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

HOUSE ENROLLED ACT No. 1048

AN ACT to amend the Indiana Code concerning general provisions.

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

SECTION 1. IC 3-5-10-7, AS ADDED BY P.L.169-2022, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 7. (a) Subject to section 8 of this chapter, a redistricting authority shall redistrict election districts according to the following schedule:

(1) If the census event is a federal decennial census, the following:

(A) For a county executive or county fiscal body, only during the first year after the federal decennial census is conducted.

(B) For a school corporation, only during the first year after the federal decennial census is conducted.

(C) For a municipality that conducts its municipal elections in an ~~odd numbered~~ **odd-numbered** year, only during the second year after the federal decennial census is conducted.

(D) For a municipality that conducts its municipal elections in:

(i) an ~~even numbered~~ **even-numbered** year; or

~~(i)~~ **(ii)** both an ~~even numbered~~ **even-numbered** year and an ~~odd numbered~~ **odd-numbered** year;

only during the first year after the federal decennial census is conducted.

However, a body described in clauses (A) through (D) that has not completed the redistricting on March 1, 2022, has until December

31, 2022, to redistrict the election districts from the 2020 decennial census.

(2) For a census event other than a federal decennial census, only during the first year after the year the census event becomes effective with respect to the political subdivision, as provided in IC 1-1-3.5-3.

(3) Whenever a county adopts an order declaring a county boundary to be changed under IC 36-2-1-2 that affects the boundaries of the political subdivision.

(4) Whenever required to assign annexed territory to a district, subject to the provisions of IC 36-4-3.

(5) Whenever the boundary of the political subdivision is changed.

(6) As provided in the order of a court that has found the current redistricting plan unconstitutional or otherwise unlawful.

(b) A redistricting authority may not redistrict at a time other than is provided in subsection (a).

SECTION 2. IC 3-6-4.2-14, AS AMENDED BY P.L.131-2022, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 14. (a) Each year in which a general or municipal election is held, the election division shall call a meeting of all the members of the county election boards, the boards of registration (subject to IC 3-7-12), and the boards of elections and registration (as defined in IC 3-5-2-5.3) to instruct them regarding all of the following:

(1) Their duties under this title and federal law (including HAVA and NVRA).

(2) Requirements and best practices concerning cybersecurity for the computerized list, voting systems, and electronic poll books.

(3) Physical security for all aspects of the election process, including voting systems, electronic poll books, absentee voting, and polling places.

(4) Requirements and best practices to ensure that voting systems, precinct polling places, and vote centers are accessible to voters with disabilities.

(5) Best practices in answering voters' questions on how to vote, including providing instructions to voters on straight ticket voting.

(b) The election division may call a meeting under this section:

(1) during a year in which a general or a municipal election is not held; and

(2) at other times when the election division determines that doing so is necessary or desirable.

(c) Each circuit court clerk, each member of a board of registration

established under IC 3-7-12, and each director, assistant director, or co-director of a board of elections and registration shall attend a meeting called by the election division under this section. A member of a county election board may attend a meeting called by the election division under this section. A circuit court clerk, member of a board of registration, or member of a board of elections and registration may require the attendance of the following:

(1) Each of the circuit court clerk's, board of registration member's, or board of elections and registration member's appointed and acting chief deputies or chief assistants with election related responsibilities.

(2) If the number of deputies or assistants:

(A) is not more than three (3), one (1) of the clerk's or member's appointed and acting deputies or assistants; or

(B) is greater than three (3), two (2) of the clerk's or member's appointed and acting deputies or assistants.

(d) The election division shall set the time and place of the instructional meeting. In years in which a primary election is held, the election division:

(1) may conduct the meeting before the first day of the year; and

(2) shall conduct the meeting before primary election day.

The instructional meeting may not last for more than three (3) days.

(e) This subsection applies to a meeting under subsection (c) conducted before January 1, 2022. Each individual required to attend the meeting under subsection (c) and an individual who has been elected or selected to serve as circuit court clerk but has not yet begun serving in that office is entitled to receive all of the following from the county general fund without appropriation:

(1) A per diem of twenty-four dollars ($24) for attending the instructional meeting called by the election division under this section.

(2) A mileage allowance at the state rate for the distance necessarily traveled in going and returning from the place of the instructional meeting called by the election division under this section.

(3) Reimbursement for the payment of the instructional meeting registration fee.

(4) An allowance for lodging for each night preceding conference attendance equal to the lodging allowance provided to state employees in travel status.

Payment of a per diem, mileage allowance, reimbursement, or lodging allowance under this section for a meeting conducted before January

1, 2022, is legalized and validated.

(f) This subsection applies to a meeting under subsection (c) conducted on or after January 1, 2022. Each individual who attends the meeting under subsection (c) and an individual who has been elected or selected to serve ~~a~~ **as** circuit court clerk but has not yet begun serving in that office is entitled to receive all of the following from the county general fund without appropriation:

(1) A sum for mileage at a rate determined by the fiscal body of the unit the official represents for each mile necessarily traveled in going to and returning from the meeting by the most expeditious route. Regardless of the duration of the conference, only one (1) mileage reimbursement shall be allowed to the official furnishing the conveyance even if the official transports more than one (1) person.

(2) An allowance for lodging for each night preceding conference attendance in an amount equal to the single room rate. However, lodging expense, in the case of a one (1) day conference, shall only be allowed for persons who reside fifty (50) miles or farther from the conference location.

(3) Reimbursement of an official, a deputy, or an assistant in an amount determined by the fiscal body of the unit the official, deputy, or assistant represents, for meals purchased while attending a conference called under this section.

(g) This subsection applies to a meeting conducted on or after January 1, 2022. The election division shall certify the number of days of attendance and the mileage for each conference to each official, deputy, or assistant attending any conference under this section.

(h) This subsection applies to a meeting conducted on or after January 1, 2022. All payments of mileage and lodging shall be made by the proper disbursing officer in the manner provided by law on a duly verified claim or voucher to which shall be attached the certificate of the election division showing the number of days attended and the number of miles traveled. All payments shall be made from the county general fund from any money not otherwise appropriated and without any previous appropriation being made therefore.

(i) This subsection applies to a meeting conducted on or after January 1, 2022. A claim for reimbursement under this section may not be denied by the body responsible for the approval of claims if the claim complies with IC 5-11-10-1.6 and this section.

SECTION 3. IC 3-6-5.2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. This chapter applies to a county having a population of more than four hundred thousand

(400,000) ~~but~~ **and** less than seven hundred thousand (700,000).

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

(1) any local office not described in section 5 of this chapter;

(2) precinct committeeman; or

(3) delegate to a state convention;

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

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

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

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

(b) This subsection applies to a county having a population of more than four hundred thousand (400,000) ~~but~~ **and** less than seven hundred thousand (700,000). The names of all candidates for each office who have qualified under IC 3-8, except for a school board office, precinct committeeman, or state convention delegate, shall be arranged in random order by surnames under the designation of the office. The random order shall be determined using a lottery. The lottery held in accordance with this subsection shall be conducted in public by the county election board. The lottery shall be held not later than fifteen (15) days following the last day for a declaration of candidacy under IC 3-8-2-4. All candidates whose names are to be arranged by way of the lottery shall be notified at least five (5) days prior to the lottery of the time and place at which the lottery is to be held. Each candidate may have one (1) designated watcher, and each county political party may have one (1) designated watcher who shall be allowed to observe the lottery procedure.

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

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

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

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

(1) under IC 18-3-1-16(b) (before its repeal on September 1, 1981); or

(2) in 1982 under P.L.13-1982, SECTION 3 (before its expiration on January 1, 1988).

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

(d) The ordinance must provide that:

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

(2) the remainder of the members will be elected for terms of four (4) years beginning at noon January 1 following the election.

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

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

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

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

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

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

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

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

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

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

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

candidates for federal offices.

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

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

(1) The following number of paper ballots:

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

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

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

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

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

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

(b) If a voter with disabilities is unable to sign the absentee ballot application and the voter has not designated an individual to serve as attorney in fact for the voter, the voter may designate an individual eligible to assist the voter under IC 3-11-9-2(a) to sign the application on behalf of the voter and add the individual's name to the application. If an individual applies for an absentee ballot as the properly authorized attorney in fact for a voter, the attorney in fact must attach a copy of the power of attorney to the application and comply with subsection (d).

(c) A person may provide an individual with an application for an absentee ballot with the following information already printed or

otherwise set forth on the application when provided to the individual:

(1) The name of the individual.

(2) The voter registration address of the individual.

(3) The mailing address of the individual.

(4) The date of birth of the individual.

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

(1) The address to which the absentee ballot would be mailed, if different from the voter registration address of the individual.

(2) In a primary election, the major political party ballot requested by the individual.

(3) In a primary or general election, the types of absentee ballots requested by the individual.

(4) The reason why the individual is entitled to vote an absentee ballot:

(A) by mail; or

(B) before an absentee voter board (other than an absentee voter board located in the office of the circuit court clerk or a satellite office);

in accordance with ~~IC 3-11-4-18,~~ **section 18 of this chapter,** IC 3-11-10-24, or IC 3-11-10-25.

(5) The voter identification number of the individual.

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

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

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

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

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

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

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

information on the application:

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

(2) The date this assistance was provided.

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

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

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

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

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

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

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

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

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

(j) This subsection does not apply to an employee of the United States Postal Service or a bonded courier company acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company, or to the election division, a county election board, or a board of elections and registration. A person filing an absentee ballot application, other than the person's own absentee ballot application, must include an affidavit with the application. The affidavit must be signed by the individual who received the completed application from the applicant. The affidavit must be in a form prescribed by the election division. The form must include the following:

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

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

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

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

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

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

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

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

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

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

(1) the political party and independent tickets;

(2) the offices to be filled;

(3) the names of the candidates; and

(4) the public questions;

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

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

(1) received from the election division; and

(2) prepared by the county election board;

to schools, fire stations, county courthouses, and other public buildings in the county.

SECTION 12. IC 3-11-14-8, AS AMENDED BY P.L.194-2013, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2023]: Sec. 8. (a) Each county election board may make available at convenient places throughout the county electronic voting systems for the instruction of the voters. The board shall locate the systems at places where people usually assemble, such as shopping centers. The board shall have the systems attended at convenient hours designated by the board by persons able to instruct others in their use. The county chairmen of the major political parties of the state must approve the persons attending the systems under this section.

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

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

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

(1) The organization:
(A) operates; and
(B) is in existence;
in Indiana.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) The executive director of the department of homeland security appointed under IC 10-19-3-1. The executive director shall serve as the vice chair of the board.

(3) The chief of police of a consolidated city, representing the police department academy of the consolidated city.

(4) One (1) county sheriff from a county with a population of at least one hundred thousand (100,000).

(5) One (1) county sheriff from a county of at least fifty thousand (50,000) ~~but~~ **and** less than one hundred thousand (100,000) population.

(6) One (1) county sheriff from a county of under fifty thousand (50,000) population.

(7) One (1) chief of police from a city of at least thirty-five thousand (35,000) population, who is not the chief of police of a consolidated city.

(8) One (1) chief of police from a city of at least ten thousand (10,000) but under thirty-five thousand (35,000) population.

(9) One (1) chief of police, police officer, or town marshal from a city or town of under ten thousand (10,000) population.

(10) One (1) prosecuting attorney.

(11) One (1) judge of a circuit or superior court exercising criminal jurisdiction.

(12) The chief administrative officer of the Indiana law enforcement academy.

(13) The commander of the northwest Indiana law enforcement academy.

(14) The commander of the southwest Indiana law enforcement academy.

(15) The commander of the Fort Wayne police department academy.

(16) The commander of the Indiana University police department academy.

(17) One (1) member representing professional journalism.

(18) One (1) member representing education.

(19) One (1) member representing a minority owned business or nonprofit organization.

(20) One (1) member representing Indiana elected officials of counties, cities, and towns.

(21) Three (3) members representing the general public.

SECTION 17. IC 5-2-1-9, AS AMENDED BY P.L.178-2022(ts), SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 9. (a) The board shall adopt in accordance with IC 4-22-2 all necessary rules to carry out the provisions of this chapter. The rules, which shall be adopted only after necessary and proper investigation and inquiry by the board, shall include the establishment of the following:

(1) A consistent and uniform statewide deadly force policy and

training program, that is consistent with state and federal law. Upon adoption by the law enforcement training board, the policy and training program must be implemented, without modification, by all Indiana law enforcement agencies, offices, or departments.

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

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

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

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

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

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

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

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

(10) Minimum basic training requirements which law enforcement officers appointed on other than a permanent basis shall complete in order to be eligible for continued employment or permanent appointment.

(11) Minimum basic training requirements which law

enforcement officers appointed on a permanent basis shall complete in order to be eligible for continued employment.

(12) Minimum basic training requirements for each person accepted for training at a law enforcement training school or academy that include six (6) hours of training in interacting with:

(A) persons with autism, mental illness, addictive disorders, intellectual disabilities, and developmental disabilities;

(B) missing endangered adults (as defined in IC 12-7-2-131.3); and

(C) persons with Alzheimer's disease or related senile dementia;

to be provided by persons approved by the secretary of family and social services and the board. The training must include an overview of the crisis intervention teams.

(13) Minimum standards for a course of study on human and sexual trafficking that must be required for each person accepted for training at a law enforcement training school or academy and for inservice training programs for law enforcement officers. The course must cover the following topics:

(A) Examination of the human and sexual trafficking laws (IC 35-42-3.5).

(B) Identification of human and sexual trafficking.

(C) Communicating with traumatized persons.

(D) Therapeutically appropriate investigative techniques.

(E) Collaboration with federal law enforcement officials.

(F) Rights of and protections afforded to victims.

(G) Providing documentation that satisfies the Declaration of Law Enforcement Officer for Victim of Trafficking in Persons (Form I-914, Supplement B) requirements established under federal law.

(H) The availability of community resources to assist human and sexual trafficking victims.

(14) Minimum standards for ongoing specialized, intensive, and integrative training for persons responsible for investigating sexual assault cases involving adult victims. This training must include instruction on:

(A) the neurobiology of trauma;

(B) trauma informed interviewing; and

(C) investigative techniques.

(15) Minimum standards for de-escalation training. De-escalation training shall be taught as a part of existing use-of-force training and not as a separate topic.

(16) Minimum standards regarding best practices for crowd control, protests, and First Amendment activities.

All statewide policies and minimum standards shall be documented in writing and published on the **Indiana law enforcement academy** (ILEA) website. Any policy, standard, or training program implemented, adopted, or promulgated by a vote of the board may only subsequently be modified or rescinded by a two-thirds (2/3) majority vote of the board.

(b) A law enforcement officer appointed after July 5, 1972, and before July 1, 1993, may not enforce the laws or ordinances of the state or any political subdivision unless the officer has, within one (1) year from the date of appointment, successfully completed the minimum basic training requirements established under this chapter by the board. If a person fails to successfully complete the basic training requirements within one (1) year from the date of employment, the officer may not perform any of the duties of a law enforcement officer involving control or direction of members of the public or exercising the power of arrest until the officer has successfully completed the training requirements. This subsection does not apply to any law enforcement officer appointed before July 6, 1972, or after June 30, 1993.

(c) Military leave or other authorized leave of absence from law enforcement duty during the first year of employment after July 6, 1972, shall toll the running of the first year, which shall be calculated by the aggregate of the time before and after the leave, for the purposes of this chapter.

(d) Except as provided in subsections (e), (m), (t), and (u), a law enforcement officer appointed to a law enforcement department or agency after June 30, 1993, may not:

(1) make an arrest;

(2) conduct a search or a seizure of a person or property; or

(3) carry a firearm;

unless the law enforcement officer successfully completes, at a board certified law enforcement academy or at a law enforcement training center under section 10.5 or 15.2 of this chapter, the basic training requirements established by the board under this chapter.

(e) This subsection does not apply to:

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

(2) an:

(A) attorney; or

(B) investigator;

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

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

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

(1) law enforcement officers;

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

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

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

(g) Subject to subsection (h), the board shall adopt rules under IC 4-22-2 to establish a mandatory inservice training program for police officers and police reserve officers (as described in IC 36-8-3-20). After June 30, 1993, a law enforcement officer who has satisfactorily completed basic training and has been appointed to a law enforcement department or agency on either a full-time or part-time basis is not eligible for continued employment unless the officer satisfactorily completes the mandatory inservice training requirements established by rules adopted by the board. Inservice training must include de-escalation training. Inservice training must also include training in interacting with persons with mental illness, addictive disorders, intellectual disabilities, autism, developmental disabilities, and Alzheimer's disease or related senile dementia, to be provided by persons approved by the secretary of family and social services and the board, and training concerning human and sexual trafficking and high

risk missing persons (as defined in IC 5-2-17-1). The board may approve courses offered by other public or private training entities, including postsecondary educational institutions, as necessary in order to ensure the availability of an adequate number of inservice training programs. The board may waive an officer's inservice training requirements if the board determines that the officer's reason for lacking the required amount of inservice training hours is due to either an emergency situation or the unavailability of courses.

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

(1) The board must conduct at least two (2) public meetings on the proposed modification or addition.

(2) After approving the modification or addition at a public meeting, the board must post notice of the modification or addition on the Indiana law enforcement academy's ~~Internet web site~~ **website** at least thirty (30) days before the modification or addition takes effect.

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

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

(1) The program must require fewer hours of instruction and class attendance and fewer courses of study than are required for the mandated basic training program.

(2) Certain parts of the course materials may be studied by a candidate at the candidate's home in order to fulfill requirements of the program.

(3) Law enforcement officers successfully completing the requirements of the program are eligible for appointment only in towns employing the town marshal system (IC 36-5-7) and having not more than one (1) marshal and two (2) deputies.

(4) The limitation imposed by subdivision (3) does not apply to an officer who has successfully completed the mandated basic training program.

(5) The time limitations imposed by subsections (b) and (c) for completing the training are also applicable to the town marshal

basic training program.

(6) The program must require training in interacting with individuals with autism.

(j) The board shall adopt rules under IC 4-22-2 to establish an executive training program. The executive training program must include training in the following areas:

(1) Liability.

(2) Media relations.

(3) Accounting and administration.

(4) Discipline.

(5) Department policy making.

(6) Lawful use of force and de-escalation training.

(7) Department programs.

(8) Emergency vehicle operation.

(9) Cultural diversity.

(k) A police chief shall apply for admission to the executive training program within two (2) months of the date the police chief initially takes office. A police chief must successfully complete the executive training program within six (6) months of the date the police chief initially takes office. However, if space in the executive training program is not available at a time that will allow completion of the executive training program within six (6) months of the date the police chief initially takes office, the police chief must successfully complete the next available executive training program that is offered after the police chief initially takes office.

(l) A police chief who fails to comply with subsection (k) may not continue to serve as the police chief until completion of the executive training program. For the purposes of this subsection and subsection (k), "police chief" refers to:

(1) the police chief of any city;

(2) the police chief of any town having a metropolitan police department; and

(3) the chief of a consolidated law enforcement department established under IC 36-3-1-5.1.

A town marshal is not considered to be a police chief for these purposes, but a town marshal may enroll in the executive training program.

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

(n) The board shall adopt rules under IC 4-22-2 to establish a program to certify handgun safety courses, including courses offered

in the private sector, that meet standards approved by the board for training probation officers in handgun safety as required by IC 11-13-1-3.5(2).

