42 services to any buyer on a buy-sell basis,



1 deposit-commission basis, or similar basis, in any place
2 other than in a permanent retail establishment; or

3 (B) selling, or soliciting the sale of, consumer products or
4 services in any place other than in a permanent retail
5 establishment;

6 (2) when substantially all the remuneration, whether or not
7 paid in cash, for the performance of the services is directly
8 related to sales or other output, including the performance of
9 services, rather than the number of hours worked; and

10 (3) when the services performed by the person are performed
11 pursuant to a written contract and the contract provides that
12 the person who performs the services will not be treated as an
13 employee for tax purposes under the contract.

14 SECTION 76. IC 22-4.1-2-3 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 3. The **entities listed in**
16 **unemployment insurance review board described in** section 2 of this
17 chapter shall cooperate to facilitate the coordination, consolidation, and
18 promotion of workforce development activities statewide.

19 SECTION 77. IC 22-9.5-6-13 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 13. (a) If a timely
21 election is made under section ~~12~~ **12** of this chapter, the commission
22 shall, not later than thirty (30) days after the election is made, file a
23 civil action on behalf of the aggrieved person seeking relief under this
24 section in a circuit or superior court that is located in the county in
25 which the alleged discriminatory housing practice occurred.

26 (b) An aggrieved person may intervene in the action.

27 (c) If the court finds that a discriminatory housing practice has
28 occurred or is about to occur, the court may grant as relief any relief
29 that a court may grant in a civil action under IC 22-9.5-7.

30 (d) If monetary relief is sought for the benefit of an aggrieved
31 person who does not intervene in the civil action, the court may not
32 award the monetary relief if that aggrieved person has not complied
33 with discovery orders entered by the court.

34 SECTION 78. IC 24-5-0.5-4, AS AMENDED BY P.L.156-2020,
35 SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2023]: Sec. 4. (a) A person relying upon an uncured or
37 incurable deceptive act may bring an action for the damages actually
38 suffered as a consumer as a result of the deceptive act or five hundred
39 dollars (\$500), whichever is greater. The court may increase damages
40 for a willful deceptive act in an amount that does not exceed the greater
41 of:

42 (1) three (3) times the actual damages of the consumer suffering



1 the loss; or

2 (2) one thousand dollars (\$1,000).

3 Except as provided in subsection ~~(j)~~; **(k)**, the court may award
4 reasonable **attorney attorney's** fees to the party that prevails in an
5 action under this subsection. This subsection does not apply to a
6 consumer transaction in real property, including a claim or action
7 involving a construction defect (as defined in IC 32-27-3-1(5)) brought
8 against a construction professional (as defined in IC 32-27-3-1(4)),
9 except for purchases of time shares and camping club memberships.
10 This subsection does not apply with respect to a deceptive act
11 described in section 3(b)(20) of this chapter. This subsection also does
12 not apply to a violation of IC 24-4.7, IC 24-5-12, IC 24-5-14, or
13 IC 24-5-14.5. Actual damages awarded to a person under this section
14 have priority over any civil penalty imposed under this chapter.

15 (b) Any person who is entitled to bring an action under subsection
16 (a) on the person's own behalf against a supplier for damages for a
17 deceptive act may bring a class action against such supplier on behalf
18 of any class of persons of which that person is a member and which has
19 been damaged by such deceptive act, subject to and under the Indiana
20 Rules of Trial Procedure governing class actions, except as herein
21 expressly provided. Except as provided in subsection ~~(j)~~; **(k)**, the court
22 may award reasonable **attorney attorney's** fees to the party that
23 prevails in a class action under this subsection, provided that such fee
24 shall be determined by the amount of time reasonably expended by the
25 attorney and not by the amount of the judgment, although the
26 contingency of the fee may be considered. Except in the case of an
27 extension of time granted by the attorney general under
28 IC 24-10-2-2(b) in an action subject to IC 24-10, any money or other
29 property recovered in a class action under this subsection which
30 cannot, with due diligence, be restored to consumers within one (1)
31 year after the judgment becomes final shall be returned to the party
32 depositing the same. This subsection does not apply to a consumer
33 transaction in real property, except for purchases of time shares and
34 camping club memberships. This subsection does not apply with
35 respect to a deceptive act described in section 3(b)(20) of this chapter.
36 Actual damages awarded to a class have priority over any civil penalty
37 imposed under this chapter.

38 (c) The attorney general may bring an action to enjoin a deceptive
39 act, including a deceptive act described in section 3(b)(20) of this
40 chapter, notwithstanding subsections (a) and (b). However, the attorney
41 general may seek to enjoin patterns of incurable deceptive acts with
42 respect to consumer transactions in real property. In addition, the court



- 1 may:
- 2 (1) issue an injunction;
- 3 (2) order the supplier to make payment of the money unlawfully
- 4 received from the aggrieved consumers to be held in escrow for
- 5 distribution to aggrieved consumers;
- 6 (3) for a knowing violation against a senior consumer, increase
- 7 the amount of restitution ordered under subdivision (2) in any
- 8 amount up to three (3) times the amount of damages incurred or
- 9 value of property or assets lost;
- 10 (4) order the supplier to pay to the state the reasonable costs of
- 11 the attorney general's investigation and prosecution related to the
- 12 action;
- 13 (5) provide for the appointment of a receiver; and
- 14 (6) order the department of state revenue to suspend the supplier's
- 15 registered retail merchant certificate, subject to the requirements
- 16 and prohibitions contained in IC 6-2.5-8-7(i), if the court finds
- 17 that a violation of this chapter involved the sale or solicited sale
- 18 of a synthetic drug (as defined in IC 35-31.5-2-321), a synthetic
- 19 drug lookalike substance (as defined in IC 35-31.5-2-321.5
- 20 (repealed)) (before July 1, 2019), a controlled substance analog
- 21 (as defined in IC 35-48-1-9.3), or a substance represented to be a
- 22 controlled substance (as described in IC 35-48-4-4.6).
- 23 (d) In an action under subsection (a), (b), or (c), the court may void
- 24 or limit the application of contracts or clauses resulting from deceptive
- 25 acts and order restitution to be paid to aggrieved consumers.
- 26 (e) In any action under subsection (a) or (b), upon the filing of the
- 27 complaint or on the appearance of any defendant, claimant, or any
- 28 other party, or at any later time, the trial court, the supreme court, or the
- 29 court of appeals may require the plaintiff, defendant, claimant, or any
- 30 other party or parties to give security, or additional security, in such
- 31 sum as the court shall direct to pay all costs, expenses, and
- 32 disbursements that shall be awarded against that party or which that
- 33 party may be directed to pay by any interlocutory order by the final
- 34 judgment or on appeal.
- 35 (f) Any person who violates the terms of an injunction issued under
- 36 subsection (c) shall forfeit and pay to the state a civil penalty of not
- 37 more than fifteen thousand dollars (\$15,000) per violation. For the
- 38 purposes of this section, the court issuing an injunction shall retain
- 39 jurisdiction, the cause shall be continued, and the attorney general
- 40 acting in the name of the state may petition for recovery of civil
- 41 penalties. Whenever the court determines that an injunction issued
- 42 under subsection (c) has been violated, the court shall award



1 reasonable costs to the state.

2 (g) If a court finds any person has knowingly violated section 3 or
3 10 of this chapter, other than section 3(b)(19), 3(b)(20), or 3(b)(40) of
4 this chapter, the attorney general, in an action pursuant to subsection
5 (c), may recover from the person on behalf of the state a civil penalty
6 of a fine not exceeding five thousand dollars (\$5,000) per violation.

7 (h) If a court finds that a person has violated section 3(b)(19) of this
8 chapter, the attorney general, in an action under subsection (c), may
9 recover from the person on behalf of the state a civil penalty as follows:

10 (1) For a knowing or intentional violation, one thousand five
11 hundred dollars (\$1,500).

12 (2) For a violation other than a knowing or intentional violation,
13 five hundred dollars (\$500).

14 A civil penalty recovered under this subsection shall be deposited in
15 the consumer protection division telephone solicitation fund
16 established by IC 24-4.7-3-6 to be used for the administration and
17 enforcement of section 3(b)(19) of this chapter.

18 (i) A senior consumer relying upon an uncured or incurable
19 deceptive act, including an act related to hypnotism, may bring an
20 action to recover treble damages, if appropriate.

21 (j) An offer to cure is:

22 (1) not admissible as evidence in a proceeding initiated under this
23 section unless the offer to cure is delivered by a supplier to the
24 consumer or a representative of the consumer before the supplier
25 files the supplier's initial response to a complaint; and

26 (2) only admissible as evidence in a proceeding initiated under
27 this section to prove that a supplier is not liable for attorney's fees
28 under subsection (k).

29 If the offer to cure is timely delivered by the supplier, the supplier may
30 submit the offer to cure as evidence to prove in the proceeding in
31 accordance with the Indiana Rules of Trial Procedure that the supplier
32 made an offer to cure.

33 (k) A supplier may not be held liable for the attorney's fees and
34 court costs of the consumer that are incurred following the timely
35 delivery of an offer to cure as described in subsection (j) unless the
36 actual damages awarded, not including attorney's fees and costs, exceed
37 the value of the offer to cure.

38 (l) If a court finds that a person has knowingly violated section
39 3(b)(20) of this chapter, the attorney general, in an action under
40 subsection (c), may recover from the person on behalf of the state a
41 civil penalty not exceeding one thousand dollars (\$1,000) per
42 consumer. In determining the amount of the civil penalty in any action



1 by the attorney general under this subsection, the court shall consider,
 2 among other relevant factors, the frequency and persistence of
 3 noncompliance by the debt collector, the nature of the noncompliance,
 4 and the extent to which the noncompliance was intentional. A person
 5 may not be held liable in any action by the attorney general for a
 6 violation of section 3(b)(20) of this chapter if the person shows by a
 7 preponderance of evidence that the violation was not intentional and
 8 resulted from a bona fide error, notwithstanding the maintenance of
 9 procedures reasonably adapted to avoid the error. A person may not be
 10 held liable in any action for a violation of this chapter for contacting a
 11 person other than the debtor, if the contact is made in compliance with
 12 the Fair Debt Collection Practices Act.

13 (m) If a court finds that a person has knowingly or intentionally
 14 violated section 3(b)(40) of this chapter, the attorney general, in an
 15 action under subsection (c), may recover from the person on behalf of
 16 the state a civil penalty in accordance with IC 24-5-14.5-12(b). As
 17 specified in IC 24-5-14.5-12(b), a civil penalty recovered under
 18 IC 24-5-14.5-12(b) shall be deposited in the consumer protection
 19 division telephone solicitation fund established by IC 24-4.7-3-6 to be
 20 used for the administration and enforcement of IC 24-5-14.5. In
 21 addition to the recovery of a civil penalty in accordance with
 22 IC 24-5-14.5-12(b), the attorney general may also recover reasonable
 23 attorney fees and court costs from the person on behalf of the state.
 24 Those funds shall also be deposited in the consumer protection division
 25 telephone solicitation fund established by IC 24-4.7-3-6.

26 SECTION 79. IC 25-21.5-6-1, AS AMENDED BY P.L.57-2013,
 27 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2023]: Sec. 1. The examination required of all applicants for
 29 registration as a professional surveyor must be a written or computer
 30 based examination divided into the following two (2) parts:

31 (1) The basic disciplines part of the examination, which must be
 32 designed to test the applicant's knowledge of the basic disciplines
 33 of surveying. The standard of proficiency required must
 34 approximate that attained by graduation in an approved four (4)
 35 year surveying curriculum.

36 (2) The principles and practice part of the examination, which
 37 must be designed primarily to test the principles and practice of
 38 surveying. The principles and practice part of the examination
 39 must be divided into two (2) sections **as follows:**

40 (A) The first section must test the applicant's understanding,
 41 judgment, and ability to correctly apply the following:

42 (i) Federal laws and regulations.



- 1 (ii) Practices pertaining to the establishment, description,
 2 and reestablishment of land boundaries.
 3 (iii) The platting of subdivisions.
 4 (iv) The ethical, economic, and legal principles relating to
 5 the practice of surveying.
 6 (v) The principles of mathematics relating to the practice of
 7 surveying.
 8 (B) The second section must test the applicant's understanding,
 9 judgment, and ability to correctly apply the following:
 10 (i) What is set forth in ~~subdivision (2)(A)(i)~~ **clause (A)(i)**
 11 through ~~(2)(A)(v)~~ **clause (A)(v)**.
 12 (ii) Indiana laws and rules.
 13 (iii) Work that the professional surveyor is permitted to
 14 perform under this article.
 15 (iv) The ability to write and interpret legal descriptions and
 16 solve narrative problems regarding the analysis and
 17 execution of surveys and survey problems.
- 18 SECTION 80. IC 25-23.6-2-2, AS AMENDED BY P.L.249-2019,
 19 SECTION 106, IS AMENDED TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2023]: Sec. 2. (a) The board consists of ten (10)
 21 members appointed by the governor. Subject to IC 25-1-6.5-3, the
 22 board must include the following:
 23 (1) Two (2) marriage and family therapists who:
 24 (A) have at least a master's degree in marriage and family
 25 therapy or a related field from an eligible postsecondary
 26 educational institution;
 27 (B) are licensed under this ~~chapter~~ **article**; and
 28 (C) have five (5) years of experience in marriage and family
 29 therapy.
 30 (2) One (1) social worker who:
 31 (A) has at least a master's degree in social work from an
 32 eligible postsecondary educational institution accredited by the
 33 Council on Social Work Education;
 34 (B) is licensed under this article; and
 35 (C) has at least five (5) years of experience as a social worker.
 36 (3) One (1) social services director of a hospital with a social
 37 work degree who has at least three (3) years of experience in a
 38 hospital setting.
 39 (4) Two (2) mental health counselors who:
 40 (A) have at least a master's degree in mental health counseling;
 41 (B) are licensed under this article; and
 42 (C) have at least five (5) years experience as a mental health



- 1 counselor.
- 2 (5) One (1) consumer who has never been credentialed under this
3 article.
- 4 (6) One (1) physician licensed under IC 25-22.5 who has training
5 in psychiatric medicine.
- 6 (7) Two (2) licensed clinical addiction counselors who:
7 (A) are licensed under IC 25-23.6-10.5; and
8 (B) have at least five (5) years experience in clinical addiction
9 counseling.
- 10 (b) Not more than six (6) members of the board may be from the
11 same political party.
- 12 (c) A member appointed:
13 (1) before July 1, 2019, serves a three (3) year term; and
14 (2) after June 30, 2019, serves a term under IC 25-1-6.5.
- 15 SECTION 81. IC 25-23.6-5-4 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4. An individual who
17 satisfies the requirements of section 1 or 2 of this chapter ~~and section~~
18 ~~3 of this chapter~~ may take the examination provided by the board.
- 19 SECTION 82. IC 25-23.6-5-14 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 14. An individual who
21 applies for a license under this article may be exempted by the board
22 from the examination requirement under this chapter if the individual:
23 (1) is licensed or certified to practice as a social worker or clinical
24 social worker in another state and has passed an examination
25 substantially equivalent to the level for which the individual is
26 requesting licensure;
27 (2) has engaged in the practice of social work or the practice of
28 clinical social work for not less than three (3) of the previous five
29 (5) years;
30 (3) has passed a licensing examination substantially equivalent to
31 the licensing examination under this article;
32 (4) has passed an examination pertaining to the social work and
33 clinical social work laws and rules of this state; and
34 (5) has not committed any act or is not under investigation for any
35 act that constitutes a violation of this article;
36 and is otherwise qualified under section 1 or 2 of this chapter ~~and~~
37 ~~section 3 of this chapter~~ and pays an additional fee.
- 38 SECTION 83. IC 25-26-13.5-18, AS AMENDED BY P.L.246-2019,
39 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2023]: Sec. 18. ~~(a)~~ The board may adopt rules under IC 4-22-2
41 necessary to implement this chapter.
42 ~~(b) The Indiana board of pharmacy shall adopt rules under~~



1 ~~IC 4-22-2, including emergency rules in the manner provided under~~
 2 ~~IC 4-22-2-37.1, to implement sections 6.5 and 6.7 of this chapter with~~
 3 ~~respect to telepharmacy. This subsection expires July 1, 2020.~~

4 SECTION 84. IC 25-33.5-2-20, AS ADDED BY P.L.65-2022,
 5 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2023]: Sec. 20. "License" means the authorization by a state
 7 **psychology** regulatory authority to engage in the independent practice
 8 of psychology that would otherwise be unlawful to practice without
 9 authorization.

