

2013 Statehouse Report

Republican Super Majorities Present a New Dynamic

With the Republican super majorities in the Senate *and* now in the House, it took a little time for all to figure out how to operate under this new dynamic. When you throw in the fact that we have a new Governor and executive administration, it was an even greater challenge to know the playing field.

Fortunately, IACT had great success or at least a step forward with six of our eight legislative initiatives. For the first time, IACT was able to get a hearing in the Ways and Means Committee on the issue of allowing all municipalities to have the option to adopt a food and beverage tax. This legislation would have given municipalities the authority to adopt the tax without having to come to the legislature for special approval. While HB 1071 ultimately failed in the Ways and Means Committee, we think it was a positive step forward to get a hearing on the bill *and* a vote. HEA 1070 did pass, however, which allows two communities (Cloverdale and Fishers) to adopt the food and beverage tax.

Addressing the abandoned homes problem was another issue IACT pursued this session. SEA 433 sets out several measures providing for better communication between counties and cities to get properties to a certified abandoned status so that they can be fast tracked to tax sale.

We also made some strides in SEA 544 on the issue of fair collection and distribution methods for local option income taxes and after years of lobbying on the point that the State Police and Bureau Motor Vehicles should not be funded out of Motor Vehicle Highway funds, finally, this became a reality. HEA 1001, the budget bill, removes all diversions of local MVH money to state agencies. Due to this change, cities and towns can expect to see an increase of \$6 Million in FY 2014 and \$12.1 Million in FY 2015. Overall, the budget bill provides for increased local road funds amounting to a 35% increase over the next two years.

For the past two years, IACT has been working on the issue of getting utility companies to move their lines in a timely manner in order for a municipality to complete a public works project on time. This year, we had success. SEA 365 sets up a process for the local government to declare a project as a “major project.” Then, the unit and the utility may enter into an agreement that sets out deadlines and parameters for lines to be moved.

Meth labs and the making of meth is an enormous problem for many municipalities. We attempted to get legislation passed which would have made pseudoephedrine (the main ingredient in meth) a controlled drug – only available by prescription. While there wasn’t support to make this great of a change, we were able to support legislation in SEA 496 which lowers the legal limit of how much pseudoephedrine can be purchased by an individual on an annual basis.

Beyond our successes, we had some definite challenges in 2013. Utilities rates and charges were again under scrutiny (HEA 1137 and HEA 1307). In addition, our municipal programs to inspect rental housing were again under attack. Luckily HEA 1313 only requires a one-year moratorium on any new rental housing inspection program that imposes fees from being started and calls for an interim study committee on the issue versus the introduced bill which called for a total ban on rental housing inspection programs.

Late in the session, we were also challenged on our door-to-door solicitation ordinances. Without a single opportunity to testify publicly to voice our opposition, the cable companies were able to secure legislation in SEA 235 which allows cable companies only to be licensed by the state for door-to-door marketing. This licensure requires no criminal background checks and there is a very big loop hole protecting cable companies from having to adhere to local ordinances regarding “hours and manner” of solicitation.

We hope you find this statehouse report useful. As you encounter the impacts of these new laws in your communities, please let us know if you have any concerns. Let us know what is working and what isn't. Often times, we must go back to the legislature for clean-up language to due unintended consequences of legislation, therefore, we need to know the pertinent details from you, our IACT members! Thanks for your help.

Table of Contents

<u>Administration.....</u>	<u>4</u>
<u>Courts.....</u>	<u>37</u>
<u>Criminal Code.....</u>	<u>46</u>
<u>Economic Development.....</u>	<u>52</u>
<u>Environmental.....</u>	<u>61</u>
<u>Finance.....</u>	<u>63</u>
<u>Pensions.....</u>	<u>79</u>
<u>Public Safety.....</u>	<u>82</u>
<u>Transportation.....</u>	<u>93</u>
<u>Utilities.....</u>	<u>98</u>

Top 10 Legislative Issues with Municipal Impact

1. SEA 169 – Insurance Proceeds Set Aside..... 14 and 19
2. SEA 235 – Video Service Providers..... 20 and 88
3. SEA 285 – Annexation..... 21
4. SEA 365 – Utility Facility Relocation..... 25 and 101
5. SEA 385 – Municipal Utilities..... 63 and 101
6. SEA 433 – Abandoned Property, Property Safety and Mobile
Homes..... 26
7. HEA 1001 – Biennial Budget..... 63
8. HEA 1145 – Various Local Government
Matters..... 66
9. HEA 1307 – Municipally Owned Utilities..... 99
10. HEA 1313 – Regulation of Residential Landlords, Builders and
Remodelers..... 12 and 54

Administration

Civil Immunity for Services Provided in Emergency (HEA 1027, P.L. 96-2013)

Author: Mark Messer

Sponsor: James Merritt, Tim Lanane

- Provides civil immunity to a registered architect, land surveyor, or professional engineer who provides, without compensation, professional services related to a declared emergency

Outdoor Event Equipment (HEA 1069, P.L. 142-2013)

Author: Robert Cherry

Sponsor: James Merritt, Patricia Miller, Thomas Wyss, Lonnie Randolph

- Makes permanent temporary statutes that authorize the fire prevention and building safety commission (commission) to adopt rules to regulate as a Class 1 structure outdoor event equipment used in connection with an outdoor performance. Under current law, the statutes expire on January 1, 2014.
- Provides that temporary rules adopted by the commission governing outdoor event equipment at outdoor performances expire on or before January 1, 2016. Under current law, the statutes expire on January 1, 2014.
- Provides that the executive director of the Indiana department of homeland security may adopt rules governing emergency action plans or emergency response plans for outdoor performances where outdoor event equipment is used.

Mortgages and Vendor's Liens on Real Property (HEA 1079, P.L. 18-2013)

Author: Woody Burton

Sponsor: Travis Holdman, Greg Walker, Frank Mrvan, Jr.

- Provides that if the record of a mortgage or vendor's lien that was created before July 1, 2012, does not show the due date of the last installment, the mortgage or vendor's lien expires 20 years (instead of 10 years under current law) after the date of execution of the mortgage or vendor's lien.
- Provides that if: (1) the record of a mortgage or vendor's lien does not show the due date of the last installment; (2) the execution date is omitted from the mortgage or vendor's lien; and (3) the mortgage or vendor's lien was created before July 1, 2012; the mortgage or vendor's lien expires 20 years (instead of 10 years under current law) after the mortgage or vendor's lien is recorded.
- Makes exceptions to the expiration period if a foreclosure action is brought not later than the expiration period.

- Makes corresponding changes in the provision that allows the mortgagee or lienholder to file an affidavit stating when the debt becomes due.
- Removes language that prohibits a person from maintaining an action to foreclose a mortgage or enforce a vendor's lien if the last installment of the debt secured by the mortgage or vendor's lien has been due more than 10 years.

Various Property Issues (HEA 1084, P.L. 231-2013)

Author: Woody Burton

Sponsor: Greg Walker, Jim Smith, Lonnie Randolph

- Provides that the homeowner protection unit of the attorney general's office shall enforce violations of the statute concerning homeowners associations.
- Makes changes to the mortgage rescue protection fraud act to make it consistent with the credit services organization act and the home loan practices act, including providing that the statute of limitations on filing claims runs for five years from the occurrence of the violation and not from the time the home loan is made.
- Permits suspension of the license of an individual licensed under the real estate licensing law for an emergency period if the licensee has engaged in material and intentional misrepresentations or omissions. (The law currently allows for emergency suspension of the licenses of real estate appraisers only.)
- With certain exceptions, requires a homeowners association to: (1) make financial records available for inspection upon written request by a member of the association; and (2) provide all communications concerning a dispute with a homeowner to that homeowner.
- Permits a homeowners association to charge a search fee not to exceed \$35 per hour for time spent on records searches in excess of one hour. Provides that the total amount of the fee for a search may not exceed \$200.
- Provides that the homeowners association statute does not abrogate an agreement by a homeowners association to provide additional inspection rights.
- Requires a clerk of a court who must collect a civil costs fee from a party filing a civil action to also collect a \$50 mortgage foreclosure counseling and education fee from a party filing a civil action to foreclose a mortgage. Provides that mortgage foreclosure counseling and education fees collected by a clerk must be deposited in the home ownership education account.
- Urges the legislative council to establish a study committee on the topic of homeowners associations.

Open Meetings (HEA 1102, P.L. 103-2013)

Author: Steve Davisson

Sponsor: James Merritt, Lonnie Randolph

- Provides with regard to the law allowing the governing body of a public agency to conduct an executive session to discuss strategy with respect to the initiation of

litigation, "litigation" includes any judicial action or administrative law proceeding under state or federal law.

- Provides that collective bargaining discussions that a governing body of a school corporation engages in directly with bargaining adversaries (because the governing body has not appointed a collective bargaining agent) are not subject to the requirements of the open door law.

Property Matters (HEA 1132, P.L. 144-2013)

Author: Woody Burton

Sponsor: Travis Holdman, Lonnie Randolph

- Allows the resources of the Indianapolis housing trust fund to be used to fund programs considered appropriate to meet housing and community development needs of certain families.
- Requires a party filing a praecipe for a sheriff's sale to pay delinquent sewer liens on the property under certain circumstances.
- Requires the interim study committee on insurance to study certificates of release of liens on mortgaged property during the 2013 interim.

Various Election Law Matters (HEA 1157, P.L. 219-2013)

Author: Kathy Richardson

Sponsor: Sue Landske, Karen Tallian, Patricia Miller

- Provides that a candidate's petition of nomination or a petition to place a public question on the ballot may not use an electronic, digital, digitized, or photocopied signature.
- Provides that an elected member of the governing body of a school corporation takes office on the date set in the school corporation's organization plan. Provides that the date set in the organization plan for an elected member of the governing body to take office may not be more than 14 months after the date of the member's election. Provides that if the school corporation's organization plan does not set a date for an elected member of the governing body to take office, the member takes office January 1 immediately following the member's election.
- Specifies the deadline for withdrawal of school board candidates, and revises the deadline for filing as a write-in candidate for school board office.
- Specifies the first date on which a candidate may file a petition of nomination in Mishawaka and East Chicago school district elections. (Current law specifies the final date for filing, but not the first date.)
- Specifies that a school corporation with members of the school board elected only by the voters of a school board residence district must adopt a redistricting resolution not later than December 31 of the year following the decennial census. (Current law requires the adoption of a redistricting resolution by the school corporation "before the election next following the effective date of the subsequent decennial census".)

- Specifies the procedure for certification of school board candidates to the county election board of each county in which a school corporation is located.
- Restates procedures to be followed when an election is conducted for a city or town located in more than one county.
- Permits a poll worker in an election conducted by a town election board to serve if the worker meets the qualifications to work in a town election conducted by a county election board.
- Provides that a county voter registration office is not required to forward to another county a paper copy of an authorization by a voter to cancel the voter's registration, if the authorization to cancel is electronically transmitted to the other county using the statewide voter registration system.
- Specifies how a voter's vote in a primary is to be recorded in the statewide voter registration system when a voter's choice of political party ballot is not recorded on the poll list.
- Provides that when determining whether a voter registration application is eligible to be processed, the application may not be rejected solely on the ground that the individual who received the application from the voter failed to complete the application with the required information or signature.
- Specifies requirements for candidates for selection to an appointment pro tempore to an office.
- Permits photocopies of receipts for filing of a statement of economic interests to be accepted as part of a candidate filing.
- Provides that an independent or minor party candidate in a special election for U.S. Representative may withdraw not later than noon 71 days before the special election (instead of noon 45 days before the special election under current law).
- Provides that special elections to fill certain offices are to be held unless the vacancy in the office occurs less than 74 days (rather than 30 days) before a general election.
- Amends absentee ballot application and voting procedures relating to the deadlines applicable to certain types of absentee ballot applications. Provides that the application must permit a person to indicate whether the applicant is currently a participant in the address confidentiality program.
- Makes changes concerning the procedure for processing military and overseas voter absentee ballot applications. Permits a military or overseas voter to transmit an absentee ballot application or a secrecy waiver for an absentee ballot by sending electronic mail with a digital image (rather than an optically scanned image under current law) as an attachment.
- Conforms procedures governing federal write-in absentee ballots used in central count counties with current law in precinct count counties. Establishes a procedure for a federal write-in absentee ballot received in an envelope inadvertently opened by the county election board to be resealed and counted, if otherwise valid, and makes other changes to conform to the federal laws governing federal write-in absentee ballots.
- Specifies requirements for optical scan ballot card voting systems and direct record electronic voting systems to permit straight ticket voting and split ticket voting.

- Permits a county to continue to use a voting system whose approval or certification expired on or before October 1, 2013, if the voting system: (1) was approved by the Indiana election commission (commission) for use in elections in Indiana before October 1, 2013, and purchased by the county before October 1, 2013; and (2) otherwise complies with the applicable provisions of the federal Help America Vote Act and Indiana law.
- Permits a vendor to display or demonstrate a voting system that has not been approved by the commission for use in Indiana, if certain conditions are met.
- Specifies rules for counting paper or optical scan ballots when a voting mark does not touch a circle, oval, or square on the ballot, and when a voting mark partially connects a connectable arrow on the ballot.
- Establishes standards for ballot card voting system certification for detection of a voting mark when a voting mark touches only the outside edge of a circle, oval, or square.
- Permits a local government body to proceed to fill an office vacancy when an official has filed a resignation with a delayed effective date, in the same manner that a political party caucus may fill a vacancy in such cases.
- Conforms the deadlines for certification and withdrawal of public questions for controlled projects with the deadlines for certifying other public questions and printing absentee ballots.
- Provides that the current law concerning national guard musters applies to all election days.
- Repeals certain statutes relating to elections conducted in towns located in more than one county. Removes a requirement that a petition to dissolve a town or change the name of a town must be accompanied by a census of the voters of the town.
- Amends the statute (enacted by SEA 519) that prohibits the use of a government employer's property by an employee for certain political purposes to provide that the statute does not apply to a government employee carrying out administrative duties under the direction of an elected official who is the government employee's supervisor.

Drainage Issues (HEA 1169, P.L. 145-2013)

Author: Kathy Heuer

Sponsor: Thomas Wyss, Dennis Kruse, Richard Young

- Provides that the drainage board of a county, upon the recommendation of the county surveyor, may reduce any tiled drain, including a tiled urban drain, to less than 15 feet from the center line as measured at right angles but not less than seven feet from each side of the center line or less than the recommendation made by the county surveyor.
- Provides that in regards to a platted subdivision, the drainage board of a county shall not make a reduction that results in an allowance that is less than 7 feet from each side of the center line as measured at right angles; or less than the recommendation made by the county surveyor.

- Provides that a drainage board's reduction of a drainage easement does not affect a public utility's placement of a structure in the easement if the structure is located in the easement at the time the easement is reduced.

Incorporation of Towns (HEA 1186, P.L. 147-2013)

Author: John Price

Sponsor: Rodric Bray, James Buck, Lonnie Randolph

- Provides that proceedings for the incorporation of a town may be initiated by filing a written petition with the county executive of the county that contains all or a majority of the area of the proposed town.
- Requires that the petition must be signed by at least 10% of the owners of land in the area of the proposed town.
- Provides that if a city's consent to the incorporation is required before an incorporation may proceed, the city must consent or deny consent to the request for incorporation not later than 90 days after receiving the request or the city is considered to have consented to the request.
- Requires the county executive to set forth in writing and with specificity the manner in which a petition fails to meet the statutory requirements.
- Provides that if the county executive finds that the petition satisfies the statutory requirements, the county executive may do any of the following: (1) Adopt an ordinance incorporating the town. (2) Deny the petition. (3) Adopt a resolution to place a public question concerning incorporation on the ballot.
- Requires petitioners to publish notice of the contents of the petition.
- Allows only registered voters residing within the area of the proposed town to vote on the public question.
- Provides that if a majority of voters vote "yes" on the public question, the county executive of each county in which the proposed town is located shall adopt an ordinance to incorporate the area as a town.
- Prohibits another petition for incorporation from being filed within two years after: (1) A petition is denied by the county executive; or (2) the date of the election at which a majority of voters vote "no" on the public question concerning incorporation.

Lobbyists and Legislative Liaisons (HEA 1222, P.L. 165-2013)

Author: William Friend,

Sponsor: Patricia Miller, James Merritt, Jim Arnold

- Provides that all employees of the legislative branch are considered "legislative persons" for purposes of the legislative lobbyist statute.
- Provides that reports of legislative liaisons are filed on the same schedule as reports of lobbyists.
- Provides that the amount of the annual lobbyist registration fee is not considered for purposes of determining whether a person is a lobbyist.

- Requires lobbyists to file registration statements and activity reports electronically unless granted a waiver from the Indiana lobby registration commission ("commission").
- Increases the annual lobbyist registration fee from \$100 to \$200 and from \$50 to \$100 for lobbyists for certain organizations covered under Section 501(c) of the Internal Revenue Code.
- Provides that the lobbyist registration year is the same as the current period for reporting by lobbyists.
- Provides that the commission may waive all or part of a late report filing fee.
- Changes the manner of filing lobbyist gift and purchase reports.
- Provides that for purposes of the prohibition against a lobbyist paying or reimbursing for out of state travel of legislative persons, "travel expenses" does not include meals.

Levee Repair and Reimbursement (HEA 1289, P.L. 108-2013)

Author: Mark Messmer

Sponsor: Carlin Yoder, Lindel Hume

- Requires a committee in charge of a levee to perform the maintenance of and repairs to the levee that are necessary to maintain federal certification of the levee.
- Requires a committee in charge of a levee to apportion and assess costs of levee repairs not more than 90 days after the statement of costs and expenses for repairs is filed with the county auditor.
- Requires that if a committee in charge of a levee: (1) has filed the statement of costs and expenses for repairs; and (2) has not reimbursed the county for the costs and expenses for repairs to the levee or apportioned and assessed the costs; the committee shall apportion and assess the costs upon the land and corporations benefited by the repairs before September 29, 2013.
- Provides that the maintenance costs shall be apportioned and assessed in the same manner as repair costs and expenses to a levee.
- Allows the county council and county executive to appoint a voting member to a levee committee.
- Provides for notice to be given within 10 days to the county executive when a levee is no longer in compliance with federal certification requirements.
- Provides that certain laws regarding structures in floodways do not apply to certain property that is to be rehabilitated and reused as an abode or residence if certain conditions apply.
- Urges the legislative council to assign to a study committee the topic of levee governance.