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

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

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

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

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

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

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

(1) arrest;

(2) search; and

(3) seizure.

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

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

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

(A) completing the pre-basic course; or

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

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

(r) This subsection applies to an individual who, at the time the individual completes a board certified or recognized basic training course, has not been appointed as a law enforcement officer by an Indiana law enforcement department or agency. If the individual is not employed as a law enforcement officer for at least two (2) years after completing the basic training course, the individual must successfully retake and complete the basic training course as set forth in subsection (d).

(s) The board shall adopt rules under IC 4-22-2 to establish a

refresher course for an individual who:

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(B) each position held by the members of the police department or town marshal system in the next rank and pay grade immediately below the police chief or town marshal.~~

~~(3) If the authorized size of the department or town marshal system is more than fifty (50) members, the term refers to:~~

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

~~(B) each position held by the members of the police department or town marshal system in the next two (2) ranks and pay grades immediately below the police chief or town marshal.~~

~~(w)~~ **(v)** This subsection applies only to a correctional police officer employed by the department of correction. A correctional police officer may exercise the police powers described in subsection (d) if:

(1) the officer successfully completes the pre-basic course described in subsection (f); and

(2) the officer successfully completes any other training courses established by the department of correction in conjunction with the board.

~~(x)~~ **(w)** This subsection applies only to the sexual assault training described in subsection (a)(14). The board shall:

(1) consult with experts on the neurobiology of trauma, trauma informed interviewing, and investigative techniques in developing the sexual assault training; and

(2) develop the sexual assault training and begin offering the training not later than July 1, 2022.

~~(y)~~ **(x)** After July 1, 2023, a law enforcement officer who regularly investigates sexual assaults involving adult victims must complete the training requirements described in subsection (a)(14) within one (1) year of being assigned to regularly investigate sexual assaults involving adult victims.

~~(z)~~ **(y)** A law enforcement officer who regularly investigates sexual assaults involving adult victims may complete the training requirements described in subsection (a)(14) by attending a:

(1) statewide or national training; or

(2) department hosted local training.

~~(aa)~~ **(z)** Notwithstanding any other provisions of this section, the board is authorized to establish certain required standards of training and procedure.

SECTION 18. IC 5-2-21.2-2, AS ADDED BY P.L.115-2015, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 2. As used in this chapter, "crisis intervention team training" means free training that crisis intervention teams provide for law enforcement officers regarding:

(1) signs and symptoms of mental health crisis;

(2) mental health treatment options in the local community; and

(3) ~~deescalation~~ **de-escalation** and crisis intervention techniques to facilitate interaction and referrals to treatment.

SECTION 19. IC 5-10.2-2-2.5, AS AMENDED BY P.L.35-2012,

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

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

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

(1) an internal control officer; and

(2) an internal control department;

established by the legislative body of the audited entity. However, the requirements of this section do not apply to a consolidated city that hires an internal auditor or an independent certified public accountant, or both, as authorized under IC 36-3-4-24 to examine the books and records of the consolidated city.

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

(1) opt out of examinations by the state board of accounts; and

(2) engage a certified public accountant to conduct the examinations.

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

(c) The state board of accounts shall, not more than sixty (60) days after receiving a written request under subsection (b):

(1) acknowledge receipt of the request; and

(2) notify the requesting audited entity that the request is:

(A) approved; or

(B) disapproved.

(d) The state board of accounts shall approve a request under subsection (b) by an audited entity if the state examiner determines that:

(1) the audited entity filed the written request under subsection (b) with the state board of accounts more than one hundred eighty (180) days before the beginning of the audited entity's fiscal year;

(2) the audited entity selects the certified public accountant in accordance with the selection procedure under this section;

(3) the certified public accountant selected by the audited entity is:

(A) licensed in Indiana; and

(B) qualified to conduct examinations in accordance with the government auditing standards adopted by the state board of accounts;

(4) the certified public accountant's examination shall:

(A) be conducted in accordance with the guidelines established by the state board of accounts; and

(B) make findings regarding the audited entity's compliance with the uniform compliance guidelines established by the state board of accounts;

(5) the certified public accountant's examination is paid for by the audited entity; and

(6) the certified public accountant's examination of the audited entity includes:

(A) all associated component units;

(B) audits required or necessary for federal financial assistance;

(C) findings of noncompliance with state law and uniform compliance guidelines as required by IC 5-11-5-1; and

(D) a separate report in accordance with the guidelines established by the state board of accounts for any items of noncompliance identified.

(e) The audited entity must use the following selection procedures:

(1) The legislative body of the audited entity shall establish an audit committee to facilitate the selection of a certified public accountant. The audit committee shall be composed of the following three (3) members:

(A) One (1) member of the legislative body appointed by the legislative body.

(B) One (1) certified public accountant appointed by the legislative body who is not the fiscal officer or an employee of the audited entity.

(C) One (1) person appointed by the executive of the audited entity who is qualified due to an involvement with financial matters, and who is not the fiscal officer or an employee of the audited entity.

Each member shall be appointed for a three (3) year term and shall serve without compensation. However, a member appointed under ~~subdivision (1)(A)~~ **clause (A)** who ceases to hold the office of legislative body member ceases to be a member of the audit committee. A member may not have a contractual relationship, financial interest, or political affiliation with the certified public accountant selected.

(2) The audit committee established under subdivision (1) shall do the following:

(A) Establish factors to evaluate the audit services provided by a certified public accountant, including:

(i) experience;

(ii) ability to perform the required services;

(iii) capability to follow the guidelines and standards adopted by the state board of accounts;

(iv) ability to timely complete all necessary components of the examination; and

(v) any other factors considered necessary by the audit committee.

(B) Publish notice of a request for proposals under IC 5-3-1 that includes:

(i) a brief description of the audit requirements;

(ii) a time frame;

(iii) application procedures;

(iv) evaluation criteria; and

(v) any other items considered necessary by the audit committee.

(C) Evaluate the proposals submitted by qualified certified public accountants. If compensation is a factor established under clause (A), it may not be the sole factor used to evaluate proposals.

(D) Rank and recommend in order of preference not fewer than three (3) certified public accountants considered most highly qualified on the factors established under clause (A). If fewer than three (3) certified public accountants respond to the request for proposals, the audit committee shall recommend the remaining qualified certified public accountants in order of preference.

(3) The legislative body of the audited entity shall select a qualified certified public accountant from the list recommended by the audit committee and shall negotiate a contract with the certified public accountant using one (1) of the following methods:

(A) If compensation is a factor established under subdivision (2)(A), the legislative body shall:

(i) select; or

(ii) document the reason for not selecting;

the highest ranked certified public accountant.

(B) If compensation is not a factor established under subdivision (2)(A), the legislative body shall negotiate a contract with the highest ranked qualified certified public accountant. If unable to negotiate a satisfactory contract with the highest ranked qualified certified public accountant, the legislative body shall:

(i) formally terminate negotiations; and

(ii) negotiate with the second highest ranked certified public accountant.

Negotiations with the other ranked certified public accountants shall be undertaken in the same manner. The legislative body may reopen formal negotiations with any of the top three (3) ranked certified public accountants but may not negotiate with more than one (1) certified public accountant at a time.

(C) The legislative body may select a certified public accountant recommended by the audit committee and negotiate a contract using an appropriate alternative negotiation method for which compensation is not the sole or predominant factor.

(D) In negotiations with a certified public accountant, the legislative body may allow a designee, who is not the fiscal officer of the audited entity, to conduct negotiations on its behalf.

(4) If the legislative body is unable to negotiate a satisfactory contract with any of the recommended certified public accountants, the audit committee shall recommend additional certified public accountants, and negotiations shall continue in accordance with this section until an agreement is reached.

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

written contract shall include the following provisions:

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

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

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

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

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

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

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

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

(i) immediately; and

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

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

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

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

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

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

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

(f) The certified public accountant must deliver the completed examination report to the state board of accounts not later than thirty (30) days after completion of the examination. The state board of accounts shall review the examination report and may:

(1) ask questions of the certified public accountant;

(2) review the examination work papers; and

(3) take any other actions necessary to verify that the guidelines and standards adopted by the state board of accounts have been satisfied.

(g) If the certified public accountant's examination:

(1) satisfies the guidelines and standards adopted by the state board of accounts, the state examiner shall publicly file the examination report under IC 5-11-5-1; or

(2) fails to satisfy the guidelines and standards adopted by the state board of accounts:

(A) the state board of accounts shall perform the audit; and

(B) the audited entity shall reimburse the state board of accounts for the actual and direct cost of performing the examination.

(h) An audited entity that engages a certified public accountant under this section shall reimburse the state board of accounts for all direct and indirect costs incurred by the state board of accounts for any technical assistance and support requested by the audited entity.

(i) An audited entity may terminate the use of a certified public accountant engaged under this section if:

(1) the termination is approved by resolution adopted by the legislative body of the audited entity; and

(2) written notice of the termination is provided to the state board of accounts more than one hundred eighty (180) days before the beginning of the audited entity's fiscal year.

(j) Conducting an examination of an audited entity by a certified public accountant does not prohibit the state board of accounts from conducting a compliance review of the audited entity or an examination under section 9.5 of this chapter on the schedule determined by the state board of accounts.

SECTION 21. IC 5-13-9.3-4, AS AMENDED BY P.L.157-2022, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4. (a) Except as provided in subsection (d), if the fiscal body of a political subdivision adopts an ordinance or a resolution under section 3 of this chapter for a particular capital asset, the fiscal officer of the political subdivision shall establish a separate fund into which some or all of the proceeds from the sale of the capital asset shall be deposited. All interest and other income earned on investments of money in the fund shall be deposited in the fund. The ordinance or resolution under section 3 of this chapter must require that the investing officer of the political subdivision shall contract with a

registered investment advisor concerning the investment of the proceeds in the fund with the expanded investment authority granted to the political subdivision under this section.

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

(1) must be a fee-for-service agreement; and

(2) may not provide that the compensation of the investment management professionals or investment advisors is determined in whole or in part by the amount or percentage of the investment income earned on money in the fund.

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

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

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

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

(1) The board of school trustees of a school corporation that is located in a city having a population of more than one hundred thousand (100,000) ~~but~~ **and** less than one hundred ten thousand (110,000), not later than:

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

(B) November 1 if a resolution adopted under section 5.6(d) of

this chapter is in effect.

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

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

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

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

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

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

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

(e) In a consolidated city and county and in a second class city, the clerk of the fiscal body shall, notwithstanding subsection (d), file the adopted budget and tax ordinances with the department of local government finance within five (5) business days after the ordinances are signed by the executive, or within five (5) business days after action is taken by the fiscal body to override a veto of the ordinances, whichever is later.

(f) If a fiscal body does not fix the budget, tax rate, and tax levy of

the political subdivisions for the ensuing budget year as required under this section, the most recent annual appropriations and annual tax levy are continued for the ensuing budget year.

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

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

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

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

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

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

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

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

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

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

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

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

(C) The sales of the services or commodities are separately metered for use by the relocated or expanded operations.

(D) In the case of a business that uses the services or commodities in a qualified military base enhancement area

established under IC 36-7-34-4(1), the business must satisfy at least one (1) of the following criteria:

(i) The business is a participant in the technology transfer program conducted by the qualified military base (as defined in IC 36-7-34-3).

(ii) The business is a United States Department of Defense contractor.

(iii) The business and the qualified military base have a mutually beneficial relationship evidenced by a memorandum of understanding between the business and the United States Department of Defense.

(E) In the case of a business that uses the services and commodities in a qualified military base enhancement area established under IC 36-7-34-4(2), the business must satisfy at least one (1) of the following criteria:

(i) The business is a participant in the technology transfer program conducted by the qualified military base (as defined in IC 36-7-34-3).

(ii) The business and the qualified miliary base have a mutually beneficial relationship evidenced by a memorandum of understanding between the business and the qualified military base (as defined in IC 36-7-34-3).

~~However, this subdivision does not apply to a business that substantially reduces or ceases its operations at another location in Indiana in order to relocate its operations in an area described in this subdivision, unless the department determines that the business had existing operations in the area described in this subdivision and that the operations relocated to the area are an expansion of the business's operations in the area.~~

However, this subdivision does not apply to a business that substantially reduces or ceases its operations at another location in Indiana in order to relocate its operations in an area described in this subdivision, unless the department determines that the business had existing operations in the area described in this subdivision and that the operations relocated to the area are an expansion of the business's operations in the area.

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

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

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

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

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

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

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

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

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

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

(1) to pay for qualified disability expenses, excluding any withdrawals or distributions used to pay for qualified disability expenses, if the withdrawals or distributions are made from an Indiana ABLE 529A savings plan that is terminated within twelve (12) months after the ABLE account is opened;

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

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

A qualified withdrawal does not include a rollover distribution or transfer of assets from an Indiana ABLE 529A savings plan to any other qualified ABLE program under Section 529A of the Internal Revenue Code, or to any qualified tuition program under Section 529 of the Internal Revenue Code other than a college choice 529 ~~saving~~ **education savings** plan established under IC 21-9, or to any other similar plan.

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

(1) an individual filing a single return;

(2) a married couple filing a joint return; or

(3) a married individual filing a separate return.

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

(1) Twenty percent (20%) of the amount of the total contributions made by the taxpayer to an ABLE account or accounts of an Indiana ABLE 529A savings plan during the taxable year.

(2) Five hundred dollars ($500).

(3) The amount of the taxpayer's adjusted gross income tax imposed by IC 6-3-1 through IC 6-3-7 for the taxable year, reduced by the sum of all credits (as determined without regard to this section) allowed by IC 6-3-1 through IC 6-3-7.

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

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

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

(m) An owner of an ABLE account of an Indiana ABLE 529A savings plan must repay all or a part of the credit in a taxable year in which any nonqualified withdrawal is made from the ABLE account. The amount the taxpayer must repay is equal to the lesser of:

(1) twenty percent (20%) of the total amount of nonqualified withdrawals made during the taxable year from the ABLE account; or

(2) the excess of:

(A) the cumulative amount of all credits provided by this section that are claimed by any taxpayer with respect to the taxpayer's contributions to the ABLE account for all prior taxable years; over

(B) the cumulative amount of repayments paid by the owner of the ABLE account under this subsection for all prior taxable years.

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

made.

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

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

(1) nonqualified withdrawals made from ABLE accounts for the taxable year; or

(2) ABLE account closings for the taxable year.

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

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

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

(A) the individual:

(i) owns; or

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

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

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

(c) In the case of a married individual filing a separate return, the income amount in subsection (a) shall be fifty percent (50%) of the amount listed in that subsection.

SECTION 27. IC 6-9-2-1, AS AMENDED BY P.L.175-2018, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. (a) A county having a population of more than

four hundred thousand (400,000) ~~but~~ **and** less than seven hundred thousand (700,000) that establishes a medical center development agency pursuant to IC 16-23.5-2 may levy each year a tax on every person engaged in the business of renting or furnishing, for periods of less than thirty (30) days by the same party in the same room, any room or rooms, lodgings, or accommodations, in any hotel, motel, inn, tourist camp, tourist cabin, or any other place in which rooms, lodgings, or accommodations are regularly furnished for a consideration.

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

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

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

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

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

than fifty thousand (50,000).

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

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

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

(A) the Indiana basketball hall of fame;

(B) the Wilbur Wright birthplace memorial; and

(C) a historic gymnasium.

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

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

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

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

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

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

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

(1) dead;

(2) legally adjudged to be mentally incapacitated; or

(3) at least seventy-five (75) years of age and has held an interest in the wholesaler's permit for at least ten (10) years;

the commission may allow the transfer of the wholesaler permit only

to an immediate relative of the wholesaler permittee who concurrently holds a majority share in a valid wholesaler permit. In the case of a permit transfer from a wholesaler permittee under ~~subsection (b)(3),~~ **subdivision (3),** the immediate relative to whom the permit is transferred must concurrently hold a majority share in a valid wholesaler permit and must have held an interest in the wholesaler permit for at least ten (10) years.

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

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

(1) the person meets all requirements for a temporary beer permit under this chapter; and

(2) the mayor of the city in which the beer will be sold approves the issuance of the temporary beer permit.

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

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

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

(1) is located in a city having a population of more than one hundred fifty thousand (150,000) ~~but~~ **and** less than five hundred thousand (500,000); and

(2) has been listed in the National Register of Historic Places maintained under the National Historic Preservation Act of 1966, as amended. A permit issued under this subsection may not be transferred.

(b) A permit issued under this section is subject to the quota requirements of IC 7.1-3-22-3.

SECTION 32. IC 7.1-3-22-4, AS AMENDED BY P.L.94-2008, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2023]: Sec. 4. (a) The commission may grant:

(1) in an incorporated city or town that has a population of less than fifteen thousand one (15,001):

(A) one (1) beer dealer's permit for each two thousand (2,000) persons, or a fraction thereof; or

(B) two (2) beer dealer's permits;

whichever is greater, within the incorporated city or town;

(2) in an incorporated city or town that has a population of more than fifteen thousand (15,000) ~~but~~ **and** less than eighty thousand (80,000):

(A) one (1) beer dealer's permit for each three thousand five hundred (3,500) persons, or a fraction thereof; or

(B) eight (8) beer dealer's permits;

whichever is greater, within the incorporated city or town; and

(3) in an incorporated city or town that has a population of at least eighty thousand (80,000):

(A) one (1) beer dealer's permit for each six thousand (6,000) persons, or a fraction thereof; or

(B) twenty-three (23) beer dealer's permits;

whichever is greater, within the incorporated city or town.

(b) The commission may grant:

(1) in an incorporated city or town that has a population of less than fifteen thousand one (15,001):

(A) one (1) liquor dealer's permit for each two thousand (2,000) persons, or a fraction thereof; or

(B) two (2) liquor dealer's permit;

whichever is greater, within the incorporated city or town;

(2) in an incorporated city or town that has a population of more than fifteen thousand (15,000) ~~but~~ **and** less than eighty thousand (80,000):

(A) one (1) liquor dealer's permit for each three thousand five hundred (3,500) persons, or a fraction thereof; or

(B) eight (8) liquor dealer's permits;

whichever is greater, within the incorporated city or town; and

(3) in an incorporated city or town that has a population of at least eighty thousand (80,000):

(A) one (1) liquor dealer's permit for each six thousand (6,000) persons, or a fraction thereof; or

(B) twenty-three (23) liquor dealer's permits;

whichever is greater, within the incorporated city or town.

(c) The commission may grant in an area in the county outside an incorporated city or town:

(1) one (1) beer dealer's permit for each two thousand five hundred (2,500) persons, or a fraction thereof, or two (2) beer dealer's permits, whichever is greater; and

(2) one (1) liquor dealer's permits for each two thousand five hundred (2,500) persons, or a fraction thereof, or two (2) liquor dealer's permits, whichever is greater;

within the area in a county outside an incorporated city or town.

(d) Notwithstanding subsections (a), (b), and (c), the commission may renew or transfer a beer dealer's or liquor dealer's permit for a beer dealer or liquor dealer that:

(1) held a permit before July 1, 2008; and

(2) does not qualify for a permit under the quota restrictions set forth in subsection (a), (b), or (c).

(e) Notwithstanding subsection (a) or (c), the commission may grant not more than two (2) new beer dealer's permits or five percent (5%) of the total beer dealer permits established under the quota restrictions set forth in subsection (a) or (c), whichever is greater, for each of the following:

(1) An incorporated city or town that does not qualify for any new beer dealer's permits under the quota restrictions set forth in subsection (a).