10 SECTION 85. IC 25-33.5-5-2, AS ADDED BY P.L.65-2022,
 11 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2023]: Sec. 2. To exercise the temporary authorization to
 13 practice under the terms and provisions of the compact, a psychologist
 14 licensed to practice in a compact state must meet the following:

15 (1) Hold a graduate degree in psychology from an institute of
 16 higher education that was, at the time the degree was awarded:

17 (A) either:

18 (i) regionally accredited by an accrediting body recognized
 19 by the United States Department of Education to grant
 20 graduate degrees; or

21 (ii) authorized by provincial statute or royal charter to grant
 22 doctoral degrees; or

23 (B) a foreign college or university deemed to be equivalent to
 24 an institute described under clause (A) by a foreign credential
 25 evaluation service that is a member of the National
 26 Association of Credential Evaluation Services (NACES) or by
 27 a recognized foreign credential evaluation service.

28 (2) Hold a graduate degree in psychology from a program that
 29 meets the following:

30 (A) The program, wherever it may be administratively housed,
 31 must:

32 (i) be clearly identified and labeled as a psychology
 33 program; and

34 (ii) specify in institutional catalogs and brochures the intent
 35 to educate and train professional psychologists.

36 (B) Stands as a recognizable, coherent, organizational entity
 37 within the institution.

38 (C) Has a clear authority and primary responsibility for the
 39 core and specialty areas, whether or not the program cuts
 40 across administrative lines.

41 (D) Consists of an integrated, organized sequence of study.

42 (E) Includes identifiable psychology faculty that are sufficient



- 1 in size and breadth to carry out faculty responsibilities.
- 2 (F) Employs a director of the program that is a psychologist
- 3 and a member of the core faculty.
- 4 (G) Has an identifiable body of students who are matriculated
- 5 in the program for a degree.
- 6 (H) Includes supervised practicum, internship, or field training
- 7 appropriate to the practice of psychology.
- 8 (I) Encompasses curriculum of a minimum of three (3)
- 9 academic years of full-time graduate study for a doctoral
- 10 degree and a minimum of one (1) academic year of full-time
- 11 graduate study for a master's degree.
- 12 (J) Includes an acceptable residency, as defined by the rules of
- 13 the commission.
- 14 (3) Possess a current, full, and unrestricted license to practice
- 15 psychology in a home state that is a compact state.
- 16 (4) Have no history of an adverse action that violates the rules of
- 17 the commission.
- 18 (5) Have no criminal record history reported on an identity history
- 19 summary that violates the rules of the commission.
- 20 (6) Possess a current, active interjurisdictional practice certificate.
- 21 (7) Provide attestations concerning the following:
- 22 (A) Areas of intended practice.
- 23 (B) Work experience.
- 24 (C) The provision and release of information to ~~an~~ **allow** for
- 25 primary source verification in a manner specified by the
- 26 commission.
- 27 (8) Meet other criteria, as determined by the rules of the
- 28 commission.
- 29 SECTION 86. IC 25-33.5-11-4, AS ADDED BY P.L.65-2022,
- 30 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 31 JULY 1, 2023]: Sec. 4. (a) Before promulgation and adoption of a final
- 32 rule by the commission, and at least sixty (60) days in advance of the
- 33 meeting at which the rule will be considered and voted upon, the
- 34 commission shall file a notice of proposed rulemaking as follows:
- 35 (1) On the commission's ~~Internet web site:~~ **website.**
- 36 (2) On:
- 37 (A) the ~~Internet web site~~ **website** of each compact state's
- 38 psychology regulatory authority; or
- 39 (B) the publication in which each state would otherwise
- 40 publish proposed rules.
- 41 (b) The notice of proposed rulemaking shall include the following:
- 42 (1) The proposed time, date, and location of the meeting in which



1 the rule will be considered and voted upon.

2 (2) The text of the proposed rule or amendment and the reason for
3 the proposed rule **or amendment.**

4 (3) A request for comments on the proposed rule from any
5 interested person.

6 (4) The manner in which an interested person may submit notice
7 to the commission of the person's intention to attend the public
8 hearing and any written comments.

9 SECTION 87. IC 25-34.5-3-7 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 7. This article does not
11 affect the applicability of ~~IC 25-22.5-1-2(a)(19).~~
12 **IC 25-22.5-1-2(a)(20).**

13 SECTION 88. IC 27-1-46-0.5, AS ADDED BY P.L.93-2020,
14 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2023]: Sec. 0.5. Nothing in this chapter prohibits:

16 (1) a self-funded health benefit plan that complies with the federal
17 Employee Retirement Income Security Act (ERISA) of 1974 (29
18 U.S.C. 1001 et seq.); or

19 (2) a:

20 (A) self-insurance program established to provide group health
21 coverage as described in IC 5-10-8-7(b); or

22 (B) a contract for health services as described in
23 IC 5-10-8-7(c);

24 from providing information requested by a practitioner or provider
25 facility under this chapter.

26 SECTION 89. IC 27-7-17-17, AS ADDED BY P.L.19-2022,
27 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2023]: Sec. 17. (a) All documents provided to consumers prior
29 to the purchase of travel insurance, including sales materials,
30 advertising materials, and marketing materials, must be consistent with
31 the travel insurance policy itself, including forms, endorsements,
32 policies, rate filings, and certificates of insurance.

33 (b) For a travel insurance policy or certificate that contains
34 preexisting condition exclusions, information and an opportunity to
35 learn more about the preexisting condition exclusions must be provided
36 prior to the time of purchase and in the coverage's fulfillment materials.

37 (c) The fulfillment materials and the information required to be
38 provided under IC 27-1-15.6-19.9(b)(1) must be provided to a
39 policyholder or certificate holder as soon as practicable following the
40 purchase of a travel protection plan. Unless the insured has started a
41 covered trip or filed a claim under the travel insurance coverage, a
42 policyholder or certificate holder may cancel a policy or certificate for



1 a full refund of the price of a travel protection plan from the date of
2 purchase until:

3 (1) fifteen (15) days following the date of delivery of the travel
4 protection plan's fulfillment materials by mail; or

5 (2) ten (10) days following the date of delivery of the travel
6 protection plan's fulfillment materials by means other than mail.

7 For purposes of this section, "delivery" means handing fulfillment
8 materials to the policyholder or certificate holder or sending fulfillment
9 materials by mail, electronic mail, or other electronic means to the
10 policyholder or certificate holder.

11 (d) The company must disclose in the policy documentation and
12 fulfillment materials whether the travel insurance is primary or
13 secondary to other applicable coverage.

14 (e) When travel insurance is marketed directly to a consumer
15 through an insurer's ~~Internet web site~~ **website** or by others through an
16 aggregator site, it is not an unfair trade practice or other violation of
17 law if an accurate summary or short description of coverage is provided
18 on the ~~web site, website~~, so long as the consumer has access to the full
19 provisions of the policy through electronic means.

20 (f) No person offering, soliciting, or negotiating travel insurance or
21 travel protection plans on an individual or group basis may do so by
22 using negative option or opt out, which would require a consumer to
23 take an affirmative action to deselect coverage, such as unchecking a
24 box on an electronic form, when the consumer purchases a trip or travel
25 package.

26 (g) It is an unfair trade practice under ~~IC 27-1-4~~ **IC 27-4-1** to market
27 blanket travel insurance coverage as free.

28 (h) Where a consumer's destination jurisdiction requires insurance
29 coverage, it is not an unfair trade practice under ~~IC 27-1-4~~ **IC 27-4-1**
30 to require a consumer to choose as a condition of purchasing a trip or
31 travel package between:

32 (1) purchasing the coverage required by the destination
33 jurisdiction through the travel retailer or limited lines travel
34 insurance producer supplying the trip or travel package; or

35 (2) agreeing to obtain and provide proof of coverage that meets
36 the destination jurisdiction's requirements prior to departure.

37 SECTION 90. IC 28-1-11-14, AS AMENDED BY P.L.31-2022,
38 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JULY 1, 2023]: Sec. 14. (a) As used in this section, "community based
40 economic development" refers to activities that seek to address
41 economic development through affordable housing development or the
42 rehabilitation of qualified rehabilitated buildings or certified historic



1 structures, or that seeks to address economic causes of poverty within
 2 specific geographic areas, revitalizing the economic and social base of
 3 low income communities through activities that include:

- 4 (1) small business and micro-enterprise support;
- 5 (2) commercial, industrial, and retail revitalization, retention, and
 6 expansion;
- 7 (3) capacity development and technical assistance support for
 8 community development corporations;
- 9 (4) employment and training efforts;
- 10 (5) human resource development; and
- 11 (6) social service enterprises.

12 (b) As used in this section, "community development corporation"
 13 means a private, nonprofit corporation:

- 14 (1) whose board of directors is comprised primarily of community
 15 representatives and business, civic, and community leaders; and
- 16 (2) whose principal purpose includes the provision of:
 17 (A) housing;
 18 (B) community based economic development projects; and
 19 (C) social services;

20 that primarily benefit low-income individuals and communities.

21 (c) As used in this section, "capital and surplus" has the meaning set
 22 forth in IC 28-1-1-3(10).

23 (d) As used in this section, "community and economic development
 24 entity" has the meaning set forth in 12 CFR 24.2(c).

25 (e) As used in this section, "community development project" has
 26 the meaning set forth in 12 CFR 24.2(d).

27 (f) As used in this section, "public welfare investment" means any
 28 investment permitted by 12 CFR 24.3.

29 ~~(g) As used in this section, "tax equity finance transaction" has the~~
 30 ~~meaning set forth in 12 CFR 7.1025(b)(3).~~

31 ~~(h)~~ (g) Subject to the limitations of this section, other laws, and any
 32 regulation, rule, policy, or guidance adopted by the department
 33 concerning investments in community based economic development,
 34 any bank or trust company may invest directly or indirectly in equity
 35 investments in a corporation, a limited partnership, a limited liability
 36 company, or another entity organized as:

- 37 (1) a community development corporation;
- 38 (2) an entity formed primarily to support community based
 39 economic development;
- 40 (3) an entity qualifying for the new markets tax credits under 26
 41 U.S.C. 45D;
- 42 (4) an entity approved by the director as being formed for a



1 predominantly civic, community, or public purpose and that:

2 (A) primarily benefits low and moderate income individuals;

3 (B) primarily benefits low and moderate income areas;

4 (C) primarily benefits areas targeted for redevelopment by a
5 government entity; or

6 (D) is a qualified investment under 12 CFR 25.23 for purposes
7 of the Community Reinvestment Act of 1977 (12 U.S.C. 2901
8 et seq.); or

9 (5) an entity making qualified rehabilitation expenditures with
10 respect to a qualified rehabilitated building or certified historic
11 structure, as such terms are defined in section 47 of the Internal
12 Revenue Code of 1986 or a similar state historic tax credit
13 program, as provided for in Section 619(d)(1)(E) of the
14 Dodd-Frank Wall Street Reform and Consumer Protection Act
15 (12 U.S.C. 1851(d)(1)(E)).

16 ~~(i)~~ **(h)** Subject to any regulation, rule, policy, or guidance adopted
17 by the department, any bank or trust company may invest directly or
18 indirectly in any:

19 (1) community and economic development entity;

20 (2) community development project; or

21 (3) other public welfare investment;

22 as long as the investment is in compliance with 12 CFR 24.

23 ~~(j)~~ **(i)** Except as provided in subsection ~~(k)~~; **(j)**, the aggregate of all
24 equity investments by a bank or trust company under subsections ~~(h)~~
25 **(g)** and ~~(i)~~ **(h)** may not exceed:

26 (1) five percent (5%) of the capital and surplus of the bank or
27 trust company without the prior written approval of the director;
28 and

29 (2) fifteen percent (15%) of the capital and surplus of the bank or
30 trust company under any circumstances.

31 ~~(k)~~ **(j)** In determining whether to permit the aggregate of all equity
32 investments by a bank or trust company under subsections ~~(h)~~ **(g)** and
33 ~~(i)~~ **(h)** to exceed five percent (5%) of the capital and surplus of the
34 bank or trust company under subsection ~~(j)~~~~(i)~~; **(i)(1)**, the director shall
35 consider whether:

36 (1) the aggregate of all equity investments under subsections ~~(h)~~
37 **(g)** and ~~(i)~~ **(h)** will pose a significant risk to the affected deposit
38 insurance fund; and

39 (2) the bank or trust company is adequately capitalized.

40 ~~(l)~~ **(k)** A bank or trust company shall not make any investment under
41 this section if the investment would expose the bank or trust company
42 to unlimited liability.



1 SECTION 91. IC 28-8-5-16 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 16. (a) A licensee must
 3 do the following:

- 4 (1) Conspicuously display at each place of business a notice to the
 5 public stating the maximum charges for cashing checks.
- 6 (2) Make payment to a customer for whom a check is being
 7 cashed upon presentment of the check.
- 8 (3) Endorse the name in which the licensee is licensed on all
 9 checks before depositing them in a financial institution.
- 10 (4) Cash a check made payable only to a natural person as payee
 11 unless the licensee has previously obtained appropriate
 12 documentation from a payee clearly indicating the authority of the
 13 natural person or persons cashing the check on behalf of the
 14 payee.

15 (b) If a licensee engages in a check cashing transaction in which the
 16 amount on the check is at least three thousand dollars (\$3,000) or in
 17 which the sum of the amounts on two (2) or more checks from the same
 18 customer on the same day total at least three thousand dollars (\$3,000),
 19 the licensee must obtain:

- 20 (1) the thumbprint of the customer or a photograph of both the
 21 customer and the check;
- 22 (2) the full name of the customer;
- 23 (3) the residence address of the customer; and
- 24 (4) the identification of the customer by:
 - 25 (i) (A) Social Security number;
 - 26 (ii) (B) driver's license number;
 - 27 (iii) (C) passport number; or
 - 28 (iv) (D) other traceable record.