Election Matters (HEA 1311, P.L. 271-2013)

Author: Peggy Mayfield

Sponsor: Randy Head, Travis Holdman, Tim Lanane, Lonnie Randolph

- Permits a county election board to adopt an order, under certain conditions, approving the use of an electronic poll list and electronic signature pads in each precinct of the county.
- Provides that, if a county election board adopts an order to provide an electronic poll list to the inspector for use at a polling place or at a satellite office, electronic poll lists may be used at an election (rather than certified poll lists).
- Provides that an order adopted to allow the use of electronic poll lists at an election may include the use of electronic signatures to sign the poll lists.
- Establishes additional standards for electronic poll books and poll lists. Establishes a procedure for the certification of electronic poll books. Specifies procedures for the use of electronic poll lists in counties that count absentee ballots at a central location. Establishes penalties for violations involving electronic poll books.
- Requires a local unit (other than a school corporation) to adopt an ordinance to recertify its boundaries whenever the local unit determines that redistricting after a federal decennial census is not required.
- Requires the governing body of a school corporation to send a copy of the school corporation's plan to the circuit court clerk of each county in which the school corporation is located and a certification that the school corporation's election districts satisfy statutory redistricting requirements if the school corporation elects governing body members by districts in which only the voters of a district may vote for the member representing that district. Requires this information to be sent to circuit court clerks not later than December 31, 2013. Requires the governing body of a school corporation to follow a similar process after a federal decennial census is conducted and each time the school corporation's plan is amended.
- Requires that a map of the legislative districts of a political subdivision be filed with the circuit court clerk each time the boundaries are redrawn or recertified. Specifies that a conflict between a map of a precinct and the description of the precinct set forth in a precinct establishment order is resolved in favor of the description.
- Provides that all school corporation district plans and local government redistricting ordinances have: (1) the same presumption of validity set forth in current law for certain school corporation district plans; and (2) the same method for resolving a conflict between a map of an election district and a description of the district set forth in the plan or ordinance.
- Specifies that the deadline to conduct redistricting in a metropolitan school corporation is December 31 of the year following the year in which a federal decennial census is conducted. (Current law requires that redistricting be completed one year after the effective date of the federal decennial census, which is April 1 of the year following the census).
- Provides that the Lake Station school corporation is subject to the same standards and procedures for the adoption of school board election districts as other school boards. (Current law establishes the Lake Station school board districts by descriptions in the Indiana Code.)

- Requires the census data advisory committee to study during the 2013 legislative interim: (1) the standards for determining residency for purposes of voting, candidacy, and holding office in Indiana; (2) allegations of voter suppression of African-Americans, Latinos, other ethnic minorities, and the elderly; (3) allegations of election fraud; (4) methods for improving election administration by reducing lines at polling places; (5) methods for reducing the cost of the election process; (6) methods for enabling an emergency first responder responding to an emergency declaration to receive an absentee ballot or absentee ballot application by electronic mail or facsimile machine; (7) the impact of sending written communications to a voter containing false vote history information regarding that voter; and (8) issues related to redistricting conducted by local units of government.

Regulation of Residential Landlords, Builders and Remodelers (HEA 1313, P.L. 149-2013)

Author: Mike Speedy

Sponsor: Travis Holdman

- Provides that a political subdivision may not adopt a regulation after February 28, 2013 and before July 1, 2014 relating to landlord and tenant relations, rental agreements, or real property subject to a rental agreement that: (1) requires an owner or landlord to be licensed or to obtain a permit from the political subdivision to lease a rental unit; (2) requires an owner or landlord to enroll or participate in a class or government program as a condition for leasing a rental unit; or (3) imposes or increases a fee or other assessment for inspection of a rental unit, registration of an owner, landlord, or rental unit, or for any other purpose relating to landlord and tenant relations, rental agreements, or real property subject to a rental agreement.
- Provides that a political subdivision is not prohibited from: (1) imposing or increasing a fee relating to the construction of a rental unit, such as a building permit fee; or (2) establishing a rental unit inspection program.
- Prohibits a political subdivision from adopting an ordinance or other requirement after February 28, 2013, and before July 1, 2015, that would require a builder or remodeler to be licensed, certified, permitted, registered, or listed by the political subdivision as a condition to the builder or remodeler constructing or remodeling a residential dwelling.
- Provides that a political subdivision is not prohibited from licensing, permitting, or registering specific trades or issuing permits and approvals that regulate the use, planning, and development of property.
- Urges the legislative council to assign the topic of regulation of residential leases by political subdivisions to a study committee during the 2013 legislative interim.

Worker's Compensation (HEA 1320, P.L. 275-2013)

Author: Matthew Lehman

Sponsor: Phil Boots

- Specifies, after June 30, 2014, the pecuniary liability for worker's compensation and occupational diseases compensation payments to a medical service facility. Specifies the reimbursement amounts for repackaged drugs.
- Provides that payment to a medical service provider for an implant furnished to an employee under worker's compensation or occupational diseases compensation may not exceed the invoice amount plus 25%.
- Allows a medical service provider to request an explanation from a billing review service if the medical service provider's bill has been reduced as a result of the application of a Medicare coding change. Defines "medical service facility", "services and/or product", and "medical service provider" for purposes of the worker's compensation and occupational diseases compensation law.
- Increases the maximum average weekly wage by 20% and provides for graduated percentage increases for degrees of permanent partial impairment/disablement over a three-year period, beginning on July 1, 2014.
- Provides for worker's compensation insurance policy periods as permitted in certain rules.
- Provides for an annual filing fee of \$2 from an employer to be deposited in the worker's compensation supplemental administrative fund.
- Specifies that all data collected by the worker's compensation rating bureau is considered to be confidential. Urges the legislative council to assign to the interim study committee on insurance the study of worker's compensation and occupational diseases compensation topics, including: (1) minimum payment amounts for services or products provided by medical service facilities; (2) payment for services or products provided by hospital employed physicians; (3) the electronic submission and payment of claims filed by medical service providers, including the applicability of the "clean claim" procedures described in IC?27-8-5.7; (4) payment amounts for implants; and (5) the establishment and membership of an advisory committee to advise the worker's compensation board in the administration of the worker's compensation and occupational diseases compensation program.
- Makes conforming amendments and technical corrections.

Mobile Support Unit Personnel for Disaster Relief (HEA 1325, P.L. 71-2013)

Author: Randy Frye

Sponsor: James Merritt, Jim Arnold, Thomas Wyss

- Provides that certain individuals serving as members of a mobile support unit are considered to be temporary employees of the state for purposes of worker's compensation law and worker's occupational diseases law.
- Authorizes the state to reimburse a political subdivision for a backfill employee necessary for the political subdivision to fill the position and duty of an employee deployed to a mobile support unit, but only if and to the extent that the cost of the backfill employee represents an extra cost to the political subdivision.

- Authorizes the use of money from the state disaster relief fund for certain eligible entities that incur certain costs for the contribution of personnel to a mobile support unit.
- Authorizes the department of homeland security to adopt certain emergency rules.

Veterans' Affairs (HEA 1387, P.L. 169-2013)

Author: Mike Speedy

Sponsor: Thomas Wyss, James Merritt, Michael Crider, Jim Arnold, Ron Grooms, Allen Paul

- Creates the Indiana Funeral Honors Ribbon to be awarded to members and retired members of the Indiana Air National Guard and the Indiana Army National Guard and members of veterans' organizations who: (1) are trained and certified for; and (2) provide honorable and distinguished service in; the performance of military funerals and similar activities within Indiana.
- Provides that county and city service officers must be certified by the Indiana department of veterans' affairs (department).
- Requires the veterans' affairs commission to: (1) establish standards for certification of county and city service officers; and (2) establish and administer a written examination for renewal of the certification of county and city service officers.
- Requires a county or city service officer to obtain certification from the department within 30 days after becoming employed as a service officer.
- Requires a new county or city service officer, within one year after becoming employed as a service officer, to attend a course and become accredited to represent veterans.
- Requires a county or city service officer employed prior to July 1, 2013, to attend a course and become accredited to represent veterans by July 1, 2015.
- Requires the veterans' affairs commission to administer a grant program to reimburse service officers for training expenses and to reimburse counties and cities employing service officers for computer equipment and software.
- Transfers \$180,000 from the veterans' affairs trust fund to the military family relief fund. Appropriates the \$180,000 for the grant program. Provides that funding the grants is a purpose of the military family relief fund.

Unemployment Insurance (HEA 1457, P.L. 154-2013)

Author: Daniel Leonard

Sponsor: Phil Boots, Karen Tallian

- Provides that the experience account of an employer may not be relieved of charges for an unemployment benefit (benefit) overpayment if the department of workforce development (department) determines that: (1) the erroneous payment was made because the employer or a person acting on behalf of the employer was at fault in failing to respond in a timely or adequate manner to the department's written request for information relating to the claim for unemployment benefits; and (2) the employer

or a person acting on behalf of the employer has established a pattern of failure to respond in a timely or adequate manner to department requests.

- Provides that an individual receiving benefits is required to participate in reemployment and eligibility assessment activities (activities) when directed to do so by the department and permits the department to require an individual to provide proof of identity to participate in the activities.
- For employers in the construction industry, establishes a new employer contribution rate equal to the lesser of 4% or the average of the contribution rates paid by all employers in the construction industry subject to the unemployment law during the 12 months preceding the computation date.
- Provides that the commissioner of the department, after having computed the rate of contributions due from an employer from an estimate on the basis of the best evidence reasonably available, may increase or decrease the rate of contributions due from the employer on the basis of subsequently ascertained and verified information.
- Provides that 15% of the interest and civil penalties collected from a claimant who knowingly failed to disclose or falsified any fact that if accurately reported would disqualify the individual from receiving a benefit or that would reduce the benefit are deposited in the unemployment insurance trust fund. (Currently, all of the interest and civil penalties for fraudulent overpayments are deposited in the special employment and training services fund.)
- Requires an employer to report to the directory of new hires (directory) the same information reported for a new hire for an employee who resumes employment after at least a 60 day break in service.
- Establishes a civil penalty of \$25 for an employer that fails to report information about new hires to the directory.
- Urges the legislative council to assign to the unemployment insurance oversight committee the task of studying: (1) the use of debit cards to pay benefits; and (2) the direct deposit of benefits to a claimant's own checking or savings account.

Township and Municipal Matters (HEA 1585, P.L. 234-2013)

Author: Hal Slager

Sponsor: Brandt Hershman, Pete Miller

- Provides that if a township's township assistance property tax rate for property taxes first due and payable in 2014 or any year thereafter is more than 12 times the statewide average township assistance property tax rate (as determined by the department of local government finance), the distressed unit appeal board may designate the township as a distressed political subdivision (effective on January 1 of the following year) regardless of whether the township has submitted a petition requesting to be designated as a distressed political subdivision.
- Provides that if a township's township assistance property tax rate for property taxes first due and payable in 2013 or any year thereafter is more than 12 times the statewide average township assistance property tax rate (as determined by the department of

local government finance), the department of local government finance shall, beginning with property taxes first due and payable in the following year, do the following: (1) Remove the township assistance property tax levy from the maximum property tax levy for the township's general fund. (2) Require the township to separate its township assistance property tax levy into two property tax levies (a township assistance benefits property tax levy and a township assistance administration property tax levy). (3) Calculate a separate maximum permissible property tax levy for those two tax levies.

- Provides that the department of local government finance shall determine the initial maximum property tax levy for a township's township assistance administration property tax levy.
- Specifies the manner in which the initial maximum property tax levy for the township assistance benefits property tax levy is determined.
- Allows a municipality containing any territory that is: (1) located in a township with a township assistance property tax rate that for property taxes first due and payable in 2015 or any year thereafter is more than 12 times the statewide average township assistance property tax rate; and (2) adjacent to another township; to have territory of the municipality transferred to an adjacent township if certain conditions are satisfied.
- Provides that if sufficient voters of the municipality submit a petition requesting a transfer of such territory, a referendum shall be held on the transfer.
- Specifies that if at least two-thirds of the voters of the municipality who vote in the referendum vote to approve the transfer, the legislative body of the municipality may, within the one year period after the referendum, submit a petition to one or more adjacent townships requesting the adjacent township to accept the transfer of the territory of the municipality.
- Provides that if the legislative body of an adjacent township adopts a resolution accepting the transfer of the territory, that territory of the municipality is transferred to and becomes part of the township adopting the resolution.
- Provides that if no adjacent township adopts a resolution accepting the transfer of an eligible municipality's property: (1) the territory of the eligible municipality is not transferred; and (2) a subsequent referendum on the transfer of the eligible municipality's territory may not be held.
- Requires the commission on state tax and financing policy to study the following issues in 2013: (1) The administrative costs of providing township assistance. (2) The reporting of the administrative costs of providing township assistance.

Ports of Indiana Procurement and Public Works (HEA 1589, P.L. 156-2013)

Author: Hal Slager

Sponsor: Brandt Hershman, Pete Miller

- Increases the threshold at which the ports of Indiana (ports) is required to publicly bid construction projects or purchases of equipment, materials, and supplies from \$25,000 to \$150,000.

- Provides that a contract for construction or for the purchase of materials or supplies, may proceed immediately after the ports of Indiana approves the contract.
- Provides the grounds by which an emergency may be declared by the governing body of the ports and requires the reason for the declaration of emergency to be recorded in the governing body's minutes.
- Provides that if an emergency is declared, the ports may: (1) contract for a construction project or the purchase of equipment, materials, or supplies, without advertising for bids, if bids or quotes are invited from at least three persons; (2) reject all bids or quotes submitted; and (3) contract with the lowest and best bidder or quoter for the construction project or purchase.
- Requires the ports of Indiana to list in the minutes of the next commission meeting the names of all the entities invited to bid on emergency contracts.
- Limits the total amount of contracts that may be awarded for a single emergency to \$1,000,000, unless an executive order is issued by the governor authorizing a higher limit.

Historic Preservation (SEA 4, P.L. 206-2013)

Author: Jim Arnold

Sponsor: Tom Dermody, Wendy McNamara, Ed Clere

- Provides the exclusive method for removing the designation of a historic district.
- Provides that a petition requesting the removal of a designation of a historic district may be filed with the legislative body of the unit by the owners of: (1) a building, structure, or site designated as a single site historic district; or (2) in the case of a historic district with two or more parcels, at least 60% of the owners of the real property of the historic district.
- Requires the legislative body to submit the petition to the historic preservation commission (commission) of the unit.
- Requires the commission to conduct a public hearing on the petition not later than 60 days after receiving the petition.
- Requires the commission to make findings and a recommendation to grant or deny the petition not later than 10 days after the public hearing.
- Requires the legislative body of the unit to grant or deny the petition not later than 45 days after receiving the petition from the commission.
- Requires the legislative body of the unit, before granting or denying a petition requesting the removal of a historic district designation, to take public comment and receive evidence in support of or in opposition to the petition.
- Provides that the legislative body may adopt an ordinance granting a petition by: (1) a majority vote, if the recommendation of the commission is to grant the petition; or (2) a two-thirds vote, if the recommendation of the commission is to deny the petition.
- Provides that if the legislative body does not act upon the petition within the 45 day period, the petition is considered granted or denied in accordance with the recommendation of the commission.

- Provides that if a petition is granted, the legislative body must adopt an ordinance to remove the designation of the historic district and record the ordinance with the county recorder.
- Provides that the designation of the historic district is considered removed on the date the ordinance is recorded with the county recorder.

County Executive Meeting Dates (SEA 32, P.L. 25-2013)

Author: Travis Holdman

Sponsor: Jim Lucas, Scott Pelath, Milo Smith, Lloyd Arnold, Charlie Brown

- Requires the county executive to establish the dates of regular meetings at or before the first meeting in February of each year. Current law requires the county executive to establish the dates of regular meetings at the first meeting in January of each year.

Homeowners Association Covenants (SEA 126, P.L. 43-2013)

Author: Travis Holdman,

Sponsor: Martin Carbaugh, Dale DeVon, Justin Moed

- Provides that if all the lots included as part of certain homeowners associations are not all subject to the same homeowners association covenants, all the lots may be made subject to new replacement covenants if the homeowners association: (1) distributes to the owner of each lot a proposed set of covenants that would apply to all lots included as part of the homeowners association and a petition to be signed by each lot owner on which the owner indicates whether the owner approves or disapproves of applying the proposed covenants to all lots included as part of the homeowners association; and (2) submits the petitions and covenants to the county recorder if the lesser of: (A) a percentage of lot owners specified in the covenants; or (B) 2/3 of all lot owners; approve of applying the covenants to all lots included as part of the homeowners association.
- Specifies that homeowners association covenants submitted to a county recorder in accordance with these procedures are considered to be in effect on the date they are recorded.
- Provides that a replacement covenant does not apply to and is not binding on certain properties in the homeowner's association to the extent that the new replacement covenant changes an existing covenant or adds a new covenant that pertains to a minimum lot area or minimum home size.
- Specifies that a replacement covenant does not apply retroactively.

Employment of Children (SEA 153, P.L. 41-2013)

Author: Vaneta Becker

Sponsor: Suzanne Crouch, Ron Bacon, Gail Riecken, Martin Carbaugh

- Establishes the conditions under which a child who is employed or works as a youth athletic program referee, umpire, or official is exempt from the requirements of the state's child labor law.

Insurance Proceeds Set Aside (SEA 169, P.L. 238-2013)

Author: Randy Head

Sponsor: Matthew Lehman, Earl Harris

- Applies the law concerning insurance proceeds escrow deposits (law) to all cities and towns, phased in over three years.
- Defines "department" and "final settlement" for purposes of the law.
- Specifies requirements for application of the law.
- Requires the department of insurance to maintain a list of municipalities electing governance under the law and sets a one-time fee for electing municipalities.
- Specifies maximum amounts to be set aside and costs for which the proceeds may be used by a municipality.

Public Contract for Services (SEA 175, P.L. 28-2013)

Author: Phil Boots

Sponsor: Eric Koch, Christina Hale

- Provides that a "public contract for services", for purposes of the law that requires a public contract to contain a provision requiring a contractor to enroll in and use the E-Verify program and to sign an affidavit, applies to written agreements between a state agency or political subdivision and a contractor for the procurement of services. Current law applies to any agreement between a state agency or political subdivision and a contractor for the procurement of services.

Regional Water, Sewage and Solid Waste Districts (SEA 205, P.L. 179-2013)

Author: Jean Leising

Sponsor: David Wolkins, Dennis Zent, Randy Frye

- Provides that an appointed trustee of the board of directors of a regional water, sewage, or solid waste district may be a ratepayer of the district.
- Allows a member of the board of certain regional water and sewage districts to receive not more than \$125 per day for each day or major part of a day the member devotes to the work of the district (instead of not more than \$50 per day).