(2) An area in a county outside an incorporated city or town that does not qualify for any new beer dealer's permits under the quota restrictions set forth in subsection (c).

(f) Notwithstanding subsection (b) or (c), the commission may grant not more than two (2) new liquor dealer's permits or five percent (5%) of the total liquor dealer permits established under the quota restrictions set forth in subsection (b) or (c), whichever is greater, for each of the following:

(1) An incorporated city or town that does not qualify for any new liquor dealer's permits under the quota restrictions set forth in subsection (b).

(2) An area in a county outside an incorporated city or town that does not qualify for any new liquor dealer's permits under the quota restrictions set forth in subsection (c).

SECTION 33. IC 7.1-3-30-6, AS ADDED BY P.L.121-2022, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 6. A hospitality permit issued under this chapter is subject to the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(12) An excise officer, or commissioner for good cause, has the authority to revoke a hospitality permit at any time before or during the event.

SECTION 34. IC 8-1-2-84 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 84. (a) With the consent and approval of the commission and with the authority of their

stockholders as provided in this chapter, but not otherwise, any two (2) or more public utilities furnishing a like service or product and doing business in the same municipality or locality within Indiana, or any two (2) or more public utilities whose lines intersect or parallel each other within Indiana, may be merged and may enter into contracts with each other which will enable such public utilities to operate their plants or lines in connection with each other. Before any merger shall become effective there shall be filed with the commission proof that the voting stockholders have authorized or consented to such merger. If the law under which the company is incorporated or reorganized so provides, then the authorization and consent of the holders of the majority of the voting stock shall be shown. In all other cases the consent of the holders of three-fourths (3/4) of the outstanding voting stock of the company shall be shown. Such authority and consent may be shown by filing with the commission a certified copy of the minutes of a stockholders' meeting or by filing with the commission a written consent of such holders or both. In case of such merger, union, or consolidation, dissenting stockholders shall apply to the commission within sixty (60) days after approval by the commission to have the value of their stock assessed and determined. Stockholders not so applying shall be held to have assented. Upon the determination of the value of the stock of such dissenting stockholder, the corporation in which they are stockholders may within sixty (60) days pay the dissenting stockholders for their stock the appraised value thereof, or may elect to abandon the merger, union, or consolidation by filing with the commission notice of such election.

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

(c) Any such public utility may purchase or lease the used and useful property, plant, or business, or any part thereof, of any other such public utility at a price and on terms approved by the commission. Whenever, in the case of any such purchase, the amount to be paid by the purchaser for the property, plant, or business to be purchased shall be an amount in excess of five percent (5%) of the book cost to the purchaser of all the properties, plants, and business owned by it at the time application is made to the commission for approval of such purchase, or whenever, in the case of any such lease, the book cost to

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

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

(e) Any such public utility may sell or lease its used or useful property, plant, or business, or any part thereof, to any other such public utility at a price and on terms approved by the commission. Whenever in the case of any such sale or lease the book cost to the seller or lessor of such property, plant, or business to be sold or leased shall be an amount in excess of five percent (5%) of the book cost to such seller or lessor of all the properties, plants, and business owned by it at the time application is made to the commission for approval of such sale or lease, there shall be obtained from the holders of three-fourths (3/4) of the voting stock of such seller or lessor their consent, authority, and approval to such sale or lease. Whenever in the case of any such sale or lease the book cost to the seller or lessor of such property, plant, or business to be sold or leased shall be an amount in excess of twenty percent (20%) of the book cost to such seller or lessor of all the properties, plants, and business owned by it at the time application is made to the commission for approval of such sale or lease, dissenting stockholders of such seller or lessor shall, if the sale or lease is consummated, be paid for their stock the appraised value thereof as determined by the commission. Dissenting stockholders in such a case shall, within sixty (60) days after publication of notice of the approval by the commission of such sale or lease, apply to the commission to have the value of their stock assessed and determined. Stockholders not so applying shall be held to have assented. Such publication of notice shall be given by the seller or lessor to its stockholders by publishing such notice once each week for three (3) successive weeks in a newspaper of general circulation printed in the English language and published in Marion County, Indiana. Upon determination of the value of the stock of such dissenting stockholders

such seller or lessor may within sixty (60) days either pay the dissenting stockholders for their stock the appraised value thereof or elect to abandon the sale or lease by filing with the commission notice of its election to abandon.

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

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

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

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

(1) has a rated electric generating capacity of not more than three hundred fifty (350) megawatts;

(2) is capable of being constructed and operated, either:

(A) alone; or

(B) in combination with one (1) or more similar reactors if additional reactors are, or become, necessary;

at a single site; and

(3) is required to be licensed by the United States Nuclear Regulatory Commission.

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

(b) Not later than July 1, 2023, the commission, in consultation with the department of environmental management, shall adopt rules under ~~IC 4-2-22~~ **IC 4-22-2** concerning the granting of certificates under this chapter for the construction, purchase, or lease of small modular nuclear reactors:

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

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

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

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

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

(i) are located in Indiana; and

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

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

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

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

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

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

(A) the United States Nuclear Regulatory Commission;

(B) the department of environmental management; or

(C) any other relevant state or federal regulatory agency with jurisdiction over the construction or operation of nuclear generating facilities.

(4) That any:

(A) reports;

(B) notices of violations; or

(C) other notifications;

sent to or from the United States Nuclear Regulatory Commission by or to the owner or operator of a proposed small nuclear reactor must be submitted by the owner or operator to the commission within such times as prescribed by the commission, subject to the commission's duty to treat as confidential and protect from public access and disclosure any information that is contained in a report or notice and that is considered confidential or exempt from public access and disclosure under state or federal law.

(5) That any person that owns or operates a small modular nuclear reactor in Indiana may not store:

(A) spent nuclear fuel (as defined in IC 13-11-2-216); or

(B) high level radioactive waste (as defined in IC 13-11-2-102);

from the small modular nuclear reactor on the site of the small modular nuclear reactor without first meeting all applicable requirements of the United States Nuclear Regulatory Commission.

(d) In adopting the rules required by this section, the commission may adopt emergency rules in the manner provided by IC 4-22-2-37.1. Notwithstanding IC 4-22-2-37.1(g), an emergency rule adopted by the commission under this subsection and in the manner provided by IC 4-22-2-37.1 expires on the date on which a rule that supersedes the emergency rule is adopted by the commission under IC 4-22-2-24 through IC 4-22-2-36.

(e) This section shall not be construed to affect the authority of the United States Nuclear Regulatory Commission.

SECTION 36. IC 8-1-8.8-8.5, AS AMENDED BY P.L.155-2022, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 8.5. (a) As used in this chapter, "nuclear energy production or generating facility" means: ~~either of the following:~~

(1) an energy production or generation facility that:

(A) uses a nuclear reactor as its heat source to provide steam to a turbine generator to produce or generate electricity;

(B) supplies electricity to Indiana retail customers on July 1, 2011;

(C) is dedicated primarily to serving Indiana customers; and

(D) is undergoing a comprehensive life cycle management project to enhance the safe and reliable operation of the facility during the period the facility is licensed to operate by the United States Nuclear Regulatory Commission; or

(2) a small modular nuclear reactor that is constructed after June 30, 2023:

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

(B) at the site of a nuclear energy production or generating facility that supplies electricity to Indiana retail customers on July 1, 2011;

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

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

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

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

SECTION 38. IC 8-16-3.1-1, AS AMENDED BY P.L.119-2012, SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. (a) As used in this chapter, "eligible county" means a county that has:

(1) a population of more than one hundred thousand (100,000) ~~but~~ **and** less than seven hundred thousand (700,000); and

(2) a major obstruction between commercial or population centers which is capable of causing an economic hardship because of excess travel required to conduct a normal level of commerce between the two (2) centers.

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

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

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

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

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

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

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

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

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

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

(2) A trailer drawn behind a semitrailer.

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

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

(c) A fee described in subsection (b) that is collected for a registration issued through an Indiana based International Registration Plan account shall be distributed as set forth in section 10.5 of this chapter.

(d) The fee described in subsection (b) that is not required to be distributed under subsection (c) shall be distributed as follows:

(1) Twenty-five cents ($0.25) to the state construction fund.

(2) Fifty cents ($0.50) to the state motor vehicle technology fund.

(3) Two dollars and ninety cents ($2.90) to the highway, road and street fund.

(4) Twelve dollars ($12) to the crossroads 2000 fund.

(5) One dollar and twenty-five cents ($1.25) to the integrated public safety communications fund.

(6) Three dollars and ten cents ($3.10) to the commission fund.

(7) Any remaining amount to the motor vehicle highway account.

(e) A permanent registration under subsection (b) must be renewed on an annual basis to pay all applicable excise taxes. There is no fee to renew a permanent registration under subsection (b).

(f) A permanent registration under subsection (b) may be transferred under IC 9-18.1-11.

~~(g) A semitrailer that is registered under IC 9-18-10-2(a)(2) (before its expiration) remains valid until its expiration and is not subject to renewal under subsection (e). This subsection expires July 1, 2020.~~

SECTION 40. IC 12-7-2-69, AS AMENDED BY P.L.74-2022, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 69. (a) "Division", except as provided in subsections (b), ~~and~~ (c), **and (d),** refers to any of the following:

(1) The division of disability and rehabilitative services established by IC 12-9-1-1.

(2) The division of aging established by IC 12-9.1-1-1.

(3) The division of family resources established by IC 12-13-1-1.

(4) The division of mental health and addiction established by IC 12-21-1-1.

(b) The term refers to the following:

(1) For purposes of the following statutes, the division of disability and rehabilitative services established by IC 12-9-1-1:

(A) IC 12-9.

(B) IC 12-11.

(C) IC 12-12.

(D) IC 12-12.7.

(E) IC 12-28-5.

(2) For purposes of the following statutes, the division of aging established by IC 12-9.1-1-1:

(A) IC 12-9.1.

(B) IC 12-10.

(C) IC 12-10.5.

(3) For purposes of the following statutes, the division of family resources established by IC 12-13-1-1:

(A) IC 12-8-12.

~~(A)~~ **(B)** IC 12-13.
~~(B)~~ **(C)** IC 12-14.
~~(C)~~ **(D)** IC 12-15.
~~(D)~~ **(E)** IC 12-16.
~~(E)~~ **(F)** IC 12-17.2.
~~(F)~~ **(G)** IC 12-18.
~~(G)~~ **(H)** IC 12-19.
~~(H)~~ **(I)** IC 12-20.

(4) For purposes of the following statutes, the division of mental health and addiction established by IC 12-21-1-1:

(A) IC 12-21.
(B) IC 12-22.
(C) IC 12-23.
(D) IC 12-25.

(c) With respect to a particular state institution, the term refers to the division whose director has administrative control of and responsibility for the state institution.

(d) For purposes of IC 12-24, IC 12-26, and IC 12-27, the term refers to the division whose director has administrative control of and responsibility for the appropriate state institution.

SECTION 41. IC 12-15-2-0.5, AS AMENDED BY P.L.160-2012, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 0.5. (a) This section applies to a person who qualifies for assistance:

(1) under sections 13 through 16 of this chapter;

(2) under section 6 of this chapter **(before its expiration)** when the person becomes ineligible for medical assistance under IC 12-14-2-5.1 or IC 12-14-2-5.3; or

(3) as an individual with a disability if the person is less than eighteen (18) years of age and otherwise qualifies for assistance.

(b) Notwithstanding any other law, the following may not be construed to limit health care assistance to a person described in subsection (a):

(1) IC 12-8-1.5-12.
(2) IC 12-14-1-1.
(3) IC 12-14-1-1.5.
(4) IC 12-14-2-5.1.
(5) IC 12-14-2-5.2.
(6) IC 12-14-2-5.3.
(7) IC 12-14-2-17.
(8) IC 12-14-2-18.
(9) IC 12-14-2-20.

(10) IC 12-14-2-21.
(11) IC 12-14-2-24.
(12) IC 12-14-2-25.
(13) IC 12-14-2-26.
(14) IC 12-14-2.5.
(15) IC 12-14-5.5.
(16) Section 21 of this chapter.

SECTION 42. IC 12-15-11.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. As used in this chapter, "hospital" refers to an acute care hospital provider that:

(1) is licensed under IC 16-21;
(2) qualifies as a disproportionate share hospital under IC 12-15-16; and
(3) is the sole disproportionate share hospital in a city located in a county having a population of more than four hundred thousand (400,000) ~~but~~ **and** less than seven hundred thousand (700,000).

SECTION 43. IC 12-21-8-3, AS ADDED BY P.L.207-2021, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 3. As used in this chapter, "mobile crisis team" means behavioral health professionals and peers that provide professional onsite community based intervention, including ~~deescalation,~~ **de-escalation,** stabilization, and treatment for individuals who are experiencing a behavioral health crisis.

SECTION 44. IC 12-21-8-10, AS AMENDED BY P.L.74-2022, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 10. (a) The division shall coordinate:

(1) available onsite response services of crisis calls using state and locally funded mobile crisis teams; and
(2) crisis receiving and stabilization services resulting from a 9-8-8 call.

(b) The mobile crisis teams must include:

(1) a peer certified by the division; and
(2) at least one (1) of the following:
(A) A behavioral health professional licensed under IC 25-23.6.
(B) An other behavioral health professional (OBHP), as defined in 440 IAC 11-1-12.
(C) Emergency medical services personnel licensed under IC 16-31.
(D) Law enforcement based coresponder behavioral health teams.

(c) Crisis response services provided by a mobile crisis team must

be provided under the supervision of:

(1) a behavioral health professional licensed under IC 25-23.6;

(2) a licensed physician; or

(3) ~~a licensed advance~~ **an advanced** practice **registered** nurse ~~or clinical nurse specialist.~~ **(as defined in IC 12-7-2-3.1).**

The supervision required under this subsection may be performed remotely.

SECTION 45. IC 12-30-4-11, AS AMENDED BY P.L.73-2005, SECTION 163, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 11. (a) Each township trustee as the administrator of township assistance shall pay to the county the amount fixed for each individual admitted into the county home or other charitable institution from the township, except those otherwise able to pay the cost of their care from their own resources or from other assistance awards. Except as provided in subsection (b), the amount that may be charged to the township may not exceed one hundred dollars ($100) per month per individual.

(b) This subsection applies to a county having a population of more than four hundred thousand (400,000) ~~but~~ **and** less than seven hundred thousand (700,000). The amount charged the township per individual may not exceed forty-eight dollars ($48) per month or twelve dollars ($12) per week.

(c) Each township shall levy a tax sufficient to meet those expenses.

(d) Payment and settlement shall be made in July and December of each year for the preceding year.

SECTION 46. IC 13-19-3-3.2, AS ADDED BY P.L.100-2021, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 3.2. (a) The CCR program fund is established for the purpose of paying costs incurred by the department in operating the state permit program established under section 3 of this chapter, including:

(1) the personnel costs incurred in employing staff needed to perform the duties associated with the state permit program; and

(2) the cost of conducting the funding reviews required by section ~~3(h)~~ **3(j)** of this chapter.

(b) The fund shall be administered by the department.

(c) The expenses of administering the fund shall be paid from money in the fund.

(d) The fund consists of:

(1) money appropriated by the general assembly;

(2) fees deposited under section 3 of this chapter; and

(3) donations, gifts, and money received from any other source,

including transfers from other funds or accounts.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 47. IC 13-20-12-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. This chapter applies to a county having a population of more than four hundred thousand (400,000) ~~but~~ **and** less than seven hundred thousand (700,000).

SECTION 48. IC 13-21-3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 7. (a) In:

(1) a joint district; or

(2) a single district having a population of more than four hundred thousand (400,000) ~~but~~ **and** less than seven hundred thousand (700,000);

the board appointed under section 5 of this chapter may elect from the board's membership an executive committee having an odd number of members.

(b) An executive committee elected under subsection (a) for a joint district has only the powers invested in the committee by resolution of the board. An executive committee may exercise any powers of the board under this article that are delegated to the executive committee by resolution of the board.

(c) The board of the joint district may appoint one (1) or more alternates from among the membership of the board to:

(1) participate; and

(2) exercise the power to vote;

with the executive committee if a member of the executive committee is absent.

(d) A meeting of an executive committee may serve as the regularly scheduled monthly meeting of a board as required under IC 13-21-5-2.

SECTION 49. IC 13-21-3-12, AS AMENDED BY P.L.189-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 12. (a) Except as provided in section 14.5 of this chapter and subject to subsection (b), the powers of a district include the following:

(1) The power to develop and implement a district solid waste management plan under IC 13-21-5.

(2) The power to impose district fees on the final disposal of solid waste within the district under IC 13-21-13.

(3) The power to receive and disburse money, if the primary

purpose of activities undertaken under this subdivision is to carry out the provisions of this article.

(4) The power to sue and be sued.

(5) The power to plan, design, construct, finance, manage, own, lease, operate, and maintain facilities for solid waste management.

(6) The power to enter with any person into a contract or an agreement that is necessary or incidental to the management of solid waste. Contracts or agreements that may be entered into under this subdivision include those for the following:

(A) The design, construction, operation, financing, ownership, or maintenance of facilities by the district or any other person.

(B) The managing or disposal of solid waste.

(C) The sale or other disposition of materials or products generated by a facility.

Notwithstanding any other statute, the maximum term of a contract or an agreement described in this subdivision may not exceed forty (40) years.

(7) The power to enter into agreements for the leasing of facilities in accordance with IC 36-1-10 or IC 36-9-30.

(8) The power to purchase, lease, or otherwise acquire real or personal property for the management or disposal of solid waste.

(9) The power to sell or lease any facility or part of a facility to any person.

(10) The power to make and contract for plans, surveys, studies, and investigations necessary for the management or disposal of solid waste.

(11) The power to enter upon property to make surveys, soundings, borings, and examinations.

(12) The power to:

(A) accept gifts, grants, loans of money, other property, or services from any source, public or private; and

(B) comply with the terms of the gift, grant, or loan.

(13) The power to levy a tax within the district to pay costs of operation in connection with solid waste management, subject to the following:

(A) Regular budget and tax levy procedures.

(B) Section 16 of this chapter.

However, except as provided in sections 15 and 15.5 of this chapter, a property tax rate imposed under this article may not exceed eight and thirty-three hundredths cents ($0.0833) on each one hundred dollars ($100) of assessed valuation of property in

the district.

(14) The power to borrow in anticipation of taxes.

(15) The power to hire the personnel necessary for the management or disposal of solid waste in accordance with an approved budget and to contract for professional services.

(16) The power to otherwise do all things necessary for the:

(A) reduction, management, and disposal of solid waste; and

(B) recovery of waste products from the solid waste stream;

if the primary purpose of activities undertaken under this subdivision is to carry out the provisions of this article.

(17) The power to adopt resolutions. However, a resolution is not effective in a municipality unless the municipality adopts the language of the resolution by ordinance or resolution.

(18) The power to do the following:

(A) Implement a household hazardous waste and conditionally exempt small quantity generator (as described in 40 CFR 261.5(a)) collection and disposal project.

(B) Apply for a household hazardous waste collection and disposal project grant under IC 13-20-20 and carry out all commitments contained in a grant application.

(C) Establish and maintain a program of self-insurance for a household hazardous waste and conditionally exempt small quantity generator (as described in 40 CFR 261.5(a)) collection and disposal project, so that at the end of the district's fiscal year the unused and unencumbered balance of appropriated money reverts to the district's general fund only if the district's board specifically provides by resolution to discontinue the self-insurance fund.