29 SECTION 92. IC 28-14-3-21 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 21. (a) A court or an
 31 officer of a court having jurisdiction to:

- 32 (1) grant letters of guardianship;
- 33 (2) appoint a trustee, guardian, receiver, or committee of the
 34 estate of a person;
- 35 (3) appoint a committee, trustee, or receiver in insolvency or
 36 bankruptcy proceedings, or in any other proceeding or action,
 37 under state or federal law; or
- 38 (4) make any other fiduciary appointment provided for in this
 39 article;

40 may appoint a corporate fiduciary. However, the corporate fiduciary is
 41 not required to accept the appointment.

42 SECTION 93. IC 29-3-1-2.5, AS AMENDED BY P.L.25-2017,



1 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2023]: Sec. 2.5. "Conduct a criminal history check" means to:

3 (1) request:

4 (A) the state police department to conduct a:

5 (i) fingerprint based criminal history background check of
6 both national and state records data bases concerning a
7 person who is at least eighteen (18) years of age in
8 accordance with IC 10-13-3-27 and IC 10-13-3-39; or

9 (ii) national name based criminal history record check (as
10 defined in IC 10-13-3-12.5) of a person who is at least
11 eighteen (18) years of age as provided under
12 IC 10-13-3-27.5; or

13 (B) if an individual has:

14 (i) a physical disability that prevents fingerprinting and a
15 person approved by the department of **child services** who is
16 trained to take fingerprints or a qualified medical
17 practitioner (as defined in IC 31-9-2-100.5) verifies that the
18 individual has a disabling condition that prevents
19 fingerprinting; or

20 (ii) low quality fingerprints, as a result of age, occupation, or
21 otherwise, that prevent fingerprint results from being
22 obtained and the individual's fingerprints have been rejected
23 the required number of times by automated fingerprint
24 classification equipment or rejected by a person designated
25 by the ~~Indiana~~ state police department to examine and
26 classify fingerprints;

27 the state police department to conduct a national name based
28 criminal history record check (as defined in IC 10-13-3-12.5)
29 or request the state police department to release or allow
30 inspection of a limited criminal history (as defined in
31 IC 10-13-3-11) and the state police in every state the
32 individual has resided in the past five (5) years to release or
33 allow inspection of the individual's criminal history;

34 (2) collect each substantiated report of child abuse or neglect
35 reported in a jurisdiction where a probation officer, a caseworker,
36 or the department of child services has reason to believe that a
37 person who is fourteen (14) years of age or older, or a person for
38 whom a fingerprint based criminal history background check is
39 required under IC 31, resided within the previous five (5) years;

40 (3) conduct a check of the national sex offender registry
41 maintained by the United States Department of Justice for all
42 persons who are at least fourteen (14) years of age; and



1 (4) conduct a check of local law enforcement agency records in
 2 every jurisdiction where a person who is at least eighteen (18)
 3 years of age has resided within the previous five (5) years unless
 4 the department of child services or a court grants an exception to
 5 conducting this check.

6 SECTION 94. IC 30-4-10-6, AS ADDED BY P.L.161-2022,
 7 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2023]: Sec. 6. As used in this chapter, "beneficiary with a
 9 disability" means a beneficiary who is determined, in the exercise of an
 10 authorized fiduciary's discretion, to have one (1) of the following
 11 conditions:

12 (1) Dementia, memory loss, Parkinson's disease, or other
 13 progressive condition that, currently or in the future, may impair
 14 the ability of the beneficiary to provide self care or manage the
 15 beneficiary's assets.

16 (2) A physical or mental condition or infirmity due to age,
 17 cognitive impairment, addiction, or disease that impairs the
 18 beneficiary's ability to provide self care or manage the
 19 beneficiary's assets.

20 (3) The susceptibility of the beneficiary, at any age, to financial
 21 exploitation, as defined in IC 23-19-4.1, IC 30-5-5-6.5, or FINRA
 22 Rule 2165 approved by the United States Securities and Exchange
 23 Commission.

24 (4) A condition requiring essential medical treatment or
 25 prescription medication that the beneficiary cannot reasonably
 26 provide for from the beneficiary's resources outside the trust
 27 assets.

28 (5) A condition related directly or indirectly to the disability of a
 29 beneficiary described in subdivisions (1) through (4) with respect
 30 to which the settlor of the trust has expressed the settlor's intent.

31 SECTION 95. IC 31-9-2-38.5, AS AMENDED BY P.L.138-2007,
 32 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2023]: Sec. 38.5. "Department", for purposes of **this chapter**,
 34 IC 31-19, and IC 31-25 through IC 31-40, has the meaning set forth in
 35 IC 31-25-2-1.

36 SECTION 96. IC 31-9-2-103.6, AS ADDED BY P.L.146-2008,
 37 SECTION 549, IS AMENDED TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2023]: Sec. 103.6. "Region", for purposes of
 39 this title, refers to an area in Indiana designated as a region by the
 40 department. However, for purposes of

41 ~~(1) IC 31-25-2-20; the term refers to a region established under~~
 42 ~~IC 31-25-2-20; and~~



1 (2) IC 31-26-6, the term refers to a service region established
 2 under ~~IC 31-26-6-3~~. **IC 31-26-6.**
 3 SECTION 97. IC 31-12-2-1 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. This chapter applies
 5 only to the following:
 6 (1) A judicial circuit in which there is located a consolidated city
 7 and the judges of the superior court and the judge of the circuit
 8 court determine that the social conditions in the county and the
 9 number of domestic relations cases in the courts make the
 10 procedures provided under this chapter necessary for the full and
 11 proper consideration of the cases and the effectuation of the
 12 purposes of this chapter.
 13 (2) A county having a population of more than four hundred
 14 thousand (400,000) ~~but~~ **and** less than seven hundred thousand
 15 (700,000) in which the judge of the circuit court determines that
 16 the social conditions in the county and the number of domestic
 17 relations cases in the county's courts make the procedures
 18 provided under this chapter necessary for the full and proper
 19 consideration of the cases and the effectuation of the purposes of
 20 this chapter.
 21 SECTION 98. IC 31-12-2-2 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 2. For:
 23 (1) any judicial circuit in which there is located a consolidated
 24 city, the judges described in section 1(1) of this chapter may
 25 establish a bureau of the courts; and
 26 (2) a county having a population of more than four hundred
 27 thousand (400,000) ~~but~~ **and** less than seven hundred thousand
 28 (700,000), the judge of the circuit court may establish a bureau of
 29 the court;
 30 known as the "Domestic Relations Counseling Bureau".
 31 SECTION 99. IC 31-25-2-24, AS AMENDED BY P.L.76-2022,
 32 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2023]: Sec. 24. (a) Before December 31 of each year, the
 34 department shall annually prepare a report concerning all child
 35 fatalities in Indiana that are the result of child abuse or neglect in the
 36 preceding calendar year. The report must include the following
 37 information:
 38 (1) A summary of the information gathered concerning child
 39 fatalities resulting from abuse or neglect.
 40 (2) Demographic information regarding victims, perpetrators, and
 41 households involved in child fatalities resulting from abuse or
 42 neglect.



- 1 (3) An analysis of the primary risk factors involved in child
- 2 fatalities resulting from abuse or neglect.
- 3 (4) A summary of the most frequent causes of child fatalities
- 4 resulting from abuse or neglect.
- 5 (5) A description of the manner in which the information was
- 6 assembled.
- 7 The department shall post the report prepared under this section on the
- 8 department's ~~Internet web site:~~ **website.**
- 9 (b) As part of the summary of information described in subsection
- 10 (a)(1), the report must include:
- 11 (1) whether the child was alleged or adjudicated to be a child in
- 12 need of services under IC 31-34-1 in a child in need of services
- 13 proceeding that had not been closed at the time of the event that
- 14 led to the child's death; and
- 15 (2) whether, at the time of the event that led to the child's death,
- 16 the child:
- 17 (A) had been ordered to remain in the child's home;
- 18 (B) was on a trial home visit;
- 19 (C) was placed in foster care;
- 20 (D) was residing in a residential treatment **facility;** or
- 21 (E) was the subject of a program of informal adjustment.
- 22 (c) As part of the annual report required by subsection (a), before
- 23 December 31 of each year, the department shall report the following:
- 24 (1) The number of children who died in Indiana in the preceding
- 25 calendar year for whom abuse or neglect was suspected to be a
- 26 factor in the child's death.
- 27 (2) The:
- 28 (A) number of children described in subdivision (1) whose
- 29 cause of death was determined to be related to abuse or
- 30 neglect; and
- 31 (B) number of children described in subdivision (1) whose
- 32 cause of death was determined to be unrelated to abuse or
- 33 neglect.
- 34 (3) The number of children described in subdivision (2)(A) who
- 35 were the subject of a department assessment based on an
- 36 allegation of abuse or neglect.
- 37 (4) The number of children described in subdivision (3) who were
- 38 the subject of a department assessment based on an allegation of
- 39 abuse or neglect that was determined to be substantiated.
- 40 (5) The number of children described in subdivision (3) who were
- 41 the subject of a department assessment based on an allegation of
- 42 abuse or neglect that was determined to be unsubstantiated.



- 1 (6) For each child described in subdivision (3), the following
- 2 information:
- 3 (A) The cause and manner of the child's death.
- 4 (B) The:
- 5 (i) number of department assessments of the child that were
- 6 based on an allegation of abuse or neglect that was
- 7 determined to be substantiated; and
- 8 (ii) number of department assessments of the child that were
- 9 based on an allegation of abuse or neglect that was
- 10 determined to be unsubstantiated.
- 11 (C) The child's relationship to the perpetrator or perpetrators
- 12 of the abuse or neglect to which the child's death was
- 13 determined to be related.
- 14 (D) For each perpetrator described in clause (C):
- 15 (i) whether, prior to the allegation of abuse or neglect to
- 16 which the death of the child described in subdivision (3) was
- 17 related, a substantiated allegation of abuse or neglect
- 18 resulted in the perpetrator being determined to have abused
- 19 or neglected the child or another child; and
- 20 (ii) the number of substantiated reports of abuse or neglect
- 21 described in item (i).
- 22 (d) Not later than January 31 of each year, the department shall
- 23 provide to the executive director of the legislative services agency, for
- 24 distribution to the interim study committee on child services, a copy of
- 25 the most recent annual report prepared by the department under this
- 26 section. The report provided to the executive director of the legislative
- 27 services agency under this subsection must be in an electronic format
- 28 under IC 5-14-6.
- 29 SECTION 100. IC 31-34-2.5-1, AS AMENDED BY P.L.107-2022,
- 30 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 31 JULY 1, 2023]: Sec. 1. (a) An emergency medical services provider (as
- 32 defined in IC 16-41-10-1) shall, without a court order, take custody of
- 33 a child who is, or who appears to be, not more than thirty (30) days of
- 34 age if except as provided in subsection (h), the child is voluntarily left:
- 35 (1) with the provider by the child's parent;
- 36 (2) in a newborn safety device that:
- 37 (A) has been approved by a hospital licensed under IC 16-21;
- 38 (B) is physically located inside a hospital that is staffed
- 39 continuously on a twenty-four (24) hour basis every day to
- 40 provide care to patients in an emergency; and
- 41 (C) is located in an area that is conspicuous and visible to
- 42 hospital staff;



- 1 (3) in a newborn safety device that was installed on or before
 2 January 1, 2017, and is located at a site that is staffed by an
 3 emergency medical services provider (as defined in
 4 IC 16-41-10-1);
 5 (4) in a newborn safety device that:
 6 (A) is located at a facility, fire department, or emergency
 7 medical services station that is staffed by an emergency
 8 medical services provider (as defined in IC 16-41-10-1) on a
 9 twenty-four (24) hour seven (7) day a week basis;
 10 (B) is located in an area that is conspicuous and visible to
 11 staff; and
 12 (C) includes an adequate dual alarm system connected to the
 13 site that is tested at least one (1) time per month to ensure the
 14 alarm system is in working order;
 15 (5) in a newborn safety device that:
 16 (A) is located at a volunteer fire department that:
 17 (i) meets the minimum response time established by the
 18 county, not to exceed four (4) minutes; and
 19 (ii) is located within one (1) mile of a hospital, police
 20 station, or emergency medical services station that is staffed
 21 on a twenty-four (24) hour per day, seven (7) day a week
 22 basis with full-time personnel who hold a valid
 23 cardiopulmonary resuscitation certification and that meets
 24 the minimum response time established by the county, not
 25 to exceed four (4) minutes;
 26 (B) is equipped with an alert system:
 27 (i) that, when the newborn safety device is opened,
 28 automatically connects to the 911 system and transmits a
 29 request for immediate dispatch of an emergency medical
 30 services provider (as defined in IC 16-41-10-1) to the
 31 location of the newborn safety device; and
 32 (ii) that is tested at least one (1) time per month to ensure
 33 the alert system is in working order; and
 34 (C) is equipped with a video surveillance system that allows
 35 members of a fire department to monitor the inside of the
 36 newborn safety device twenty-four (24) hours a day and that:
 37 (i) has at least two (2) firefighters who are responsible for
 38 monitoring the inside of the newborn safety device
 39 twenty-four (24) hours a day; and
 40 (ii) is an independent surveillance system from the alert
 41 system described in clause (B); or
 42 (6) with medical staff after delivery in a hospital or other medical



1 facility when the child's parent notifies the medical staff that the
 2 parent is voluntarily relinquishing the child;
 3 and the parent does not express an intent to return for the child.
 4 (b) An emergency medical services provider who takes custody of
 5 a child under this section shall perform any act necessary to protect the
 6 child's physical health or safety.
 7 (c) Any person who in good faith voluntarily leaves a child:
 8 (1) with an emergency medical services provider;
 9 (2) in a newborn safety device described in this section; or
 10 (3) with medical staff as described in subsection (a)(6);
 11 is not obligated to disclose the parent's name or the person's name.
 12 (d) The following are immune from civil liability, unless the act or
 13 omission constitutes gross negligence or willful or wanton misconduct:
 14 (1) An:
 15 (A) emergency medical services provider; or
 16 (B) employee of an emergency medical ~~service services~~
 17 provider;
 18 for an act or omission relating to taking custody of a child under
 19 subsection (a).
 20 (2) A:
 21 (A) medical staff person; or
 22 (B) hospital or other medical facility;
 23 for an act or omission relating to taking custody of a child under
 24 subsection (a)(6).
 25 (e) A hospital that approves the operation of a newborn safety
 26 device that meets the requirements set forth in subsection (a)(2) is
 27 immune from civil liability for an act or omission relating to the
 28 operation of the newborn safety device unless the act or omission
 29 constitutes gross negligence or willful or wanton misconduct.
 30 (f) A newborn safety device described in subsection (a)(3) may
 31 continue to operate without meeting the conditions set forth in
 32 subsection (a)(2).
 33 (g) A:
 34 (1) facility, fire department, or emergency medical services
 35 station or an employee of a facility, fire department, or emergency
 36 medical services station that meets the requirements set forth in
 37 subsection (a)(4); or
 38 (2) volunteer fire department or a member of a volunteer fire
 39 department that meets the requirements set forth in subsection
 40 (a)(5);
 41 is immune from civil liability for an act or omission relating to the
 42 operation of the newborn safety device unless the act or omission



1 constitutes gross negligence or willful or wanton misconduct.