Employee Benefits (SEA 213, P.L. 88-2013)

Author: Phil Boots

Sponsor: Mike Speedy

- Provides that, unless federal or state law provides otherwise, a county, city, town, or township (unit) may not establish, mandate, or otherwise require an employer to provide to an employee who is employed within the jurisdiction of the unit: (1) a benefit; (2) a term of employment; (3) a working condition; or (4) an attendance or leave policy; that exceeds the requirements of federal or state law, rules, or regulations.
- Provides that this prohibition does not apply to: (1) employees of a unit; (2) contracts entered into by a unit and the third party; (3) economic development incentives awarded by a unit or a redevelopment commission established by a unit; or (4) training and other qualifications established for a private provider of public health and safety services within the jurisdiction of the unit.

Suspension of State and Local Officeholders (SEA 226, P.L. 240-2013)

Author: Susan Glick

Sponsor: Kathy Heuer, Tim Wesco

- Urges the legislative council to assign to a study committee during the 2013 legislative interim the topic of the suspension of state elected officials and local elected officials (excluding members of the judicial branch and prosecuting attorneys) who are charged with the commission of a felony.

Video Service Providers (SEA 235, P.L. 241-2013)

Author: Travis Holdman

Sponsor: Eric Koch, Alan Morrison, Kreg Battles

- Amends the required contents of the annual report of the utility regulatory commission (commission) to the regulatory flexibility committee concerning video and telecommunications service.
- Authorizes the commission to grant direct marketing authority to a holder of a certificate of video service franchise that satisfies certain requirements.

Public Records (SEA 243, P.L. 184-2013)

Author: Jim Arnold

Sponsor: Edmond Soliday, Dan Forestal, Randy Frye

- Allows a public agency to withhold from public disclosure the home address, home telephone number, and emergency contact information for any emergency management worker, public safety officer, emergency medical responder, or advanced emergency medical technician.

Petition Carriers (SEA 250, P.L. 186-2013)

Author: Greg Walker

Sponsor: Woody Burton, Milo Smith, Terry Goodin, Kathy Richardson

- Requires an individual who circulates a petition that is required to place a candidate or a public question on the ballot to provide on each signature page of the petition: (1) the individual's identification information; and (2) a signed affirmation, under penalties of perjury, that the individual has no reason to believe that any signer on the page is ineligible to sign the petition or did not properly complete and sign the page.
- Provides that a signature page that does not comply with these requirements must be received for filing and retained as other election materials are retained.
- Provides that a county voter registration office (office) does not determine the validity of the signatures on a signature page.
- Requires the office to notify the petition carrier, if the office determines that a signature page submitted by the petition carrier does not comply with this chapter, and to allow certain additions and corrections to the signature page.
- Permits a challenge to the placement on the ballot of a candidate or public question that files signature pages that do not meet these requirements.
- Requires the census data advisory committee to study the issue of electioneering at the polls and other places where voting occurs and to make any recommendations for appropriate legislation.

Nonnamed Parties in Foreclosure Actions (SEA 279, P.L. 189-2013)

Author: Joseph Zakas

Sponsor: Greg Steuerwald

- Eliminates a provision under which certain omitted parties (parties who have an interest in the property subject to a mortgage foreclosure action but who are not named in the foreclosure action) are bound by the court's judgment in the foreclosure action as if they had been parties to the foreclosure action.
- Limits the post-sale redemption rights of certain omitted parties.

Annexation (SEA 285, P.L. 243-2013)

Author: Michael Crider

Sponsor: Mike Karickhoff, Mara Candelaria Reardon, Heath VanNatter, Peggy Mayfield

- Provides that if a person waives the person's right to remonstrate against an annexation as part of a contract with a municipality for providing sewer service to the person's property, the release is not binding on a successor in title to the property unless, for sewer contracts executed after June 30, 2013, the successor in title: (1) has actual notice of the waiver; or (2) has constructive notice of the waiver because the contract, or a signed memorandum of the contract stating the waiver, has been recorded in the chain of title of the property. Under current law, the contract containing the waiver must be recorded in order to bind the successors in title of the party to the agreement.
- Allows municipalities that annex territory that is contiguous to the municipality to exempt from property tax liability for municipal purposes any portion of the territory that is classified for zoning purposes as agricultural. Provides that: (1) the exemption

remains in place as long as the property's zoning classification remains agricultural; and (2) the property owner must consent to changing the zoning classification from agricultural to another zoning classification. Current law requires that: (1) the owner must consent to the annexation; and (2) the owner must consent to change the zoning classification from agricultural, but the property tax exemption is limited to not more than 10 years.

- Removes a requirement that a town obtain the consent of a second or third class city before annexing territory within three miles of the city.
- Prohibits a town from annexing within one mile of the corporate boundaries of a second or third class city unless: (1) the town is located in a different county than the city; or (2) the annexation is obtained by consent of the landowners.
- Allows a town to annex within an area that extends: (1) more than one mile; and (2) less than three miles; outside the boundaries of a second or third class city, if any annexation by the town does not extend more than one mile outside the corporate boundaries of the town.
- Authorizes the establishment of the interim study committee on annexation to study: (1) the annexation process; (2) the impact of annexation on property owners and political subdivisions, including the shift in assessed value between political subdivisions; and (3) limiting the assessed value that a municipality may annex in a year or other period.

Local Government Reorganization (SEA 343, P.L. 202-2013)

Author: Randy Head

Sponsor: Kathy Richardson, Gail Riecken, Robert Cherry

- Eliminates the requirement that a reorganization committee must be appointed to prepare the reorganization plan as part of a proposed local government reorganization, effective January 1, 2014.
- Provides that the legislative bodies of the reorganizing political subdivisions (rather than a reorganization committee) shall prepare the reorganization plan that must be adopted by the legislative bodies before the proposed reorganization is placed on the ballot and requires that a reorganization plan must include a fiscal impact analysis.
- Specifies the required contents of the fiscal impact analysis. Provides that the fiscal impact analysis must specify any estimated effects on political subdivisions in the county that are not participating in the reorganization and on taxpayers located in those political subdivisions.
- Requires that the fiscal impact analysis must be submitted to the department of local government finance (DLGF) at least six months before the election in which the public question will be on the ballot.
- Requires the DLGF to do the following within a reasonable time, but not later than 30 days before the election on the public question: (1) Review the fiscal impact analysis. (2) Make any comments concerning the fiscal impact analysis that the DLGF considers

appropriate. (3) Provide comments to the legislative body of the reorganizing political subdivisions and post the comments on the DLGF's Internet web site.

- Requires the reorganizing political subdivisions to pay the expenses incurred by the DLGF in carrying out the review and preparing the comments.
- Requires that a brief description of the reorganized political subdivision that will succeed the reorganizing political subdivisions must be placed on the ballot containing the public question.
- Provides that for a public question voted on by voters after June 30, 2013, the county election board shall submit the language to the DLGF for review. Requires the DLGF to review the language of the public question to: (1) evaluate whether the description of the reorganized political subdivision is accurate and not biased; and (2) approve or make binding recommendations to the county election board regarding the ballot language.
- Requires the county election board to take final action to approve the ballot language.
- Provides that certification of a public question on a proposed local government reorganization must occur as required for other public questions under the election law.
- Provides that in the case of a proposed reorganization between a municipality and a township that is voted on by voters after December 31, 2013: (1) the voters residing within the municipality shall be included only in the tally of votes for the municipality and shall not be included in the tally of votes for the township; and (2) the voters who reside within the township but do not reside within the municipality shall be included only in the tally of votes for the township and shall not be included in the tally of votes for the municipality.
- Requires (rather than allows) the use of an "approval threshold" in the case of a proposed local government reorganization involving: (1) a county and a municipality; or (2) a municipality and a township; for reorganizations voted on after December 31, 2013. Under current law, "rejection thresholds" are optional and may be used only in a reorganization between a county and a municipality.
- Provides that for a reorganization that is voted on after December 31, 2013, between a county and a municipality to be approved, the number of voters voting to approve the reorganization must equal or exceed the approval thresholds set in the reorganization plan: (1) for the municipality; (2) for the area of the county outside the municipality; and (3) countywide. Provides that the approval threshold for the municipality and area of the county outside the municipality must be greater than 50% but not more than 55%. Under current law the approval percentage for the countywide vote must be greater than 50%.
- Specifies that in order for a reorganization that is voted on after December 31, 2013, between a municipality and a township to be approved, the number of voters voting to approve the reorganization must equal or exceed the approval thresholds set in the reorganization plan: (1) for the municipality; (2) for the area of the township outside the municipality; and (3) for the combined area of the township and the municipality.

Provides that the approval threshold for the municipality and the area of the township outside the municipality must be greater than 50% but not more than 55%.

- Provides that the approval percentage for the combined area of the municipality and the township must be greater than 50%.
- Allows the legislative body of a reorganizing political subdivision to adopt a resolution rescinding the plan of reorganization previously adopted and certified by the legislative body. Requires the resolution to be certified not later than July 15 to the clerk of each reorganizing political subdivision, and to the county fiscal officer and county recorder of each county in which a reorganizing political subdivision is located.
- Provides that a petition filed by voters after December 31, 2013 to: (1) initiate a reorganization; or (2) conduct a public question on a plan of reorganization that was not adopted by the political subdivisions; must contain each petitioner's signature, printed name, and residence mailing address.
- Provides that if a political subdivision is located in whole or in part within one or more other political subdivisions that reorganize and the first political subdivision does not participate in or does not approve the reorganization: (1) the reorganization does not affect the rights, powers, and duties of the first political subdivision; and (2) the reorganized political subdivision may not exercise within the first political subdivision any right, power, or duty unless that right, power, or duty was exercised within the first political subdivision before the reorganization by at least one of the reorganizing political subdivisions.
- Provides that a plan of reorganization may establish within a reorganized political subdivision territories or districts: (1) in which specified services provided by the reorganized political subdivision will be provided at different levels, quantities, or amounts; and (2) in which the fees, charges, or taxes imposed by the reorganized political subdivision will vary depending on the level, quantity, or amount of the services.
- Requires a reorganized political subdivision to continue to carry out the duties imposed by Indiana law on the reorganizing political subdivisions that combined to form the reorganized political subdivision.
- Specifies that a reorganized political subdivision created from two or more townships and at least one municipality that have reorganized: (1) may exercise park and recreation powers and establish a park and recreation board if the reorganized political subdivision's plan of reorganization authorizes the reorganized political subdivision to exercise those powers; and (2) may exercise planning and zoning power if the reorganized political subdivision's plan of reorganization authorizes the reorganized political subdivision to exercise those powers. Provides that such a reorganized political subdivision shall, by resolution or in the plan of reorganization, determine the number of members to be appointed to the reorganized political subdivision's park and recreation board, advisory plan commission, and board of zoning appeals.
- Provides that a political subdivision may not take certain actions within a reorganizing political subdivision after the date on which a plan of reorganization is finally adopted by all reorganizing political subdivisions unless one of the following occurs: (1) All

reorganizing political subdivisions agree to allow the action by adopting identical resolutions. (2) The plan is rejected by voters in a referendum. (3) The plan is approved by voters and one of the following occurs: (A) The plan is implemented. (B) One year elapses from the date on which the plan was approved.

- Requires a town legislative body to adopt a resolution not later than 30 days after a petition is filed for a referendum on changing the town into a city.
- Provides that the date of the referendum must not be later than the date of the next general election or the date of the next municipal election, whichever is earlier, at which the question can be placed on the ballot.
- If the referendum passes, requires the first election of city officers to be held on the date of the next general election or municipal election, whichever is earlier, following the date of the referendum.
- Provides that notwithstanding the statute setting out the classification of municipalities, for purposes of local government administration a municipality reorganized under the local government reorganization statutes may, subject to the approval of the department of local government finance: (1) be classified and described as set forth in the reorganization plan; and (2) maintain characteristics of any of the reorganizing political subdivisions.
- Provides that during the period beginning with the date the final plan of reorganization is approved or considered to be approved and continuing through the day on which the public question on the reorganization is submitted to the voters, the political subdivision may not promote a position on the public question by taking certain actions.
- Provides that a person or an organization that has a contract or arrangement (whether formal or informal) with a political subdivision to provide goods or services to the political subdivision: (1) may not spend any money to promote a position on the public question regarding reorganization; and (2) commits a Class A infraction for a violation of (1).

Utility Facility Relocation (SEA 365, P.L. 79-2013)

Author: Michael Crider

Sponsor: Eric Koch, Dale DeVon, Robert Cherry, Kreg Battles, David Niezgodski

- Authorizes a unit of local government to enter into an agreement with a utility concerning the relocation of the utility's facilities for a major highway, street, or road project undertaken by the local unit.
- Requires that the agreement must include a date for relocation and conditions under which the utility is excused from meeting the date, including a force majeure clause.
- Specifies that a unit that is responsible for relocation costs shall pay the costs in arrears in accordance with the procedures of the state board of accounts.

Conservation Easements (SEA 367, P.L. 49-2013)

Author: Susan Glick

Sponsor: Dennis Zent, Jim Baird

- Amends the definition of "holder", for purposes of the conservation easement law, to include an Indiana nonprofit corporation that is granted a conservation easement.

Property and Casualty Guaranty Association (SEA 431, P.L. 252-2013)

Author: Allen Paul

Sponsor: Richard Hamm, Dan Forestal, Matthew Lehman, Thomas Saunders

- Makes changes to the law concerning the Indiana property and casualty insurance guaranty association, including changes affecting the definitions, the composition of the board of directors, coverage under the association and other insurance coverage, the treatment of a high net worth insured, and the venue for actions involving the association.

Abandoned Property, Property Safety and Mobile Homes (SEA 433, P.L. 203-2013)

Author: Paul Allen

Sponsor: Richard Hamm, Justin Moed, John Price, Dan Forestal, Thomas Saunders

- Establishes a procedure to permit a county executive to transfer certain properties that did not sell at a tax sale to a person able to repair and maintain the properties.
- Provides that before the county executive may transfer properties that did not sell at a tax sale to a nonprofit corporation, an abutting property owner, or a person satisfactorily able to repair and maintain the property, a person with a substantial interest in the property must be given an opportunity to redeem the property.
- Removes a requirement that the county executive's sale of a certain contiguous vacant parcel to an adjoining property owner may be conducted only if construction of a residential dwelling is permitted on the vacant parcel.
- Requires that certain notices concerning demolition and removal under the unsafe building law must be served on each person with a known or recorded substantial property interest.
- Requires a county executive, in preparing the list of tax delinquent properties that must be submitted annually to the county auditor, to include on the list any real property that the executive of a city or town located in the county has determined to be abandoned and has identified as such to the county executive.
- Requires the county auditor of a county not having a consolidated city to prepare a list of tracts or items of real property within each city or town located in the county for which the fall installment of the most recent previous year's taxes is delinquent and to give a copy of the list to the appropriate city or town or post the list on the county's web site.
- Requires a county executive to give notice to the executive of a city or town in which is located real property that is subject to sale or transfer under the statute governing sale

or transfer of properties with delinquent taxes or assessments so that the city or town may accept transfer of the property.

- Amends a statute authorizing judicial determination that real property subject to a mortgage is abandoned so as to authorize a judicial determination under that statute that real property not subject to a mortgage is abandoned.
- Authorizes a municipality or county to bring an action to collect unpaid expenses relating to the abatement of high weeds and grass. Under current law, the municipality or county may obtain only a lien on the property containing the high weeds and grass.
- Provides that a creditor is a person immune from civil liability for entering abandoned real property to perform certain actions to clean up the real property. Provides that removal or painting over of graffiti is an action that is immunized.
- Provides that a person who enters or refuses to leave vacant or abandoned property after having been barred from the property by a court order or a law enforcement officer commits criminal trespass.
- Provides that for purposes of the statute relating to removal of weeds from properties, notice may be given by first class mail rather than by certified mail.
- Provides that only the owner of a mobile home may obtain the permit required to move the mobile home from one location to another.
- Requires a county treasurer to notify the appropriate assessing official of the township to which a mobile home will be moved that a permit to move the mobile home has been issued.
- Requires the department of local government finance to develop a system for recording the property tax information for a mobile home that is not assessed as real property. Provides that the system must use an identification number that is unique to the vehicle identification number of the mobile home.
- Imposes recording requirements upon purchase contracts for a mobile home or manufactured home that is not assessed as real property.
- Provides that for assessment dates after December 31, 2013: (1) a contract buyer claiming the standard deduction with respect to a mobile home or manufactured home that is not assessed as real property while purchasing the mobile home or manufactured home under a contract must show compliance with the new requirements; and (2) an owner other than a contract buyer must attach a copy of the owner's title to the mobile home or manufactured home to the application for the deduction.
- Specifies that a reference to a manufactured home in the certificate of title law must be construed as a reference to a mobile home.
- Provides that mobile home community registers must be open to inspection by township and county assessors.
- Specifies the information that must be submitted to the county recorder to have a contract for the sale of a manufactured home or mobile home recorded.
- Specifies that any applicable recording fees must be paid.
- Requires the county recorder to provide the submitted information to the county treasurer and to notify the appropriate assessing official that such a contract has been recorded. Makes certain technical changes.

Local Government Reorganization (SEA 459-P.L. 255-2013)

Author: Pete Miller

Sponsor: Greg Steuerwald, Jeffrey Thompson

- Specifies that after a local government reorganization, a reorganized political subdivision may (except as provided in the plan of reorganization) do any of the following: (1) Establish any fund that one or more of the reorganizing political subdivisions were authorized to establish before the reorganization. (2) Impose any tax levy or adopt any tax that one or more of the reorganizing political subdivisions were authorized to impose or adopt before the reorganization.
- Provides that in the case of: (1) a local government reorganization; (2) a township merger; (3) a transfer or sharing of powers, duties, functions, or resources under an interlocal cooperation agreement; or (4) a combination or reorganization of a political subdivision's departments, agencies, or functions; the reorganizing or merging local governments shall specify in the reorganization plan or in the cooperative agreement or other agreement the amount (if any) of the decrease that the department of local government finance (DLGF) shall make to the maximum property tax levies, maximum property tax rates, and budgets of the political subdivision to eliminate double taxation or eliminate any excess by which the amount of property taxes imposed by the political subdivision exceeds the amount necessary to pay for services.
- Provides the following regarding a township that merges with another township: (1) The new township may use any funds that are not needed to deliver services to pay the indebtedness of the new township government. (2) After satisfaction of the indebtedness, the new township may do the following with any remaining excess funds: (A) Transfer the funds to the county or a municipality having jurisdiction within the new township to make improvements to infrastructure located within the new township. (B) Transfer the funds to a transportation corporation that offers service within the area of the new township for use within the new township. (C) Use the funds for improvement of fire services within the new township. (D) Transfer the funds to a political subdivision that has jurisdiction within the new township for improvement of any fire department that provides service within the area of the new township.
- Provides that in the case of a government reorganization that involves one or more municipalities and one or more townships, all of which are participating units in a fire protection territory on the date the reorganization is approved by voters, the fiscal body of the reorganized political subdivision that results from a reorganization may establish an equipment replacement fund under the fire protection territory law and impose a property tax for the fund and take any other action under the fire protection territory law that may be taken by a participating unit in a fire protection territory.
- Specifies that the requirements and procedures in the statute governing the establishment of a cumulative fund and the imposing or increasing of a property tax rate for a cumulative fund also apply to an equipment replacement fund established for a fire protection territory.
- Requires the DLGF to assist township mergers and prohibits the DLGF from preventing or delaying township mergers.