(D) Apply for a household hazardous waste project grant as described in IC 13-20-22-2 and carry out all commitments contained in a grant application.

(19) The power to enter into an interlocal cooperation agreement under IC 36-1-7 to obtain:

(A) fiscal;

(B) administrative;

(C) managerial; or

(D) operational;

services from a county or municipality.

(20) The power to compensate advisory committee members for attending meetings at a rate determined by the board.

(21) The power to reimburse board and advisory committee members for travel and related expenses at a rate determined by

the board.

(22) The power to pay a fee from district money to:

(A) in a joint district, the county or counties in which a final disposal facility is located; or

(B) a county that:

(i) was part of a joint district;

(ii) has withdrawn from the joint district as of January 1, 2008; and

(iii) has established its own district in which a final disposal facility is located.

(23) The power to make grants or loans of:

(A) money;

(B) property; or

(C) services;

to public or private recycling programs, composting programs, or any other programs that reuse any component of the waste stream as a material component of another product, if the primary purpose of activities undertaken under this subdivision is to carry out the provisions of this article.

(24) The power to establish by resolution a nonreverting capital fund. A district's board may appropriate money in the fund for:

(A) equipping;

(B) expanding;

(C) modifying; or

(D) remodeling;

an existing facility. Expenditures from a capital fund established under this subdivision must further the goals and objectives contained in a district's solid waste management plan. Not more than five percent (5%) of the district's total annual budget for the year may be transferred to the capital fund that year. The balance in the capital fund may not exceed twenty-five percent (25%) of the district's total annual budget. If a district's board determines by resolution that a part of a capital fund will not be needed to further the goals and objectives contained in the district's solid waste management plan, that part of the capital fund may be transferred to the district's general fund, to be used to offset tipping fees, property tax revenues, or both tipping fees and property tax revenues.

(25) The power to conduct promotional or educational programs that include giving awards and incentives that further:

(A) the district's solid waste management plan; and

(B) the objectives of minimum educational standards

established by the department of environmental management.

(26) The power to conduct educational programs under IC 13-20-17.5 to provide information to the public concerning:

(A) the reuse and recycling of mercury in:

(i) mercury commodities; and

(ii) mercury-added products; and

(B) collection programs available to the public for:

(i) mercury commodities; and

(ii) mercury-added products.

(27) The power to implement mercury collection programs under IC 13-20-17.5 for the public and small businesses.

(28) The power to conduct educational programs under IC 13-20.5 to provide information to the public concerning:

(A) reuse and recycling of electronic waste;

(B) collection programs available to the public for the disposal of electronic waste; and

(C) proper disposal of electronic waste.

(b) Before the county district of a county that has a population of more than four hundred thousand (400,000) ~~but~~ **and** less than seven hundred thousand (700,000) may exercise a power set forth in subsection (a) to:

(1) enter into a contract or other agreement to construct a final disposal facility;

(2) enter into an agreement for the leasing of a final disposal facility;

(3) sell or lease a final disposal facility; or

(4) borrow in anticipation of taxes;

the county district must submit a recommendation to the county executive of the county concerning the county district's proposed exercise of the power, subject to subsections (c) and (d).

(c) In response to a recommendation submitted under subsection (b), the county executive may adopt a resolution:

(1) confirming the authority of the county district to exercise the power or powers referred to in subsection (b), as proposed in the recommendation; or

(2) denying the county district the authority to exercise the power or powers as proposed in the recommendation;

subject to subsection (d).

(d) The county district may exercise one (1) or more powers referred to in subsection (b), as proposed in a recommendation submitted to the county executive under subsection (b), if:

(1) the county executive, in response to the recommendation,

adopts a confirming resolution under subsection (c)(1) authorizing the county district to exercise the power or powers; or (2) the county executive adopts no resolution under subsection (c) within forty-five (45) calendar days after the day on which the county district submits the recommendation to the county executive under subsection (b).

SECTION 50. IC 13-22-12-3.6, AS ADDED BY P.L.220-2014, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 3.6. (a) The fees collected under section 3.5 of this chapter upon the disposal of a quantity of hazardous waste shall be deposited and paid over as follows:

(1) Seventy-five percent (75%) shall be deposited in the hazardous substances response trust fund established by IC 13-25-4-1.

(2) Twenty-five percent (25%) shall be paid over to the county in which the hazardous waste is disposed of.

(b) Except as provided in subsection (e), and subject to subsections (f) and (g), the revenue paid over to the county under subsection (a)(2) shall be deposited in a separate fund established by the county for the purposes of the following:

(1) Establishing monitoring wells on land near the site of the disposal facility.

(2) Analyzing samples from the monitoring wells established under subdivision (1).

(3) Conducting other types of testing and surveillance for hazardous waste contamination of land near the disposal facility.

(4) Providing training for county and local public health and public safety officers in the proper procedures for dealing with emergencies involving hazardous substances or hazardous waste.

(5) Providing special clothing and equipment needed by county and local public health and public safety officers for dealing with emergencies involving hazardous substances or hazardous waste.

(6) Funding research on alternatives to land disposal as a means of eliminating hazardous waste.

(7) Paying the cost of hazardous waste, hazardous substance, or solid waste removal and remedial action at a site located within the county.

(8) Meeting the county's requirements under IC 13-21 for the planning and implementation of a solid waste management district plan.

(9) Paying the costs associated with the construction or rehabilitation of a facility used for training described in

subdivision (4).

(10) Paying the costs associated with any other project that has identifiable environmental benefits.

(11) Paying the costs associated with the construction, structural rehabilitation, and equipment of a facility used for either of the following purposes:

(A) A county public safety central dispatch.

(B) A county emergency operations center.

(12) Paying costs associated with the maintenance or repair of county roads.

(13) Paying for the costs of county ambulance service.

(c) The county fund established under subsection (b) shall be administered by the county treasurer, and the expenses of administering the fund shall be paid from money in the fund. Money in the fund not currently needed to meet the obligations of the fund may be invested in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund. Money in the fund at the end of a particular fiscal year does not revert to the county general fund.

(d) No money in the county fund established under subsection (b) shall be used for activities authorized in subsection (b)(8) or (b)(9) until the purposes listed in subsection (b)(1) through (b)(7) have been fulfilled.

(e) Subsection (b)(9), (b)(10), and (b)(11) do not apply to a county having a population of more than three hundred thousand (300,000) ~~but~~ **and** less than four hundred thousand (400,000).

(f) The county may not pay from the county fund established under subsection (b) in a calendar year for the purposes set forth in subsection (b)(11) an amount that exceeds ten percent (10%) of the balance in the fund as of January 1 of that calendar year.

(g) If a county expends money in the county fund established under subsection (b) for the maintenance or repair of county roads, the county may not annually expend more than ten percent (10%) of the balance in the fund (as determined on January 1 of the calendar year in which the expenditures are made) for those purposes.

(h) A fund established by a county under IC 6-6-6.6-3 before its repeal:

(1) satisfies the requirement of subsection (b) that a county establish a fund;

(2) shall be administered under subsection (c); and

(3) is in all other respects subject to this section.

(i) Money deposited in a fund established by a county under

IC 6-6-6.6-3 before its repeal:

(1) may remain in the fund; and

(2) may be used for the purposes set forth in subsection (b), subject to subsections (d) through (g);

notwithstanding the repeal of IC 6-6-6.6-3.

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

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

(1) Provides a boat ramp without charge for access by Indiana residents to the waters served by the marina.

(2) Provides access to marina property without charge for fishing by Indiana residents in the waters served by the marina.

(3) Dedicates at least eight percent (8%) of the total number of parking spaces at the marina for parking of vehicles, including boat trailers, by Indiana residents without charge.

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

(b) The term does not include the following:

(1) Lake Michigan.

(2) A lake lying wholly or in part within the corporate boundaries of any of the three (3) cities having the largest population in a county having a population of more than four hundred thousand (400,000) ~~but~~ **and** less than seven hundred thousand (700,000).

(3) A privately owned body of water:

(A) used for the purpose of; or

(B) created as a result of;

surface coal mining.

SECTION 53. IC 14-26-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 11. (a) This section applies to a private lake that lies wholly or in part within any of the three (3) cities having the largest population in a county having a population of more than four hundred thousand (400,000) ~~but~~ **and** less than seven hundred thousand (700,000).

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

(c) A sand mining operation at the lake:

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

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

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

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

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

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

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

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

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

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

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

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

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

issued in compliance with IC 4-21.5.

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

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

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

(1) is the last person to purchase the poultry product; and

(2) does not resell the poultry.

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

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

(1) The establishment notifies the board of its operating schedule.

(2) The establishment meets the standards in 9 CFR Part 416.

(3) The establishment creates a food safety plan for the operation that includes an analysis of food safety hazards that are reasonably likely to occur in the production process and identification of control measures the establishment can apply to control those hazards.

(4) There is at least one (1) person who is responsible for all periods of the establishment's operations who has successfully completed a course of instruction in the application of food safety principles to meat and poultry product production.

(5) The poultry products are labeled in accordance with rules adopted by the board.

The board may conduct microbial testing for food safety at

establishments operating under this subsection. The board's microbial testing may not be more stringent than the board's microbial testing at inspected establishments. The board may create and publish recommended standards for microbial testing by establishments operating under this subsection.

(g) The board may adopt rules under IC 4-22-2 to implement this section.

SECTION 56. IC 15-17.5-3-1, AS ADDED BY P.L.48-2022, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. (a) The center shall facilitate the coordination of regulatory duties of the state board and the board upon the approval of each respective entity, as set forth in a ~~memoranda~~ **memorandum** of understanding or other agreement.

(b) Nothing in this article shall be construed to amend the independent duties, authorities, and funding mechanisms of the board and the state board.

SECTION 57. IC 16-19-3-30.5, AS AMENDED BY P.L.143-2022, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 30.5. The state department may enter into partnerships and joint ventures to encourage best practices in the following:

(1) The identification and testing of populations at risk of disease related to substance ~~abuse~~ **use** disorder.

(2) The health care treatment of incarcerated individuals for conditions related to substance ~~abuse~~ **use** disorder.

SECTION 58. IC 16-21-15-4, AS AMENDED BY P.L.62-2022, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4. (a) The state department, in consultation with the office of the secretary of family and social services, shall review an application for a certificate of public advantage and the documentation filed under section 3 of this chapter to determine whether there is clear evidence that the proposed merger agreement:

(1) would benefit the population's health outcomes, health care access, and quality of health care; and

(2) meets the standards described in this section.

(b) The state department shall consider in the review of the application and documentation the effect of the merger agreement on the following:

(1) The quality and price of hospital and health care services provided to Indiana residents, including the demonstration of population health improvement of the region serviced and the extent to which medically underserved populations have access

to and are projected to use the proposed services.

(2) The preservation of sufficient health care services within the geographic area to ensure public access to acute care.

(3) The cost efficiency of services, resources, and equipment provided or used by the hospitals that are a party to the merger agreement, including avoidance of duplication of services to better meet the needs of the community.

(4) The ability of health care payors to negotiate payments and service agreements with hospitals proposed to be merged under the merger agreement.

(5) Employment.

(6) Economic impact.

(c) The state department shall grant the certification if the state department determines in the review of the application and documentation that, under the totality of the circumstances, the following **apply:**

(1) There is clear evidence that the proposed merger would benefit the population's health outcomes, health care access, and quality of care in the county.

(2) The likely benefits resulting from the proposed merger agreement outweigh any disadvantages attributable to a potential reduction in competition that may result from the proposed merger.

The holder of a certificate of public advantage issued by the state department under this chapter receives immunity from claims made pursuant to federal or state antitrust laws for the duration of the certificate.

(d) The state department has one hundred twenty (120) days from the filing of the application to review and make a determination on the application. The state department's determination on whether to grant the application must:

(1) be in writing;

(2) specify the basis for the determination; and

(3) be provided to the applicant on the date of the determination.

(e) The state department may include terms or conditions of compliance with the issuance of a certificate of public advantage under this chapter.

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

(g) The office of the attorney general may, at any time after an

application is filed under this chapter and before the state department makes a determination on the application, require by civil investigative demand the attendance of witnesses and the production of documents for purposes of investigating whether the merger agreement satisfies the requirements of this chapter. Any documents produced or testimony given under this subsection are subject to confidentiality if the information is deemed proprietary information. The attorney general may seek compliance with the issuance of a civil investigative demand with the appropriate district court of the county in which the merger is to occur.

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

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

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

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

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

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

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

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

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

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

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

(5) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, regardless of whether the group is incorporated.

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

(7) "Treated eggs" means eggs that have been treated by a process

such as pasteurization, irradiation, or other method of treatment that changes the interior quality of an egg in such a manner that United States Department of Agriculture quality standards do not apply.

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

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

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

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

(1) To adopt rules concerning the following:

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

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

(C) Requirements for notifying parents.

(D) Training regarding the use of restraint and seclusion, including the frequency of training and what employees must be trained.

(E) The distribution of the seclusion and restraint policy to parents and the public.

(F) Requirements for the reporting of incidents of restraint and seclusion in the annual school performance report, including

incidents of restraint and seclusion involving school resource officers (as defined in IC 20-26-18.2-1).

(G) Circumstances that may require more timely incident reporting and the requirements for such reporting.

(2) To develop, maintain, and revise a model restraint and seclusion plan for schools that includes the following elements:

(A) A statement on how students will be treated with dignity and respect and how appropriate student behavior will be promoted and taught.

(B) A statement ensuring that the school will use prevention, positive behavior intervention and support, and conflict ~~deescalation~~ **de-escalation** to eliminate or minimize the need for use of any of the following:

(i) Seclusion.

(ii) Chemical restraint.

(iii) Mechanical restraint.

(iv) Physical restraint.

(C) A statement ensuring that any behavioral intervention used will be consistent with the student's most current behavioral intervention plan, or individualized education program, if applicable.

(D) Definitions for restraint and seclusion, as defined in this chapter.

(E) A statement ensuring that if a procedure listed in clause (B) is used, the procedure will be used:

(i) as a last resort safety procedure, employed only after another, less restrictive procedure has been implemented without success; and

(ii) in a situation in which there is an imminent risk of injury to the student, other students, school employees, or visitors to the school.

(F) An indication that restraint or seclusion may be used only for a short time period, or until the imminent risk of injury has passed.

(G) A documentation and recording requirement governing instances in which procedures listed in clause (B) are used, including:

(i) how every incident will be documented and debriefed;

(ii) how responsibilities will be assigned to designated employees for evaluation and oversight; and

(iii) designation of a school employee to be the keeper of such documents.

(H) A requirement that the student's parent must be notified as soon as possible when an incident involving the student occurs that includes use of procedures listed in clause (B).

(I) A requirement that a copy of an incident report must be sent to the student's parent after the student is subject to a procedure listed in clause (B).

(J) Required recurrent training for appropriate school employees on the appropriate use of effective alternatives to physical restraint and seclusion, including the use of positive behavioral intervention and support and conflict ~~deescalation.~~ **de-escalation.** The training must include the safe use of physical restraint and seclusion in incidents involving imminent danger or serious harm to the student, school employees, or others. Consideration must be given to available school resources and the time commitments of school employees.

(3) To accept and review reports from the public and make nonbinding recommendations to the department of any suggested action to be taken.

(b) The model policy developed by the commission must take into consideration that implementation and reporting requirements for state accredited nonpublic schools may vary, and the model plan must provide state accredited nonpublic schools flexibility with regards to accountability under and implementation of the plan adopted by a state accredited nonpublic school under section 14 of this chapter.

SECTION 63. IC 20-23-4-11, AS AMENDED BY P.L.233-2015, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 11. (a) A county committee for the reorganization of school corporations consists of nine (9) members. All the members of the committee are appointed by the judge of the circuit court of the county. Appointments under this subsection are subject to subsections (f) through (h).

(b) Before the time specified in this section, the judge of the circuit court shall call into a county convention each of the township trustees of the county and the members of each local board of school trustees or board of school commissioners in the county to advise the judge in the selection of the members of the county committee. Except as provided in subsection (c), the judge must give at least ten (10) days notice of the convention by publication in:

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

(2) if a newspaper is not published in the affected area, in a

newspaper having a general circulation in the affected area.

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

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

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

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

(1) explain or have explained; and

(2) afford an opportunity for attendees to discuss;

the provisions of this chapter.

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

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

(1) must be a member of:

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

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

(2) may not be a township trustee.

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

(1) a superintendent of schools;

(2) a principal of:

(A) a school city;

(B) a school town; or

(C) a consolidated school or corporation; or

(3) a superintendent of a community school corporation.

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

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

(2) may not be:

(A) township trustees; or

(B) employees of township trustees; and

(3) are appointed without regard to political affiliation.

(i) The judge of the circuit court shall give written notice immediately to each person selected for appointment to the county committee. Each person selected shall notify the judge of the circuit

court in writing not later than ten (10) days after receipt of the notice whether the person accepts the appointment. If a person:

(1) refuses an appointment; or

(2) fails to notify the judge of the circuit court of the person's acceptance or refusal of an appointment;

the judge shall select a qualified replacement for appointment to the county committee.

(j) Not later than thirty (30) days after the date of the county convention, the county committee shall meet to organize and to elect from its membership:

(1) a chairperson;

(2) a treasurer; and

(3) a secretary.

The secretary may be the county superintendent or the superintendent of one (1) of the school corporations in the county.

(k) The chairperson and the members of the county committee serve without compensation. Subject to approval by the state board, the chairperson of the county committee shall:

(1) secure necessary office space and equipment;

(2) engage necessary clerical help; and

(3) receive reimbursement for any necessary expenses incurred by the chairperson with respect to duties in connection with the county committee.

(l) Members of the county committee hold office for terms of four (4) years until the reorganization program in the county is completed, subject to replacement as prescribed in this chapter. An appointed member who ceases to be a resident of the county may not continue to serve on a county committee.

(m) An individual appointed member of a county committee or the appointed members as a group are not disqualified from serving on a county committee because they fail at any time to meet the qualifications for appointment by the judge of the circuit court, other than county residence, if they met the qualifications at the time of their appointments.

(n) Vacancies shall be filled by the remaining members of the committee without regard for the qualifications for appointment by the judge of the circuit court.

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

(1) upon call of the chairperson; or

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

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

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

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

(c) The school districts established must:

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

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

(3) comply with:

(A) the Constitution of the United States; and

(B) the Constitution of the State of Indiana;

including the equal protection clauses of both constitutions.

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

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

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

(1) A copy of the amendment or recertification.

(2) One (1) of the following:

(A) A certification that changes to the school district boundaries as established are not required to comply with subsection (c).

(B) If ~~reapportionment of the school districts and~~ changes to ~~their~~ **the school district** boundaries are required to comply

with subsection (c), a map showing the boundaries of the new school districts.

(g) IC 3-5-10 applies to a plan established under this section.

SECTION 65. IC 20-30-8.5-1, AS ADDED BY P.L.86-2020, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. This ~~section~~ **chapter** applies to the following school corporations:

(1) Richmond Community Schools.

(2) Metropolitan School District of Washington Township Schools.

(3) Metropolitan School District of Warren Township Schools.

SECTION 66. IC 20-31-4.1-4, AS ADDED BY P.L.92-2020, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4. (a) Subject to subsection ~~(c)~~ **(b)** and section 7 of this chapter, a school or group of schools accredited under this chapter may submit an application to the state board, in a manner prescribed by the state board, requesting flexibility and to waive compliance with any provision in this title or 511 IAC in order to do one (1) or more of the following:

(1) Improve student performance and outcomes.