2 (h) Due to extenuating circumstances, if a child's parent or a person
3 is unable to give up custody of the child as described in subsection (a),
4 the child's parent or the person may request that an emergency medical
5 services provider (as defined in IC 16-41-10-1) take custody of the
6 child by:

- 7 (1) dialing the 911 emergency call number; and
- 8 (2) staying with the child until an emergency medical services
9 provider (as defined in IC 16-41-10-1) arrives to take custody of
10 the child.

11 The emergency medical dispatch agency (as defined in IC 16-31-3.5-1)
12 or the emergency medical services provider (as defined in
13 IC 16-41-10-1) shall inform the child's parent or the person described
14 in this subsection of the ability to remain anonymous as described in
15 subsection (c).

16 SECTION 101. IC 33-35-2-5, AS AMENDED BY P.L.143-2015,
17 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2023]: Sec. 5. The city court of each of the five (5) cities
19 having the largest populations and the town court of the town having
20 the largest population in a county having a population of more than
21 four hundred thousand (400,000) ~~but~~ **and** less than seven hundred
22 thousand (700,000) have concurrent civil jurisdiction with the circuit
23 court of the county where the amount in controversy does not exceed
24 six thousand dollars (\$6,000). The court has jurisdiction in any action
25 where the parties or the subject matter are in the county in which the
26 city or town is located. However, the city or town court does not have
27 jurisdiction in:

- 28 (1) actions for slander or libel;
- 29 (2) matters relating to decedents' estates, appointment of
30 guardians, and all related matters;
- 31 (3) dissolution of marriage actions; or
- 32 (4) injunction or mandate actions.

33 SECTION 102. IC 33-35-3-3 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 3. (a) The bailiff of a
35 city court must be a police officer of the city assigned to the court by
36 the chief of police, under direction of the board of public safety.
37 However, the judge of the city court may appoint another person to
38 serve as bailiff.

39 (b) The bailiff shall give bond payable to the city in the penal sum
40 of one thousand dollars (\$1,000), with surety to be approved by the
41 mayor, conditioned on the faithful and honest discharge of the bailiff's
42 duties. The bond shall be filed in the office of the controller or



- 1 clerk-treasurer.
- 2 (c) The bailiff shall do the following:
- 3 (1) Be present at the sessions of the court, maintaining order and
- 4 performing all other duties subject to the order of the court.
- 5 (2) Take charge of all executions issued by the court and see to
- 6 the collection of the executions.
- 7 (3) Keep, in books to be furnished by the controller or
- 8 clerk-treasurer, an accurate account and docket of all executions
- 9 that come into the bailiff's hands, showing the:
- 10 (A) names of the defendants;
- 11 (B) date and number of the execution;
- 12 (C) amount of fines, fees, or penalties imposed; and
- 13 (D) disposition of the execution.
- 14 (4) Make and deliver a written report to the clerk of the court on
- 15 Tuesday of each week, showing all money collected by the bailiff
- 16 during the previous week, giving the:
- 17 (A) names of the defendants;
- 18 (B) number of executions; and
- 19 (C) amount of fines, fees, or penalties collected;
- 20 and pay the money to the clerk, taking the clerk's receipt for the
- 21 payments.
- 22 (d) The salary of the bailiff shall be fixed as salaries of other police
- 23 officers are fixed.
- 24 (e) The bailiff of a city court of the three (3) cities having the largest
- 25 populations in a county having a population of more than four hundred
- 26 thousand (400,000) **but and** less than seven hundred thousand
- 27 (700,000) shall be appointed by the judge of the court. The bailiff shall
- 28 serve and execute all processes issued by the court and is entitled to
- 29 receive a salary fixed by the common council of the city. In addition,
- 30 the bailiff may collect a fee from a defendant for the bailiff's own use
- 31 on all execution sales of property under an execution or attachment as
- 32 follows:
- 33 (1) On the first fifty dollars (\$50), ten percent (10%).
- 34 (2) On more than fifty dollars (\$50) and not more than three
- 35 hundred dollars (\$300), five percent (5%).
- 36 (3) On all sums over three hundred dollars (\$300), three percent
- 37 (3%).
- 38 (4) Any additional sum necessarily expended by the bailiff in
- 39 collecting the judgment.
- 40 A bailiff may use the bailiff's private vehicle in the performance of the
- 41 bailiff's duties and is entitled to receive a sum for mileage equal to the
- 42 sum paid per mile to state officers and employees. The payment to the



1 bailiff is subject to the approval of the judge. The judge shall include
 2 in the budget for the court sufficient money to provide for the
 3 anticipated claims of the bailiff. The common council shall make
 4 annual appropriations that are necessary to carry out this subsection.

5 SECTION 103. IC 33-35-3-9, AS AMENDED BY P.L.1-2007,
 6 SECTION 220, IS AMENDED TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2023]: Sec. 9. (a) This section applies after
 8 June 30, 2005.

9 (b) A clerk of a city court in a county having a population of more
 10 than four hundred thousand (400,000) ~~but~~ **and** less than seven hundred
 11 thousand (700,000) shall deposit all court costs collected by the clerk
 12 in accordance with IC 33-37-7-12. The fees received by the controller
 13 from the clerk shall be paid into the city treasury at the time of the
 14 semiannual settlement for city revenue.

15 (c) If the party instituting an action or a proceeding recovers
 16 judgment, the judgment must also include as costs an amount equal to
 17 the small claims costs fee, the small claims garnishee service fee, and
 18 the small claims service fee prescribed under IC 33-37-4-5 (before its
 19 repeal) or IC 33-37-4-6.

20 (d) Money paid in advance for costs remaining unexpended at the
 21 time a civil action or proceeding is terminated, whether by reason of
 22 Small claims costs fee, small claims service fee, and additional fees
 23 dismissal or otherwise, must be returned to the party or parties making
 24 payment. However, this section does not apply to civil actions or
 25 proceedings instituted by or on behalf of the state or any of the state's
 26 political subdivisions.

27 SECTION 104. IC 33-35-4-2 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 2. (a) Special judges of
 29 a city court are entitled to the compensation allowed special judges in
 30 the circuit court, to be paid out of the city treasury on the certificate of
 31 the regular judge and the warrant of the city controller or
 32 clerk-treasurer.

33 (b) A city court judge may not receive any fees or compensation
 34 other than the judge's salary, as established under subsection (e).

35 (c) A city court judge of each of the three (3) cities having the
 36 largest populations in a county having a population of more than four
 37 hundred thousand (400,000) ~~but~~ **and** less than seven hundred thousand
 38 (700,000) is entitled to receive, for additional services that this article
 39 requires to be performed, three thousand five hundred dollars (\$3,500)
 40 per year in addition to the salary otherwise provided. The fiscal body
 41 of the city shall appropriate the money necessary to pay the additional
 42 compensation.



1 (d) A town court judge is entitled to receive the compensation that
2 is prescribed by the fiscal body of the town.

3 (e) A city court judge is entitled to receive compensation that is
4 prescribed by the fiscal body of the city.

5 SECTION 105. IC 33-35-5-4 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4. (a) City courts of the
7 three (3) cities having the largest populations in counties having a
8 population of more than four hundred thousand (400,000) ~~but~~ **and** less
9 than seven hundred thousand (700,000) shall keep the following books
10 of record on the civil side of the court:

11 (1) A loose leaf minute book, similar to that kept by the circuit
12 court, each case to be numbered consecutively in order of its
13 filing.

14 (2) Index and cross-index book, containing the names of all
15 parties to each action with the number of the case opposite the
16 name.

17 (3) A fee book as is provided for city courts.

18 (4) An order book in which all orders of a cause are written
19 consecutively when final judgment or order is entered.

20 (b) The case should bear the same number as originally given to the
21 case when filed and must be arranged in the order book consecutively
22 according to the original number given to the case when filed. All
23 orders, proceedings, records of issuing execution, returns of execution,
24 and satisfactions of execution shall be grouped together, if practical, on
25 one (1) page or on consecutive pages when there is not sufficient room
26 to group it on one (1) page. All costs in a cause shall be taxed on the
27 margin of the page containing the final order or judgment. All orders
28 not connected with a specific case, such as general appointments made
29 by the judge, shall be entered in the minute book under a separate
30 number and recorded in the record book under that number.

31 SECTION 106. IC 33-35-5-8 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 8. (a) All judgments,
33 decrees, orders, and proceedings of city and town courts have the same
34 force as those of the circuit court. A judgment becomes a lien on real
35 estate when a transcript of the judgment is filed with the clerk of the
36 circuit court.

37 (b) All orders of sale and executions affecting real estate from the
38 city court of the three (3) cities having the largest populations in a
39 county having a population of more than four hundred thousand
40 (400,000) ~~but~~ **and** less than seven hundred thousand (700,000) shall be
41 issued by the clerk of the circuit court to the sheriff upon the filing of
42 a certified copy of the judgment. When the copy is filed, the court



1 rendering the judgment has no further jurisdiction of the case except to
 2 furnish a transcript for appeal. The life of a lien may be continued in
 3 force when the action is started in the city court, as though the action
 4 were filed in the circuit court, by filing with the clerk of the circuit
 5 court a certificate, certified to by the judge of the city court and
 6 containing:

- 7 (1) the names of the parties to the suit;
- 8 (2) the nature of the action;
- 9 (3) the description of the property affected; and
- 10 (4) the amount in controversy.

11 The judge shall enter minutes on the docket showing the issuing of the
 12 certificates.

13 SECTION 107. IC 33-35-5-10 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 10. (a) A party in a
 15 civil action who desires to take an appeal from the city court of the
 16 three (3) cities having the largest populations in a county having a
 17 population of more than four hundred thousand (400,000) ~~but~~ **and** less
 18 than seven hundred thousand (700,000) shall file a bond, to the
 19 approval of the city court, within thirty (30) days after the date of
 20 rendition of final judgment, and the motion to correct errors within ten
 21 (10) days after the rendition of final judgment. The transcript and
 22 motion shall be filed in the court to which the appeal is taken within
 23 thirty (30) days after the motion has been signed by the court.

24 (b) All errors saved shall be reviewed as far as justice warrants, and
 25 for that purpose, a complete transcript of all the evidence is not
 26 required. An error occurring during the trial, not excepted to at the
 27 time, may be made available upon appeal by setting it forth in a motion
 28 for a new trial. Upon application within the time fixed, either of the
 29 parties to the suit may obtain either:

- 30 (1) a correct statement, to be prepared by the party requesting the
 31 signing of the same, of the facts in a narrative form appearing on
 32 the trial and of all questions of law involved in the case and the
 33 decisions of the court upon the questions of law; or
- 34 (2) a correct stenographic report;

35 and the expense of procuring the correct statement or correct
 36 stenographic report shall be paid by the party requesting the correct
 37 statement or correct stenographic report.

38 (c) The appeal shall be:

- 39 (1) submitted on the date filed in the court to which the appeal is
 40 taken;
- 41 (2) advanced on the docket of that court; and
- 42 (3) as determined at the earliest practical date, without any



1 extension of time for filing of briefs;
 2 but the court to which an appeal is taken may, on application, hear oral
 3 arguments.
 4 (d) If judgment is affirmed on appeal, it may be increased by ten
 5 percent (10%), in addition to any interest that may be allowed, if the
 6 appeal is found to be frivolous.
 7 (e) A change of venue may be taken from the judge to whom the
 8 case is appealed as provided by law for taking changes of venue from
 9 the judge of the circuit court.
 10 (f) The court to which an appeal is taken shall render its opinion in
 11 abbreviated form by simply citing the controlling authorities in the
 12 case, unless it appears that some new question of practice, procedure,
 13 or law is involved that would warrant a more extensive opinion.
 14 SECTION 108. IC 33-38-11-10, AS AMENDED BY P.L.13-2013,
 15 SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2023]: Sec. 10. Except for:
 17 (1) a temporary juvenile law judge appointed under section 1(b)
 18 of this chapter for the exclusive purpose of hearing cases arising
 19 under IC 31-30 through IC 31-40; or
 20 (2) a temporary judge appointed by a court located in a county
 21 having a population of more than two hundred fifty thousand
 22 (250,000) ~~but~~ **and** less than two hundred seventy thousand
 23 (270,000);
 24 a temporary judge appointed under this chapter may not serve for more
 25 than sixty (60) calendar days in all during a calendar year.
 26 SECTION 109. IC 34-13-3-24, AS AMENDED BY P.L.201-2018,
 27 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2023]: Sec. 24. ~~(a)~~ There is appropriated from the state
 29 general fund sufficient funds to:
 30 (1) settle claims and satisfy tort judgments obtained against the
 31 state;
 32 (2) pay interest on claims and judgments; and
 33 (3) subject to approval by the budget director, pay:
 34 (A) liability insurance premiums; and
 35 (B) expenses incurred by the attorney general in employing
 36 other counsel to aid in defending or settling claims or civil
 37 actions against the state.
 38 SECTION 110. IC 34-35-2-5 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 5. (a) This section
 40 applies in a county having a population of more than four hundred
 41 thousand (400,000) ~~but~~ **and** less than seven hundred thousand
 42 (700,000).



1 (b) Whenever a change of venue is taken from the county in any
 2 civil action pending in any circuit, superior, or probate court of Indiana,
 3 if the parties to the action agree in open court within three (3) days
 4 from the date of the filing of the affidavit or motion for change of
 5 venue from the county to which county the change of venue of the
 6 action shall be changed, it is the duty of the court to send, transfer, and
 7 venue the action to the agreed upon county.

8 (c) In the absence of an agreement described in subsection (b), the
 9 nonmoving party shall, within two (2) days after receipt of notice of the
 10 filing of change of venue from the county, submit to the moving parties
 11 the names of two (2) counties which must be selected from the
 12 adjoining counties or the five (5) nonadjoining counties, the county
 13 seats of which are nearest measured along the most direct improved
 14 and main traveled highways to the county seat of the county from
 15 which the change of venue is sought.

16 (d) If the venue of the action has already been changed from an
 17 adjoining county, the name of the adjoining county shall not be
 18 included in the written list to be submitted by the nonmoving party
 19 under subsection (c).

20 (e) The moving party shall strike one (1) of the two (2) counties
 21 submitted within two (2) days after receipt of the names of the
 22 counties, and the action shall be sent to the county remaining.

23 (f) If the nonmoving party fails or refuses to name the counties as
 24 provided in this section, the court shall, not later than two (2) days after
 25 the deadline has expired, name the counties. If the moving party fails
 26 or refuses to strike off the name of one (1) of the named counties within
 27 the time limit provided in this section, the clerk of the court shall strike
 28 off the names for the party within two (2) days.