- Removes the requirement that a county legislative body adopt an ordinance ordering a township merger after the legislative bodies of the merging townships adopt resolutions approving the merger.
- Removes provisions that prohibit a merger from being approved less than one year before the merger becomes effective.
- Provides that a township merger may reduce the term of office of a township trustee.

Interim Study Committee (SEA 475, P.L. 82-2013)

Author: Travis Holdman

Sponsor: Martin Carbaugh, Phil GiaQuinta

- Urges the legislative council to assign to a study committee during the 2013 interim, the topic of allowing counties to change the executive and legislative structure of county government by placing: (1) all executive powers in a single county executive, instead of a board of commissioners; and (2) all legislative and fiscal powers in a county council.
- Provides that if the topic is assigned to a study committee, the study committee shall issue a final report to the legislative council containing the committee's findings and recommendations not later than November 1, 2013.

PERF and Prosecutor Pension (SEA 499, P.L. 54-2013)

Author: Randy Head

Sponsor: Douglas Gutwein

- Exempts from participation in the public employees' defined contribution plan (annuity savings account only plan) (plan) and the retirement medical benefits account (account) within the public employees' retirement fund (PERF) employees of the state who are employed by: (1) a body corporate and politic of the state created by state statute; or (2) a state educational institution; unless the chief executive officer of the body or institution elects to participate in the plan or the account by submitting a written notice of the election to the director of the Indiana public retirement system (system).
- Provides that the board of trustees of the system (board) shall grant service credit to a participant who withdrew from the prosecuting attorneys retirement fund (fund) for years of service accrued before the withdrawal if the participant pays into the fund the full amount of the money received when the participant withdrew, plus interest at a rate specified by rule by the board.
- Establishes the amount of the PERF pension offset for a participant (and the surviving spouse and dependent child of a participant) in the fund who is also a member of the plan.

Unemployment Insurance (SEA 506-P.L. 33-2013)

Author: Phil Boots

Sponsor: Jerry Torr, Dan Forestal, Douglas Gutwein

- Requires a professional employer organization (PEO) to use the client level reporting method for purposes of reporting and paying all required contributions to the unemployment compensation fund unless the PEO elects the PEO level reporting method.
- Provides that a PEO that initially elects the PEO level reporting method may subsequently elect the client level reporting method by notifying the department of workforce development (department) not later than December 1 of the calendar year before the calendar year in which the election is effective.
- Provides that a PEO using the client level reporting method may not change its reporting method.
- Requires a PEO and its related entities to use the same reporting method for all clients.
- Establishes a procedure for an acquirer or a PEO to request and receive a statement from the department indicating whether an account being acquired or transferred is in good standing, and provides that, if the statement shows that the account is in good standing and the department later discovers an outstanding liability associated with the acquired or transferred account, the department: (1) may not assess a delinquent employer rate modification based on the account for which a statement was received; and (2) in the case of a PEO, shall administratively separate the acquired or transferred client account from the PEO until the liability is recovered.
- Makes a technical correction concerning successor employer contribution rates.
- Repeals in Title 27 and establishes in Title 22 language concerning the determination and payment of employer contribution rates by a PEO. Voids obsolete department rules concerning PEOs.

Various Election Law Matters (SEA 518, P.L. 194-2013)

Author: Sue Landske

Sponsor: Kathy Richardson, Milo Smith

- Repeals obsolete references to "pasters" (formerly used as stickers to correct ballots), and changes the language of certain ballot instructions.
- Expands the definition of "voting mark" to refer to marks used in all types of voting systems.
- Specifies procedures for the approval of certain election forms and the voter's bill of rights and the nomination of poll workers.
- Permits the state chair of a major political party to appoint watchers, with the same rights and duties as the watchers appointed under current law by county party chairs.
- Specifies procedures for candidate filings, the processing of candidate petitions, certification of school board candidates, and processing requests for transfers or cancellation of registration by voters.

- Specifies that certain Libertarian Party or independent candidates for local office are required to file the same statement of economic interest required for major party candidates for the office.
- Establishes a deadline for filing a candidate challenge to a write-in candidate for school board office and for a county election board to make a determination regarding that challenge.
- Specifies the procedures to be followed when a candidate in a primary election dies after the printing of ballots by a county election board, and that if the deceased candidate receives the most votes in a primary election, a candidate vacancy results which may be filled by the political party.
- Makes changes concerning standards for the selection of polling places, and the procedures for providing proof of identification and the processing of absentee ballot applications. Provides that when a conflict exists between a map of a precinct and the boundaries of a precinct described by the county in a precinct establishment order, the precinct boundary is the description set forth in the order, rather than the map, to the extent of any conflict.
- Provides that in office absentee voting, voting begins 28 days (rather than 29 days) before the election and that a county resolution to establish satellite offices expires on the January 1 following its adoption.
- Makes changes concerning recounts and contests.
Changes the public question certification process for a local government reorganization public question.
- Specifies the schedule for conducting special elections when a vacancy occurs in the office of U.S. Senator or circuit court judge and the procedures for filling other office vacancies and placing certain public questions on the ballot.
- Establishes penalties for certain election law violations, and amends the definition of "electioneering" within the polling place and chute.
- Requires that during the 2013 legislative interim, the census data advisory committee study: (1) methods for enabling an emergency first responder responding to an emergency declaration to receive an absentee ballot or absentee ballot application by electronic mail or fax; and (2) the impact of sending written communications to a voter containing false vote history information regarding that voter.

Various Election Law Matters (SEA 519-P.L.258-2013)

Author: Sue Landske

Sponsor: Kathy Richardson, Milo Smith

- Defines "domicile", "inhabitant" and "immediate family" for purposes of election law. Removes references to "pastors".
- Specifies that a county order to use electronic poll books applies to all precincts in a county conducting an election.
- Makes changes in the standards for determining residency of voters and candidates.

- Requires the NVRA official to conduct an annual residency confirmation and outreach procedure.
- Establishes the voter education outreach fund to receive, hold, and disburse funds for education and outreach to citizens concerning voter rights and responsibilities.
- Permits county vote center plans to designate other titles for precinct election officials. Provides that the county vote center plan must specify which precinct election officer is to perform a duty required of a precinct election officer by the election code.
- Provides that vote center plans are required to include certain provisions applicable only when an election is not being held in all of a county.
- Provides that the NVRA official (rather than the secretary of family and social services) designates "full service" registration agencies.
- Makes several other changes regarding the designation of voter registration agencies.
- Provides that the subscription of an entity to statewide voter registration file information expires on the first January 1 following payment of the annual fee.
- Requires that a poll list used in a primary to indicate if a voter is less than 18 years of age.
- Specifies that a state agency or county voter registration office receiving a voter registration application through the statewide voter registration system is not subject to the requirements applicable to a person who takes custody of an individual's voter registration application.
- Provides that a voter registration application is considered incomplete if another person takes custody of the application from the applicant, and files the application with the county voter registration office without including certain information to be provided by the person with custody of the application.
- Specifies that registration forms previously approved by the Indiana election commission which do not comply with the requirements to provide a space for a sworn statement of the name and address of an individual who received the form from the applicant, the date on which the form was received from the applicant, and contain a receipt to be given to the applicant from the individual who receives the application may not be used after December 31, 2013 or accepted by a county voter registration office.
- Requires comparison of voter lists from certain neighboring states and others with the Indiana voter registration list to identify duplicate registrations and any cases in which a voter cast a ballot in more than one state during the same election.
- Requires a county voter registration office to cancel the registration of a voter if the office receives certain notices of the voter's death.
- Requires the state department of health and the election division to obtain certain information about the deaths of Indiana residents for purposes of maintaining voter registration records.
- Establishes procedures for county processing of voter registration record cancellations.
- Provides that a tablet may be used in place of a signature pad to capture a voter's signature at the polls in counties using electronic poll books.

- Establishes standards regarding the storage and archiving of information obtained from electronic poll books.
- Requires that the statewide voter registration system be able to upload vote history and other information from an electronic pollbook certified by the secretary of state for use in Indiana at the end of each day absentee voting is conducted using the electronic pollbook.
- Requires that an electronic pollbook must be able to permit vote history to be quickly and accurately uploaded into the statewide voter registration system on each day after absentee voting concludes in the clerk's office, a satellite clerk's office, or a vote center.
- Requires that a signature pad used with an electronic pollbook must capture the image of the signature made by the voter for retention as part of the records of the election.
- Permits the county election board of a county that is not a vote center county to adopt an order to use electronic poll lists. Establishes additional standards for electronic poll lists.
- Permits the family and social services administration and the state department of health to transmit voter registration applications by first class mail. Current law requires the use of certified mail, when mail is used.
- Provides that the polls may not be located in a structure on or in which is affixed any display visible to a voter of political preference or party allegiance. Specifies that this does not prohibit the location of the polls in a structure that includes any pictures, photographs, or other likenesses of any currently elected federal, state, county, or local official, other than within the polls or chute.
- States that an individual commits a violation when knowingly making a false statement regarding the voter's address (whether the address has changed or remains the same as set forth on the poll list).
- Provides that a government employee may not knowingly or intentionally: (1) use certain property of the employee's government employer to solicit a contribution, advocate the election or defeat of a candidate, or advocate the approval or defeat of a public question; or (2) distribute campaign materials advocating: the election or defeat of a candidate; or the approval or defeat of a public question; on the government employer's real property during regular working hours.
- Provides that the prohibitions do not apply to activities permitted under the statute governing issuance of bonds or other evidences of indebtedness by a political subdivision. Provides that a violation of the prohibition is a Class A misdemeanor. Provides that a second or subsequent conviction for a violation is a Class D felony.
- Repeals: (1) obsolete procedures relating to designation of voter registration agencies; (2) a requirement for counties to have an NVRA implementation plan; (3) requirements relating to making memoranda of voter registration documents; (4) statutes relating to pasters; (5) sample ballots; and (6) delivery of absentee ballot applications.

PERF Membership and Retirement Benefits, SEA 526, P.L. 195-2013

Author: Phil Boots, Jim Buck

Sponsor: Woody Burton

- Provides that, after June 30, 2013, members and full-time employees of the state lottery commission are members of the public employees' retirement fund (PERF).
- Provides that a retired member of PERF who, after June 30, 2013, begins a period of reemployment in a position covered by PERF continues to receive a retirement benefit, but does not earn a supplemental retirement benefit for the member's period of reemployment.
- Provides that a retired member of PERF who, before July 1, 2013, begins a period of reemployment in a position covered by PERF earns a supplemental benefit for the member's entire period of reemployment. (Currently, a member of the Indiana state teachers' retirement fund who retires and is reemployed in a position covered by the Indiana state teachers' retirement fund continues to receive a retirement benefit, but does not earn a supplemental retirement benefit for the member's period of reemployment.)

Gaming (SEA 528, P.L. 229-2013)

Author: Phil Boots

Sponsor: Bill Davis, Sean Eberhart, Tim Brown, Terri Austin

- Authorizes the use of limited mobile gaming systems at racetracks, satellite facilities, and in the gaming area of a riverboat or racino.
- Allows gaming licensees to deduct adjusted gross receipts attributable to free play wagering. Provides that the total amount deducted by a licensee for free play may not exceed \$2,500,000 in state fiscal year 2013 and \$5,000,000 in state fiscal years 2014 through 2016.
- Provides that certain local development agreement reports must be made available through the Indiana transparency web site for local government.
- Provides that the lowest bracket of the wagering tax rate schedule for riverboats that had less than \$75,000,000 of adjusted gross receipts during the preceding state fiscal year is 5% instead of 15%.
- Imposes an additional tax of \$2,500,000 if the riverboats taxed under the alternative schedule receive adjusted gross receipts exceeding \$75,000,000 in a particular state fiscal year.
- Requires the gaming commission to study the use of complimentary promotional credit programs.
- Repeals obsolete provisions concerning the riverboat admissions taxes formerly distributed to the horse racing commission.

State and Local Tax Administration (SEA 544, P.L. 261-2013)

Author: Brandt Hershman

Sponsor: Tim Brown

- Specifies the dates by which an ordinance to impose, increase, decrease, or rescind a county income tax must be adopted and the date the ordinance takes effect.
- Specifies that county auditors shall send a certified copy of ordinances to impose, increase, decrease, or rescind a county income tax rate to the department of state revenue (department), the budget agency, and the department of local government finance in an electronic format approved by the director of the budget agency.
- Provides that if the commissioner of the department determines that an ordinance to impose, increase, decrease, or rescind a county income tax rate was not adopted according to the statutory requirements: (1) the commissioner shall notify the county auditor that the ordinance was not adopted according to the requirements of the statute and shall specify the corrective action that must be taken for the ordinance to be in compliance with the statute; and (2) the ordinance may not take effect until the corrective action is taken.
- Provides that before August 2 of each calendar year, the budget agency shall provide to each county auditor an estimate of the amount of county income tax that will be distributed to the county, based on known tax rates.
- Requires the budget agency to certify before October 1 the amount of a county's certified distribution of county income tax for the following year. Provides that a county is entitled to a supplemental distribution of county income tax if the budget agency determines that the balance in the county's trust account exceeds 50% (rather than 150%, under current law) of the certified distributions to be made in the following year.
- Provides that the bureau of motor vehicles (rather than the auditor of state) shall make required distributions and transfers of boat excise tax revenue.
- Requires the auditor of state to recalculate the state welfare and tuition support allocation amount to be recaptured by the state from certain excise tax distributions if a new taxing district is established or if the boundaries of a taxing district change. Requires the bureau of motor vehicles to verify the accuracy and completeness of certain information on vehicle registration forms.
- Specifies that if the department makes a refund of sales taxes, cigarette taxes, tobacco products taxes, or alcoholic beverage taxes, the department shall charge each fund into which the taxes have been allocated or distributed with that fund's proportionate share of the amount of taxes refunded.
- Requires the department to provide information concerning county road mileage to the auditor of state before April 1 of each year, for purposes of determining distributions from the motor vehicle highway account.
- Provides that if the alcohol and tobacco commission or the bureau of motor vehicles notifies the professional licensing agency that a person has an outstanding balance due, the professional licensing agency shall not issue or renew the person's license until the person provides to the licensing agency a statement from the commission or the bureau indicating that the outstanding balance has been satisfied.
- Requires businesses operating in certain special tax areas and districts to annually report information that the department determines necessary to calculate the incremental taxes that will be captured by the district or area.

- Requires taxpayers that file consolidated tax returns also to file annually an informational return for each business location of the taxpayer within such a district or area. Provides that if taxpayers located in such special tax areas or districts fail to report required information or file required informational returns, the department shall use the best information available in calculating the amount of incremental taxes in the area or district.
- Provides that the department may release information concerning total incremental tax revenue from such a district or area to the fiscal officer of the political subdivision or other entity that established the district or area, if that fiscal officer enters into an agreement with the department specifying that the information will be used solely for official purposes.
- Urges the legislative council to assign to an interim study committee the study of the administration of the county adjusted gross income tax, county option income tax, and county economic development income tax.

Hospital Police Departments (SEA 582, P.L. 199-2013)

Author: Dennis Kruse

Sponsor: Kathy Heuer

- Allows the governing board of a county hospital, the Marion County health and hospital corporation, a municipal hospital, or a private hospital to establish a hospital police department. Provides that an individual appointed to a hospital police department must meet at least the following requirements: (1) The individual must successfully complete, within one year after the individual is appointed as a hospital police officer, the minimum basic training and educational requirements as approved by the governing board of the hospital and the law enforcement training board. (2) The individual must undergo a psychological evaluation. (3) The individual must undergo a national criminal history background check. Requires the governing board of the hospital to require a hospital police officer to annually attend inservice training courses approved by the governing board of the hospital.

Marion County Government (SEA 621, P.L. 266-2013)

Author: R. Michael Young

Sponsor: David Frizzell, Mike Speedy, Robert Behning

- Provides that the consolidated law enforcement department of a county having a consolidated city is a division of the department of public safety under the direction and control of the director of public safety.
- Allows the city-county council to approve the initial director and deputy appointments of the mayor of the consolidated city.

- Eliminates provisions that allow the city-county council to require the capital improvement board of managers to make payments in lieu of taxes (PILOTS) for deposit in the consolidated county fund.
- Allows the controller of the consolidated city and county to allot amounts appropriated to an office, department, or agency of the consolidated city or county.
- Requires a candidate for mayor of the consolidated city to reside in the city for at least one year (instead of five years) before taking office.
- Requires a candidate for member of the city-county council to reside within the council district for at least one year (instead of two years) before taking office.
- Provides that in Marion County, a township board consists of five (instead of seven) members.
- Provides that members of the initial five member township board are elected at the November 2016 general election.
- Requires absentee ballots in Marion County to be counted at a central location unless the county election board unanimously adopts a resolution that: (1) requires absentee ballots to be counted at individual precincts; and (2) states the county election board's basis for adopting the requirement.
- Provides that Marion County is subject to the provisions for counting absentee ballots cast on ballot cards, unless the county election board adopts a resolution adopting the provisions for counting absentee ballots cast on paper ballots.
- Effective January 1, 2016, reduces the membership of the city-county council from 29 to 25 members by eliminating the members elected at large.
- Provides that if the division of the county into city-county council districts is reviewed by a panel of judges, the clerk of the court must keep a record of the method and process of selecting the panel and make the record available for public inspection and copying.
- Allows the mayor of a consolidated city and the city-county council to each appoint one additional member to the metropolitan development commission, and eliminates the two appointments of the county board of commissioners (the county board of commissioners consists of the county auditor, the county treasurer, and the county assessor).