(2) Offer the applicant flexibility in the administration of educational programs or improve the efficiency of school operations.

(3) Promote innovative educational approaches to student learning.

(4) Advance the mission or purpose of the school or group of schools.

(b) The application submitted under subsection (a) must include the following:

(1) A list of the one (1) or more provisions in this title, 511 IAC, or this title and 511 IAC that the school or group of schools is requesting that the state board waive.

(2) The following information:

(A) The specific goal or outcome or goals or outcomes that the school or group of schools intends to achieve by waiving the provisions described in subdivision (1).

(B) How the specific goals or outcomes described in clause (A) are likely to be achieved by waiving compliance with the provisions described in subdivision (1).

(3) For an application submitted by:

(A) the governing body of a school corporation, a copy of the resolution adopted by the governing body approving the

submission of the application;

(B) a charter school, written authorization by the charter school organizer approving the submission of the application; or

(C) a nonpublic school, written authorization by the person or agency in active charge and management of the nonpublic school approving the submission of the application.

SECTION 67. IC 20-32-5.1-7, AS AMENDED BY P.L.192-2018, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 7. (a) Except as otherwise provided in this section and in the manner provided in section 6 of this chapter, the state board is responsible for determining the appropriate subjects, grades, and format of a statewide assessment.

(b) For each school year beginning after June 30, 2018, and except as provided in section 11 of this chapter, the statewide assessment must be administered to all full-time students attending a school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) in grades subject to the statewide assessment required by federal law and in a manner prescribed by the state board.

(c) Subject matter tested on the statewide assessment as determined by the state board under subsection (a) must, at a minimum, do the following:

(1) Comply with requirements established under federal law with:

(A) math and English/language arts assessed yearly in grades 3 through 8, and at least once in grades 9 through 12; and

(B) science assessed at least once in grades 3 through 5, grades 6 through 9, and grades 10 through 12.

(2) Require that United States history or United States government be assessed at least once in grades 5 or 8.

~~(d) This subsection expires July 1, 2020. Each student in a grade 10 cohort must take a graduation examination.~~

~~(e)~~ **(d)** Except as provided under subsection ~~(f),~~ **(e),** for each school year beginning after June 30, 2021, a nationally recognized college entrance exam must be administered for the high school subjects required under subsection (c). The proficiency benchmark must be approved by the commission for higher education, in consultation with the state educational institutions, and may not be lower than the national college ready benchmark established for that particular exam.

~~(f)~~ **(e)** If the state board determines that no nationally recognized college entrance exam assesses a given high school subject that is required under subsection (c), the state board may select another type

of assessment, including an end of course assessment, for that subject.

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

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

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

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

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

(1) individualized education program;

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

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

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

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

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

~~(1) individualized education programs;~~

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

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

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

the extent of full-time equivalency.

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

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

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

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

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

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

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

(i) Ancilla College;
(ii) Anderson University;
(iii) Bethel University;
(iv) Butler University;
(v) Calumet College of St. Joseph;
(vi) DePauw University;
(vii) Earlham College;
(viii) Franklin College;
(ix) Goshen College;
(x) Grace College and Seminary;
(xi) Hanover College;
(xii) Holy Cross College;
(xiii) Huntington University;
(xiv) Indiana Institute of Technology;
(xv) Indiana Wesleyan University;
(xvi) Manchester University;
(xvii) Marian University;
(xviii) Martin University;
(xix) Oakland City University;
(xx) Rose-Hulman Institute of Technology;
(xxi) Saint Mary-of-the-Woods College;
(xxii) Saint Mary's College;

(xxiii) Taylor University;
(xxiv) Trine University;
(xxv) University of Evansville;
(xxvi) University of Indianapolis;
(xxvii) University of Notre Dame;
(xxviii) University of Saint Francis;
(xxix) Valparaiso University; and
(xxx) Wabash College;

or is accredited by the board for proprietary education under IC 21-18.5-6 or an accrediting agency recognized by the United States Department of Education.

(2) Ivy Tech Community College.

(3) A hospital that operates a nursing diploma program that is accredited by the Indiana state board of nursing.

(4) A postsecondary credit bearing proprietary educational institution that meets the following requirements:

(A) Is incorporated in Indiana, or is registered as a foreign corporation doing business in Indiana.

(B) Is fully accredited by and is in good standing with the board for proprietary education under IC 21-18.5-6.

(C) Is accredited by and is in good standing with a regional or national accrediting agency.

(D) Offers a course of study that is at least eighteen (18) consecutive months in duration (or an equivalent to be determined by the board for proprietary education under IC 21-18.5-6) and that leads to an associate or a baccalaureate degree recognized by the board for proprietary education under IC 21-18.5-6.

(E) Is certified by the board for proprietary education as meeting the requirements of this subdivision.

(5) A postsecondary SEI affiliated educational institution.

(b) "Approved postsecondary educational institution" for purposes of section 15 of this chapter **and** IC 21-12-6, ~~and IC 21-13-1-4,~~ means the following:

(1) A state educational institution.

(2) A nonprofit college or university.

(3) A postsecondary credit bearing proprietary educational institution that is accredited by an accrediting agency recognized by the United States Department of Education.

(4) A postsecondary SEI affiliated educational institution.

SECTION 71. IC 21-12-13-2, AS AMENDED BY P.L.52-2022, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2023]: Sec. 2. (a) This section applies to the following scholarship ~~stipend,~~ and fee remission statutes:

(1) IC 21-12-3.
(2) IC 21-12-4.
(3) IC 21-12-6.
(4) IC 21-13-2.
(5) IC 21-13-7.
(6) IC 21-13-8.
(7) IC 21-13-4.
(8) IC 21-14-5.
(9) IC 21-12-16.

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

(1) except as provided in subdivision (2), four (4) undergraduate academic years, as determined by the commission; or
(2) for purposes of IC 21-13-4, six (6) academic years as determined by the commission;

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

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

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

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

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

SECTION 73. IC 21-18-6-6, AS AMENDED BY P.L.51-2022,

SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 6. (a) As used in this section, "FAFSA" refers to the Free Application for Federal Student Aid.

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

(1) A statement regarding the:

(A) existence **of;**

(B) availability of; and

(C) state deadline to complete;

the FAFSA.

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

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

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

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

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

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

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

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

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

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

(1) review all programs of any state educational institution, regardless of the source of funding; and

(2) make recommendations to the board of trustees of the state educational institution, the governor, and the general assembly concerning the funding and the disposition of the programs.

~~(b) The commission, in consultation with the department of~~

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

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

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

"Department" means the department of labor.

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

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

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

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

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

(c) Persons performing services not in the course of the employing unit's trade or business.

(d) Persons employed on a commission basis.

(e) Persons employed by their own parent, spouse, or child.

(f) Members of any religious order performing any service for that order, any ordained, commissioned, or licensed minister, priest,

rabbi, sexton, or Christian Science reader, and volunteers performing services for any religious or charitable organization.

(g) Persons performing services as student nurses in the employ of a hospital or nurses training school while enrolled and regularly attending classes in a nurses training school chartered or approved under law, or students performing services in the employ of persons licensed as both funeral directors and embalmers as a part of their requirements for apprenticeship to secure an embalmer's license or a funeral director's license from the state, or during their attendance at any schools required by law for securing an embalmer's or funeral director's license.

(h) Persons who have completed a four (4) year course in a medical school approved by law when employed as interns or resident physicians by any accredited hospital.

(i) Students performing services for any school, college, or university in which they are enrolled and are regularly attending classes.

(j) Persons with physical or mental disabilities performing services for nonprofit organizations organized primarily for the purpose of providing employment for persons with disabilities or for assisting in their therapy and rehabilitation.

(k) Persons employed as insurance producers, insurance solicitors, and outside salesmen, if all their services are performed for remuneration solely by commission.

(l) Persons performing services for any camping, recreational, or guidance facilities operated by a charitable, religious, or educational nonprofit organization.

(m) Persons engaged in agricultural labor. The term shall include only services performed:

(1) on a farm, in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and furbearing animals and wildlife;

(2) in the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement, or maintenance of the farm and its tools and equipment if the major part of the service is performed on a farm;

(3) in connection with:

(A) the production or harvesting of maple sugar or maple syrup or any commodity defined as an agricultural

commodity in the Agricultural Marketing Act, as amended (12 U.S.C. 1141j);

(B) the raising or harvesting of mushrooms;

(C) the hatching of poultry; or

(D) the operation or maintenance of ditches, canals, reservoirs, or waterways used exclusively for supplying and storing water for farming purposes; and

(4) in handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage, to market, or to a carrier for transportation to market, any agricultural or horticultural commodity, but only if service is performed as an incident to ordinary farming operation or, in the case of fruits and vegetables, as an incident to the preparation of fruits and vegetables for market. However, this exception shall not apply to services performed in connection with any agricultural or horticultural commodity after its delivery to a terminal market or processor for preparation or distribution for consumption.

As used in this subdivision, "farm" includes stock, dairy, poultry, fruit, furbearing animals, and truck farms, nurseries, orchards, or greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities.

(n) Those persons employed in executive, administrative, or professional occupations who have the authority to employ or discharge and who earn one hundred fifty dollars ($150) or more a week, and outside salesmen.

(o) Any person not employed for more than four (4) weeks in any four (4) consecutive three (3) month periods.

(p) Any employee with respect to whom the Interstate Commerce Commission has power to establish qualifications and maximum hours of service under the federal Motor Carrier Act of 1935 (49 U.S.C. 304(3)) or any employee of a carrier subject to IC 8-2.1.

(q) A person engaged in services as a direct seller. The term shall include only services performed:

(1) by a person that is in the trade or business of:

(A) selling, or soliciting the sale of, consumer products or services to any buyer on a buy-sell basis, deposit-commission basis, or similar basis, in any place other than in a permanent retail establishment; or

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

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

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

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

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

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

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

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

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

(1) three (3) times the actual damages of the consumer suffering the loss; or

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

Except as provided in subsection ~~(j),~~ **(k),** the court may award reasonable ~~attorney~~ **attorney's** fees to the party that prevails in an action under this subsection. This subsection does not apply to a

consumer transaction in real property, including a claim or action involving a construction defect (as defined in IC 32-27-3-1(5)) brought against a construction professional (as defined in IC 32-27-3-1(4)), except for purchases of time shares and camping club memberships. This subsection does not apply with respect to a deceptive act described in section 3(b)(20) of this chapter. This subsection also does not apply to a violation of IC 24-4.7, IC 24-5-12, IC 24-5-14, or IC 24-5-14.5. Actual damages awarded to a person under this section have priority over any civil penalty imposed under this chapter.

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

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

(1) issue an injunction;

(2) order the supplier to make payment of the money unlawfully received from the aggrieved consumers to be held in escrow for distribution to aggrieved consumers;

(3) for a knowing violation against a senior consumer, increase the amount of restitution ordered under subdivision (2) in any amount up to three (3) times the amount of damages incurred or value of property or assets lost;

(4) order the supplier to pay to the state the reasonable costs of the attorney general's investigation and prosecution related to the action;

(5) provide for the appointment of a receiver; and

(6) order the department of state revenue to suspend the supplier's registered retail merchant certificate, subject to the requirements and prohibitions contained in IC 6-2.5-8-7(i), if the court finds that a violation of this chapter involved the sale or solicited sale of a synthetic drug (as defined in IC 35-31.5-2-321), a synthetic drug lookalike substance (as defined in IC 35-31.5-2-321.5 (repealed)) (before July 1, 2019), a controlled substance analog (as defined in IC 35-48-1-9.3), or a substance represented to be a controlled substance (as described in IC 35-48-4-4.6).

(d) In an action under subsection (a), (b), or (c), the court may void or limit the application of contracts or clauses resulting from deceptive acts and order restitution to be paid to aggrieved consumers.

(e) In any action under subsection (a) or (b), upon the filing of the complaint or on the appearance of any defendant, claimant, or any other party, or at any later time, the trial court, the supreme court, or the court of appeals may require the plaintiff, defendant, claimant, or any other party or parties to give security, or additional security, in such sum as the court shall direct to pay all costs, expenses, and disbursements that shall be awarded against that party or which that party may be directed to pay by any interlocutory order by the final judgment or on appeal.

(f) Any person who violates the terms of an injunction issued under subsection (c) shall forfeit and pay to the state a civil penalty of not more than fifteen thousand dollars ($15,000) per violation. For the purposes of this section, the court issuing an injunction shall retain jurisdiction, the cause shall be continued, and the attorney general acting in the name of the state may petition for recovery of civil penalties. Whenever the court determines that an injunction issued under subsection (c) has been violated, the court shall award reasonable costs to the state.

(g) If a court finds any person has knowingly violated section 3 or 10 of this chapter, other than section 3(b)(19), 3(b)(20), or 3(b)(40) of this chapter, the attorney general, in an action pursuant to subsection (c), may recover from the person on behalf of the state a civil penalty

of a fine not exceeding five thousand dollars ($5,000) per violation.

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

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

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

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

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

(j) An offer to cure is:

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

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

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

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

(l) If a court finds that a person has knowingly violated section 3(b)(20) of this chapter, the attorney general, in an action under subsection (c), may recover from the person on behalf of the state a civil penalty not exceeding one thousand dollars ($1,000) per consumer. In determining the amount of the civil penalty in any action by the attorney general under this subsection, the court shall consider, among other relevant factors, the frequency and persistence of noncompliance by the debt collector, the nature of the noncompliance, and the extent to which the noncompliance was intentional. A person may not be held liable in any action by the attorney general for a

violation of section 3(b)(20) of this chapter if the person shows by a preponderance of evidence that the violation was not intentional and resulted from a bona fide error, notwithstanding the maintenance of procedures reasonably adapted to avoid the error. A person may not be held liable in any action for a violation of this chapter for contacting a person other than the debtor, if the contact is made in compliance with the Fair Debt Collection Practices Act.

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

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

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

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

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

(i) Federal laws and regulations.

(ii) Practices pertaining to the establishment, description, and reestablishment of land boundaries.

(iii) The platting of subdivisions.

(iv) The ethical, economic, and legal principles relating to the practice of surveying.

(v) The principles of mathematics relating to the practice of surveying.

(B) The second section must test the applicant's understanding, judgment, and ability to correctly apply the following:

(i) What is set forth in ~~subdivision (2)(A)(i)~~ **clause (A)(i)** through ~~(2)(A)(v).~~ **clause (A)(v).**

(ii) Indiana laws and rules.

(iii) Work that the professional surveyor is permitted to perform under this article.

(iv) The ability to write and interpret legal descriptions and solve narrative problems regarding the analysis and execution of surveys and survey problems.

SECTION 80. IC 25-23.6-2-2, AS AMENDED BY P.L.249-2019, SECTION 106, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 2. (a) The board consists of ten (10) members appointed by the governor. Subject to IC 25-1-6.5-3, the board must include the following:

(1) Two (2) marriage and family therapists who:

(A) have at least a master's degree in marriage and family therapy or a related field from an eligible postsecondary educational institution;

(B) are licensed under this ~~chapter;~~ **article;** and

(C) have five (5) years of experience in marriage and family therapy.

(2) One (1) social worker who:

(A) has at least a master's degree in social work from an eligible postsecondary educational institution accredited by the Council on Social Work Education;

(B) is licensed under this article; and

(C) has at least five (5) years of experience as a social worker.

(3) One (1) social services director of a hospital with a social work degree who has at least three (3) years of experience in a hospital setting.

(4) Two (2) mental health counselors who:

(A) have at least a master's degree in mental health counseling;

(B) are licensed under this article; and

(C) have at least five (5) years experience as a mental health counselor.

(5) One (1) consumer who has never been credentialed under this article.

(6) One (1) physician licensed under IC 25-22.5 who has training in psychiatric medicine.

(7) Two (2) licensed clinical addiction counselors who:
(A) are licensed under IC 25-23.6-10.5; and
(B) have at least five (5) years experience in clinical addiction counseling.

(b) Not more than six (6) members of the board may be from the same political party.

(c) A member appointed:
(1) before July 1, 2019, serves a three (3) year term; and
(2) after June 30, 2019, serves a term under IC 25-1-6.5.

SECTION 81. IC 25-23.6-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4. An individual who satisfies the requirements of section 1 or 2 of this chapter ~~and section 3 of this chapter~~ may take the examination provided by the board.

SECTION 82. IC 25-23.6-5-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 14. An individual who applies for a license under this article may be exempted by the board from the examination requirement under this chapter if the individual:
(1) is licensed or certified to practice as a social worker or clinical social worker in another state and has passed an examination substantially equivalent to the level for which the individual is requesting licensure;
(2) has engaged in the practice of social work or the practice of clinical social work for not less than three (3) of the previous five (5) years;
(3) has passed a licensing examination substantially equivalent to the licensing examination under this article;
(4) has passed an examination pertaining to the social work and clinical social work laws and rules of this state; and
(5) has not committed any act or is not under investigation for any act that constitutes a violation of this article;

and is otherwise qualified under section 1 or 2 of this chapter ~~and section 3 of this chapter~~ and pays an additional fee.

SECTION 83. IC 25-26-13.5-18, AS AMENDED BY P.L.246-2019, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 18. ~~(a)~~ The board may adopt rules under IC 4-22-2 necessary to implement this chapter.

~~(b) The Indiana board of pharmacy shall adopt rules under IC 4-22-2, including emergency rules in the manner provided under IC 4-22-2-37.1, to implement sections 6.5 and 6.7 of this chapter with respect to telepharmacy. This subsection expires July 1, 2020.~~

SECTION 84. IC 25-33.5-2-20, AS ADDED BY P.L.65-2022, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2023]: Sec. 20. "License" means the authorization by a state **psychology** regulatory authority to engage in the independent practice of psychology that would otherwise be unlawful to practice without authorization.

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

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

(A) either:

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

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

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

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

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

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

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

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

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

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

(E) Includes identifiable psychology faculty that are sufficient in size and breadth to carry out faculty responsibilities.

(F) Employs a director of the program that is a psychologist and a member of the core faculty.

(G) Has an identifiable body of students who are matriculated in the program for a degree.

(H) Includes supervised practicum, internship, or field training appropriate to the practice of psychology.

(I) Encompasses curriculum of a minimum of three (3) academic years of full-time graduate study for a doctoral degree and a minimum of one (1) academic year of full-time graduate study for a master's degree.

(J) Includes an acceptable residency, as defined by the rules of the commission.

(3) Possess a current, full, and unrestricted license to practice psychology in a home state that is a compact state.

(4) Have no history of an adverse action that violates the rules of the commission.

(5) Have no criminal record history reported on an identity history summary that violates the rules of the commission.

(6) Possess a current, active interjurisdictional practice certificate.

(7) Provide attestations concerning the following:

(A) Areas of intended practice.

(B) Work experience.

(C) The provision and release of information to ~~all~~ **allow** for primary source verification in a manner specified by the commission.

(8) Meet other criteria, as determined by the rules of the commission.

SECTION 86. IC 25-33.5-11-4, AS ADDED BY P.L.65-2022, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4. (a) Before promulgation and adoption of a final rule by the commission, and at least sixty (60) days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking as follows:

(1) On the commission's ~~Internet web site.~~ **website.**

(2) On:

(A) the ~~Internet web site~~ **website** of each compact state's psychology regulatory authority; or

(B) the publication in which each state would otherwise publish proposed rules.