29 SECTION 111. IC 35-31.5-2-337.5 IS REPEALED [EFFECTIVE
 30 JULY 1, 2023]. Sec. 337.5: "Tracking device", for purposes of
 31 IC 35-33-5 and this chapter, means an electronic or mechanical device
 32 that allows a person to remotely determine or track the position or
 33 movement of another person or an object. The term includes the
 34 following:

35 (1) A device that stores geographic data for subsequent access or
 36 analysis.

37 (2) A device that allows real-time monitoring or movement.

38 (3) An unmanned aerial vehicle.

39 (4) A cellular telephone or other wireless or cellular
 40 communications device.

41 SECTION 112. IC 35-31.5-2-343.5 IS REPEALED [EFFECTIVE
 42 JULY 1, 2023]. Sec. 343.5: "Use of a tracking device", for purposes of



1 IC 35-33-5; includes the installation, maintenance, and monitoring of
2 a tracking device. The term does not include:

- 3 (1) the capture, collection, monitoring, or viewing of images; or
4 (2) the use of a monitoring device with respect to a person
5 required to be tracked or monitored:
6 (A) as a condition of bail;
7 (B) as a condition of probation, parole, or community
8 corrections;
9 (C) as a requirement of sex offender registration; or
10 (D) as part of a sentence imposed for a crime.

11 SECTION 113. IC 35-44.1-3-10, AS AMENDED BY P.L.78-2022,
12 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2023]: Sec. 10. (a) The following definitions apply throughout
14 this section:

- 15 (1) "Lawful supervision" means supervision by:
16 (A) the department of correction;
17 (B) a court;
18 (C) a probation department;
19 (D) a community corrections program, a community transition
20 program, or another similar program; or
21 (E) parole.
22 (2) "Service provider" means:
23 (A) with respect to a person subject to lawful detention:
24 (i) a public servant;
25 (ii) a person employed by a governmental entity; or
26 (iii) a person who provides goods or services to a person
27 who is subject to lawful detention; and
28 (B) with respect to a person subject to lawful supervision:
29 (i) a public servant whose official duties include the
30 supervision of the person subject to lawful supervision;
31 (ii) a person employed by a governmental entity to provide
32 supervision for the person subject to lawful supervision; or
33 (iii) a person who is employed by or contracts with a
34 governmental entity to provide treatment or other services to
35 the person subject to lawful supervision as a condition of the
36 person's lawful supervision.

37 (b) A service provider who knowingly or intentionally engages in
38 sexual intercourse or other sexual conduct (as defined in
39 IC 35-31.5-2-221.5) with a person who is subject to lawful detention
40 or lawful supervision commits sexual misconduct, a Level 5 felony.

41 (c) A service provider at least eighteen (18) years of age who
42 knowingly or intentionally engages in sexual intercourse or other



1 sexual conduct (as defined in IC 35-31.5-2-221.5) with a person who
 2 is:
 3 (1) less than eighteen (18) years of age; and
 4 (2) subject to lawful detention or lawful supervision;
 5 commits sexual misconduct, a Level 4 felony.
 6 (d) In addition to any other penalty imposed for a violation of this
 7 section, the court shall order the person to pay restitution under
 8 IC 35-50-5-3 for expenses related to pregnancy and childbirth if the
 9 pregnancy is a result of the offense.
 10 (e) It is not a defense that an act described in subsection (b) or (c)
 11 was consensual.
 12 (f) This section does not apply to sexual intercourse or other sexual
 13 conduct (as defined in IC 35-31.5-2-221.5) between spouses.
 14 SECTION 114. IC 36-1-3.5-4, AS AMENDED BY P.L.119-2012,
 15 SECTION 170, IS AMENDED TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2023]: Sec. 4. (a) This section applies to cities
 17 in counties other than the following counties:
 18 (1) A county having a consolidated city.
 19 (2) Lake County.
 20 (3) St. Joseph County.
 21 (b) Jurisdiction over the following local matters, which before the
 22 1981 regular session of the general assembly have been subjects of
 23 statutory concern, is transferred to the legislative body of each city
 24 having a population of more than fifty thousand (50,000):
 25 (1) Regulation of sewers and drains (formerly governed by
 26 IC 19-2-11).
 27 (2) Benefits for certain municipal utility employees (formerly
 28 governed by IC 19-3-29).
 29 (c) Jurisdiction over the following local matter, which before the
 30 1981 regular session of the general assembly has been the subject of
 31 statutory concern, is transferred to the legislative body of each city
 32 having a population of more than thirty-five thousand (35,000) **but and**
 33 less than fifty thousand (50,000):
 34 Regulation of sewers and drains (formerly governed by
 35 IC 19-2-11).
 36 SECTION 115. IC 36-4-3-5.2, AS ADDED BY P.L.70-2022,
 37 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2023]: Sec. 5.2. (a) As used in this section, "homeowners
 39 association" means a corporation that satisfies all of the following:
 40 (1) The corporation is exempt from federal income taxation under
 41 26 U.S.C. 528.
 42 (2) The control and management of the corporation is vested in a



- 1 board of directors.
- 2 (3) The corporation is organized and operated exclusively for the
- 3 benefit of two (2) or more persons who each own:
- 4 (A) a dwelling in fee simple; or
- 5 (B) a commercial building in fee simple;
- 6 within the residential development.
- 7 (4) The purpose of the corporation is to:
- 8 (A) own, maintain, and operate common areas and facilities;
- 9 (B) administer and enforce covenants and restrictions on
- 10 property; and
- 11 (C) collect and distribute assessments on property;
- 12 located within the residential development.
- 13 (5) The corporation acts in accordance with the articles, bylaws,
- 14 or other documents governing the corporation to:
- 15 (A) adopt and enforce rules and regulations necessary for the
- 16 enjoyment of common areas, recreation facilities, and other
- 17 amenities located within the residential development; and
- 18 (B) exercise the corporation's power to:
- 19 (i) levy assessments on property within the residential
- 20 development; and
- 21 (ii) collect assessments on property located within the
- 22 residential development by enforcing the corporation's lien
- 23 and foreclosure rights.
- 24 (b) As used in this section, "residential development" means a
- 25 parcel of land that is subdivided into:
- 26 (1) lots, parcels, tracts, units, or interests that: ~~include:~~
- 27 (A) **include** an existing Class 2 structure (as defined in
- 28 IC 22-12-1-5); or
- 29 (B) ~~is~~ **are** designated for the construction of a Class 2
- 30 structure;
- 31 each of which is encumbered by substantively identical restrictive
- 32 covenants concerning one (1) or more servient estates located
- 33 within the boundaries of the original undivided parcel, or other
- 34 governing document of record;
- 35 (2) lots, parcels, tracts, units, or interests that: ~~include:~~
- 36 (A) **include** an existing Class 1 structure (as defined in
- 37 IC 22-12-1-4); or
- 38 (B) are designated for the construction of a Class 1 structure;
- 39 and
- 40 (3) a common area.
- 41 (c) In addition to annexing territory under ~~sections~~ **section** 3, 4, 5,
- 42 or 5.1 of this chapter, a third class city may annex a residential



1 development and a public highway right-of-way that connects the
2 residential development to the corporate limits of the third class city,
3 if all of the following are satisfied:

4 (1) The residential development is governed by a homeowners
5 association.

6 (2) The residential development has at least three hundred (300)
7 single family dwellings.

8 (3) The residential development is located in its entirety not more
9 than three (3) miles outside the third class city's corporate
10 boundaries.

11 (4) The residential development dwellings are connected to the
12 third class city's sewer or water service.

13 (5) The residential development includes a commercial area
14 containing buildings intended to be used and operated for
15 commercial purposes.

16 (6) The residential development is adjacent to the public highway
17 right-of-way.

18 (7) The public highway that connects the residential development
19 to the corporate limits of the city is part of the state highway
20 system (as defined in IC 8-23-1-40).

21 (8) The annexation territory includes only the public highway
22 right-of-way and the residential development.

23 (9) The aggregate external boundary of the annexation territory
24 that coincides with the boundary of the municipality is greater
25 than zero (0).

26 (d) Unless the articles, bylaws, or other governing documents of the
27 homeowners association expressly provide otherwise, the board of
28 directors of the homeowners association may file a petition with the
29 legislative body of the third class city requesting the city to annex all
30 property within the residential development. The annexation may
31 proceed only if the third class city adopts a resolution approving the
32 initiation of the annexation process not more than sixty (60) days after
33 the petition is filed. If the third class city does not adopt a resolution
34 within the sixty (60) day period, the petition is void.

35 (e) If the legislative body of the third class city adopts a resolution
36 approving initiation of the annexation, the city shall prepare a written
37 preliminary fiscal plan that must be made available to the public at
38 each of the outreach program meetings under section 1.7 of this
39 chapter.

40 (f) Upon completion of the outreach program meetings and before
41 mailing the notification to landowners under section 2.2 of this chapter,
42 the legislative body of the third class city shall adopt a written fiscal



1 plan by resolution that incorporates any revisions to the preliminary
2 fiscal plan.

3 (g) The third class city shall hold a public hearing not earlier than
4 thirty (30) days after the date the annexation ordinance is introduced.
5 All interested parties must have the opportunity to testify as to the
6 proposed annexation. Notice of the hearing shall be:

- 7 (1) published in accordance with IC 5-3-1 except that the notice
8 shall be published at least thirty (30) days before the hearing; and
9 (2) mailed as set forth in section 2.2 of this chapter.

10 A third class city may adopt an ordinance not earlier than thirty (30)
11 days or not later than sixty (60) days after the legislative body of the
12 third class city has held the public hearing under this subsection.

13 (h) A landowner may file a remonstrance against the annexation as
14 provided in section 11 of this chapter.

15 (i) Territory annexed under this section may not be considered a part
16 of the third class city for purposes of annexing additional territory
17 under section 3 or 4 of this chapter. However, territory annexed under
18 this chapter shall be considered a part of the third class city for
19 purposes of annexing additional territory under section 5 or 5.1 of this
20 chapter.

21 (j) For purposes of an annexation under this section:

- 22 (1) section 1.5 of this chapter does not apply; and
23 (2) the landowner of the public highway right-of-way that is part
24 of the state highway system (as defined in IC 8-23-1-40) is
25 considered to be the state of Indiana.

26 SECTION 116. IC 36-5-1-7, AS AMENDED BY P.L.147-2013,
27 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2023]: Sec. 7. (a) The petitioners must obtain the consent by
29 ordinance of the legislative body of a consolidated city before
30 incorporating a town if any part of the proposed town is within four (4)
31 miles of the corporate boundaries of the city. The legislative body of
32 the consolidated city shall:

- 33 (1) consent to the incorporation; or
34 (2) deny consent to the incorporation;

35 not later than ninety (90) days after the legislative body receives the
36 petitioners' written request. If the legislative body fails to act not later
37 than ninety (90) days after the legislative body receives the petitioners'
38 written request, the legislative body is considered to have consented to
39 the petitioners' request for incorporation.

40 (b) The petitioners must obtain the consent by ordinance of the
41 legislative body of a second or third class city before incorporating a
42 town if any part of the proposed town is within three (3) miles of the



1 corporate boundaries of the city. The legislative body of the city shall:

2 (1) consent to the incorporation; or

3 (2) deny consent to the incorporation;

4 not later than ninety (90) days after the legislative body receives the
5 petitioners' written request. If the legislative body fails to act not later
6 than ninety (90) days after the legislative body receives the petitioners'
7 written request, the legislative body is considered to have consented to
8 the petitioners' request for incorporation.

9 (c) Subsection (b) does not apply to a county having a population of
10 more than four hundred thousand (400,000) ~~but~~ **and** less than seven
11 hundred thousand (700,000).

12 SECTION 117. IC 36-5-4-13, AS AMENDED BY P.L.104-2022,
13 SECTION 170, IS AMENDED TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2023]: Sec. 13. (a) Except as provided in
15 subsection (c), this subsection applies to a town with a population of
16 five hundred (500) or less. Notwithstanding the provisions of any other
17 statute, a town may transfer money from any town fund to another town
18 fund after the passage of an ordinance or a resolution by the town
19 legislative body specifying the:

20 (1) amount of the transfer;

21 (2) funds involved;

22 (3) date of the transfer; and

23 (4) general purpose of the transfer.

24 (b) Except as provided in subsection (c), this subsection applies to
25 a town having a population of more than five hundred (500) ~~but~~ **and**
26 less than two thousand (2,000). Notwithstanding IC 8-14-1 and
27 IC 8-14-2, a town may transfer money distributed to the town from:

28 (1) the motor vehicle highway account under IC 8-14-1;

29 (2) the local road and street account under IC 8-14-2; or

30 (3) the:

31 (A) motor vehicle highway account under IC 8-14-1; and

32 (B) local road and street account under IC 8-14-2;

33 to any other town fund after the passage of an ordinance or a resolution
34 by the town legislative body that specifies the amount of the transfer,
35 the funds involved, the date of the transfer, and the general purpose of
36 the transfer. However, the total amount of all money transferred by a
37 town under this subsection may not exceed forty thousand dollars
38 (\$40,000).

39 (c) A:

40 (1) municipality located in a county having a population of more
41 than fifteen thousand four hundred fifty (15,450) and less than
42 sixteen thousand (16,000); and



1 (2) town having a population of less than one thousand (1,000)
 2 located in a county having a population of more than forty
 3 thousand (40,000) and less than forty-three thousand (43,000);
 4 may not transfer money under this section to or from a food and
 5 beverage tax receipts fund established under IC 6-9.

6 SECTION 118. IC 36-7-5.1-5 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 5. (a) The legislative
 8 bodies of one (1) or more municipalities (meeting the population and
 9 proximity requirements under section 9 of this chapter) and one (1) or
 10 more counties may establish, by identical ordinances, a joint district
 11 planning and zoning commission. The ordinances must specify the
 12 following:

- 13 (1) The legal name of the commission.
- 14 (2) The boundaries of the joint district.
- 15 (3) The duration of the commission.
- 16 (4) Any other information necessary to form the commission.

17 (b) A municipality having a population of more than three thousand
 18 (3,000) ~~but~~ **and** less than fifteen thousand (15,000) may pass an
 19 ordinance to establish a joint district for any territory that is located:

- 20 (1) in the municipality; or
- 21 (2) within five (5) miles of the municipality's corporate
 22 boundaries.

23 (c) A municipality having a population of more than twenty-five
 24 thousand (25,000) ~~but~~ **and** less than fifty thousand (50,000) may pass
 25 an ordinance to establish a joint district for any territory that is located:

- 26 (1) in the municipality; or
- 27 (2) within ten (10) miles of the municipality's corporate
 28 boundaries.

29 (d) When the boundaries of a proposed joint district include real
 30 property lying within the corporate boundaries of a municipality, the
 31 municipality is subject to the jurisdiction of the joint district and the
 32 provisions of this chapter only if the municipality adopts an ordinance
 33 under subsection (a).

34 (e) After the boundaries and duration of a joint district have been
 35 established under subsection (a), the boundaries and the duration may
 36 not be changed.