Courts

Problem Solving Courts (HEA 1016, P.L. 95-2013)

Author: Eric Koch

Sponsor: Brent Steele, Tim Lanane

- Provides additional circumstances under which a person can participate in a problem solving court program.
- Provides that a problem solving court may provide rehabilitative services.
- Simplifies the problem solving court fee transfer process.
- Urges the legislative council to require the Commission on Courts to evaluate the funding of veteran's courts during the 2013 interim.

Probate and Trust Administration (HEA 1056, P.L. 99-2013)

Author: Jud McMillin

Sponsor: Brent Steele

- Makes numerous changes concerning a personal representative's employment of an attorney, the powers and duties of a personal representative, guardianships, and the rules of trust construction.
- Provides that a personal representative may acquire an interest in real property from the estate if the transaction is authorized by an order of the court after notice and hearing.
- Removes a provision stating that the fee of a surrogate attorney is included in the costs and expenses of estate administration for purposes of prioritizing claims against an estate. (The introduced version of this bill was prepared by the probate code study commission.)

Prosecuting Retirement Attorneys Fund (HEA 1057, P.L. 160-2013)

Author: Jud McMillin

Sponsor: Jim Arnold, Phil Boots

- Changes various provisions of the law concerning the prosecuting attorneys retirement fund (fund) to incorporate several features that are the same as or similar to features found in the 1985 judges' retirement system, including changing the manner in which a participant's eligibility for permanent disability benefits is determined, the pension benefit for disabled members, and allowing a participant to designate the participant's children to receive the participant's survivor benefit.
- Changes eligibility for retirement benefits in the fund for a participant in the fund serving prior to and after July 1, 2006. (The introduced version of this bill was prepared by the pension management oversight commission.)

Magistrates (HEA 1061, P.L. 100-2013)

Author: Ron Bacon

Sponsor: Vaneta Becker

- Allows the judges of the Marion superior court to appoint 12 full-time magistrates after December 31, 2013.
- Allows the judges of the Warrick circuit and superior courts to jointly appoint a magistrate.

Sentencing Alternatives for Youthful Offenders (HEA 1108, P.L. 104-2013)

Author: Wendy McNamara

Sponsor: Michael Young, Brent Steele, Greg Taylor

- Establishes sentencing alternatives for courts with criminal jurisdiction for: (1) offenders who are less than 18 years of age who have been waived from a juvenile court to a court with criminal jurisdiction and who are charged as adult offenders; and (2) offenders who are less than 18 years of age who do not come under the jurisdiction of a juvenile court because the offenders are charged with certain criminal offenses.
- Provides that if such an offender is convicted of committing a felony or pleads guilty to committing a felony, a criminal court may: (1) impose an appropriate criminal sentence on the offender; (2) suspend the criminal sentence imposed; (3) order the offender to be placed into the custody of the department of correction to be placed in a juvenile facility of the division of youth services, if the department agrees to the placement; and (4) provide that the successful completion of the placement of the offender in the juvenile facility is a condition of the suspended criminal sentence.
- Provides that when an offender becomes 18 years of age, the sentencing court must hold a review hearing concerning the offender before the offender becomes 19 years of age. Allows the sentencing court, after the review hearing, to: (1) continue the offender's placement in a juvenile facility until the objectives of the sentence imposed on the offender have been met, if the sentencing court finds that the objectives of the sentence imposed on the offender have not been met; (2) discharge the offender if the sentencing court finds that the objectives of the sentence imposed on the offender have been met; (3) order execution of all or part of the offender's suspended criminal sentence in an adult facility of the department of correction; or (4) place the offender in home detention, in a community corrections program, on probation, or in any other appropriate alternative sentencing program.
- Prohibits a court from modifying the sentences of certain serious offenders following a review hearing if the prosecuting attorney objects.

Court Late Payment Fees (HEA 1124, P.L. 143-2013)

Author: Kevin Mahan

Sponsor: Travis Holdman, Randy Head

- Provides that a defendant who is found to have committed a violation constituting a Class D infraction or Class C infraction for unlawfully parking in a space reserved for a person with a physical disability shall pay a late payment fee of \$25 if the defendant: (1) is required to pay a fine or civil judgment; (2) is not determined by the court imposing the fine or civil judgment to be indigent; and (3) fails to pay the fine or civil judgment on time.

Expungement (HEA 1482, P.L. 159-2013)

Author: Jud McMillin

Sponsor: Earline Rogers, Brent Steele, R. Michael Young, Greg Taylor, Lonnie Randolph

- Allows a court to enter judgment of conviction as a Class D felony with the express provision that the conviction will be converted to a conviction as a Class A misdemeanor if the defendant fulfills certain conditions.
- Requires a court to seal the arrest records of a person who was arrested but not prosecuted or whose conviction was overturned on appeal.
- Provides that a court shall expunge records concerning misdemeanor convictions and minor Class D felony convictions under certain circumstances, and that a court may expunge records concerning certain more serious felony convictions.
- Specifies that misdemeanor and minor Class D felony records ordered expunged by the court are removed or sealed, and that more serious felony records ordered expunged are marked as expunged but remain public records.
- Permits a law enforcement officer to have access to certain expunged records without a court order.
- Establishes a procedure to expunge records, and requires payment of the civil filing fee to petition to expunge a conviction.
- Provides that a person may file a petition to expunge more than one conviction, and provides that a person may only petition for expungement once in the person's lifetime.
- Provides that a petition to expunge a conviction may be filed not earlier than: (1) five years from the date of conviction, in the case of a misdemeanor; (2) eight years from the date of conviction in the case of minor Class D felonies; (3) eight years from the date the sentence is completed in the case of more serious felonies; and (4) ten years from the date the sentence is completed in the case of the most serious felonies.
- Requires consent of the prosecutor to petition for expungement of the most serious felonies, and prohibits granting expungement in the case of sex and violent offenders and persons convicted of specified serious crimes.
- Provides that the civil rights of a person whose records are expunged are restored, and requires a person questioned about a previous conviction for employment or other certain other purposes be asked about the previous conviction in a form such as "Have you ever been arrested for or convicted of a crime that has not been expunged by a court?"
- Specifies that an expunged conviction is not admissible in an action for negligent hiring, admission, or licensure.

Restricting Criminal Background Checks (HEA 1392, P.L. 112-2013)

Author: Greg Steuerwald

Sponsor: R. Michael Young, Lindel Hume

- Specifies that the clerk of a court is not a "criminal history provider".
- Permits a criminal history provider to provide certain information relating to an incident that did not result in a conviction.
- Provides that a criminal history provider may provide information concerning expunged, restricted, or reduced convictions to a person required by law to obtain this information.

- Specifies that a criminal history provider does not violate the requirement to provide current information if the public records used to obtain the information are not current.
- Provides that a violation of these requirements is a deceptive act.
- Repeals a provision requiring a clerk to restrict disclosure of an infraction five years after it has been satisfied and permits a person to petition a court to restrict disclosure of an infraction five years after it has been satisfied.

Judicial Technology and Automation (HEA 1393, P.L. 284-2013)

Author: Greg Steuerwald

Sponsor: Luke Kenley, John Broden, Brandt Hershman

- Establishes the judicial technology oversight committee (committee) to: (1) conduct a continuous study of information technology applications for Indiana's judicial system; (2) make recommendations to the division of state court administration (division) for the establishment of a pilot program concerning electronic filing; (3) allow public court records to be available on the Internet; (4) study the appropriate use of private sector vendors; and (5) make recommendations to the supreme court concerning the implementation of policies, standards, and rules that promote the effective use of technology and automation in Indiana courts.
- Provides that the committee consists of: (1) the chief justice of the supreme court; (2) the chief information officer of the office of technology; (3) two members of the senate; (4) two members of the house of representatives; (5) one trial court judge; (6) two circuit court clerks, with one clerk for a county that does not operate under the state's automated judicial system and one clerk for a county that operates under the state's automated judicial system; (7) one attorney admitted to the practice of law in Indiana; and (8) an individual affiliated with a taxpayer organization.
- Requires the division to develop and implement a standard protocol for sending and receiving certain court data by December 31, 2013, and requires the standard protocol to permit vendors to access the system on an equitable basis.
- Allows the budget committee to release funds for the judicial technology and automation project after the division certifies in conjunction with the Indiana office of technology that the judicial technology automation project is in compliance with certain information sharing and exchange requirements.
- Provides that the automated record keeping fee increases for two years from \$5 to \$7 for all civil, criminal, infraction, and ordinance violation actions except actions resulting in the accused person entering into a: (1) pretrial diversion program agreement; or (2) deferral program agreement.
- Allocates the \$2 fee increase as follows: (1) \$2 to the state, if the county is operating under the state's automated judicial system; or (2) \$1 to the state and \$1 to the county if the county is not operating under the state's automated judicial system.
- Provides that the automated record keeping fee is \$5 for all civil, criminal, infraction, and ordinance violation actions resulting in the accused person entering into a: (1) pretrial diversion program agreement; or (2) deferral program agreement.

Habitual Offender Charge Filing Deadline (SEA 31, P.L. 24-2013)

Author: Randy Head

Sponsor: Jud McMillin, William Friend

- Allows an indictment or information to be amended to include a habitual offender charge if the amendment is filed at least 30 days before trial.
- Permits such an amendment to be made at any time if it does not prejudice the substantial rights of the defendant.
- Provides that if an amendment is made less than 30 days before trial, the court shall grant a continuance to the: (1) state, for good cause shown; or (2) defendant, for any reason. Current law provides that such an amendment of an indictment or information to include a habitual offender charge must be made: (1) not later than 10 days after the omnibus date; or (2) upon a showing of good cause, at any time before the trial.

Child in Need of Service Petitions (SEA 164, P.L. 236-2013)

Author: Travis Holdman, John Broden

Sponsor: Kevin Mahan

- Allows a prosecuting attorney to request a juvenile court to authorize the filing of a petition alleging that a child is a child in need of services, and requires a prosecuting attorney to represent the interests of the state in the child in need of services proceeding, unless the prosecuting attorney and the department of child services agree that the department shall represent the interests of the state in that proceeding.
- Provides that if a prosecuting attorney is representing the interests of the state at a subsequent proceeding after a CHINS petition is filed, all deadlines and procedures concerning CHINS apply to the prosecuting attorney to the same extent as they apply to the department. (The introduced version of this bill was prepared by the department of child services interim study committee.)

Chemical Tests for Intoxication (SEA 168, P.L. 237-2013)

Author: Randy Head

Sponsor: Jud McMillin, Ryan Dvorak, Matt Pierce, Greg Steuerwald

- Provides that a bodily substance sample may be obtained by any person qualified through training, experience, or education to obtain a bodily substance sample.
- Provides that a law enforcement officer may not obtain a blood sample if the blood sample is to be obtained from another law enforcement officer as a result of the other law enforcement officer's involvement in an accident or alleged crime.
- Permits a law enforcement officer who is otherwise qualified to obtain a bodily substance sample under this section to obtain a bodily substance sample from a person who is not a law enforcement officer only if: (1) before January 1, 2013, the officer obtained a bodily substance sample from an individual as part of the officer's official duties as a law enforcement officer; and (2) the person consents to the officer obtaining

a bodily substance sample, or taking the bodily substance sample from the individual is authorized by a search warrant.

Petitions to Modify Custody and Visitation (SEA 202, P.L. 239-2013)

Author: John Broden, Rodric Bray

Sponsor: Rebecca Kubacki

- Provides that if a person files a petition to establish or modify a guardianship, visitation, or child custody, a party to the proceeding shall inform the court if: (1) a party has been determined to be a perpetrator in a substantiated report of child abuse or neglect; or (2) the child named in the petition has been the subject of a substantiated report of child abuse and neglect, has been determined to be a child in need of services, or has been involved in an informal adjustment. (The introduced version of this bill was prepared by the department of child services interim study committee.)

Methamphetamine Vehicle Information Disclosure (SEA 277, P.L. 76-2013)

Author: Joseph Zakas

Sponsor: Mike Speedy, Suzanne Crouch, Mark Messmer

- Requires a dealer or seller who knows or reasonably should know that methamphetamine has been manufactured in a motor vehicle within the previous two years to disclose this fact, in writing, to a buyer, prospective buyer, lessee, or prospective lessee of the motor vehicle before the sale.
- Permits a dealer or seller to include a decontamination report with the written disclosure.
- Provides that failure to disclose gives rise to a cause of action in which the buyer may seek: (1) remediation to a certain standard; or (2) reimbursement for remediation costs.
- Provides that, in addition, a court may award a buyer or prospective buyer liquidated damages of not more than \$10,000, and that existing tort remedies that may be available to a buyer or lessee are not eliminated or abrogated.

Intimidation (SEA 361, P.L. 123-2013)

Author: Mike Crider

Sponsor: John Price

- Provides that for the crime of intimidation, "communicates" includes posting a message electronically, including on a social networking web site.
- Provides that it is a Class D felony if the person to whom the threat is communicated is: (1) an employee of a hospital, school, church, or religious organization; or (2) is a person that owns a building or structure that is open to the public or is an employee of the person.

- Specifies that communicating a threat with the intent to interfere with the occupancy of certain buildings may constitute intimidation.
- Increases the penalty to a Class C felony if it is committed against a judge, bailiff, prosecuting attorney, or deputy prosecuting attorney.

Public Records (SEA 369, P.L. 248-2013)

Author: Thomas Wyss

Sponsor: Randy Frye, Ed DeLaney, Charles Moseley, Kevin Mahan

- Allows a public agency to refuse to confirm or deny the existence of investigatory records of law enforcement agencies or criminal intelligence information, if the fact of the existence of the information would: (1) impede or compromise an ongoing law enforcement investigation or endanger an individual; or (2) reveal information that would have a reasonable likelihood of threatening public safety.
- Allows a public agency to refuse to confirm or deny the existence of a record the disclosure of which would expose vulnerability to terrorist attack, if the fact of the record's existence or nonexistence would reveal information that would have a reasonable likelihood of threatening public safety.
- Allows a person to file an action in court to appeal an agency's refusal to confirm or deny the existence of a record. Clarifies when a request for a record is deemed denied and appealable.
- Provides that when a public agency refuses to confirm or deny the existence of a record under certain circumstances, the name and title or position of the person responsible for the refusal shall be given to the person making the records request.

Parking for Persons with Disabilities (SEA 387, P.L. 50-2013)

Author: Lonnie Randolph

Sponsor: Heath VanNatter, Rick Niemeyer

- Increases from \$50 to \$100 the minimum civil judgment imposed for certain infractions involving parking a motor vehicle in a space reserved for a person with a physical disability or a disabled veteran.

Judicial Officers (SEA 486, P.L. 2013)

Author: Brent Steele

Sponsor: Greg Steuerwald

- Allows the judges of the Hamilton superior court to jointly appoint a third full-time magistrate.
- Allows the judges of the Hendricks superior court to jointly appoint two full-time magistrates.

- Adds a second judge to the Owen circuit court, and establishes a unified circuit court in Owen County with two judges as of January 1, 2015. (The introduced version of this bill was prepared by the commission on courts.)

Control of Ephedrine and Pseudoephedrine (SEA 496, P.L. 193-2013)

Author: Carlin Yoder

Sponsor: Jud McMillin, Greg Steuerwald

- Specifies that ephedrine or pseudoephedrine may be sold only by a pharmacy or a retailer that uses the NPLeX tracking system.
- Allows a retailer who: (1) does not use the NPLeX tracking system; and (2) meets certain other requirements; to sell ephedrine or pseudoephedrine in convenience packages until January 1, 2014.
- Provides that: (1) a pharmacy may not sell more than 61.2 grams of ephedrine or pseudoephedrine to an individual in a 365 day period; and (2) an individual may not purchase more than 61.2 grams of ephedrine or pseudoephedrine in a 365 day period.
- Prohibits a person convicted of certain offenses involving methamphetamine from possessing ephedrine, pseudoephedrine, or phenylpropanolamine within seven years of the person's conviction, unless dispensed under a prescription.
- Increases the penalty for furnishing methamphetamine precursors to another person with knowledge that the recipient will use the precursors to manufacture a controlled substance if the person furnishes more than 10 grams of certain precursors.
- Removes a provision requiring certain signage where ephedrine or pseudoephedrine is sold.

Judges Pensions (SEA 527, P.L. 56-2013)

Author: Phil Boots

Sponsor: Woody Burton

- Urges the legislative council to assign to the pension management oversight commission the task of studying the retirement, disability, and death benefits currently provided to judges and full-time magistrates.

Proof of Financial Responsibility (SEA 620, P.L. 59-2013)

Author: James Merritt

Sponsor: Edmond Soliday

- Provides that the law regarding financial responsibility applies to judgments in civil actions. Provides that Indiana laws providing for suspension of a driver's license or driving privileges may be used to prohibit a nonresident from operating a motor vehicle in Indiana. (Under current law, Indiana laws providing for suspension of a driver's license or driving privileges may be used to prohibit operation in Indiana of a motor vehicle

owned by a nonresident.) Provides that the bureau of motor vehicles (bureau) may adopt rules regarding proof of financial responsibility. (Under current law, the bureau is required to adopt such rules, and the content of the rules is dictated by statute.)

- Provides that the bureau may, at any time, verify that a person has legally required financial responsibility in effect. Authorizes the bureau to contract with a third party to request proof of financial responsibility.
- Provides that the bureau shall suspend the driving privileges or motor vehicle registration, or both, of a person who fails to maintain required financial responsibility. Provides that a court shall recommend suspension of a person's driving privileges for at least 90 days but less than a year for failure to provide proof of financial responsibility. (Under current law, the court may make such a recommendation.)
- Provides that if a court suspends a person's driving privileges or vehicle registration for failure to provide proof of financial responsibility, and fails to recommend a fixed term of suspension or recommends a fixed term that is less than the minimum term of suspension required by law, the bureau shall impose the applicable minimum term of suspension required by law.
- Requires a nonresident to provide proof of financial responsibility by having an insurance carrier file a certificate of compliance with the bureau.
- Prescribes a process by which a person whose driving privileges are suspended for failure to provide proof of financial responsibility may contest the suspension based on an assertion of material error.
- Provides that a person found to have operated a motor vehicle without financial responsibility must provide proof of future financial responsibility for a period of three years beginning on the date on which the suspension of the person's driving privileges ends.
- Provides that expungement or other removal from a person's record of an underlying conviction for which the bureau sends to the person a request for evidence of financial responsibility does not alter or otherwise affect a penalty imposed by the bureau on the person for the person's failure to provide evidence of financial responsibility.
- Makes other amendments to various provisions concerning proof of financial responsibility and proof of future financial responsibility. Abolishes the previously uninsured motorist registry.