(b) The notice of proposed rulemaking shall include the following:

(1) The proposed time, date, and location of the meeting in which the rule will be considered and voted upon.

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

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

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

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

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

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

(2) a:

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

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

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

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

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

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

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

(2) ten (10) days following the date of delivery of the travel

protection plan's fulfillment materials by means other than mail. For purposes of this section, "delivery" means handing fulfillment materials to the policyholder or certificate holder or sending fulfillment materials by mail, electronic mail, or other electronic means to the policyholder or certificate holder.

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

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

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

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

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

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

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

SECTION 90. IC 28-1-11-14, AS AMENDED BY P.L.31-2022, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 14. (a) As used in this section, "community based economic development" refers to activities that seek to address economic development through affordable housing development or the rehabilitation of qualified rehabilitated buildings or certified historic structures, or that seeks to address economic causes of poverty within specific geographic areas, revitalizing the economic and social base of low income communities through activities that include:

(1) small business and micro-enterprise support;

(2) commercial, industrial, and retail revitalization, retention, and

expansion;

(3) capacity development and technical assistance support for community development corporations;

(4) employment and training efforts;

(5) human resource development; and

(6) social service enterprises.

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

(1) whose board of directors is comprised primarily of community representatives and business, civic, and community leaders; and

(2) whose principal purpose includes the provision of:

(A) housing;

(B) community based economic development projects; and

(C) social services;

that primarily benefit low-income individuals and communities.

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

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

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

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

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

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

(1) a community development corporation;

(2) an entity formed primarily to support community based economic development;

(3) an entity qualifying for the new markets tax credits under 26 U.S.C. 45D;

(4) an entity approved by the director as being formed for a predominantly civic, community, or public purpose and that:

(A) primarily benefits low and moderate income individuals;

(B) primarily benefits low and moderate income areas;

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

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

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

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

(1) community and economic development entity;

(2) community development project; or

(3) other public welfare investment;

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

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

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

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

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

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

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

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

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

(1) Conspicuously display at each place of business a notice to the public stating the maximum charges for cashing checks.

(2) Make payment to a customer for whom a check is being cashed upon presentment of the check.

(3) Endorse the name in which the licensee is licensed on all checks before depositing them in a financial institution.

(4) Cash a check made payable only to a natural person as payee unless the licensee has previously obtained appropriate documentation from a payee clearly indicating the authority of the natural person or persons cashing the check on behalf of the payee.

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

(1) the thumbprint of the customer or a photograph of both the customer and the check;

(2) the full name of the customer;

(3) the residence address of the customer; and

(4) the identification of the customer by:

~~(i)~~ **(A)** Social Security number;

~~(ii)~~ **(B)** driver's license number;

~~(iii)~~ **(C)** passport number; or

~~(iv)~~ **(D)** other traceable record.

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

(1) grant letters of guardianship;

(2) appoint a trustee, guardian, receiver, or committee of the estate of a person;

(3) appoint a committee, trustee, or receiver in insolvency or bankruptcy proceedings, or in any other proceeding or action, under state or federal law; or

(4) make any other fiduciary appointment provided for in this article;

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

SECTION 93. IC 29-3-1-2.5, AS AMENDED BY P.L.25-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 2.5. "Conduct a criminal history check" means to:

(1) request:

(A) the state police department to conduct a:

(i) fingerprint based criminal history background check of

both national and state records data bases concerning a person who is at least eighteen (18) years of age in accordance with IC 10-13-3-27 and IC 10-13-3-39; or

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

(B) if an individual has:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(2)~~ IC 31-26-6, the term refers to a service region established under ~~IC 31-26-6-3.~~ **IC 31-26-6.**

SECTION 97. IC 31-12-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. This chapter applies only to the following:

(1) A judicial circuit in which there is located a consolidated city and the judges of the superior court and the judge of the circuit court determine that the social conditions in the county and the number of domestic relations cases in the courts make the procedures provided under this chapter necessary for the full and proper consideration of the cases and the effectuation of the purposes of this chapter.

(2) A county having a population of more than four hundred thousand (400,000) ~~but~~ **and** less than seven hundred thousand (700,000) in which the judge of the circuit court determines that the social conditions in the county and the number of domestic relations cases in the county's courts make the procedures provided under this chapter necessary for the full and proper consideration of the cases and the effectuation of the purposes of this chapter.

SECTION 98. IC 31-12-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 2. For:

(1) any judicial circuit in which there is located a consolidated city, the judges described in section 1(1) of this chapter may establish a bureau of the courts; and

(2) a county having a population of more than four hundred thousand (400,000) ~~but~~ **and** less than seven hundred thousand (700,000), the judge of the circuit court may establish a bureau of the court;

known as the "Domestic Relations Counseling Bureau".

SECTION 99. IC 31-25-2-24, AS AMENDED BY P.L.76-2022, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 24. (a) Before December 31 of each year, the department shall annually prepare a report concerning all child fatalities in Indiana that are the result of child abuse or neglect in the preceding calendar year. The report must include the following information:

(1) A summary of the information gathered concerning child fatalities resulting from abuse or neglect.

(2) Demographic information regarding victims, perpetrators, and households involved in child fatalities resulting from abuse or neglect.

(3) An analysis of the primary risk factors involved in child fatalities resulting from abuse or neglect.

(4) A summary of the most frequent causes of child fatalities resulting from abuse or neglect.

(5) A description of the manner in which the information was

assembled.

The department shall post the report prepared under this section on the department's ~~Internet web site.~~ **website.**

(b) As part of the summary of information described in subsection (a)(1), the report must include:

(1) whether the child was alleged or adjudicated to be a child in need of services under IC 31-34-1 in a child in need of services proceeding that had not been closed at the time of the event that led to the child's death; and

(2) whether, at the time of the event that led to the child's death, the child:

(A) had been ordered to remain in the child's home;

(B) was on a trial home visit;

(C) was placed in foster care;

(D) was residing in a residential treatment **facility;** or

(E) was the subject of a program of informal adjustment.

(c) As part of the annual report required by subsection (a), before December 31 of each year, the department shall report the following:

(1) The number of children who died in Indiana in the preceding calendar year for whom abuse or neglect was suspected to be a factor in the child's death.

(2) The:

(A) number of children described in subdivision (1) whose cause of death was determined to be related to abuse or neglect; and

(B) number of children described in subdivision (1) whose cause of death was determined to be unrelated to abuse or neglect.

(3) The number of children described in subdivision (2)(A) who were the subject of a department assessment based on an allegation of abuse or neglect.

(4) The number of children described in subdivision (3) who were the subject of a department assessment based on an allegation of abuse or neglect that was determined to be substantiated.

(5) The number of children described in subdivision (3) who were the subject of a department assessment based on an allegation of abuse or neglect that was determined to be unsubstantiated.

(6) For each child described in subdivision (3), the following information:

(A) The cause and manner of the child's death.

(B) The:

(i) number of department assessments of the child that were

based on an allegation of abuse or neglect that was determined to be substantiated; and

(ii) number of department assessments of the child that were based on an allegation of abuse or neglect that was determined to be unsubstantiated.

(C) The child's relationship to the perpetrator or perpetrators of the abuse or neglect to which the child's death was determined to be related.

(D) For each perpetrator described in clause (C):

(i) whether, prior to the allegation of abuse or neglect to which the death of the child described in subdivision (3) was related, a substantiated allegation of abuse or neglect resulted in the perpetrator being determined to have abused or neglected the child or another child; and

(ii) the number of substantiated reports of abuse or neglect described in item (i).

(d) Not later than January 31 of each year, the department shall provide to the executive director of the legislative services agency, for distribution to the interim study committee on child services, a copy of the most recent annual report prepared by the department under this section. The report provided to the executive director of the legislative services agency under this subsection must be in an electronic format under IC 5-14-6.

SECTION 100. IC 31-34-2.5-1, AS AMENDED BY P.L.107-2022, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. (a) An emergency medical services provider (as defined in IC 16-41-10-1) shall, without a court order, take custody of a child who is, or who appears to be, not more than thirty (30) days of age if except as provided in subsection (h), the child is voluntarily left:

(1) with the provider by the child's parent;

(2) in a newborn safety device that:

(A) has been approved by a hospital licensed under IC 16-21;

(B) is physically located inside a hospital that is staffed continuously on a twenty-four (24) hour basis every day to provide care to patients in an emergency; and

(C) is located in an area that is conspicuous and visible to hospital staff;

(3) in a newborn safety device that was installed on or before January 1, 2017, and is located at a site that is staffed by an emergency medical services provider (as defined in IC 16-41-10-1);

(4) in a newborn safety device that:

(A) is located at a facility, fire department, or emergency medical services station that is staffed by an emergency medical services provider (as defined in IC 16-41-10-1) on a twenty-four (24) hour seven (7) day a week basis;

(B) is located in an area that is conspicuous and visible to staff; and

(C) includes an adequate dual alarm system connected to the site that is tested at least one (1) time per month to ensure the alarm system is in working order;

(5) in a newborn safety device that:

(A) is located at a volunteer fire department that:

(i) meets the minimum response time established by the county, not to exceed four (4) minutes; and

(ii) is located within one (1) mile of a hospital, police station, or emergency medical services station that is staffed on a twenty-four (24) hour per day, seven (7) day a week basis with full-time personnel who hold a valid cardiopulmonary resuscitation certification and that meets the minimum response time established by the county, not to exceed four (4) minutes;

(B) is equipped with an alert system:

(i) that, when the newborn safety device is opened, automatically connects to the 911 system and transmits a request for immediate dispatch of an emergency medical services provider (as defined in IC 16-41-10-1) to the location of the newborn safety device; and

(ii) that is tested at least one (1) time per month to ensure the alert system is in working order; and

(C) is equipped with a video surveillance system that allows members of a fire department to monitor the inside of the newborn safety device twenty-four (24) hours a day and that:

(i) has at least two (2) firefighters who are responsible for monitoring the inside of the newborn safety device twenty-four (24) hours a day; and

(ii) is an independent surveillance system from the alert system described in clause (B); or

(6) with medical staff after delivery in a hospital or other medical facility when the child's parent notifies the medical staff that the parent is voluntarily relinquishing the child;

and the parent does not express an intent to return for the child.

(b) An emergency medical services provider who takes custody of a child under this section shall perform any act necessary to protect the

child's physical health or safety.

(c) Any person who in good faith voluntarily leaves a child:

(1) with an emergency medical services provider;

(2) in a newborn safety device described in this section; or

(3) with medical staff as described in subsection (a)(6);

is not obligated to disclose the parent's name or the person's name.

(d) The following are immune from civil liability, unless the act or omission constitutes gross negligence or willful or wanton misconduct:

(1) An:

(A) emergency medical services provider; or

(B) employee of an emergency medical ~~service~~ **services** provider;

for an act or omission relating to taking custody of a child under subsection (a).

(2) A:

(A) medical staff person; or

(B) hospital or other medical facility;

for an act or omission relating to taking custody of a child under subsection (a)(6).

(e) A hospital that approves the operation of a newborn safety device that meets the requirements set forth in subsection (a)(2) is immune from civil liability for an act or omission relating to the operation of the newborn safety device unless the act or omission constitutes gross negligence or willful or wanton misconduct.

(f) A newborn safety device described in subsection (a)(3) may continue to operate without meeting the conditions set forth in subsection (a)(2).

(g) A:

(1) facility, fire department, or emergency medical services station or an employee of a facility, fire department, or emergency medical services station that meets the requirements set forth in subsection (a)(4); or

(2) volunteer fire department or a member of a volunteer fire department that meets the requirements set forth in subsection (a)(5);

is immune from civil liability for an act or omission relating to the operation of the newborn safety device unless the act or omission constitutes gross negligence or willful or wanton misconduct.

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

child by:

(1) dialing the 911 emergency call number; and

(2) staying with the child until an emergency medical services provider (as defined in IC 16-41-10-1) arrives to take custody of the child.

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

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

(1) actions for slander or libel;

(2) matters relating to decedents' estates, appointment of guardians, and all related matters;

(3) dissolution of marriage actions; or

(4) injunction or mandate actions.

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

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

(c) The bailiff shall do the following:

(1) Be present at the sessions of the court, maintaining order and performing all other duties subject to the order of the court.

(2) Take charge of all executions issued by the court and see to

the collection of the executions.

(3) Keep, in books to be furnished by the controller or clerk-treasurer, an accurate account and docket of all executions that come into the bailiff's hands, showing the:

(A) names of the defendants;

(B) date and number of the execution;

(C) amount of fines, fees, or penalties imposed; and

(D) disposition of the execution.

(4) Make and deliver a written report to the clerk of the court on Tuesday of each week, showing all money collected by the bailiff during the previous week, giving the:

(A) names of the defendants;

(B) number of executions; and

(C) amount of fines, fees, or penalties collected;

and pay the money to the clerk, taking the clerk's receipt for the payments.

(d) The salary of the bailiff shall be fixed as salaries of other police officers are fixed.

(e) The bailiff of a city court of the three (3) cities having the largest populations in a county having a population of more than four hundred thousand (400,000) ~~but~~ **and** less than seven hundred thousand (700,000) shall be appointed by the judge of the court. The bailiff shall serve and execute all processes issued by the court and is entitled to receive a salary fixed by the common council of the city. In addition, the bailiff may collect a fee from a defendant for the bailiff's own use on all execution sales of property under an execution or attachment as follows:

(1) On the first fifty dollars ($50), ten percent (10%).

(2) On more than fifty dollars ($50) and not more than three hundred dollars ($300), five percent (5%).

(3) On all sums over three hundred dollars ($300), three percent (3%).

(4) Any additional sum necessarily expended by the bailiff in collecting the judgment.

A bailiff may use the bailiff's private vehicle in the performance of the bailiff's duties and is entitled to receive a sum for mileage equal to the sum paid per mile to state officers and employees. The payment to the bailiff is subject to the approval of the judge. The judge shall include in the budget for the court sufficient money to provide for the anticipated claims of the bailiff. The common council shall make annual appropriations that are necessary to carry out this subsection.

SECTION 103. IC 33-35-3-9, AS AMENDED BY P.L.1-2007,

SECTION 220, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 9. (a) This section applies after June 30, 2005.

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

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

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

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

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

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

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

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

SECTION 105. IC 33-35-5-4 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4. (a) City courts of the three (3) cities having the largest populations in counties having a population of more than four hundred thousand (400,000) ~~but~~ **and** less than seven hundred thousand (700,000) shall keep the following books of record on the civil side of the court:

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

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

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

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

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

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

(b) All orders of sale and executions affecting real estate from the city court of the three (3) cities having the largest populations in a county having a population of more than four hundred thousand (400,000) ~~but~~ **and** less than seven hundred thousand (700,000) shall be issued by the clerk of the circuit court to the sheriff upon the filing of a certified copy of the judgment. When the copy is filed, the court rendering the judgment has no further jurisdiction of the case except to furnish a transcript for appeal. The life of a lien may be continued in force when the action is started in the city court, as though the action were filed in the circuit court, by filing with the clerk of the circuit court a certificate, certified to by the judge of the city court and

containing:

(1) the names of the parties to the suit;

(2) the nature of the action;

(3) the description of the property affected; and

(4) the amount in controversy.

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

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

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

(1) a correct statement, to be prepared by the party requesting the signing of the same, of the facts in a narrative form appearing on the trial and of all questions of law involved in the case and the decisions of the court upon the questions of law; or

(2) a correct stenographic report;

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

(c) The appeal shall be:

(1) submitted on the date filed in the court to which the appeal is taken;

(2) advanced on the docket of that court; and

(3) as determined at the earliest practical date, without any extension of time for filing of briefs;

but the court to which an appeal is taken may, on application, hear oral arguments.

(d) If judgment is affirmed on appeal, it may be increased by ten percent (10%), in addition to any interest that may be allowed, if the

appeal is found to be frivolous.

(e) A change of venue may be taken from the judge to whom the case is appealed as provided by law for taking changes of venue from the judge of the circuit court.

(f) The court to which an appeal is taken shall render its opinion in abbreviated form by simply citing the controlling authorities in the case, unless it appears that some new question of practice, procedure, or law is involved that would warrant a more extensive opinion.

SECTION 108. IC 33-38-11-10, AS AMENDED BY P.L.13-2013, SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 10. Except for:

(1) a temporary juvenile law judge appointed under section 1(b) of this chapter for the exclusive purpose of hearing cases arising under IC 31-30 through IC 31-40; or

(2) a temporary judge appointed by a court located in a county having a population of more than two hundred fifty thousand (250,000) ~~but~~ **and** less than two hundred seventy thousand (270,000);

a temporary judge appointed under this chapter may not serve for more than sixty (60) calendar days in all during a calendar year.

SECTION 109. IC 34-13-3-24, AS AMENDED BY P.L.201-2018, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 24. ~~(a)~~ There is appropriated from the state general fund sufficient funds to:

(1) settle claims and satisfy tort judgments obtained against the state;

(2) pay interest on claims and judgments; and

(3) subject to approval by the budget director, pay:

(A) liability insurance premiums; and

(B) expenses incurred by the attorney general in employing other counsel to aid in defending or settling claims or civil actions against the state.

SECTION 110. IC 34-35-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 5. (a) This section applies in a county having a population of more than four hundred thousand (400,000) ~~but~~ **and** less than seven hundred thousand (700,000).

(b) Whenever a change of venue is taken from the county in any civil action pending in any circuit, superior, or probate court of Indiana, if the parties to the action agree in open court within three (3) days from the date of the filing of the affidavit or motion for change of venue from the county to which county the change of venue of the

action shall be changed, it is the duty of the court to send, transfer, and venue the action to the agreed upon county.

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

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

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

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

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

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

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

~~(3) An unmanned aerial vehicle.~~

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

SECTION 112. IC 35-31.5-2-343.5 IS REPEALED [EFFECTIVE JULY 1, 2023]. ~~Sec. 343.5. "Use of a tracking device", for purposes of IC 35-33-5, includes the installation, maintenance, and monitoring of a tracking device. The term does not include:~~

~~(1) the capture, collection, monitoring, or viewing of images; or~~

~~(2) the use of a monitoring device with respect to a person required to be tracked or monitored.~~

~~(A) as a condition of bail;~~

~~(B) as a condition of probation, parole, or community corrections;~~

~~(C) as a requirement of sex offender registration; or~~

~~(D) as part of a sentence imposed for a crime.~~

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

(1) "Lawful supervision" means supervision by:

(A) the department of correction;

(B) a court;

(C) a probation department;

(D) a community corrections program, a community transition program, or another similar program; or

(E) parole.

(2) "Service provider" means:

(A) with respect to a person subject to lawful detention:

(i) a public servant;

(ii) a person employed by a governmental entity; or

(iii) a person who provides goods or services to a person who is subject to lawful detention; and

(B) with respect to a person subject to lawful supervision:

(i) a public servant whose official duties include the supervision of the person subject to lawful supervision;

(ii) a person employed by a governmental entity to provide supervision for the person subject to lawful supervision; or

(iii) a person who is employed by or contracts with a governmental entity to provide treatment or other services to the person subject to lawful supervision as a condition of the person's lawful supervision.

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

(c) A service provider at least eighteen (18) years of age who knowingly or intentionally engages in sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5) with a person who is:

(1) less than eighteen (18) years of age; and

(2) subject to lawful detention or lawful supervision;

commits sexual misconduct, a Level 4 felony.