37 SECTION 119. IC 36-7-5.1-9 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 9. The members of the
 39 commission shall be determined as follows:

- 40 (1) The legislative body of each county where any part of the joint
 41 district is located shall choose four (4) members.
- 42 (2) The legislative body of each municipality having a population



1 of more than three thousand (3,000) ~~but~~ **and** less than fifteen
2 thousand (15,000), that passes an ordinance establishing a joint
3 district and that is located within five (5) miles of the joint district
4 shall choose three (3) members.

5 (3) The city plan commission (or similar body) of each
6 municipality having a population of more than twenty-five
7 thousand (25,000) ~~but~~ **and** less than fifty thousand (50,000), that
8 passes an ordinance establishing a joint district and that is located
9 within ten (10) miles of the joint district shall choose two (2)
10 members.

11 (4) The executive of each municipality meeting the population,
12 proximity, and ordinance requirements of subdivision (3) shall
13 choose one (1) member.

14 SECTION 120. IC 36-7-7.6-4, AS AMENDED BY P.L.169-2006,
15 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2023]: Sec. 4. (a) The following members shall be appointed
17 to the commission:

18 (1) A member of the county executive of each county described
19 in section 1 of this chapter, to be appointed by the county
20 executive.

21 (2) A member of the county fiscal body of each county described
22 in section 1 of this chapter, to be appointed by the county fiscal
23 body.

24 (3) The county surveyor of each county described in section 1 of
25 this chapter.

26 (4) For a county having a population of not more than four
27 hundred thousand (400,000), one (1) person appointed by the
28 executive of each of the eleven (11) largest municipalities.

29 (5) For a county having a population of more than four hundred
30 thousand (400,000) ~~but~~ **and** less than seven hundred thousand
31 (700,000), one (1) person appointed by the executive of each of
32 the nineteen (19) largest municipalities.

33 (6) Beginning July 1, 2007, one (1) person appointed by the
34 trustee of each township that:

35 (A) is located in a county described in section 1 of this
36 chapter;

37 (B) has a population of at least eight thousand (8,000); and

38 (C) does not contain a municipality.

39 (b) One (1) voting member of the commission shall be appointed by
40 the governor. The member appointed under this subsection may not
41 vote in a weighted vote under section 9 of this chapter.

42 (c) A member of the commission who is a county surveyor may not



1 vote in a weighted vote under section 9 of this chapter.

2 SECTION 121. IC 36-7-11-4, AS AMENDED BY P.L.127-2017,
3 SECTION 184, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2023]: Sec. 4. (a) A unit may establish, by
5 ordinance, a historic preservation commission with an official name
6 designated in the ordinance. The commission must have not less than
7 three (3) nor more than nine (9) voting members, as designated by the
8 ordinance. The voting members shall be appointed by the executive of
9 the unit, subject to the approval of the legislative body. Voting
10 members shall each serve for a term of three (3) years. However, the
11 terms of the original voting members may be for one (1) year, two (2)
12 years, or three (3) years in order for the terms to be staggered, as
13 provided by the ordinance. A vacancy shall be filled for the duration of
14 the term. In the case of a commission with jurisdiction in a city having
15 a population of more than one hundred thousand (100,000) **but and**
16 less than one hundred ten thousand (110,000), the commission must
17 after June 30, 2001, include as a voting member the superintendent of
18 the largest school corporation in the city.

19 (b) The ordinance may provide qualifications for members of the
20 commission, but members must be residents of the unit who are
21 interested in the preservation and development of historic areas. The
22 members of the commission should include professionals in the
23 disciplines of architectural history, planning, and other disciplines
24 related to historic preservation, to the extent that those professionals
25 are available in the community. The ordinance may also provide for the
26 appointment of advisory members that the legislative body considers
27 appropriate.

28 (c) The ordinance may:

- 29 (1) designate an officer or employee of the unit to act as
30 administrator;
31 (2) permit the commission to appoint an administrator who shall
32 serve without compensation except reasonable expenses incurred
33 in the performance of the administrator's duties; or
34 (3) provide that the commission act without the services of an
35 administrator.

36 (d) Members of the commission shall serve without compensation
37 except for reasonable expenses incurred in the performance of their
38 duties.

39 (e) The commission shall elect from its membership a chair and vice
40 chair, who shall serve for one (1) year and may be reelected.

41 (f) The commission shall adopt rules consistent with this chapter for
42 the transaction of its business. The rules must include the time and



1 place of regular meetings and a procedure for the calling of special
 2 meetings. All meetings of the commission must be open to the public,
 3 and a public record of the commission's resolutions, proceedings, and
 4 actions must be kept. If the commission has an administrator, the
 5 administrator shall act as the commission's secretary, otherwise, the
 6 commission shall elect a secretary from its membership.

7 (g) The commission shall hold regular meetings, at least monthly,
 8 except when it has no business pending.

9 (h) A final decision of the commission is subject to judicial review
 10 under IC 36-7-4 as if it were a final decision of a board of zoning
 11 appeals.

12 SECTION 122. IC 36-7-32.5-4, AS ADDED BY P.L.135-2022,
 13 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2023]: Sec. 4. As used in this chapter, "gross retail base
 15 period amount" means the aggregate amount of state gross retail and
 16 use taxes remitted under IC 6-2.5: ~~by the businesses:~~

17 (1) **by the businesses** operating in the territory comprising an
 18 innovation development district; and

19 (2) that is, in the case of the:

20 (A) state gross retail tax, collected by a business for sales
 21 occurring at a physical location of the business in the
 22 innovation development district; and

23 (B) state use tax, incurred with regard to property used in the
 24 innovation development district;

25 during the full state fiscal year that precedes the date on which the
 26 innovation development district was designated under section 9 of this
 27 chapter.

28 SECTION 123. IC 36-7-32.5-5, AS ADDED BY P.L.135-2022,
 29 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2023]: Sec. 5. As used in this chapter, "gross retail
 31 incremental amount" means the remainder of:

32 (1) the aggregate amount of state gross retail and use taxes that
 33 are remitted under IC 6-2.5: ~~by businesses:~~

34 (A) **by businesses** operating in the territory comprising an
 35 innovation development district; and

36 (B) that is, in the case of the:

37 (i) state gross retail tax, collected by a business for sales
 38 occurring at a physical location of the business in the
 39 innovation development district; and

40 (ii) state use tax, incurred with regard to property used in the
 41 innovation development district;

42 during a state fiscal year; minus



1 (2) the gross retail base period amount;
 2 as determined by the department of state revenue.

3 SECTION 124. IC 36-7.5-1-2, AS ADDED BY P.L.214-2005,
 4 SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2023]: Sec. 2. "Airport authority" refers to an airport authority
 6 established under IC 8-22-3 in a county having a population of more
 7 than four hundred thousand (400,000) ~~but~~ **and** less than seven hundred
 8 thousand (700,000).

9 SECTION 125. IC 36-8-8-1, AS AMENDED BY P.L.115-2016,
 10 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2023]: Sec. 1. This chapter applies to:

12 (1) full-time police officers hired or rehired after April 30, 1977,
 13 in all municipalities, or who converted their benefits under
 14 IC 19-1-17.8-7 (repealed September 1, 1981);

15 (2) full-time fully paid firefighters hired or rehired after April 30,
 16 1977, or who converted their benefits under IC 19-1-36.5-7
 17 (repealed September 1, 1981);

18 (3) a police matron hired or rehired after April 30, 1977, and
 19 before July 1, 1996, who is a member of a police department in a
 20 second or third class city on March 31, 1996;

21 (4) a park ranger who:

22 (A) completed at least the number of weeks of training at the
 23 Indiana law enforcement academy or a comparable law
 24 enforcement academy in another state that were required at the
 25 time the park ranger attended the Indiana law enforcement
 26 academy or the law enforcement academy in another state;

27 (B) graduated from the Indiana law enforcement academy or
 28 a comparable law enforcement academy in another state; and

29 (C) is employed by the parks department of a city having a
 30 population of more than one hundred ten thousand (110,000)
 31 ~~but~~ **and** less than one hundred fifty thousand (150,000);

32 (5) a full-time fully paid firefighter who is covered by this chapter
 33 before the effective date of consolidation and becomes a member
 34 of the fire department of a consolidated city under IC 36-3-1-6.1,
 35 provided that the firefighter's service as a member of the fire
 36 department of a consolidated city is considered active service
 37 under this chapter;

38 (6) except as otherwise provided, a full-time fully paid firefighter
 39 who is hired or rehired after the effective date of the consolidation
 40 by a consolidated fire department established under
 41 IC 36-3-1-6.1;

42 (7) a full-time police officer who is covered by this chapter before



1 the effective date of consolidation and becomes a member of the
 2 consolidated law enforcement department as part of the
 3 consolidation under IC 36-3-1-5.1, provided that the officer's
 4 service as a member of the consolidated law enforcement
 5 department is considered active service under this chapter;

6 (8) except as otherwise provided, a full-time police officer who is
 7 hired or rehired after the effective date of the consolidation by a
 8 consolidated law enforcement department established under
 9 IC 36-3-1-5.1; and

10 (9) a veteran described in IC 36-8-4.7;

11 except as provided by section 7 of this chapter.

12 SECTION 126. IC 36-8-8-7, AS AMENDED BY P.L.85-2022,
 13 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2023]: Sec. 7. (a) Subject to IC 36-8-4.7 and except as
 15 provided in subsections (d), (e), (f), (g), (h), (k), (l), and (m):

16 (1) a police officer who is less than forty (40) years of age; or

17 (2) a firefighter who is less than thirty-six (36) years of age;

18 who passes the baseline statewide physical and mental examinations
 19 required under section 19 of this chapter shall be a member of the 1977
 20 fund and is not a member of the 1925 fund, the 1937 fund, or the 1953
 21 fund.

22 (b) A police officer or firefighter with service before May 1, 1977,
 23 who is hired or rehired after April 30, 1977, may receive credit under
 24 this chapter for service as a police officer or firefighter prior to entry
 25 into the 1977 fund if the employer who rehires the police officer or
 26 firefighter chooses to contribute to the 1977 fund the amount necessary
 27 to amortize the police officer's or firefighter's prior service liability over
 28 a period of not more than thirty (30) years, the amount and the period
 29 to be determined by the system board. If the employer chooses to make
 30 the contributions, the police officer or firefighter is entitled to receive
 31 credit for the police officer's or firefighter's prior years of service
 32 without making contributions to the 1977 fund for that prior service. In
 33 no event may a police officer or firefighter receive credit for prior years
 34 of service if the police officer or firefighter is receiving a benefit or is
 35 entitled to receive a benefit in the future from any other public pension
 36 plan with respect to the prior years of service.

37 (c) Except as provided in section 18 of this chapter, a police officer
 38 or firefighter is entitled to credit for all years of service after April 30,
 39 1977, with the police or fire department of an employer covered by this
 40 chapter.

41 (d) A police officer or firefighter with twenty (20) years of service
 42 does not become a member of the 1977 fund and is not covered by this



- 1 chapter, if the police officer or firefighter:
- 2 (1) was hired before May 1, 1977;
- 3 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
- 4 of which were repealed September 1, 1981); and
- 5 (3) is rehired after April 30, 1977, by the same employer.
- 6 (e) A police officer or firefighter does not become a member of the
- 7 1977 fund and is not covered by this chapter if the police officer or
- 8 firefighter:
- 9 (1) was hired before May 1, 1977;
- 10 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
- 11 of which were repealed September 1, 1981);
- 12 (3) was rehired after April 30, 1977, but before February 1, 1979;
- 13 and
- 14 (4) was made, before February 1, 1979, a member of a 1925,
- 15 1937, or 1953 fund.
- 16 (f) A police officer or firefighter does not become a member of the
- 17 1977 fund and is not covered by this chapter if the police officer or
- 18 firefighter:
- 19 (1) was hired by the police or fire department of a unit before May
- 20 1, 1977;
- 21 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
- 22 of which were repealed September 1, 1981);
- 23 (3) is rehired by the police or fire department of another unit after
- 24 December 31, 1981; and
- 25 (4) is made, by the fiscal body of the other unit after December
- 26 31, 1981, a member of a 1925, 1937, or 1953 fund of the other
- 27 unit.
- 28 If the police officer or firefighter is made a member of a 1925, 1937, or
- 29 1953 fund, the police officer or firefighter is entitled to receive credit
- 30 for all the police officer's or firefighter's years of service, including
- 31 years before January 1, 1982.
- 32 (g) As used in this subsection, "emergency medical services" and
- 33 "emergency medical technician" have the meanings set forth in
- 34 IC 16-18-2-110 and IC 16-18-2-112. A firefighter who:
- 35 (1) is employed by a unit that is participating in the 1977 fund;
- 36 (2) was employed as an emergency medical technician by a
- 37 political subdivision wholly or partially within the department's
- 38 jurisdiction;
- 39 (3) was a member of the public employees' retirement fund during
- 40 the employment described in subdivision (2); and
- 41 (4) ceased employment with the political subdivision and was
- 42 hired by the unit's fire department due to the reorganization of



1 emergency medical services within the department's jurisdiction;
 2 shall participate in the 1977 fund. A firefighter who participates in the
 3 1977 fund under this subsection is subject to sections 18 and 21 of this
 4 chapter.

5 (h) A police officer or firefighter does not become a member of the
 6 1977 fund and is not covered by this chapter if the individual was
 7 appointed as:

- 8 (1) a fire chief under a waiver under IC 36-8-4-6(c); or
- 9 (2) a police chief under a waiver under IC 36-8-4-6.5(c);

10 unless the executive of the unit requests that the 1977 fund accept the
 11 individual in the 1977 fund and the individual previously was a
 12 member of the 1977 fund.

13 (i) A police matron hired or rehired after April 30, 1977, and before
 14 July 1, 1996, who is a member of a police department in a second or
 15 third class city on March 31, 1996, is a member of the 1977 fund.

16 (j) A park ranger who:

- 17 (1) completed at least the number of weeks of training at the
 18 Indiana law enforcement academy or a comparable law
 19 enforcement academy in another state that were required at the
 20 time the park ranger attended the Indiana law enforcement
 21 academy or the law enforcement academy in another state;
- 22 (2) graduated from the Indiana law enforcement academy or a
 23 comparable law enforcement academy in another state; and
- 24 (3) is employed by the parks department of a city having a
 25 population of more than one hundred ten thousand (110,000) ~~but~~
 26 **and** less than one hundred fifty thousand (150,000);

27 is a member of the fund.

28 (k) Notwithstanding any other provision of this chapter, a police
 29 officer or firefighter:

- 30 (1) who is a member of the 1977 fund before a consolidation
 31 under IC 36-3-1-5.1 or IC 36-3-1-6.1;
- 32 (2) whose employer is consolidated into the consolidated law
 33 enforcement department or the fire department of a consolidated
 34 city under IC 36-3-1-5.1 or IC 36-3-1-6.1; and
- 35 (3) who, after the consolidation, becomes an employee of the
 36 consolidated law enforcement department or the consolidated fire
 37 department under IC 36-3-1-5.1 or IC 36-3-1-6.1;

38 is a member of the 1977 fund without meeting the requirements under
 39 sections 19 and 21 of this chapter.