Criminal Code

Various Changes to the Criminal Code (HEA 1006, P.L. 158-2013)

Author: Greg Steuerwald

Sponsor: Michael Young, Brent Steele, Lindel Hume

- Makes various changes to the criminal code, including changes to the law concerning community corrections, probation, sentencing, probation funding, drug and alcohol program funding, involuntary manslaughter, communicable disease crimes, battery, hazing, obstruction

of traffic crimes, interference with medical services crimes, kidnapping, confinement, criminal mischief, railroad mischief, computer crimes, theft, deception and fraud crimes, timber spiking, offenses against general public administration, criminal gang activity crimes, stalking, offenses against public health, child care provider crimes, weapon crimes, drug crimes, protection zones, and rape. Repeals the law concerning criminal deviate conduct, and consolidates the crime of criminal deviate conduct into the crime of rape.

- Changes the phrase "deviate sexual conduct" to "other sexual conduct."
- Repeals laws concerning car jacking, and failure of a student athlete to disclose recruitment. Removes the current four level felony penalty classification and replaces that classification with a six level felony penalty classification. Assigns new felony penalties to each crime.
- Permits a judge to contact the local department of child services directly to report suspected cases of child abuse or neglect under certain conditions, and provides that a child who lives in the same household as a person charged with and awaiting trial for certain sex offenses is a child in need of services.
- Removes the misdemeanor penalty for the entry or attempted entry by a person under the age of 21 into certain facilities that permit gambling and makes the violation an infraction.
- Urges the legislative council to: (1) require an existing study committee to evaluate the criminal law statutes in IC 7.1 and IC 9 and to make recommendations to the general assembly for the modification of the criminal law statutes in those titles; (2) study recidivism in Indiana; (3) study criminal justice funding issues; (4) study advisory sentences; and (5) study the suspendibility of sentences. Makes technical corrections. Makes conforming amendments. (The introduced version of this bill was prepared by the criminal code evaluation commission.)

Sale of Electronic Cigarettes to Minors (HEA1225, P.L. 20-2013)

Author: Matthew Lehman

Sponsor: Susan Glick

- Prohibits the sale of electronic cigarettes to individuals less than 18 years of age. Makes it a Class C infraction for an individual less than 18 years of age to purchase, accept for personal use, or possess an electronic cigarette.
- Regulates display and use of electronic cigarettes in vending machines. Makes other changes concerning the use of electronic cigarettes.

Various Privacy Issues (HEA 1376, P.L. 151-2013)

Author: Eric Koch

Sponsor: Brent Steele

- Makes the following changes to the statute concerning telephone caller identification services: (1) Repeals the definition of "telecommunications service provider". (2) Adds the definition of "provider". In the statutes concerning: (1) telephone caller

identification services; and (2) telephone solicitations; replaces the term "caller ID" with the term "caller identification", as used in the federal Caller ID Act of 2009.

- Provides that a person shall not knowingly and with the intent to defraud or cause harm to another person, or to wrongfully obtain anything of value, cause any caller identification service to transmit misleading or inaccurate caller identification information to a subscriber in Indiana.
- Exempts certain activities from the prohibition. Provides that a violation of the prohibition is: (1) a Class B misdemeanor; and (2) a deceptive act actionable by the attorney general. Specifies that the attorney general may recover a civil penalty of not more than \$10,000 for a knowing violation.
- Provides that a subsequent violation is a Class A misdemeanor.
- Provides a cause of action for: (1) damages; and (2) injunctive relief; for any person aggrieved by a violation. Prohibits the professional licensing agency (PLA) or a board administered by the PLA from disclosing to the public personal information of an individual who: (1) applies for or holds a license, certificate, registration, or permit issued by a board; or (2) is a member of a board administered by the PLA; subject to certain exceptions specified by law. Makes conforming amendments.

Expungement (HEA 1482, P.L. 159-2013)

Author: Jud McMillin

Sponsor: Earline Rogers, Brent Steele, R. Michael Young, Greg Taylor, Lonnie Randolph

- Allows a court to enter judgment of conviction as a Class D felony with the express provision that the conviction will be converted to a conviction as a Class A misdemeanor if the defendant fulfills certain conditions.
- Requires a court to seal the arrest records of a person who was arrested but not prosecuted or whose conviction was overturned on appeal.
- Provides that a court shall expunge records concerning misdemeanor convictions and minor Class D felony convictions under certain circumstances, and that a court may expunge records concerning certain more serious felony convictions.
- Specifies that misdemeanor and minor Class D felony records ordered expunged by the court are removed or sealed, and that more serious felony records ordered expunged are marked as expunged but remain public records.
- Permits a law enforcement officer to have access to certain expunged records without a court order.
- Establishes a procedure to expunge records, and requires payment of the civil filing fee to petition to expunge a conviction.
- Provides that a person may file a petition to expunge more than one conviction, and provides that a person may only petition for expungement once in the person's lifetime.
- Provides that a petition to expunge a conviction may be filed not earlier than: (1) five years from the date of conviction, in the case of a misdemeanor; (2) eight years from the date of conviction in the case of minor Class D felonies; (3) eight years from the date

the sentence is completed in the case of more serious felonies; and (4) ten years from the date the sentence is completed in the case of the most serious felonies.

- Requires consent of the prosecutor to petition for expungement of the most serious felonies, and prohibits granting expungement in the case of sex and violent offenders and persons convicted of specified serious crimes.
- Provides that the civil rights of a person whose records are expunged are restored, and requires a person questioned about a previous conviction for employment or other certain other purposes be asked about the previous conviction in a form such as "Have you ever been arrested for or convicted of a crime that has not been expunged by a court?"
- Specifies that an expunged conviction is not admissible in an action for negligent hiring, admission, or licensure.

Habitual Offender Charge Filing Deadline (SEA 31, P.L. 24-2013)

Author: Randy Head

Sponsor: Jud McMillin, William Friend

- Allows an indictment or information to be amended to include a habitual offender charge if the amendment is filed at least 30 days before trial.
- Permits such an amendment to be made at any time if it does not prejudice the substantial rights of the defendant.
- Provides that if an amendment is made less than 30 days before trial, the court shall grant a continuance to the: (1) state, for good cause shown; or (2) defendant, for any reason. Current law provides that such an amendment of an indictment or information to include a habitual offender charge must be made: (1) not later than 10 days after the omnibus date; or (2) upon a showing of good cause, at any time before the trial.

Child Seduction (SEA 53, P.L. 208-2013)

Author: Lonnie Randolph

Sponsor: Tim Brown, Alan Morrison, Jeffrey Thompson

- Defines "professional relationship" and provides that a person who: (1) has a professional relationship with a child; (2) may exert undue influence on the child because of the professional relationship; and (3) uses the person's professional relationship to engage in sexual conduct with a child at least 16 years of age but less than 18 years of age; commits child seduction.
- Provides that child seduction is a Class C felony if it involves intercourse or deviate sexual conduct, and a Class D felony if it involves fondling. Under current law, child seduction is a Class D felony in all cases.

Statutes of Limitations Involving Child Sex Abuse (SEA 142, P.L. 44-2013)

Author: Frank Mrvan Jr.

Sponsor: Jud McMillin

- Increases the statute of limitations for a civil action based on child sexual abuse to the later of: (1) seven years after the cause of action accrues; or (2) four years after the person ceases to be a dependent of the person alleged to have performed the sexual abuse.
- Increases the statute of limitations for the criminal prosecution of certain sex offenses involving children from five years to the later of: (1) 10 years after the commission of the offense; or (2) four years after the person ceases to be a dependent of the person alleged to have committed the offense.

Child Exploitation and Child Pornography (SEA 223, P.L. 181-2013)

Author: David Long

Sponsor: Jud McMillin

- Provides that child exploitation, a Class C felony, includes managing, producing, filming, disseminating, exhibiting, or otherwise making available material depicting: (1) the genitals of a child less than 18 years of age; or (2) the exhibition of the female breast with less than a fully opaque covering of any part of the nipple by a child less than 18 years of age; if the filming, dissemination, exhibition, or making material available was performed with the intent to satisfy or arouse the sexual desires of any person.
- Makes it possession of child pornography, a Class D felony, for a person to knowingly or intentionally possess certain pictures or images that: (1) depict or describe the exhibition of the female breast with less than a fully opaque covering of any part of the nipple by a child the person knows is less than 16 years of age or who appears to be less than 16 years of age; and (2) lack serious literary, artistic, political, or scientific value.
- Provides for certain defenses.

Child Solicitation and Attempt (SEA 347, P.L. 247-2013)

Author: Randy Head

Sponsor: Jud McMillin, Dennis Zent, Christina Hale, Eric Koch

- Raises the offense of child solicitation to a Class B felony if a person solicits the child to engage in sexual intercourse or deviate sexual conduct and the person: (1) has a previous conviction; or (2) travels to meet the child after using a computer network to solicit the child.
- As a condition of the sex offender's probation, parole, or participation in a community transition program, prohibits a sex offender from using social media to contact a child less than 16 years of age; makes it a sex offender Internet offense, a Class A misdemeanor, if the sex offender knowingly or intentionally violates this condition; and makes the sex offender Internet offense a Class D felony if the sex offender has a prior unrelated conviction for a sex offender Internet offense.

- Provides a defense to a prosecution for a sex offender Internet offense if the sex offender reasonably believed that the child was at least 16 years of age.
- Provides that a person may be convicted of attempted child molesting if the person believed the intended victim was a child under 14 years of age at the time the person attempted to commit the offense.
- Expands the definition of "social networking web site" and "instant messaging or chat room program".
- Provides that a person performs a "substantial step" for purposes of an attempt crime if the person, with intent to commit a sex crime against a child, communicates with the child concerning the sex crime and travels to another location to meet the child.
- Specifies that a person at least 18 years of age can commit the offense of inappropriate communication with a child. Under current law, the offense can be committed only by a person at least 21 years of age.
- Raises inappropriate communication with a child to a Class D felony if the person has a prior unrelated conviction for a sex offense.
- Urges the legislative council to assign to the criminal law and sentencing policy study committee or another existing study committee the topic of the collection of crime and delinquency data.

Human Trafficking (SEA 509, P.L. 55-2013)

Author: John Waterman

Sponsor: Jud McMillin

- Makes it promotion of human trafficking of a minor to knowingly or intentionally recruit, harbor, or transport a child less than 18 years of age with the intent of: (1) engaging the child in forced labor or involuntary servitude; or (2) inducing or causing the child to engage in prostitution or an unlawful performance that includes sexual conduct. (Current law applies only to a child less than 16 years of age and does not apply to an unlawful performance.)
- Makes it sexual trafficking of a minor to knowingly or intentionally sell or transfer custody of a child less than 18 years of age for sexual purposes. (Current law applies only to a child less than 16 years of age).

Various Motor Vehicle Issues (SEA 538, P.L. 85-2013)

Author: Jim Arnold

Sponsor: Edmond Soliday, Ed DeLaney

- Makes various changes to motor vehicles laws concerning credentials, convictions, restrictions, and suspensions.
- Amends related definitions. Amends certain requirements for various driver's licenses. Amends provisions concerning examinations and investigations for licenses.

- Specifies minimum terms of suspension of driving privileges for various offenses.
- Provides that a nonresident must be at least 16 years and 180 days of age to operate a motor vehicle on a highway.
- Changes the membership of the motorcycle operator safety education program advisory committee.

Economic Development

Indiana Career Council (HEA 1002, P.L. 60)

Author: Brian Bosma

Sponsor: Tim Lanane, David Long

- Establishes the Indiana career council (council) to: (1) align the various participants in the state's education, job skills development, and career training system; (2) match the education and skills training provided by the state's education, job skills development, and career training system with the currently existing and future needs of the state's job market; (3) oversee the Indiana workforce intelligence system; (4) submit to the general assembly by August 1, 2013, and August 1 annually, an inventory of current job and career training activities conducted by state and local agencies and private groups; (5) submit, by July 1, 2014, a strategic plan to the general assembly to improve the state's education, job skills, and career training system; and (6) submit to the general assembly by December 1, 2013, a progress report concerning the strategic plan.
- Provides that council membership includes: (1) the governor, who serves as chair; (2) the lieutenant governor, who serves as vice chair; (3) the commissioner of the department of workforce development; (4) the secretary of commerce; (5) the state superintendent of public instruction; (6) the commissioner of the commission for higher education; (7) the secretary of the family and social services administration; (8) the president of Ivy Tech Community College; (9) representatives of manufacturing, the business community, and labor appointed by the governor; (10) one member representing the life sciences industry appointed by the governor; (11) two members of the house of representatives appointed by the speaker; and (12) two members of the senate appointed by the president pro tempore.
- Provides that the legislator members are nonvoting advisory members of the council. Establishes the Indiana workforce intelligence system (system), a statewide longitudinal data system that contains educational and workforce information to improve the effect of the state's educational delivery system on the economic opportunities of individuals and the state's workforce, and to guide state and local decision makers. Requires the system to generate timely and accurate information that is available to the public about the effectiveness of the state's job training programs.
- Requires the departments of education and workforce development, the commission for higher education, and other state agencies with relevant information to submit data to the system. Permits the system administrator to: (1) receive appropriations, grants, user fees, and other funds to develop and maintain the system; and (2) contract with public or private entities to develop and maintain the system and to conduct research.

Training 2000 Program (HEA 1170, P.L. 67-2013)

Author: Kathy Heuer

Sponsor: Susan Glick, Lonnie Randolph, Jean Breaux

- Expands training assistance under the training 2000 program to provide assistance to: (1) new or expanding businesses for the training or retraining of incumbent employees; and (2) any business in Indiana for the retraining and upgrading of employee skills required to support existing capital investment.
- Current law restricts training assistance under the training 2000 program to potential employees of new or expanding business and to the retraining and upgrading of skills required to support new capital investment.

Tax Increment Financing Districts for Housing Programs (HEA 1270, P.L. 68-2013)

Author: Phil GiaQuinta

Sponsor: John Broden, Thomas Wyss, Dennis Kruse, Lonnie Randolph

- Increases from 150 acres to 300 acres the total area that may be included in a tax increment financing (TIF) allocation area established for a housing program by a municipal or county redevelopment commission

EARN Indiana Program (HEA 1312, P.L. 272-2013)

Author: Ed Clere

Sponsor: Pete Miller, Dennis Kruse, Jim Banks, Greg Taylor, Lonnie Randolph

- Changes the college work study program into the employment aid readiness network (EARN) Indiana program. Defines "EARN Indiana program."
- Makes changes to the definition of "eligible employer" to extend eligibility to for-profit companies and allow year-round participation of all eligible entities. Makes changes to the definition of "eligible student."
- Makes changes to transform the EARN Indiana program into a year-round program.
- Changes the conditions that must be included in an agreement between the commission for higher education (commission) and an eligible employer.
- Repeals a provision that pertains to certain requirements of eligible employers that are approved postsecondary educational institutions.
- Repeals a provision allowing an approved postsecondary educational institution to use up to 10% of its state allotment as part of its match against the federal Work-Study Program.
- Requires an eligible employer to submit to the commission a job description and one or more statements reporting the wages paid to the student and time worked by the student.

- Provides that for purposes of funding for eligible employers that are for-profit companies, the commission shall give priority to employers that are organized as small businesses.

Regulation of Residential Landlords, Builders and Remodelers (HEA 1313, P.L. 149-2013)

Author: Mike Speedy

Sponsor: Travis Holdman

- Provides that a political subdivision may not adopt a regulation after February 28, 2013 and before July 1, 2014 relating to landlord and tenant relations, rental agreements, or real property subject to a rental agreement that: (1) requires an owner or landlord to be licensed or to obtain a permit from the political subdivision to lease a rental unit; (2) requires an owner or landlord to enroll or participate in a class or government program as a condition for leasing a rental unit; or (3) imposes or increases a fee or other assessment for inspection of a rental unit, registration of an owner, landlord, or rental unit, or for any other purpose relating to landlord and tenant relations, rental agreements, or real property subject to a rental agreement.
- Provides that a political subdivision is not prohibited from: (1) imposing or increasing a fee relating to the construction of a rental unit, such as a building permit fee; or (2) establishing a rental unit inspection program.
- Prohibits a political subdivision from adopting an ordinance or other requirement after February 28, 2013, and before July 1, 2015, that would require a builder or remodeler to be licensed, certified, permitted, registered, or listed by the political subdivision as a condition to the builder or remodeler constructing or remodeling a residential dwelling.
- Provides that a political subdivision is not prohibited from licensing, permitting, or registering specific trades or issuing permits and approvals that regulate the use, planning, and development of property.
- Urges the legislative council to assign the topic of regulation of residential leases by political subdivisions to a study committee during the 2013 legislative interim.

Land Banks (HEA 1317, P.L. 110-2013)

Author: Ed Clere

Sponsor: Travis Holdman, Karen Tallian, John Broden, James Merritt

- Establishes the land bank study committee, a legislative study committee to study issues relating to the creation of land banks at the municipal level as well as the county level including the following: (1) The effects that municipal land banks and reformed land banking would have on current property tax collection and enforcement and tax sales. (2) The effect the creation of municipal land banks would have on local revenues.

Age-Restricted Housing Programs (HEA 1359, P.L. 7- 2013)

Author: Todd Huston

Sponsor: John Broden, James Merritt, Lonnie Randolph

- Allows a redevelopment commission to establish a program for age-restricted housing.
- Specifies the findings that the redevelopment commission must make before adopting the age-restricted housing program.
- Provides that all of the rights, powers, privileges, and immunities that may be exercised by a redevelopment commission in blighted, deteriorated, or deteriorating areas may be exercised by the redevelopment commission in implementing its program for age-restricted housing, including levying a special tax, issuing bonds or entering into leases, and allocating incremental property tax revenue.