(d) In addition to any other penalty imposed for a violation of this section, the court shall order the person to pay restitution under IC 35-50-5-3 for expenses related to pregnancy and childbirth if the pregnancy is a result of the offense.

(e) It is not a defense that an act described in subsection (b) or (c) was consensual.

(f) This section does not apply to sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5) between spouses.

SECTION 114. IC 36-1-3.5-4, AS AMENDED BY P.L.119-2012, SECTION 170, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4. (a) This section applies to cities in counties other than the following counties:

(1) A county having a consolidated city.

(2) Lake County.

(3) St. Joseph County.

(b) Jurisdiction over the following local matters, which before the 1981 regular session of the general assembly have been subjects of statutory concern, is transferred to the legislative body of each city having a population of more than fifty thousand (50,000):

(1) Regulation of sewers and drains (formerly governed by IC 19-2-11).

(2) Benefits for certain municipal utility employees (formerly governed by IC 19-3-29).

(c) Jurisdiction over the following local matter, which before the 1981 regular session of the general assembly has been the subject of statutory concern, is transferred to the legislative body of each city having a population of more than thirty-five thousand (35,000) ~~but~~ **and** less than fifty thousand (50,000):

Regulation of sewers and drains (formerly governed by IC 19-2-11).

SECTION 115. IC 36-4-3-5.2, AS ADDED BY P.L.70-2022, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 5.2. (a) As used in this section, "homeowners association" means a corporation that satisfies all of the following:

(1) The corporation is exempt from federal income taxation under 26 U.S.C. 528.

(2) The control and management of the corporation is vested in a board of directors.

(3) The corporation is organized and operated exclusively for the benefit of two (2) or more persons who each own:

(A) a dwelling in fee simple; or

(B) a commercial building in fee simple;

within the residential development.

(4) The purpose of the corporation is to:

(A) own, maintain, and operate common areas and facilities;

(B) administer and enforce covenants and restrictions on property; and

(C) collect and distribute assessments on property;

located within the residential development.

(5) The corporation acts in accordance with the articles, bylaws, or other documents governing the corporation to:

(A) adopt and enforce rules and regulations necessary for the enjoyment of common areas, recreation facilities, and other amenities located within the residential development; and

(B) exercise the corporation's power to:

(i) levy assessments on property within the residential development; and

(ii) collect assessments on property located within the residential development by enforcing the corporation's lien and foreclosure rights.

(b) As used in this section, "residential development" means a parcel of land that is subdivided into:

(1) lots, parcels, tracts, units, or interests that: ~~include:~~

(A) **include** an existing Class 2 structure (as defined in IC 22-12-1-5); or

(B) ~~is~~ **are** designated for the construction of a Class 2 structure;

each of which is encumbered by substantively identical restrictive covenants concerning one (1) or more servient estates located within the boundaries of the original undivided parcel, or other governing document of record;

(2) lots, parcels, tracts, units, or interests that: ~~include:~~

(A) **include** an existing Class 1 structure (as defined in IC 22-12-1-4); or

(B) are designated for the construction of a Class 1 structure; and

(3) a common area.

(c) In addition to annexing territory under ~~sections~~ **section** 3, 4, 5, or 5.1 of this chapter, a third class city may annex a residential development and a public highway right-of-way that connects the residential development to the corporate limits of the third class city, if all of the following are satisfied:

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

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

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

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

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

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

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

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

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

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

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

(f) Upon completion of the outreach program meetings and before mailing the notification to landowners under section 2.2 of this chapter, the legislative body of the third class city shall adopt a written fiscal plan by resolution that incorporates any revisions to the preliminary fiscal plan.

(g) The third class city shall hold a public hearing not earlier than thirty (30) days after the date the annexation ordinance is introduced. All interested parties must have the opportunity to testify as to the

proposed annexation. Notice of the hearing shall be:

(1) published in accordance with IC 5-3-1 except that the notice shall be published at least thirty (30) days before the hearing; and

(2) mailed as set forth in section 2.2 of this chapter.

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

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

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

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

(1) section 1.5 of this chapter does not apply; and

(2) the landowner of the public highway right-of-way that is part of the state highway system (as defined in IC 8-23-1-40) is considered to be the state of Indiana.

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

(1) consent to the incorporation; or

(2) deny consent to the incorporation;

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

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

(1) consent to the incorporation; or

(2) deny consent to the incorporation;

not later than ninety (90) days after the legislative body receives the petitioners' written request. If the legislative body fails to act not later

than ninety (90) days after the legislative body receives the petitioners' written request, the legislative body is considered to have consented to the petitioners' request for incorporation.

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

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

(1) amount of the transfer;

(2) funds involved;

(3) date of the transfer; and

(4) general purpose of the transfer.

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

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

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

(3) the:

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

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

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

(c) A:

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

(2) town having a population of less than one thousand (1,000) located in a county having a population of more than forty thousand (40,000) and less than forty-three thousand (43,000);

may not transfer money under this section to or from a food and beverage tax receipts fund established under IC 6-9.

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

(1) The legal name of the commission.

(2) The boundaries of the joint district.

(3) The duration of the commission.

(4) Any other information necessary to form the commission.

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

(1) in the municipality; or

(2) within five (5) miles of the municipality's corporate boundaries.

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

(1) in the municipality; or

(2) within ten (10) miles of the municipality's corporate boundaries.

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

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

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

(1) The legislative body of each county where any part of the joint district is located shall choose four (4) members.

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

(3) The city plan commission (or similar body) of each

municipality having a population of more than twenty-five thousand (25,000) ~~but~~ **and** less than fifty thousand (50,000), that passes an ordinance establishing a joint district and that is located within ten (10) miles of the joint district shall choose two (2) members.

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

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

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

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

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

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

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

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

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

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

(C) does not contain a municipality.

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

(c) A member of the commission who is a county surveyor may not vote in a weighted vote under section 9 of this chapter.

SECTION 121. IC 36-7-11-4, AS AMENDED BY P.L.127-2017, SECTION 184, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4. (a) A unit may establish, by ordinance, a historic preservation commission with an official name

designated in the ordinance. The commission must have not less than three (3) nor more than nine (9) voting members, as designated by the ordinance. The voting members shall be appointed by the executive of the unit, subject to the approval of the legislative body. Voting members shall each serve for a term of three (3) years. However, the terms of the original voting members may be for one (1) year, two (2) years, or three (3) years in order for the terms to be staggered, as provided by the ordinance. A vacancy shall be filled for the duration of the term. In the case of a commission with jurisdiction in a city having a population of more than one hundred thousand (100,000) ~~but~~ **and** less than one hundred ten thousand (110,000), the commission must after June 30, 2001, include as a voting member the superintendent of the largest school corporation in the city.

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

(c) The ordinance may:

(1) designate an officer or employee of the unit to act as administrator;

(2) permit the commission to appoint an administrator who shall serve without compensation except reasonable expenses incurred in the performance of the administrator's duties; or

(3) provide that the commission act without the services of an administrator.

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

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

(f) The commission shall adopt rules consistent with this chapter for the transaction of its business. The rules must include the time and place of regular meetings and a procedure for the calling of special meetings. All meetings of the commission must be open to the public, and a public record of the commission's resolutions, proceedings, and actions must be kept. If the commission has an administrator, the administrator shall act as the commission's secretary, otherwise, the

commission shall elect a secretary from its membership.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

during a state fiscal year; minus

(2) the gross retail base period amount;

as determined by the department of state revenue.

SECTION 124. IC 36-7.5-1-2, AS ADDED BY P.L.214-2005, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 2. "Airport authority" refers to an airport authority

established under IC 8-22-3 in a county having a population of more than four hundred thousand (400,000) ~~but~~ **and** less than seven hundred thousand (700,000).

SECTION 125. IC 36-8-8-1, AS AMENDED BY P.L.115-2016, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. This chapter applies to:

(1) full-time police officers hired or rehired after April 30, 1977, in all municipalities, or who converted their benefits under IC 19-1-17.8-7 (repealed September 1, 1981);

(2) full-time fully paid firefighters hired or rehired after April 30, 1977, or who converted their benefits under IC 19-1-36.5-7 (repealed September 1, 1981);

(3) a police matron hired or rehired after April 30, 1977, and before July 1, 1996, who is a member of a police department in a second or third class city on March 31, 1996;

(4) a park ranger who:

(A) completed at least the number of weeks of training at the Indiana law enforcement academy or a comparable law enforcement academy in another state that were required at the time the park ranger attended the Indiana law enforcement academy or the law enforcement academy in another state;

(B) graduated from the Indiana law enforcement academy or a comparable law enforcement academy in another state; and

(C) is employed by the parks department of a city having a population of more than one hundred ten thousand (110,000) ~~but~~ **and** less than one hundred fifty thousand (150,000);

(5) a full-time fully paid firefighter who is covered by this chapter before the effective date of consolidation and becomes a member of the fire department of a consolidated city under IC 36-3-1-6.1, provided that the firefighter's service as a member of the fire department of a consolidated city is considered active service under this chapter;

(6) except as otherwise provided, a full-time fully paid firefighter who is hired or rehired after the effective date of the consolidation by a consolidated fire department established under IC 36-3-1-6.1;

(7) a full-time police officer who is covered by this chapter before the effective date of consolidation and becomes a member of the consolidated law enforcement department as part of the consolidation under IC 36-3-1-5.1, provided that the officer's service as a member of the consolidated law enforcement department is considered active service under this chapter;

(8) except as otherwise provided, a full-time police officer who is hired or rehired after the effective date of the consolidation by a consolidated law enforcement department established under IC 36-3-1-5.1; and

(9) a veteran described in IC 36-8-4.7;

except as provided by section 7 of this chapter.

SECTION 126. IC 36-8-8-7, AS AMENDED BY P.L.85-2022, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 7. (a) Subject to IC 36-8-4.7 and except as provided in subsections (d), (e), (f), (g), (h), (k), (l), and (m):

(1) a police officer who is less than forty (40) years of age; or

(2) a firefighter who is less than thirty-six (36) years of age;

who passes the baseline statewide physical and mental examinations required under section 19 of this chapter shall be a member of the 1977 fund and is not a member of the 1925 fund, the 1937 fund, or the 1953 fund.

(b) A police officer or firefighter with service before May 1, 1977, who is hired or rehired after April 30, 1977, may receive credit under this chapter for service as a police officer or firefighter prior to entry into the 1977 fund if the employer who rehires the police officer or firefighter chooses to contribute to the 1977 fund the amount necessary to amortize the police officer's or firefighter's prior service liability over a period of not more than thirty (30) years, the amount and the period to be determined by the system board. If the employer chooses to make the contributions, the police officer or firefighter is entitled to receive credit for the police officer's or firefighter's prior years of service without making contributions to the 1977 fund for that prior service. In no event may a police officer or firefighter receive credit for prior years of service if the police officer or firefighter is receiving a benefit or is entitled to receive a benefit in the future from any other public pension plan with respect to the prior years of service.

(c) Except as provided in section 18 of this chapter, a police officer or firefighter is entitled to credit for all years of service after April 30, 1977, with the police or fire department of an employer covered by this chapter.

(d) A police officer or firefighter with twenty (20) years of service does not become a member of the 1977 fund and is not covered by this chapter, if the police officer or firefighter:

(1) was hired before May 1, 1977;

(2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981); and

(3) is rehired after April 30, 1977, by the same employer.

(e) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the police officer or firefighter:

(1) was hired before May 1, 1977;

(2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981);

(3) was rehired after April 30, 1977, but before February 1, 1979; and

(4) was made, before February 1, 1979, a member of a 1925, 1937, or 1953 fund.

(f) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the police officer or firefighter:

(1) was hired by the police or fire department of a unit before May 1, 1977;

(2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981);

(3) is rehired by the police or fire department of another unit after December 31, 1981; and

(4) is made, by the fiscal body of the other unit after December 31, 1981, a member of a 1925, 1937, or 1953 fund of the other unit.

If the police officer or firefighter is made a member of a 1925, 1937, or 1953 fund, the police officer or firefighter is entitled to receive credit for all the police officer's or firefighter's years of service, including years before January 1, 1982.

(g) As used in this subsection, "emergency medical services" and "emergency medical technician" have the meanings set forth in IC 16-18-2-110 and IC 16-18-2-112. A firefighter who:

(1) is employed by a unit that is participating in the 1977 fund;

(2) was employed as an emergency medical technician by a political subdivision wholly or partially within the department's jurisdiction;

(3) was a member of the public employees' retirement fund during the employment described in subdivision (2); and

(4) ceased employment with the political subdivision and was hired by the unit's fire department due to the reorganization of emergency medical services within the department's jurisdiction;

shall participate in the 1977 fund. A firefighter who participates in the 1977 fund under this subsection is subject to sections 18 and 21 of this chapter.

(h) A police officer or firefighter does not become a member of the

1977 fund and is not covered by this chapter if the individual was appointed as:

(1) a fire chief under a waiver under IC 36-8-4-6(c); or

(2) a police chief under a waiver under IC 36-8-4-6.5(c);

unless the executive of the unit requests that the 1977 fund accept the individual in the 1977 fund and the individual previously was a member of the 1977 fund.

(i) A police matron hired or rehired after April 30, 1977, and before July 1, 1996, who is a member of a police department in a second or third class city on March 31, 1996, is a member of the 1977 fund.

(j) A park ranger who:

(1) completed at least the number of weeks of training at the Indiana law enforcement academy or a comparable law enforcement academy in another state that were required at the time the park ranger attended the Indiana law enforcement academy or the law enforcement academy in another state;

(2) graduated from the Indiana law enforcement academy or a comparable law enforcement academy in another state; and

(3) is employed by the parks department of a city having a population of more than one hundred ten thousand (110,000) ~~but~~ **and** less than one hundred fifty thousand (150,000);

is a member of the fund.

(k) Notwithstanding any other provision of this chapter, a police officer or firefighter:

(1) who is a member of the 1977 fund before a consolidation under IC 36-3-1-5.1 or IC 36-3-1-6.1;

(2) whose employer is consolidated into the consolidated law enforcement department or the fire department of a consolidated city under IC 36-3-1-5.1 or IC 36-3-1-6.1; and

(3) who, after the consolidation, becomes an employee of the consolidated law enforcement department or the consolidated fire department under IC 36-3-1-5.1 or IC 36-3-1-6.1;

is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter.

(l) Notwithstanding any other provision of this chapter, if:

(1) before a consolidation under IC 8-22-3-11.6, a police officer or firefighter provides law enforcement services or fire protection services for an entity in a consolidated city;

(2) the provision of those services is consolidated into the law enforcement department or fire department of a consolidated city; and

(3) after the consolidation, the police officer or firefighter

becomes an employee of the consolidated law enforcement department or the consolidated fire department under IC 8-22-3-11.6;

the police officer or firefighter is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter.

(m) A police officer or firefighter who is a member of the 1977 fund under subsection (k) or (l) may not be:

(1) retired for purposes of section 10 of this chapter; or

(2) disabled for purposes of section 12 of this chapter;

solely because of a change in employer under the consolidation.

(n) Notwithstanding any other provision of this chapter and subject to subsection (o), a police officer or firefighter who:

(1) is an active member of the 1977 fund with an employer that participates in the 1977 fund;

(2) separates from that employer; and

(3) not later than one hundred eighty (180) days after the date of the separation described in subdivision (2), becomes employed as a full-time police officer or firefighter with the same or a second employer that participates in the 1977 fund;

is a member of the 1977 fund without meeting for a second time the age limitation under subsection (a) and the requirements under sections 19 and 21 of this chapter. A police officer or firefighter to whom this subsection applies is entitled to receive credit for all years of 1977 fund covered service as a police officer or firefighter with all employers that participate in the 1977 fund.

(o) The one hundred eighty (180) day limitation described in subsection (n)(3) does not apply to a member of the 1977 fund who is eligible for reinstatement under IC 36-8-4-11.

(p) Notwithstanding any other provision of this chapter, a veteran who is:

(1) described in IC 36-8-4.7; and

(2) employed as a firefighter or police officer;

is a member of the 1977 fund.

(q) Notwithstanding any other provision of this chapter and except as provided in subsection (o), a police officer or firefighter who:

(1) is an active member of the 1977 fund with an employer that participates in the 1977 fund;

(2) separates from that employer; and

(3) more than one hundred eighty (180) days after the date of the separation described in subdivision (2), becomes employed as a full-time police officer or firefighter with the same or a second employer that participates in the 1977 fund;

is a member of the 1977 fund without meeting the age limitation under subsection (a) provided the member can accrue twenty (20) years of service credit in the 1977 fund by the time the firefighter becomes sixty (60) years of age. A police officer or firefighter who participates in the 1977 fund under this subsection must pass the baseline statewide physical and mental examination under section 19 of this chapter. A police officer or firefighter to whom this subsection applies is entitled to receive credit for all years of 1977 fund covered service as a police officer or firefighter with all employers that participate in the 1977 fund.

SECTION 127. IC 36-8-26-1, AS ADDED BY P.L.103-2022, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. The following definitions apply throughout this chapter:

(1) "Board" means the Marion County crime reduction board established by section 2 of this chapter.

(2) "Downtown district" means the area bounded by:

(A) on the south:

(i) Morris Street from the White River to Prospect Street; and

(ii) Prospect Street ~~going~~ east from Morris Street to Interstate I-65 north;

(B) on the west, the White River from Morris Street to 10th Street;

(C) on the east, Interstate I-65 north from Prospect Street to Interstate I-70 east; and

(D) on the north:

(i) Fall Creek from the White River to Indiana Avenue;

(ii) 10th Street from Indiana Avenue to Brooks Street;

(iii) Oscar Robertson Boulevard/11th Street from Brooks Street to the northbound exit onto Interstate I-65 south from Martin Luther King Boulevard;

(iv) the northbound exit onto Interstate I-65 south from Martin Luther King Boulevard to Capitol Avenue; and

(v) Interstate I-65 south from Capitol Avenue to Interstate I-70 east.

(3) "Interoperability agreement" means an agreement between two (2) or more members of the board that increases the duties or responsibilities of a law enforcement agency supervised or operated by a member of the board.

SECTION 128. IC 36-9-27-13, AS AMENDED BY P.L.127-2017, SECTION 328, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2023]: Sec. 13. (a) This section applies to a county having a population of more than four hundred thousand (400,000) ~~but~~ **and** less than seven hundred thousand (700,000).

(b) There is established a county drainage advisory committee. The executive of each township in the county shall appoint one (1) resident of the executive's township to serve on the committee. Committee members serve for four (4) year terms. Members may not receive per diem or mileage for service on the committee.

(c) The county drainage advisory committee shall advise and assist the board in the performance of its powers, duties, and functions. The board or the county legislative body may assign responsibilities to the committee concerning drainage. The committee may select one (1) of its members as chair and may meet at the chair's call or at the call of any three (3) of its members.

SECTION 129. IC 36-9-27-74 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 74. (a) This section applies to a county having a population of more than four hundred thousand (400,000) ~~but~~ **and** less than seven hundred thousand (700,000).

(b) Each year, the county shall levy the tax authorized by section 73 of this chapter at a rate on each one hundred dollars ($100) of assessed valuation that will yield three hundred thousand dollars ($300,000) per year.