40 (l) Notwithstanding any other provision of this chapter, if:

- 41 (1) before a consolidation under IC 8-22-3-11.6, a police officer
 42 or firefighter provides law enforcement services or fire protection



- 1 services for an entity in a consolidated city;
- 2 (2) the provision of those services is consolidated into the law
- 3 enforcement department or fire department of a consolidated city;
- 4 and
- 5 (3) after the consolidation, the police officer or firefighter
- 6 becomes an employee of the consolidated law enforcement
- 7 department or the consolidated fire department under
- 8 IC 8-22-3-11.6;
- 9 the police officer or firefighter is a member of the 1977 fund without
- 10 meeting the requirements under sections 19 and 21 of this chapter.
- 11 (m) A police officer or firefighter who is a member of the 1977 fund
- 12 under subsection (k) or (l) may not be:
- 13 (1) retired for purposes of section 10 of this chapter; or
- 14 (2) disabled for purposes of section 12 of this chapter;
- 15 solely because of a change in employer under the consolidation.
- 16 (n) Notwithstanding any other provision of this chapter and subject
- 17 to subsection (o), a police officer or firefighter who:
- 18 (1) is an active member of the 1977 fund with an employer that
- 19 participates in the 1977 fund;
- 20 (2) separates from that employer; and
- 21 (3) not later than one hundred eighty (180) days after the date of
- 22 the separation described in subdivision (2), becomes employed as
- 23 a full-time police officer or firefighter with the same or a second
- 24 employer that participates in the 1977 fund;
- 25 is a member of the 1977 fund without meeting for a second time the
- 26 age limitation under subsection (a) and the requirements under sections
- 27 19 and 21 of this chapter. A police officer or firefighter to whom this
- 28 subsection applies is entitled to receive credit for all years of 1977 fund
- 29 covered service as a police officer or firefighter with all employers that
- 30 participate in the 1977 fund.
- 31 (o) The one hundred eighty (180) day limitation described in
- 32 subsection (n)(3) does not apply to a member of the 1977 fund who is
- 33 eligible for reinstatement under IC 36-8-4-11.
- 34 (p) Notwithstanding any other provision of this chapter, a veteran
- 35 who is:
- 36 (1) described in IC 36-8-4.7; and
- 37 (2) employed as a firefighter or police officer;
- 38 is a member of the 1977 fund.
- 39 (q) Notwithstanding any other provision of this chapter and except
- 40 as provided in subsection (o), a police officer or firefighter who:
- 41 (1) is an active member of the 1977 fund with an employer that
- 42 participates in the 1977 fund;



1 (2) separates from that employer; and
 2 (3) more than one hundred eighty (180) days after the date of the
 3 separation described in subdivision (2), becomes employed as a
 4 full-time police officer or firefighter with the same or a second
 5 employer that participates in the 1977 fund;
 6 is a member of the 1977 fund without meeting the age limitation under
 7 subsection (a) provided the member can accrue twenty (20) years of
 8 service credit in the 1977 fund by the time the firefighter becomes sixty
 9 (60) years of age. A police officer or firefighter who participates in the
 10 1977 fund under this subsection must pass the baseline statewide
 11 physical and mental examination under section 19 of this chapter. A
 12 police officer or firefighter to whom this subsection applies is entitled
 13 to receive credit for all years of 1977 fund covered service as a police
 14 officer or firefighter with all employers that participate in the 1977
 15 fund.

16 SECTION 127. IC 36-8-26-1, AS ADDED BY P.L.103-2022,
 17 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2023]: Sec. 1. The following definitions apply throughout this
 19 chapter:

- 20 (1) "Board" means the Marion County crime reduction board
 21 established by section 2 of this chapter.
 22 (2) "Downtown district" means the area bounded by:
 23 (A) on the south:
 24 (i) Morris Street from the White River to Prospect Street;
 25 and
 26 (ii) Prospect Street going east from Morris Street to
 27 Interstate I-65 north;
 28 (B) on the west, the White River from Morris Street to 10th
 29 Street;
 30 (C) on the east, Interstate I-65 north from Prospect Street to
 31 Interstate I-70 east; and
 32 (D) on the north:
 33 (i) Fall Creek from the White River to Indiana Avenue;
 34 (ii) 10th Street from Indiana Avenue to Brooks Street;
 35 (iii) Oscar Robertson Boulevard/11th Street from Brooks
 36 Street to the northbound exit onto Interstate I-65 south from
 37 Martin Luther King Boulevard;
 38 (iv) the northbound exit onto Interstate I-65 south from
 39 Martin Luther King Boulevard to Capitol Avenue; and
 40 (v) Interstate I-65 south from Capitol Avenue to Interstate
 41 I-70 east.
 42 (3) "Interoperability agreement" means an agreement between two



1 (2) or more members of the board that increases the duties or
 2 responsibilities of a law enforcement agency supervised or
 3 operated by a member of the board.

4 SECTION 128. IC 36-9-27-13, AS AMENDED BY P.L.127-2017,
 5 SECTION 328, IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2023]: Sec. 13. (a) This section applies to a
 7 county having a population of more than four hundred thousand
 8 (400,000) ~~but~~ **and** less than seven hundred thousand (700,000).

9 (b) There is established a county drainage advisory committee. The
 10 executive of each township in the county shall appoint one (1) resident
 11 of the executive's township to serve on the committee. Committee
 12 members serve for four (4) year terms. Members may not receive per
 13 diem or mileage for service on the committee.

14 (c) The county drainage advisory committee shall advise and assist
 15 the board in the performance of its powers, duties, and functions. The
 16 board or the county legislative body may assign responsibilities to the
 17 committee concerning drainage. The committee may select one (1) of
 18 its members as chair and may meet at the chair's call or at the call of
 19 any three (3) of its members.

20 SECTION 129. IC 36-9-27-74 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 74. (a) This section
 22 applies to a county having a population of more than four hundred
 23 thousand (400,000) ~~but~~ **and** less than seven hundred thousand
 24 (700,000).

25 (b) Each year, the county shall levy the tax authorized by section 73
 26 of this chapter at a rate on each one hundred dollars (\$100) of assessed
 27 valuation that will yield three hundred thousand dollars (\$300,000) per
 28 year.

29 (c) The county auditor shall determine a particular watershed's part
 30 of the receipts from the tax authorized by this section by multiplying
 31 the total tax receipts by a fraction determined by the county surveyor.
 32 The numerator of the fraction is the number of acres in the particular
 33 watershed, and the denominator is the total number of acres in all of the
 34 watersheds in the county. The auditor shall annually distribute these
 35 amounts to the watersheds in the county.

36 (d) The county legislative body shall annually appropriate, for use
 37 in the county in each of these watersheds, at least eighty percent (80%)
 38 of the watershed's part of the tax receipts.

39 SECTION 130. IC 36-9-30-5.3, AS ADDED BY P.L.37-2022,
 40 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2023]: Sec. 5.3. (a) This section applies only to a municipality
 42 that is not a consolidated city.



- 1 (b) As used in this section, "board" refers to:
2 (1) the:
3 (A) board of public works; or
4 (B) board of public works and safety;
5 in the case of a city; or
6 (2) the town council, in the case of a town.
- 7 (c) Notwithstanding any statute relating to the length, duration, and
8 terms of contracts and agreements, the board of a municipality may
9 enter into any contract or agreement with any person upon such terms
10 and conditions as may be agreed upon for the collection and disposal
11 of solid waste.
- 12 (d) Before or after the expiration or termination of the term or
13 duration of a contract or agreement entered into under subsection (c),
14 the board of a municipality, in accordance with this section, may from
15 time to time enter into amended, extended, supplemental, new, or
16 further contracts or agreements with:
17 (1) the same person with whom the board entered into the
18 contract or agreement under subsection (c); or
19 (2) any other person;
20 for any purpose referred to in this section.
- 21 (e) Overall cost, including construction costs, tipping fees, and
22 reductions in costs resulting from the sale of byproducts, should in all
23 cases be a major criterion in the selection of contractors for an award
24 of contracts for the collection and disposal of solid waste under this
25 section. The board of a municipality:
26 (1) shall consider:
27 (A) the highly complex and innovative nature of byproduct
28 recovery technology;
29 (B) the variety of waste collection and disposal technology
30 available;
31 (C) the desirability of flexibility for the development of these
32 complex facilities; and
33 (D) the economic and technical utility of contracts for
34 byproduct recovery projects that include in their scope various
35 combinations of design, construction, operations,
36 management, or maintenance responsibilities over prolonged
37 periods; and
38 (2) shall recognize that in some instances it may be beneficial to
39 the municipality to award a contract on the basis of factors other
40 than cost alone, such as:
41 (A) facility design;
42 (B) system reliability;



- 1 (C) energy efficiency; and
 2 (D) compatibility with source separation, other recycling
 3 systems, and environmental protection.
- 4 (f) Notwithstanding any other statute, a contract for the collection
 5 and disposal of solid waste that is entered into between a board on
 6 behalf of a municipality and any person under this section may be
 7 awarded by the board under either of the following procedures:
- 8 (1) Public bidding in compliance with IC 36-1-12.
 9 (2) Compliance with subsections (g) through (q).
- 10 (g) A board proceeding under subsection (f)(2) to enter into a
 11 contract for the collection and disposal of solid waste may require any
 12 person seeking to enter into the contract with the municipality to be
 13 prequalified as a proposer by submitting to the board:
- 14 (1) information relating to the experience of the proposer;
 15 (2) the basis on which the proposer purports to be qualified to
 16 carry out all work required by the proposed contract; and
 17 (3) the financial condition of the proposer.
- 18 (h) Before issuing a request for proposals under this section, a board
 19 shall:
- 20 (1) adopt a proposed request for proposals; and
 21 (2) publish a public notice concerning the request for proposals.
- 22 If the board has established a prequalification requirement under
 23 subsection (g), the public notice published under subdivision (2) may
 24 include the criteria according to which proposers may be selected.
- 25 (i) The public notice published by a board under subsection (h)(2)
 26 must:
- 27 (1) include the intent to issue a request for proposals; and
 28 (2) designate times and places where the proposed request for
 29 proposals may be viewed by the general public.
- 30 (j) After the publication of a public notice under subsection (h)(2),
 31 the board shall allow a period of at least thirty (30) days for the
 32 submission of:
- 33 (1) comments on the proposed request for proposals; and
 34 (2) qualifications from persons seeking to be prequalified as a
 35 proposer, if the board has established a prequalification
 36 requirement under subsection (g).
- 37 Comments submitted under subdivision (1) may address the scope or
 38 contents of the proposed request for proposals.
- 39 (k) After the period allowed under subsection (j), the board shall:
- 40 (1) select proposers; and
 41 (2) adopt a request for proposals.
- 42 The board shall notify each proposer that is selected of the selection,



1 inform the proposer of the date and place established for the
2 submission of proposals, and deliver to the proposer a copy of the
3 request for proposals.

4 (l) A request for proposals adopted under subsection (k)(2) must
5 include:

6 (1) a clear identification and specification of all elements of cost
7 that would become charges to the municipality, in whatever form,
8 in return for the fulfillment by the proposer of all tasks and
9 responsibilities established by the request for proposals for the
10 full term of the proposed contract for the collection and disposal
11 of solid waste, including such appropriate matters as:

12 (A) proposals for project staffing;

13 (B) implementation of all work tasks;

14 (C) carrying out of all responsibility required by the proposed
15 contract; and

16 (D) the cost of planning, design, construction, operation,
17 management, or maintenance of any facility, and the cost of
18 processing or disposal of solid waste; ~~and~~

19 (2) a clear identification and specification of any revenues that
20 would accrue to the municipality from the sale of any byproducts
21 or from any other source; and

22 (3) such other information as the board may determine to have a
23 material bearing on its ability to evaluate any proposal in
24 accordance with this section.

25 (m) The board may prescribe the form and content of proposals
26 submitted in response to its request for proposals. The information
27 submitted by a proposer must be sufficiently detailed to permit the
28 board to evaluate the proposal fairly and equitably. In addition, the
29 board, in the request for proposals, may set maximum allowable cost
30 limits that the board determines to be appropriate.

31 (n) The board may not receive proposals until at least thirty (30)
32 days after the proposers are selected and notified of their selection
33 under subsection (k). The board:

34 (1) shall evaluate the proposals it receives as to net cost or
35 revenues; and

36 (2) may, in a manner consistent with provisions set forth in the
37 request for proposals, evaluate the proposals on the basis of
38 additional factors such as:

39 (A) the technical evaluation of facility design;

40 (B) net energy efficiency;

41 (C) environmental protection;

42 (D) overall system reliability; and



- 1 (E) the financial condition of the proposer.
- 2 (o) The board, on behalf of the municipality, may negotiate with any
- 3 responsible proposer. After giving public notice including the date,
- 4 time, and place of the hearing, the board shall hold a public hearing at
- 5 which the public may submit comments on the contract to be awarded.
- 6 After the public hearing, the board shall make a contract award to the
- 7 responsible proposer selected under this section based on a
- 8 determination by the board that the selected proposal is the most
- 9 responsive to the needs of the municipality.
- 10 (p) The contract award:
 - 11 (1) must be in the form of a resolution; and
 - 12 (2) must include particularized findings relative to the factors to
 - 13 be evaluated under this section, indicating that the award:
 - 14 (A) meets the municipality's needs; and
 - 15 (B) is in the public interest.
- 16 (q) An action to contest:
 - 17 (1) the validity of the contract awarded; or
 - 18 (2) the procedure by which the contract was awarded;
- 19 must be initiated within thirty (30) days after the contract is awarded
- 20 under subsection (o). An action to contest the contract, regardless of
- 21 the cause, may not be initiated more than thirty (30) days after the
- 22 contract is awarded under subsection (o).
- 23 SECTION 131. IC 36-9-35-1 IS AMENDED TO READ AS
- 24 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. This chapter applies
- 25 to each city in a county having a population of more than four hundred
- 26 thousand (400,000) ~~but~~ **and** less than seven hundred thousand
- 27 (700,000), in which the legislative body has, by ordinance, established
- 28 a water department as a municipal utility or a department of
- 29 waterworks.
- 30 SECTION 132. IC 36-9-37-36 IS AMENDED TO READ AS
- 31 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 36. (a) Upon the
- 32 delivery of certificates of indebtedness in payment of part of the
- 33 principal of or interest on any bonds because of a deficiency, the
- 34 municipality shall, by proper endorsement of the bonds:
 - 35 (1) reduce the face value of the bonds or the interest payable on
 - 36 the bonds by a corresponding amount; or
 - 37 (2) cancel the bonds if the principal of and interest on the bonds
 - 38 are paid in full.
- 39 (b) The certificates of indebtedness shall be authorized, issued, and
- 40 paid in the same manner as certificates of indebtedness issued under
- 41 IC 36-9-36-62 and IC 36-9-36-64. However, the certificates draw
- 42 interest only from the date of issue and the rate of interest shall be fixed



1 by the resolution authorizing the issuance of the certificates.
2 (c) A municipality is not required to provide for or pay upon the
3 certificates of indebtedness issued under section 35 of this chapter (or
4 under IC 36-9-19 before its repeal in 1993) a total amount in any one
5 (1) year in excess of the following:
6 (1) Fifty thousand dollars (\$50,000) for a municipality having a
7 population of at least thirty-five thousand (35,000).
8 (2) Twenty-five thousand dollars (\$25,000) for a municipality
9 having a population of at least ten thousand (10,000) **but and less**
10 **than** thirty-five thousand (35,000).
11 (3) Ten thousand dollars (\$10,000) for a municipality having a
12 population of less than ten thousand (10,000).
13 (d) A municipality shall make payments on the certificates of
14 indebtedness issued under section 35 of this chapter (or under
15 IC 36-9-19 before its repeal in 1993) in the order of the tender and
16 demand for payment of outstanding certificates in each year. The
17 municipality is not required to prorate the payments among all the
18 outstanding certificates. The municipal fiscal officer is the sole judge
19 of the order of tender and priorities of the certificates of indebtedness.
20 (e) Before issuing payment on a certificate, the fiscal officer shall,
21 by audit and other investigation of the facts, determine the right to
22 payment and the proper amount of the payment. The fiscal officer's
23 determination is final and conclusive upon all the parties involved.
24 SECTION 133. IC 36-10-7-5, AS AMENDED BY P.L.127-2017,
25 SECTION 386, IS AMENDED TO READ AS FOLLOWS
26 [EFFECTIVE JULY 1, 2023]: Sec. 5. (a) This section applies to a
27 township having a population of more than one hundred fifty thousand
28 (150,000) located in a county having a population of more than four
29 hundred thousand (400,000) **but and less than** seven hundred thousand
30 (700,000).
31 (b) The township executive may purchase, accept by grant, devise,
32 bequest, or other conveyance, or otherwise acquire land for park
33 purposes within the township, either inside or outside the corporate
34 boundaries of a municipality, and may make necessary improvements.
35 (c) If the executive does not purchase, accept, or acquire land within
36 the township for park purposes or make necessary improvements, two
37 hundred (200) resident taxpayers and voters of the township may
38 petition the executive and the legislative body in writing to:
39 (1) purchase, accept, or otherwise acquire the land described in
40 the petition so that a township park may be established under this
41 section; or
42 (2) make the improvements designated in the petition.