Motorsports (HEA 1544, P.L. 233-2013)

Author: Eric Turner

Sponsor: Brandt Hershman

- Establishes the Indiana motorsports commission (commission). Authorizes the commission to adopt a resolution establishing a motorsports investment district (district). Specifies that the budget committee shall review and make a recommendation to the budget agency regarding the resolution. Requires budget agency approval for the establishment of the district.
- Specifies that a resolution establishing a district must provide for the allocation to the motorsports investment district fund (district fund) of amounts appropriated to the commission.
- Specifies that the Indiana finance authority (authority) may issue bonds to pay the cost of improving, constructing, reconstructing, renovating, acquiring, or equipping improvements within a qualified motorsports facility.
- Provides that the bonds must mature within 20 years. Provides that the authority may not issue such bonds unless the owner or owners of the qualified motorsports facility, the authority, and the commission have entered into a written agreement concerning the terms of the financing of the improvements, including the obligation of the owner or owners of the qualified motorsports facility to make payments in an amount equal to at least \$2,000,000 in each state fiscal year to the commission for deposit in the motorsports investment fund during the term of the agreement, and the ultimate parent company of the qualified motorsports facility makes certain guarantees.
- Authorizes the commission to lease all or any part of the structures and capital improvements from the authority and to pledge amounts appropriated to the commission for payments under the lease.
- Provides that the amount of any rent under such a lease may include the amount necessary to pay the bonds issued by the authority. Specifies that if the commission enters into such a lease with the authority, it may sublease the structures and capital improvements to the owner or owners of the qualified motorsports facility.
- Provides that if the commission purchases the leased property or it is otherwise conveyed to the commission, the commission may convey the property to the owner or

owners of the qualified motorsports facility if: (1) the aggregate amount of credits provided to the owner or owners of the qualified motorsports facility equals or exceeds the aggregate amount of the funds appropriated to the commission and used by the commission to pay rent to the authority under the lease and any expenses incurred by the authority or the commission; and (2) all bonds issued by the authority are no longer outstanding.

- Requires the commission to secure the obligations of the owner or owners of the qualified motorsports facility to the commission under a lease or sublease with liens or security interests.
- Specifies that if a controlling ownership interest in a qualified motorsports facility is sold after the authority issues bonds, the commission shall determine whether the purchaser shall be allowed to assume the motorsports facility's obligations.
- Specifies that if the commission determines that there is good cause not to allow such an assumption by the purchaser, the owner or owners of the qualified motorsports facility shall pay to the commission an amount sufficient to pay the cost of defeasing all outstanding bonds issued by the authority for purposes of the qualified motorsports facility and paying all expenses of the commission and the authority incurred in connection with such defeasance.
- Provides that when the aggregate amount of credits provided to the owner or owners of the qualified motorsports facility equals or exceeds the aggregate amount of the funds appropriated to the commission and used to pay rent by the commission to the authority under the lease entered into between the authority and the commission, and if all bonds issued by the authority are no longer outstanding, the commission shall take the legal steps required to terminate each of its security interests in and mortgage liens on the improvements.
- Provides that the credits provided to the owner or owners of the qualified motorsports facility are equal to the incremental state sales and income taxes from the motorsports improvement district and the amount of the admissions fees on admission to the qualified motorsports facility.
- Provides that the goals for participation for the improvements financed under these provisions are 15% for minority business enterprises, 8% for women's business enterprises, and 3% for veteran or disabled business enterprises, consistent with the goals of delivering projects on time and within budget.
- Requires the office of management and budget (OMB) to conduct a review in 2023 of certain aspects of the motorsports investment district and to report to the budget committee and the legislative council.
- Provides that the amount of a race team member's race related income that is Indiana income is based on the fraction of the individual's Indiana duty days for the taxable year divided by the individual's total duty days for the taxable year.
- Specifies the manner in which certain receipts derived from motorsports racing are apportioned to Indiana.
- Provides for the reporting of prize money, purses, or other amounts that are distributed at a professional motorsports racing event at a qualified motorsports facility.

- Establishes the motorsports improvement program and fund, to be administered by the Indiana economic development corporation (IEDC).
- Provides that a person owning a motorsports enterprise may apply to the IEDC for a low-interest loan from the fund to be used for improving the motorsports enterprise. Provides that the program expires June 30, 2017.
- Provides that an admissions fee is imposed on each person charged for admission to a qualified motorsports facility on a race day. Provides that the admissions fees shall be deposited in the state general fund. Specifies the conditions under which the admissions fee expires.

Various Tax Matters (HEA 1545, P.L. 288-2013)

Author: Eric Turner

Sponsor: Brandt Hershman, Thomas Wysss

- Amends the law regarding economic revitalization areas to: (1) allow a designating body to establish an abatement schedule in all cases (current law allows designating bodies to establish an alternative abatement schedule); (2) provide that an abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits; (3) repeal a statute authorizing enhanced abatements; and (4) remove references to deadline dates that have already passed.
- Defines the term "common areas" for purposes of the circuit breaker credit law. Provides that for purposes of the circuit breaker credit, the land that is a common area shared by dwelling units of a building that includes two or more dwelling units is considered "residential property". (Current law limits the land eligible to be classified as "residential property" to only the area of the building footprint.)
- Specifies that when a taxpayer is entitled to interest, the interest shall be computed using the rate in effect for each particular year covered by a refund or credit. Specifies that when a taxpayer is required to pay interest, the interest shall be computed using the rate in effect for each particular year in which the interest accrued.
- Removes the requirements that aircraft be registered out of the United States and be of a certain size for the sales and use tax exemption regarding tangible personal property used for the repair, maintenance, refurbishment, remodeling, or remanufacturing of an aircraft or an avionics system of an aircraft.
- Provides a sales tax exemption for fuel used in powering an aircraft. Imposes an excise tax on the sale of aviation fuel. Expands the sales tax exemption for research and development equipment to include any tangible personal property used for research and development, regardless of whether the person acquiring the property is the ultimate manufacturer or seller of the product that is the subject of the research and development.
- Adds logistics investments as a specific type of qualified investment under the Hoosier business investment tax credit. Specifies expenditures that qualify as a logistics investment.

- Requires the Indiana economic development corporation to find that an applicant's logistics investment project will enhance the logistics industry by creating new jobs, preserving existing jobs that otherwise would be lost, increasing wages in Indiana, or improving the overall Indiana economy in order to approve the applicant's project for a tax credit.
- Makes conforming changes to the credit application and agreement provisions. Provides that the percentage credit maximum is 25% (instead of 10%) if a qualified investment is a logistics investment. Provides that for logistics investments, the qualified investments used to determine the credit are based on growth in qualified investments by the taxpayer using 105% of the investments made by the taxpayer during the immediately preceding two years.
- Adds a \$50,000,000 state fiscal year ceiling for tax credits that are not based on logistics investments. Provides a \$10,000,000 state fiscal year ceiling for tax credits that are based on logistics investments.
- Requires the department of state revenue to annually report to the budget committee on the use of the tax credit for logistics investments.
- Makes numerous changes to the administration of the headquarters relocation tax credit, and the venture capital investment tax credit.
- Repeals the military base recovery tax credit, the military base investment cost credit, the capital investment tax credit, and the coal combustion product tax credit.
- Repeals the following tax incentives concerning airport development zones: (1) Qualified employee deductions. (2) Credits for qualified increased employment expenditures. (3) Loan interest credits. (4) Neighborhood assistance credits. (5) Investment cost credits.
- Adds, after December 31, 2014, the funding of public education for kindergarten through grade 12 as a charitable purpose to which an individual may choose to give all or part of the individual's income tax refund.
- Specifies that the authority of political subdivisions to transfer any unobligated cash balances to the rainy day fund does not authorize transfers from a debt service fund.
- Forgives property taxes, penalties, or interest for various properties owned by nonprofit organizations.

Economic Development Reporting (SEA 162, P.L. 175-2013)

Author: Mike Delph

Sponsor: Woody Burton, Justin Moed, Scott Pelath, Jerry Torr

- Provides that an incentive agreement between the Indiana economic development corporation (IEDC) and an incentive recipient is available after the date the agreement is executed, regardless of whether negotiations may be in progress with that recipient after that date.
- Provides that a recipient must provide information about its financial investment if a financial investment was a condition for an incentive.

- Requires the IEDC to include in its annual compliance report aggregate information on performance goals, the total number of actual jobs created and the number of jobs expected, as reviewed by an independent auditing firm chosen by the corporation, recaptured incentives, total number of recipients, and tax credits claimed for the reporting period.
- Provides that the compliance report is to include the county or municipality of the recipient instead of the recipient's address.
- Requires the compliance report to include a certification by the corporation that each recipient is complying with the terms of the incentive agreement. Current law requires a certification of whether each recipient is meeting the program requirements and representations made in the recipient's application concerning the wages and compensation provided to employees, other benefits to be provided to employees, and the extent to which the recipient has complied with the representations.
- Changes the timing of the IEDC's annual compliance report from a state fiscal year to a calendar year and specifies that the report is to include cumulative information on active recipients from 2005 instead of 2007.
- Adds cross-references to recently enacted tax credits.
- Repeals a duplicate statute concerning the requirement that the IEDC disclose the terms of a final incentive offer.

Lakefront Development Project Alcohol Permit (SEA 173, P.L. 176-2013)

Author: Ed Charbonneau

Sponsor: Bill Davis

- Allows the alcohol and tobacco commission to issue up to six three-way, two-way, or one-way permits to sell alcoholic beverages for on-premises consumption to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant in a municipal lakefront development project area located in Whiting.
- Requires: (1) the commission to conduct an auction of the permits; and (2) the minimum bid for an initial permit to be \$10,000.

Utilities and Economic Development (SEA 349, P.L. 226-2013)

Author: Randy Head

Sponsor: William Friend

- With respect to a municipality that: (1) has a municipally owned utility that has donated funds to a local economic development organization before July 1, 2012; and (2) is a city having a certain population size; adds to the chapter in the Indiana Code concerning donations by local units of government a provision authorizing the municipal legislative body, with the approval of the board of the municipality's municipally owned utility, to donate funds from the municipally owned utility's surplus earnings to a local economic

development organization as long as certain obligations of the municipally owned utility are met before the donation is made.

Indiana Works Council (SEA 465, P.L. 53)

Author: Dennis Kruse

Sponsor: Robert Behning

- Authorizes the governor to designate one or more distinct geographic regions throughout Indiana, and establishes an Indiana works council (council) for each region. Provides that council members are selected and appointed by the governor.
- Requires the education roundtable to provide staff and administrative support to the councils.
- Requires each council to prepare and submit before November 1, 2013, a comprehensive evaluation of the career, technical, and vocational education opportunities available to high school students in its region.
- Provides that after December 31, 2013, each council may develop, subject to the approval of the Indiana state board of education, an alternative career, technical, or vocational educational curriculum for high school students in its region in order to offer those students opportunities to pursue internships and apprenticeships, learn from qualified instructors, and have a goal of: (1) earning an industry certification; (2) earning credits toward an associate degree; or (3) establishing a career pathway to a high wage, high demand job that is available in the region.

Substitute Natural Gas (SEA 494, P.L. 228-2013)

Author: Brandt Hershman

Sponsor: Tim Brown, David Niezgodski, Kathy Heuer, Eric Turner

- Defines "2011 order", "business day", and "savings". Makes additional findings concerning substitute natural gas (SNG).
- Requires the Indiana finance authority to submit certain contracts and agreements to the utility regulatory commission (IURC) for approval.
- Specifies that if a certified appellate opinion does not affirm the 2011 order in its entirety, the IURC shall, after notice and hearing, approve, reject, or require the modification of a purchase contract if in the public interest. Specifies certain factors the IURC must consider before taking action. Requires the IURC to issue a final order within 180 business days.
- Provides that a party that seeks to appeal a final order shall do so through an expedited direct appeal to the Indiana supreme court under rules to be adopted by the Indiana supreme court.
- Authorizes the IURC to adopt rules, including rules establishing filing deadlines.
- Requires the IURC to study the sales price of natural gas and report the study results in an electronic format to the general assembly by November 30, 2013.

Gaming (SEA 528, P.L. 229-2013)

Author: Phil Boots

Sponsor: Bill Davis, Sean Eberhart, Tim Brown, Terri Austin

- Authorizes the use of limited mobile gaming systems at racetracks, satellite facilities, and in the gaming area of a riverboat or racino.
- Allows gaming licensees to deduct adjusted gross receipts attributable to free play wagering. Provides that the total amount deducted by a licensee for free play may not exceed \$2,500,000 in state fiscal year 2013 and \$5,000,000 in state fiscal years 2014 through 2016.
- Provides that certain local development agreement reports must be made available through the Indiana transparency web site for local government.
- Provides that the lowest bracket of the wagering tax rate schedule for riverboats that had less than \$75,000,000 of adjusted gross receipts during the preceding state fiscal year is 5% instead of 15%.
- Imposes an additional tax of \$2,500,000 if the riverboats taxed under the alternative schedule receive adjusted gross receipts exceeding \$75,000,000 in a particular state fiscal year.
- Requires the gaming commission to study the use of complimentary promotional credit programs.
- Repeals obsolete provisions concerning the riverboat admissions taxes formerly distributed to the horse racing commission.

Environmental

Residential Onsite Sewage Systems (HEA 1480, P.L. 10-2013)

Author: David Wolkins

Sponsor: Jean Leising, Ed Charbonneau

- Allows an employee of a local health department to conduct an onsite soil evaluation concerning the repair or replacement of a failed residential onsite sewage system if: (1) the employee was hired by the local health department before January 1, 2013; (2) the local health board has determined that the employee has the necessary knowledge of the principles of soil science as acquired by professional education; (3) the employee uses guidelines set forth in the soil manuals, technical bulletins, and handbooks of the Natural Resources Conservation Service of the United States Department of Agriculture; and (4) the employee files a written report with the local health department for each onsite soil evaluation conducted by the employee.

Solid Waste Management Districts (HEA 1536, P.L. 116-2013)

Author: David Wolkins

Sponsor: Ed Charbonneau, Lonnie Randolph

- Provides that a solid waste management district (district) may not register, issue a permit for, or license a vehicle as a condition of allowing a solid waste hauler to render services within the district.
- Provides that a district that issued a permit for, licensed a vehicle, or levied a charge or fee as a condition of allowing a solid waste hauler to render services within the district on January 1, 2013 may continue to do so until January 1, 2015.
- Provides that a district may not register, issue a permit, license or levy a charge or fee after December 31, 2014.

Sewer Connections (SEA 204, P.L. 178-2013)

Author: Jean Leising

Sponsor: David Wolkins, Randy Frye

- Provides that a not-for-profit public sewer utility or a regional sewage district may require connection to its sewage disposal system if there is an available sanitary sewer line within 300 feet of: (1) the property line, if the property line is located in a consolidated city or adjacent to a body of water; (2) any part of a subdivision, or land that is divided or proposed to be divided into lots, whether contiguous or subject to zoning requirements, for the purpose of sale or lease as part of a larger common plan of development or sale; or (3) for all other properties, the source of the sewage discharge.
- Current law requires connection if there is an available line within 300 feet of the property line.

Soil Productivity Factors (SEA 319, P.L. 1-2013)

Author: Jean Leising

Sponsor: House members

- Provides that the soil productivity factors used for the March 1, 2011, assessment of agricultural land must be used for the March 1, 2013, assessment date.
- Requires the department of local government finance, in cooperation with the Purdue University College of Agriculture, to submit the following in 2013 to the commission on state tax and financing policy and to any interim study committee established to study agriculture issues or assigned the topic of studying agriculture issues: (1) Proposed soil productivity factors to be used in the assessment of agricultural land. (2) An explanation of the methodology used to determine the proposed soil productivity factors. (3) Data, from each county, that was used to determine the proposed soil productivity factors. (4) Testimony and comments provided to the department of local government finance by taxpayers and other stakeholders concerning the proposed soil productivity factors.

Municipal Utilities (SEA 385, P.L. 251-2013)

Author: Ed Charbonneau

Sponsor: David Wolkins, Don Lehe

- Provides that a utility that: (1) provides or receives wholesale sewage service; and (2) negotiates to renew an expiring contract or enter into a new contract for wholesale sewage service; may file a petition for review of the rates and charges for the wholesale sewage service with the utility regulatory commission (commission) or a court, but not both.
- Deposits certain expense reimbursements paid by municipal utilities for investigations conducted by the commission into the commission public utility fund account. Under current law, the amounts paid are deposited in the state treasury.
- Provides that a contract for the construction of a municipal sewage works may not require certain landowners to waive the right to remonstrate against annexation by the municipality.
- Urges the legislative council to assign to the environmental quality service council for study during the 2013 legislative interim the topic of rates and charges imposed by water, wastewater, and combined water and wastewater utilities for service to users located outside the corporate boundaries or service territory of the utilities.

Finance

Biennial Budget (HEA 1001, P.L. 205-2013)

Author: Tim Brown

Sponsor: Luke Kenley, Brandt Hershman, Karen Tallian

- Provides that the office of management and budget may not consider a balance in the state tuition reserve fund when calculating the amount of state reserves at the end of a state fiscal year for purposes of the automatic taxpayer refund.
- Provides that the racino slot machine wagering tax is imposed on 91.5% of adjusted gross receipts. Specifies that such adjusted gross receipts include the 15% distribution from racinos.
- Caps supplemental distributions of wagering tax revenues at \$48,000,000 statewide.
- Reduces the adjusted gross income tax rate on noncorporate taxpayers to: (1) 3.3% for taxable years beginning after 2014 and before 2017; and (2) to 3.23% for taxable years beginning after 2016.
- Permits a county income tax council to impose a motor vehicle excise surtax and a wheel tax for a county. Current law permits the county council to impose these taxes. Specifies that the body that initially imposes the excise surtax and wheel tax is the body that is empowered to increase, decrease, or rescind the excise surtax and wheel tax.
- Changes financial institution tax distributions to local governments.

- Allocates 1% of state gross retail tax collections to the motor vehicle highway account. Removes state police expenses from motor vehicle highway account distributions.
- Establishes the major moves 2020 trust fund. Specifies that money is to be used exclusively for major highway expansion projects that enhance the ability to transport goods in and through Indiana, upon appropriation by the general assembly. Provides that the fund is considered a trust fund, and that money may not be transferred, assigned, or otherwise removed from the fund by the state board of finance, the budget agency, or any other state agency. Provides that, on July 1, 2013, and on July 1, 2014, the auditor of state shall transfer \$200,000,000 to the fund from the state general fund.
- Requires political subdivisions to annually report certain information concerning other post employment benefits (OPEB) to the department of local government finance.

Financial Institutions Matters (HEA 1018, P.L. 93-2013)

Author: Mark Messmer

Sponsor: Randy Head, Travis Holdman, Jim Arnold, Brandt Hershman, Joseph Zakas

- Reduces the financial institutions franchise tax rate over four years, from 8.5% for taxable years beginning before January 1, 2014, to 6.5% for taxable years beginning on or after January 1, 2017.
- Requires budget committee review for an expenditure from the public deposits insurance fund (PDIF) for a purpose other than paying expenses for the administration of the fund, investing, reinvesting, and exchanging specified investments, paying allowable operational expenses, paying claims on insured public deposits, and making deposits of uninvested funds.
- Terminates the use of interest on the PDIF for local pension relief.
- Provides for a 10 year payback of the \$50,000,000 loan made to the state general fund from the PDIF.
- Annually appropriates \$5,000,000 from the state general fund to the budget agency to make the annual loan payments for 2013 through 2022.
- Repeals and removes provisions that were not used concerning a loan made by the state board of finance and purchased by the board for depositories for economic development projects.