(c) The county auditor shall determine a particular watershed's part of the receipts from the tax authorized by this section by multiplying the total tax receipts by a fraction determined by the county surveyor. The numerator of the fraction is the number of acres in the particular watershed, and the denominator is the total number of acres in all of the watersheds in the county. The auditor shall annually distribute these amounts to the watersheds in the county.

(d) The county legislative body shall annually appropriate, for use in the county in each of these watersheds, at least eighty percent (80%) of the watershed's part of the tax receipts.

SECTION 130. IC 36-9-30-5.3, AS ADDED BY P.L.37-2022, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 5.3. (a) This section applies only to a municipality that is not a consolidated city.

(b) As used in this section, "board" refers to:

(1) the:

(A) board of public works; or

(B) board of public works and safety;

in the case of a city; or

(2) the town council, in the case of a town.

(c) Notwithstanding any statute relating to the length, duration, and terms of contracts and agreements, the board of a municipality may enter into any contract or agreement with any person upon such terms and conditions as may be agreed upon for the collection and disposal of solid waste.

(d) Before or after the expiration or termination of the term or duration of a contract or agreement entered into under subsection (c), the board of a municipality, in accordance with this section, may from time to time enter into amended, extended, supplemental, new, or further contracts or agreements with:

(1) the same person with whom the board entered into the contract or agreement under subsection (c); or

(2) any other person;

for any purpose referred to in this section.

(e) Overall cost, including construction costs, tipping fees, and reductions in costs resulting from the sale of byproducts, should in all cases be a major criterion in the selection of contractors for an award of contracts for the collection and disposal of solid waste under this section. The board of a municipality:

(1) shall consider:

(A) the highly complex and innovative nature of byproduct recovery technology;

(B) the variety of waste collection and disposal technology available;

(C) the desirability of flexibility for the development of these complex facilities; and

(D) the economic and technical utility of contracts for byproduct recovery projects that include in their scope various combinations of design, construction, operations, management, or maintenance responsibilities over prolonged periods; and

(2) shall recognize that in some instances it may be beneficial to the municipality to award a contract on the basis of factors other than cost alone, such as:

(A) facility design;

(B) system reliability;

(C) energy efficiency; and

(D) compatibility with source separation, other recycling systems, and environmental protection.

(f) Notwithstanding any other statute, a contract for the collection and disposal of solid waste that is entered into between a board on

behalf of a municipality and any person under this section may be awarded by the board under either of the following procedures:

(1) Public bidding in compliance with IC 36-1-12.

(2) Compliance with subsections (g) through (q).

(g) A board proceeding under subsection (f)(2) to enter into a contract for the collection and disposal of solid waste may require any person seeking to enter into the contract with the municipality to be prequalified as a proposer by submitting to the board:

(1) information relating to the experience of the proposer;

(2) the basis on which the proposer purports to be qualified to carry out all work required by the proposed contract; and

(3) the financial condition of the proposer.

(h) Before issuing a request for proposals under this section, a board shall:

(1) adopt a proposed request for proposals; and

(2) publish a public notice concerning the request for proposals.

If the board has established a prequalification requirement under subsection (g), the public notice published under subdivision (2) may include the criteria according to which proposers may be selected.

(i) The public notice published by a board under subsection (h)(2) must:

(1) include the intent to issue a request for proposals; and

(2) designate times and places where the proposed request for proposals may be viewed by the general public.

(j) After the publication of a public notice under subsection (h)(2), the board shall allow a period of at least thirty (30) days for the submission of:

(1) comments on the proposed request for proposals; and

(2) qualifications from persons seeking to be prequalified as a proposer, if the board has established a prequalification requirement under subsection (g).

Comments submitted under subdivision (1) may address the scope or contents of the proposed request for proposals.

(k) After the period allowed under subsection (j), the board shall:

(1) select proposers; and

(2) adopt a request for proposals.

The board shall notify each proposer that is selected of the selection, inform the proposer of the date and place established for the submission of proposals, and deliver to the proposer a copy of the request for proposals.

(l) A request for proposals adopted under subsection (k)(2) must include:

(1) a clear identification and specification of all elements of cost that would become charges to the municipality, in whatever form, in return for the fulfillment by the proposer of all tasks and responsibilities established by the request for proposals for the full term of the proposed contract for the collection and disposal of solid waste, including such appropriate matters as:

(A) proposals for project staffing;

(B) implementation of all work tasks;

(C) carrying out of all responsibility required by the proposed contract; and

(D) the cost of planning, design, construction, operation, management, or maintenance of any facility, and the cost of processing or disposal of solid waste; ~~and~~

(2) a clear identification and specification of any revenues that would accrue to the municipality from the sale of any byproducts or from any other source; and

(3) such other information as the board may determine to have a material bearing on its ability to evaluate any proposal in accordance with this section.

(m) The board may prescribe the form and content of proposals submitted in response to its request for proposals. The information submitted by a proposer must be sufficiently detailed to permit the board to evaluate the proposal fairly and equitably. In addition, the board, in the request for proposals, may set maximum allowable cost limits that the board determines to be appropriate.

(n) The board may not receive proposals until at least thirty (30) days after the proposers are selected and notified of their selection under subsection (k). The board:

(1) shall evaluate the proposals it receives as to net cost or revenues; and

(2) may, in a manner consistent with provisions set forth in the request for proposals, evaluate the proposals on the basis of additional factors such as:

(A) the technical evaluation of facility design;

(B) net energy efficiency;

(C) environmental protection;

(D) overall system reliability; and

(E) the financial condition of the proposer.

(o) The board, on behalf of the municipality, may negotiate with any responsible proposer. After giving public notice including the date, time, and place of the hearing, the board shall hold a public hearing at which the public may submit comments on the contract to be awarded.

After the public hearing, the board shall make a contract award to the responsible proposer selected under this section based on a determination by the board that the selected proposal is the most responsive to the needs of the municipality.

(p) The contract award:

(1) must be in the form of a resolution; and

(2) must include particularized findings relative to the factors to be evaluated under this section, indicating that the award:

(A) meets the municipality's needs; and

(B) is in the public interest.

(q) An action to contest:

(1) the validity of the contract awarded; or

(2) the procedure by which the contract was awarded;

must be initiated within thirty (30) days after the contract is awarded under subsection (o). An action to contest the contract, regardless of the cause, may not be initiated more than thirty (30) days after the contract is awarded under subsection (o).

SECTION 131. IC 36-9-35-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. This chapter applies to each city in a county having a population of more than four hundred thousand (400,000) ~~but~~ **and** less than seven hundred thousand (700,000), in which the legislative body has, by ordinance, established a water department as a municipal utility or a department of waterworks.

SECTION 132. IC 36-9-37-36 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 36. (a) Upon the delivery of certificates of indebtedness in payment of part of the principal of or interest on any bonds because of a deficiency, the municipality shall, by proper endorsement of the bonds:

(1) reduce the face value of the bonds or the interest payable on the bonds by a corresponding amount; or

(2) cancel the bonds if the principal of and interest on the bonds are paid in full.

(b) The certificates of indebtedness shall be authorized, issued, and paid in the same manner as certificates of indebtedness issued under IC 36-9-36-62 and IC 36-9-36-64. However, the certificates draw interest only from the date of issue and the rate of interest shall be fixed by the resolution authorizing the issuance of the certificates.

(c) A municipality is not required to provide for or pay upon the certificates of indebtedness issued under section 35 of this chapter (or under IC 36-9-19 before its repeal in 1993) a total amount in any one (1) year in excess of the following:

(1) Fifty thousand dollars ($50,000) for a municipality having a population of at least thirty-five thousand (35,000).

(2) Twenty-five thousand dollars ($25,000) for a municipality having a population of at least ten thousand (10,000) ~~but~~ **and** less than thirty-five thousand (35,000).

(3) Ten thousand dollars ($10,000) for a municipality having a population of less than ten thousand (10,000).

(d) A municipality shall make payments on the certificates of indebtedness issued under section 35 of this chapter (or under IC 36-9-19 before its repeal in 1993) in the order of the tender and demand for payment of outstanding certificates in each year. The municipality is not required to prorate the payments among all the outstanding certificates. The municipal fiscal officer is the sole judge of the order of tender and priorities of the certificates of indebtedness.

(e) Before issuing payment on a certificate, the fiscal officer shall, by audit and other investigation of the facts, determine the right to payment and the proper amount of the payment. The fiscal officer's determination is final and conclusive upon all the parties involved.

SECTION 133. IC 36-10-7-5, AS AMENDED BY P.L.127-2017, SECTION 386, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 5. (a) This section applies to a township having a population of more than one hundred fifty thousand (150,000) located in a county having a population of more than four hundred thousand (400,000) ~~but~~ **and** less than seven hundred thousand (700,000).

(b) The township executive may purchase, accept by grant, devise, bequest, or other conveyance, or otherwise acquire land for park purposes within the township, either inside or outside the corporate boundaries of a municipality, and may make necessary improvements.

(c) If the executive does not purchase, accept, or acquire land within the township for park purposes or make necessary improvements, two hundred (200) resident taxpayers and voters of the township may petition the executive and the legislative body in writing to:

(1) purchase, accept, or otherwise acquire the land described in the petition so that a township park may be established under this section; or

(2) make the improvements designated in the petition.

The petition must be addressed to the executive and legislative body and bear the signatures and addresses of the petitioners in ink, acknowledged before a notary public. After the petition is filed in the office of the executive, the executive shall have notice of the filing published in accordance with IC 5-3-1. The notice must name a date at

least sixty (60) days after the date of the last publication on which the executive and legislative body will hear and consider the petition. The notice constitutes notice of the proceedings to all taxpayers within the township, whether resident or nonresident.

(d) At the hearing the executive and legislative body shall hear and consider all remonstrances, whether written and signed in ink or from a resident of the township upon the question of whether the land should be purchased, accepted, or acquired by the township and a township park established, maintained, and improved. After the hearing, the executive and legislative body shall approve the petition unless twenty percent (20%) of the resident taxpayers of the township remonstrate in writing by filing their remonstrance on or before the day fixed for the hearing. In that case the executive and legislative body shall dismiss the petition.

(e) If land has been acquired for park purposes, the executive shall establish a park. After it is established, the executive shall provide for necessary improvements and construct facilities for the comfort and convenience of the public in the township park. Except as otherwise provided, all expenses incurred shall be paid out of the park and recreation fund of the township.

(f) If a park or parkland is acquired by a township under this section and the expense of the acquisition or of the development and improvement of the park is too great to be borne by the park and recreation fund of the township, the legislative body may authorize its chair to issue the bonds of the township to procure money for these purposes. However, the total bonded indebtedness of the township for park purposes may not exceed one million dollars ($1,000,000). Upon special notice of the chair in writing to each member of the legislative body stating the time, place, and purpose of the meeting, the legislative body may determine whether to issue the bonds of the township to pay the cost of acquiring, developing, or improving the park or parkland. If the legislative body determines that it is of public benefit to issue the bonds of the township, the legislative body, by a special order entered and signed upon the record, may authorize its chair to issue the bonds of the township. The bonds may run for a period not to exceed ten (10) years, may bear interest at any rate, and may be sold for not less than their par value. Before issuing the bonds, the chair shall publish notice of their sale in accordance with IC 5-3-1. The notice must state the amount of bonds offered, the denomination, the period to run, the rate of interest, and the date, place, and hour of sale. The legislative body shall attend the sale and must concur before bonds are sold.

(g) The legislative body shall annually levy a sufficient tax to pay

at least one-tenth (1/10) of the amount of the bonds, together with the accrued interest, each year, and the legislative body shall apply the annual tax to the payment of the bonds and interest each year. The tax levy is in addition to all other tax levies authorized by statute. A tax levy authorized by this section shall be levied and collected on all property within the boundaries of the township, including municipalities.

(h) There is established a special nonreverting operating fund for park purposes to be known as the park and recreation fund. Appropriations may be made from the fund by the township's legislative body for park purposes only. The cost of the maintenance and improvement of the park shall be paid out of the park and recreation fund of the township, and the legislative body shall increase the levy of the fund each year by an amount sufficient to provide the money to maintain the park.

(i) Money in the form of fees procured from golf courses, swimming pools, skating rinks, clubhouses, social centers, or other similar facilities requiring major expenditures for maintenance and improvement shall be deposited in the park and recreation fund and shall be appropriated by the township legislative body either in the annual budget or by additional appropriation in the manner as set out in IC 6-1.1-18-5.

(j) The executive shall appoint a superintendent of parks. Said appointment shall be made within thirty (30) days of a vacancy in the position of superintendent of parks. If the executive fails to make said appointment within the prescribed period, the legislative body shall have the power to make said appointment. Political affiliation may not be considered in the selection of the superintendent. The superintendent must:

(1) be qualified by training or experience in the field of parks and recreation; and

(2) have a certificate or an advanced degree in the field of parks and recreation.

(k) The superintendent must do the following:

(1) Propose annually to the executive a plan for the operation of the park.

(2) Administer the plan as approved by the executive.

(3) Supervise the general maintenance of the park.

(4) Keep the records of the park and preserve all papers and documents of the park.

(5) Keep accurate records of park income and expenditures in the manner prescribed by the state board of accounts.

(6) Appoint and discharge employees of the park without regard to political affiliation.

(7) Prepare and present to the executive an annual report.

(8) Perform other duties that the executive directs.

(l) The executive shall execute an employment contract with the superintendent that must contain the terms and conditions of the superintendent's employment.

SECTION 134. IC 36-10-13-8, AS ADDED BY P.L.1-2005, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 8. (a) This section applies to school corporations in a county:

(1) containing a consolidated city; or

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

(b) Subject to subsection (c), the governing body of a school corporation may annually appropriate sums to be paid to cultural institutions that are reasonably commensurate with the educational and cultural contributions made by the institutions to the school corporation and the school corporation's students.

(c) Before a cultural institution may receive payments under this section, the president and secretary of the cultural institution must file with the school corporation an affidavit stating that the cultural institution meets the following requirements:

(1) The governing board has adopted a resolution that entitles a representative of the school corporation to attend and speak at all meetings of the governing body.

(2) The cultural institution:

(A) admits the public to galleries, museums, and facilities at reasonable times and allows public use of those facilities free of charge; or

(B) provides alternative services free of charge to the public instead of admission to those facilities.

The governing body of the school corporation shall judge whether the alternative services are conducive to the education or cultural development of the public.

(3) The cultural institution has a permanent location in the municipality where the cultural institution conducts the cultural institution's principal educational or cultural purpose.

(4) The cultural institution has no general taxing authority.

The affidavit must be filed at least thirty (30) days before a request for an appropriation under this section.

(d) A cultural institution that complies with this section may

continue to receive payments under this section as long as the school corporation appropriates sums for that purpose.

SECTION 135. IC 36-12-7-8, AS AMENDED BY P.L.119-2012, SECTION 251, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 8. (a) As used in this section:

(1) "county fiscal body" means the fiscal body of a county in which a private donation library is located;

(2) "library board" means a library board established under IC 20-14 (before its repeal) or this article in a county in which a private donation library is located; and

(3) "private donation library" means a public library:

(A) established by private donation;

(B) located in a city having a population of more than one hundred ten thousand (110,000) ~~but~~ **and** less than one hundred fifty thousand (150,000);

(C) that contains at least twenty-five thousand (25,000) volumes;

(D) that has real property valued at at least one hundred thousand dollars ($100,000); and

(E) that is open and free to the residents of the city.

(b) The library board shall:

(1) levy a tax under IC 6-1.1 in an amount not less than sixty-seven hundredths of one cent ($0.0067) and not more than one and sixty-seven hundredths cents ($0.0167) on each one hundred dollars ($100) of the assessed valuation of all the real and personal property in the county;

(2) keep the tax levied under subdivision (1) separate from all other funds of the library board; and

(3) use the tax levied under subdivision (1):

(A) if the membership of the trustees of the private donation library includes at least one (1) member or appointee of the library board and at least one (1) appointee of the county fiscal body, for distributions of the full amounts of the tax received to the trustees of the private donation library at the time the tax is received by the library board; or

(B) if the membership of the trustees of the private donation library does not include at least one (1) member or appointee of the library board and at least one (1) appointee of the county fiscal body, at the discretion of the library board for:

(i) library board purposes; or

(ii) quarterly distributions to the trustees of the private donation library.

(c) If requested by the trustees of the private donation library, the library board shall designate a member of the library board or appoint an individual to serve as a trustee of the private donation library. If requested by the trustees of the private donation library, the county fiscal body shall appoint an individual to serve as a trustee of the private donation library.

(d) The trustees of the private donation library shall annually submit a budget to the library board.

(e) The trustees of the private donation library shall expend amounts received under subsection (b)(3)(A) or (b)(3)(B)(ii) for the support, operation, and maintenance of the private donation library. The trustees shall:

(1) keep the money separate from all other funds;

(2) record:

(A) the amount of money received;

(B) to whom and when the money is paid out; and

(C) for what purpose the money is used;

in a book kept by the trustees; and

(3) make an annual report of the matters referred to in subdivision (2) to the library board.

(f) For purposes of the property tax levy limits under IC 6-1.1-18.5, the tax levied by the library board under subsection (b)(1) is not included in the calculation of the maximum permissible property tax levy for the public library.

SECTION 136. [EFFECTIVE UPON PASSAGE] **(a) This act may be referred to as the "technical corrections bill of the 2023 general assembly".**

(b) The phrase "technical corrections bill of the 2023 general assembly" may be used in the lead-in line of an act other than this act to identify provisions added, amended, or repealed by this act that are also amended or repealed in the other act.

(c) This SECTION expires December 31, 2023.

SECTION 137. [EFFECTIVE UPON PASSAGE] **(a) This SECTION applies if a provision of the Indiana Code is:**

(1) added or amended by this act; and

(2) repealed by another act without recognizing the existence of the amendment made by this act by an appropriate reference in the lead-in line of the SECTION of the other act repealing the same provision of the Indiana Code.

(b) As used in this SECTION, "other act" refers to an act enacted in the 2023 session of the general assembly other than this act. "Another act" has a corresponding meaning.

(c) Except as provided in subsections (d) and (e), a provision repealed by another act shall be considered repealed, regardless of whether there is a difference in the effective date of the provision added or amended by this act and the provision repealed by the other act. Except as provided in subsection (d), the lawful compilers of the Indiana Code, in publishing the affected Indiana Code provision, shall publish only the version of the Indiana Code provision that is repealed by the other act. The history line for an Indiana Code provision that is repealed by the other act must reference that act.

(d) This subsection applies if a provision described in subsection (a) that is added or amended by this act takes effect before the corresponding provision repeal in the other act. The lawful compilers of the Indiana Code, in publishing the provision added or amended in this act, shall publish that version of the provision and note that the provision is effective until the effective date of the corresponding provision repeal in the other act. On and after the effective date of the corresponding provision repeal in the other act, the provision repealed by the other act shall be considered repealed, regardless of whether there is a difference in the effective date of the provision added or amended by this act and the provision repealed by the other act. The lawful compilers of the Indiana Code, in publishing the affected Indiana Code provision, shall publish the version of the Indiana Code provision that is repealed by the other act, and shall note that this version of the provision is effective on the effective date of the repealed provision of the other act.

(e) If, during the same year, two (2) or more other acts repeal the same Indiana Code provision as the Indiana Code provision added or amended by this act, the lawful compilers of the Indiana Code, in publishing the Indiana Code provision, shall follow the principles set forth in this SECTION.

(f) This SECTION expires December 31, 2023.

SECTION 138. **An emergency is declared for this act.**

Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____