1 The petition must be addressed to the executive and legislative body
2 and bear the signatures and addresses of the petitioners in ink,
3 acknowledged before a notary public. After the petition is filed in the
4 office of the executive, the executive shall have notice of the filing
5 published in accordance with IC 5-3-1. The notice must name a date at
6 least sixty (60) days after the date of the last publication on which the
7 executive and legislative body will hear and consider the petition. The
8 notice constitutes notice of the proceedings to all taxpayers within the
9 township, whether resident or nonresident.

10 (d) At the hearing the executive and legislative body shall hear and
11 consider all remonstrances, whether written and signed in ink or from
12 a resident of the township upon the question of whether the land should
13 be purchased, accepted, or acquired by the township and a township
14 park established, maintained, and improved. After the hearing, the
15 executive and legislative body shall approve the petition unless twenty
16 percent (20%) of the resident taxpayers of the township remonstrate in
17 writing by filing their remonstrance on or before the day fixed for the
18 hearing. In that case the executive and legislative body shall dismiss
19 the petition.

20 (e) If land has been acquired for park purposes, the executive shall
21 establish a park. After it is established, the executive shall provide for
22 necessary improvements and construct facilities for the comfort and
23 convenience of the public in the township park. Except as otherwise
24 provided, all expenses incurred shall be paid out of the park and
25 recreation fund of the township.

26 (f) If a park or parkland is acquired by a township under this section
27 and the expense of the acquisition or of the development and
28 improvement of the park is too great to be borne by the park and
29 recreation fund of the township, the legislative body may authorize its
30 chair to issue the bonds of the township to procure money for these
31 purposes. However, the total bonded indebtedness of the township for
32 park purposes may not exceed one million dollars (\$1,000,000). Upon
33 special notice of the chair in writing to each member of the legislative
34 body stating the time, place, and purpose of the meeting, the legislative
35 body may determine whether to issue the bonds of the township to pay
36 the cost of acquiring, developing, or improving the park or parkland.
37 If the legislative body determines that it is of public benefit to issue the
38 bonds of the township, the legislative body, by a special order entered
39 and signed upon the record, may authorize its chair to issue the bonds
40 of the township. The bonds may run for a period not to exceed ten (10)
41 years, may bear interest at any rate, and may be sold for not less than
42 their par value. Before issuing the bonds, the chair shall publish notice



1 of their sale in accordance with IC 5-3-1. The notice must state the
2 amount of bonds offered, the denomination, the period to run, the rate
3 of interest, and the date, place, and hour of sale. The legislative body
4 shall attend the sale and must concur before bonds are sold.

5 (g) The legislative body shall annually levy a sufficient tax to pay
6 at least one-tenth (1/10) of the amount of the bonds, together with the
7 accrued interest, each year, and the legislative body shall apply the
8 annual tax to the payment of the bonds and interest each year. The tax
9 levy is in addition to all other tax levies authorized by statute. A tax
10 levy authorized by this section shall be levied and collected on all
11 property within the boundaries of the township, including
12 municipalities.

13 (h) There is established a special nonreverting operating fund for
14 park purposes to be known as the park and recreation fund.
15 Appropriations may be made from the fund by the township's
16 legislative body for park purposes only. The cost of the maintenance
17 and improvement of the park shall be paid out of the park and
18 recreation fund of the township, and the legislative body shall increase
19 the levy of the fund each year by an amount sufficient to provide the
20 money to maintain the park.

21 (i) Money in the form of fees procured from golf courses, swimming
22 pools, skating rinks, clubhouses, social centers, or other similar
23 facilities requiring major expenditures for maintenance and
24 improvement shall be deposited in the park and recreation fund and
25 shall be appropriated by the township legislative body either in the
26 annual budget or by additional appropriation in the manner as set out
27 in IC 6-1.1-18-5.

28 (j) The executive shall appoint a superintendent of parks. Said
29 appointment shall be made within thirty (30) days of a vacancy in the
30 position of superintendent of parks. If the executive fails to make said
31 appointment within the prescribed period, the legislative body shall
32 have the power to make said appointment. Political affiliation may not
33 be considered in the selection of the superintendent. The
34 superintendent must:

- 35 (1) be qualified by training or experience in the field of parks and
36 recreation; and
37 (2) have a certificate or an advanced degree in the field of parks
38 and recreation.

39 (k) The superintendent must do the following:

- 40 (1) Propose annually to the executive a plan for the operation of
41 the park.
42 (2) Administer the plan as approved by the executive.



- 1 (3) Supervise the general maintenance of the park.
 2 (4) Keep the records of the park and preserve all papers and
 3 documents of the park.
 4 (5) Keep accurate records of park income and expenditures in the
 5 manner prescribed by the state board of accounts.
 6 (6) Appoint and discharge employees of the park without regard
 7 to political affiliation.
 8 (7) Prepare and present to the executive an annual report.
 9 (8) Perform other duties that the executive directs.
- 10 (l) The executive shall execute an employment contract with the
 11 superintendent that must contain the terms and conditions of the
 12 superintendent's employment.
- 13 SECTION 134. IC 36-10-13-8, AS ADDED BY P.L.1-2005,
 14 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2023]: Sec. 8. (a) This section applies to school corporations
 16 in a county:
- 17 (1) containing a consolidated city; or
 18 (2) having a population of more than four hundred thousand
 19 (400,000) ~~but~~ **and** less than seven hundred thousand (700,000).
- 20 (b) Subject to subsection (c), the governing body of a school
 21 corporation may annually appropriate sums to be paid to cultural
 22 institutions that are reasonably commensurate with the educational and
 23 cultural contributions made by the institutions to the school corporation
 24 and the school corporation's students.
- 25 (c) Before a cultural institution may receive payments under this
 26 section, the president and secretary of the cultural institution must file
 27 with the school corporation an affidavit stating that the cultural
 28 institution meets the following requirements:
- 29 (1) The governing board has adopted a resolution that entitles a
 30 representative of the school corporation to attend and speak at all
 31 meetings of the governing body.
 32 (2) The cultural institution:
 33 (A) admits the public to galleries, museums, and facilities at
 34 reasonable times and allows public use of those facilities free
 35 of charge; or
 36 (B) provides alternative services free of charge to the public
 37 instead of admission to those facilities.
- 38 The governing body of the school corporation shall judge whether
 39 the alternative services are conducive to the education or cultural
 40 development of the public.
 41 (3) The cultural institution has a permanent location in the
 42 municipality where the cultural institution conducts the cultural



1 institution's principal educational or cultural purpose.
 2 (4) The cultural institution has no general taxing authority.
 3 The affidavit must be filed at least thirty (30) days before a request for
 4 an appropriation under this section.
 5 (d) A cultural institution that complies with this section may
 6 continue to receive payments under this section as long as the school
 7 corporation appropriates sums for that purpose.
 8 SECTION 135. IC 36-12-7-8, AS AMENDED BY P.L.119-2012,
 9 SECTION 251, IS AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2023]: Sec. 8. (a) As used in this section:
 11 (1) "county fiscal body" means the fiscal body of a county in
 12 which a private donation library is located;
 13 (2) "library board" means a library board established under
 14 IC 20-14 (before its repeal) or this article in a county in which a
 15 private donation library is located; and
 16 (3) "private donation library" means a public library:
 17 (A) established by private donation;
 18 (B) located in a city having a population of more than one
 19 hundred ten thousand (110,000) ~~but~~ **and** less than one hundred
 20 fifty thousand (150,000);
 21 (C) that contains at least twenty-five thousand (25,000)
 22 volumes;
 23 (D) that has real property valued at at least one hundred
 24 thousand dollars (\$100,000); and
 25 (E) that is open and free to the residents of the city.
 26 (b) The library board shall:
 27 (1) levy a tax under IC 6-1.1 in an amount not less than
 28 sixty-seven hundredths of one cent (\$0.0067) and not more than
 29 one and sixty-seven hundredths cents (\$0.0167) on each one
 30 hundred dollars (\$100) of the assessed valuation of all the real
 31 and personal property in the county;
 32 (2) keep the tax levied under subdivision (1) separate from all
 33 other funds of the library board; and
 34 (3) use the tax levied under subdivision (1):
 35 (A) if the membership of the trustees of the private donation
 36 library includes at least one (1) member or appointee of the
 37 library board and at least one (1) appointee of the county fiscal
 38 body, for distributions of the full amounts of the tax received
 39 to the trustees of the private donation library at the time the tax
 40 is received by the library board; or
 41 (B) if the membership of the trustees of the private donation
 42 library does not include at least one (1) member or appointee



- 1 of the library board and at least one (1) appointee of the county
 2 fiscal body, at the discretion of the library board for:
- 3 (i) library board purposes; or
 - 4 (ii) quarterly distributions to the trustees of the private
 5 donation library.
- 6 (c) If requested by the trustees of the private donation library, the
 7 library board shall designate a member of the library board or appoint
 8 an individual to serve as a trustee of the private donation library. If
 9 requested by the trustees of the private donation library, the county
 10 fiscal body shall appoint an individual to serve as a trustee of the
 11 private donation library.
- 12 (d) The trustees of the private donation library shall annually submit
 13 a budget to the library board.
- 14 (e) The trustees of the private donation library shall expend amounts
 15 received under subsection (b)(3)(A) or (b)(3)(B)(ii) for the support,
 16 operation, and maintenance of the private donation library. The trustees
 17 shall:
- 18 (1) keep the money separate from all other funds;
 - 19 (2) record:
 - 20 (A) the amount of money received;
 - 21 (B) to whom and when the money is paid out; and
 - 22 (C) for what purpose the money is used;
 - 23 in a book kept by the trustees; and
 - 24 (3) make an annual report of the matters referred to in subdivision
 25 (2) to the library board.
- 26 (f) For purposes of the property tax levy limits under IC 6-1.1-18.5,
 27 the tax levied by the library board under subsection (b)(1) is not
 28 included in the calculation of the maximum permissible property tax
 29 levy for the public library.
- 30 **SECTION 136. [EFFECTIVE UPON PASSAGE] (a) This act may**
 31 **be referred to as the "technical corrections bill of the 2023 general**
 32 **assembly".**
- 33 **(b) The phrase "technical corrections bill of the 2023 general**
 34 **assembly" may be used in the lead-in line of an act other than this**
 35 **act to identify provisions added, amended, or repealed by this act**
 36 **that are also amended or repealed in the other act.**
- 37 **(c) This SECTION expires December 31, 2023.**
- 38 **SECTION 137. [EFFECTIVE UPON PASSAGE] (a) This**
 39 **SECTION applies if a provision of the Indiana Code is:**
- 40 **(1) added or amended by this act; and**
 - 41 **(2) repealed by another act without recognizing the existence**
 42 **of the amendment made by this act by an appropriate**



- 1 reference in the lead-in line of the SECTION of the other act
2 repealing the same provision of the Indiana Code.
- 3 (b) As used in this SECTION, "other act" refers to an act
4 enacted in the 2023 session of the general assembly other than this
5 act. "Another act" has a corresponding meaning.
- 6 (c) Except as provided in subsections (d) and (e), a provision
7 repealed by another act shall be considered repealed, regardless of
8 whether there is a difference in the effective date of the provision
9 added or amended by this act and the provision repealed by the
10 other act. Except as provided in subsection (d), the lawful
11 compilers of the Indiana Code, in publishing the affected Indiana
12 Code provision, shall publish only the version of the Indiana Code
13 provision that is repealed by the other act. The history line for an
14 Indiana Code provision that is repealed by the other act must
15 reference that act.
- 16 (d) This subsection applies if a provision described in subsection
17 (a) that is added or amended by this act takes effect before the
18 corresponding provision repeal in the other act. The lawful
19 compilers of the Indiana Code, in publishing the provision added
20 or amended in this act, shall publish that version of the provision
21 and note that the provision is effective until the effective date of the
22 corresponding provision repeal in the other act. On and after the
23 effective date of the corresponding provision repeal in the other
24 act, the provision repealed by the other act shall be considered
25 repealed, regardless of whether there is a difference in the effective
26 date of the provision added or amended by this act and the
27 provision repealed by the other act. The lawful compilers of the
28 Indiana Code, in publishing the affected Indiana Code provision,
29 shall publish the version of the Indiana Code provision that is
30 repealed by the other act, and shall note that this version of the
31 provision is effective on the effective date of the repealed provision
32 of the other act.
- 33 (e) If, during the same year, two (2) or more other acts repeal
34 the same Indiana Code provision as the Indiana Code provision
35 added or amended by this act, the lawful compilers of the Indiana
36 Code, in publishing the Indiana Code provision, shall follow the
37 principles set forth in this SECTION.
- 38 (f) This SECTION expires December 31, 2023.
- 39 SECTION 138. An emergency is declared for this act.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1048, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1048 as introduced.)

TORR

Committee Vote: Yeas 10, Nays 0

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred House Bill No. 1048, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to HB 1048 as printed January 19, 2023.)

BROWN L, Chairperson

Committee Vote: Yeas 10, Nays 0