Local Food and Beverage Taxes (HEA 1070, P.L. 157-2013)

Author: Jim Baird

Sponsor: Rodric Bray

- Authorizes the Cloverdale town council to impose a 1% food and beverage tax on taxable food and beverage transactions in the town. Specifies the uses to which receipts from the food and beverage tax may be applied.
- Authorizes the Fishers town council to adopt, on or before December 31, 2013, an ordinance to impose a town food and beverage tax of not more than 1% on taxable food and beverage transactions in the town. Specifies that the revenue from the tax must be

used to reduce the town's actual property tax levy (but not maximum permissible levy) or for economic development purposes, including the pledge of money to bonds, leases, or other obligations for economic development purposes.

Fund Transfers (HEA 1077, P.L. 36-2013)

Author: Edmond Soliday

Sponsor: Karen Tallian, Ed Charbonneau

- Designates the county, city, or town executive as the governing body authorized to transfer money from an economic development income tax.
- Requires the executive to adjust the capital improvement plan to reflect the transfer.
- Provides that after appropriation and transfer, the money may be used for the purposes of the fund to which it is transferred.
- Provides that a unit may not transfer money if the amount transferred would impair the unit's ability to satisfy any debts, liabilities, or obligations for which county economic development income taxes are pledged or otherwise encumbered, including transfers required by the northwest Indiana regional development authority law.

Property Taxes (HEA 1116-P.L. 218-2013)

Author: Daniel Leonard

Sponsor: Randy Head, Greg Walker

- Eliminates provisions establishing department of local government finance (DLGF) control of a county's reassessment fund.
- Provides that the DLGF is required to conduct a public hearing on a political subdivision's budget, tax rate, and tax levy if requested in writing by a taxpayer. Allows the DLGF to consider budgets, tax rates, and tax levies of multiple political subdivisions at the same hearing.
- Authorizes townships to petition the DLGF for permission to increase the township levy by the amount borrowed in 2012 or 2013, but not both. Requires the DLGF to grant permission for the levy increase.
- Allows the loan subject to the levy increase to be repaid from additional borrowing over three years.
- Provides that if a township receives such a maximum levy increase in 2014 based on a fire emergency loan, the levy limits imposed on the township may be exceeded in calendar years 2014, 2015, and 2016 by the amount of ad valorem property taxes imposed by the township to repay the money borrowed for the three year repayment schedule.
- Provides that the taxes imposed in excess of the levy limits are not included in the township's levy for purposes of determining its maximum levy. Removes an obsolete provision under which the DLGF had discretion to approve similar levy increases.
- Specifies that any school building for academic instruction is: (1) subject to the petition and remonstrance process if the cost of the project is less than or equal to \$10,000,000;

or (2) subject to the referendum process if the cost of the project is more than \$10,000,000. Under current law the threshold is \$10,000,000 for elementary and middle school buildings and \$20,000,000 for high school buildings.

- Provides that in determining whether a local government capital project is a controlled project and whether the petition and remonstrance process or the referendum process apply to the capital project, the cost of the capital project does not include expenditures for the capital project that will be paid from donations or other gifts.
- Eliminates a requirement that a county auditor notify each political subdivision of the property tax reductions resulting from the circuit breaker credit.
- Permits an owner to pay property taxes attributable to changes in assessment of the owner's property over the same number of years that corresponds to any delay in assessment of the owner's property if the owner complied with the applicable statutes concerning filing an assessment registration notice or obtaining permits for the changes to the real property.
- Requires redevelopment commissions to submit reports to the appropriate fiscal body regarding tax increment financing areas. Requires the fiscal body to provide the same information to the DLGF.
- Specifies that an adjustment to the base assessed value of an allocation area: (1) may not include the effect of the phase in of assessed value due to property tax abatements; and (2) may decrease base assessed value only to the extent that assessed values in the allocation area have been decreased due to annual adjustments or the reassessment under a reassessment plan.
- Specifies that assessed value increases attributable to the application of an abatement schedule may not be included in the base assessed value of an allocation area.
- Requires the commission on state tax and financing policy to study the circumstances in which an elected fiscal body should review the budget and property tax levy of an appointed public library board and library district border changes.
- Urges the legislative council to create a study committee to study tax increment financing.

Use of Food and Beverage Taxes (HEA 1133, P.L. 65-2013)

Author: Eric Koch

Sponsor: Brent Steele

- Authorizes Nashville to use its food and beverage taxes to finance, construct, improve, equip, operate, and maintain sidewalks and other streetscape improvements.

Various Local Government Issues (HEA 1145-105-2013)

Author: Mara Candelaria Reardon

Sponsor: Allen Paul

- Authorizes a political subdivision or municipally owned utility to charge a reasonable fee for convenience when accepting a credit card or bank card for payments.

- Provides that a convenience fee imposed by a political subdivision or municipally owned utility on a credit card transaction may not exceed \$3, must be uniform regardless of the bank card or credit card used, and may be collected regardless of retail merchant agreements between the bank and credit card vendors that may prohibit such fees.
- Provides that unused and unencumbered funds from any fiscal year and certain specified sources may be transferred to a political subdivision's rainy day fund at any time.
- Provides that unobligated cash balances from any fiscal year and sources not specified by statute may be transferred to the rainy day fund if the amount of the transfer is specified in an ordinance or resolution and the transfer is not more than 10% of the political subdivision's annual budget.
- Provides that if a town publishes any of its ordinances in book or pamphlet form, no other publication is required in order for the ordinance to take effect.
- Provides that a town ordinance prescribing a penalty or forfeiture for a violation takes effect two weeks after the publication of the book or pamphlet.
- Requires a redevelopment commission or its designee to file the redevelopment commission's annual report with the unit's executive not later than March 15 of each year. Current law requires the report to be filed within 30 days after the close of the calendar year.

Securities Matters (HEA 1179, P.L. 146-2013)

Author: Bob Heaton

Sponsor: Jim Smith

- Requires that certain financial statements that are submitted with a registration statement for securities that: (1) are registered by qualification; and (2) are to be offered in Indiana with a maximum aggregate offering price in excess of \$1,000,000; be prepared using U.S. generally accepted accounting principles and be audited by an independent certified public accountant under U.S. generally accepted auditing standards or standards of the Public Company Accounting Oversight Board.
- Makes it unlawful for a person to violate an agreement that is: (1) entered into between the securities division and the person; and (2) ordered by the securities commissioner under the Indiana Uniform Securities Act. Provides that a violation of an agreement does not subject the person to liability to a purchaser or seller.

Property Taxes in a Covered County (HEA 1261, P.L. 11-2013)

Author: Tom Dermody

Sponsor: Ed Charbonneau

- Permits: (1) the current owner of a homestead in LaPorte County or another covered county to receive the deductions and credits that the current owner is eligible to receive for a current assessment date for all assessment dates for which delayed property taxes are due; and (2) the department of local government finance to authorize a delay in the

payment of tax bills imposed for the March 1, 2012, or January 15, 2013, assessment date in LaPorte County or another covered county.

- Applies certain property tax procedures and policies that apply to delayed property taxes in LaPorte County to property taxes that are due and payable in 2013, including: (1) a right of a taxpayer to pay taxes by credit card, debit card, bank card, or electronic transfer; (2) a discretionary authority of the county council to authorize a 2% discount for property tax payments made within 30 days after statements are mailed or otherwise transmitted; (3) an exemption from tax sale for 12 months after the payment is due; and (4) permission to file an application for a standard deduction for a homestead within 45 days after the tax statement is mailed or otherwise transmitted. Requires these rights to be explained in the tax statement.

Permits for Loads (HEA 1481, P.L. 135)

Author: Hal Slager

Sponsor: Ed Charbonneau, Travis Holdman

- Authorizes the Indiana department of transportation (department) or a local authority to grant permits for transporting overweight divisible loads.
- Provides definitions for equivalent single axle load mile (mile) and overweight divisible load for purposes of transportation.
- Authorizes the department to adopt emergency rules and requires the department to adopt emergency rules for the: (1) issuance, fee structure, and enforcement of permits for overweight divisible loads; (2) fee structure of permits for loads on extra heavy duty highways; and (3) fee structure of permits for overweight loads; and provides that these emergency rules expire only with the adoption of a new superseding rule.
- Requires the department to charge five cents per mile for a permit for an overweight divisible load and provides that the annual fee for an overweight divisible load permit may not exceed \$470.
- Requires the department to study the impact of overweight divisible loads on Indiana's transportation infrastructure and economy not later than December 31, 2014, and to: (1) consider the results of the study in adopting rules to establish fees for overweight divisible load permits; and (2) report the results of the study to the general assembly in an electronic format.

Various Tax Matters (HEA 1545, P.L. 288-2013)

Author: Eric Turner

Sponsor: Brandt Hershman, Thomas Wyss

- Amends the law regarding economic revitalization areas to: (1) allow a designating body to establish an abatement schedule in all cases (current law allows designating bodies to establish an alternative abatement schedule); (2) provide that an abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the

abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits; (3) repeal a statute authorizing enhanced abatements; and (4) remove references to deadline dates that have already passed.

- Defines the term "common areas" for purposes of the circuit breaker credit law. Provides that for purposes of the circuit breaker credit, the land that is a common area shared by dwelling units of a building that includes two or more dwelling units is considered "residential property". (Current law limits the land eligible to be classified as "residential property" to only the area of the building footprint.)
- Specifies that when a taxpayer is entitled to interest, the interest shall be computed using the rate in effect for each particular year covered by a refund or credit. Specifies that when a taxpayer is required to pay interest, the interest shall be computed using the rate in effect for each particular year in which the interest accrued.
- Removes the requirements that aircraft be registered out of the United States and be of a certain size for the sales and use tax exemption regarding tangible personal property used for the repair, maintenance, refurbishment, remodeling, or remanufacturing of an aircraft or an avionics system of an aircraft.
- Provides a sales tax exemption for fuel used in powering an aircraft. Imposes an excise tax on the sale of aviation fuel. Expands the sales tax exemption for research and development equipment to include any tangible personal property used for research and development, regardless of whether the person acquiring the property is the ultimate manufacturer or seller of the product that is the subject of the research and development.
- Adds logistics investments as a specific type of qualified investment under the Hoosier business investment tax credit. Specifies expenditures that qualify as a logistics investment.
- Requires the Indiana economic development corporation to find that an applicant's logistics investment project will enhance the logistics industry by creating new jobs, preserving existing jobs that otherwise would be lost, increasing wages in Indiana, or improving the overall Indiana economy in order to approve the applicant's project for a tax credit.
- Makes conforming changes to the credit application and agreement provisions. Provides that the percentage credit maximum is 25% (instead of 10%) if a qualified investment is a logistics investment. Provides that for logistics investments, the qualified investments used to determine the credit are based on growth in qualified investments by the taxpayer using 105% of the investments made by the taxpayer during the immediately preceding two years.
- Adds a \$50,000,000 state fiscal year ceiling for tax credits that are not based on logistics investments. Provides a \$10,000,000 state fiscal year ceiling for tax credits that are based on logistics investments.
- Requires the department of state revenue to annually report to the budget committee on the use of the tax credit for logistics investments.
- Makes numerous changes to the administration of the headquarters relocation tax credit, and the venture capital investment tax credit.

- Repeals the military base recovery tax credit, the military base investment cost credit, the capital investment tax credit, and the coal combustion product tax credit.
- Repeals the following tax incentives concerning airport development zones: (1) Qualified employee deductions. (2) Credits for qualified increased employment expenditures. (3) Loan interest credits. (4) Neighborhood assistance credits. (5) Investment cost credits.
- Adds, after December 31, 2014, the funding of public education for kindergarten through grade 12 as a charitable purpose to which an individual may choose to give all or part of the individual's income tax refund.
- Specifies that the authority of political subdivisions to transfer any unobligated cash balances to the rainy day fund does not authorize transfers from a debt service fund.
- Forgives property taxes, penalties, or interest for various properties owned by nonprofit organizations.

Real Property Subject to tax Sale (HEA 1568, P.L. 118)

Author: Gail Riecken

Sponsor: Karen Tallian, Travis Holdman

- In the statute concerning the sale of real property for which taxes or special assessments are delinquent, makes the following changes for purposes of the section that allows a county executive that holds a certificate of sale for a vacant parcel to sell the parcel to a contiguous residential property owner: (1) Provides that the vacant parcel or the certificate of sale for the vacant parcel will be sold to the successful applicant for \$1, plus the amount of certain costs incurred by the county in the sale. (Under current law, the sale price does include costs incurred by the county.) (2) Provides that for purposes of the section, a "vacant parcel" includes an improved parcel. (Current law provides that a "vacant parcel" includes only an unimproved parcel.) (3) Specifies that the county executive may offer for sale the vacant parcel or the certificate of sale for a vacant parcel. (4) Eliminates the property tax exemption for a vacant parcel acquired by a contiguous residential property owner. (5) Provides that a contiguous residential property owner who receives a tax deed for a vacant parcel may not sell the vacant parcel for 1 year.
- Establishes an alternative urban homesteading program that provides for the following: (1) That an individual is qualified to receive real property offered under the program if the individual applies for and receives, within a period specified by the local agency administering the program, a rehabilitation loan eligible for insurance under section 203(k) of the National Housing Act. (2) That the conveyance of a dwelling to a qualified individual under the program shall be made for a fee of \$1, plus certain costs incurred by the county in obtaining the property. (3) That before the vesting of a fee simple title in a qualified purchaser under the program, any material failure by the purchaser to carry out the agreement required under the program nullifies the agreement and all right, title, and interest in the property reverts to the agency administering the program.

Provides that a financial institution that holds land that: (1) has been subdivided into lots; or (2) rezoned for, or put to, a different use; qualifies for a land development exception in which the reclassification of the land is delayed.

Hospital Liens and Ambulance Liens (SEA 5, P.L. 173-2013)

Author: Brent Steele

Sponsor: Jud McMillin, Ed DeLaney, Charles Moseley, Sean Eberhart

- Amends the law concerning hospital liens related to certain personal injury claims, including balance billing, time frame for perfecting a lien, and release of a lien.
- Repeals the law concerning ambulance liens as of July 1, 2013.
- Provides that ambulance liens perfected under the law and not released before July 1, 2013, remain valid until the liens are released.
- Specifies that the repeal of the law does not affect a patient's financial obligation to pay the provider under any other law or contractual provision.

County Extradition and Sheriff's Assistance Fund (SEA 24, P.L. 42-2013)

Author: Susan Glick

Sponsor: Kevin Mahan

- Replaces the county extradition fund of a county with the county extradition and sheriff's assistance fund.
- Provides that, in addition to providing funding to offset the costs of extraditing criminal defendants, a county extradition and sheriff's assistance fund may also be used to provide funding to: (1) train and equip law enforcement officers in the county; and (2) offset other costs incurred by the county sheriff's department in providing law enforcement services.
- Transfers any money in a county extradition fund on June 30, 2013, to the county extradition and sheriff's assistance fund on July 1, 2013.

Property Tax Assessments (SEA 152, P.L. 235-2013)

Author: Doug Eckerty

Sponsor: Bill Davis, Sue Errington, Tom Dermody, Steven Stemler

- Provides that in the case of real property that is the subject of a property tax appeal in which the gross assessed value is reduced by the property tax assessment board of appeals (PTABOA), if the assessed value is increased above the amount determined by the PTABOA the assessor has the burden of proving that the assessment is correct.
- Specifies that this provision does not apply to real property that was valued using the income capitalization approach in an appeal.
- Specifies that when a taxpayer is entitled to interest, the interest shall be computed using the rate in effect for each particular year covered by a refund or credit.

- Specifies that when a taxpayer is required to pay interest, the interest shall be computed using the rate in effect for each particular year in which the interest accrued.

Homeland Security Matters (SEA 242, P.L. 78-2013)

Author: Thomas Wyss

Sponsor: Randy Frye

- Provides that the emergency response commission may withhold funding from a local emergency planning committee for failing to provide proof that each committee member is properly trained in the code of ethics.
- Provides that a unit that requests assistance through the statewide mutual aid program (program) must: (1) provide a copy of the request to the state emergency operations center (emergency center) within 48 hours after making the request; and (2) state that the request is being made through the program.
- Provides that a unit that renders assistance through the program and seeks reimbursement must submit an itemized statement of expenses to the unit that receives the assistance not more than 30 days after the assistance is rendered.
- Requires a shipper of highway route controlled quantity (HRCQ) radioactive materials to obtain a shipping permit from and pay certain fees to the department of homeland security, and notify the emergency center of the shipment. Imposes a civil penalty on a shipper of HRCQ radioactive materials that fails to obtain a permit, pay a fee, or notify the emergency center.
- Deposits the fees and penalties in the nuclear response fund. Provides that money in the nuclear response fund may be used to enforce provisions relating to the transportation of HRCQ radioactive materials. Under current law, money in the nuclear response fund may be used only to enforce provisions related to the transportation of radioactive waste.
- Specifies the funding sources of the regional public safety training fund (training fund). Provides that certain money in the training fund must be used for fire investigation training. Requires the department of homeland security to transfer all money in the statewide arson investigation financial assistance fund (arson fund) to the training fund.
- Provides that the statute establishing the arson fund expires July 1, 2013.
- Provides that the board of firefighting personnel standards and education may adopt emergency rules concerning the adoption of the standards of the National Fire Protection Association.
- Establishes notice and hearing requirements and expiration dates for the emergency rules.

Property Tax Payments (SEA 275, P.L. 48-2013)

Author: Patricia Miller

Sponsor: Randy Truitt, Robert Cherry, Cherrish Pryor, Gail Riecken

- Provides that a county auditor shall (rather than may, under current law) remove real property from the tax sale list if the county treasurer and the taxpayer agree to a mutually satisfactory arrangement for the payment of the delinquent taxes.
- Adds a requirement that the county treasurer must have provided a copy of the written agreement for the arrangement to the county auditor.
- Provides that if a county council does not adopt an ordinance allowing taxpayers to make installment payments of property taxes, the county treasurer shall develop and implement a plan to accept partial payments of property taxes.
- Specifies that the county treasurer shall notify taxpayers on the property tax bill or envelope used to mail property taxes that the county has adopted a plan to accept partial payments.

Government Accounting Study (SEA 293, P.L. 121-2013)

Author: Pete Miller

Sponsor: Eric Turner, Justin Moed, Eric Koch

- Establishes the interim study committee on government accounting to study issues concerning state and local government accounting, including issues related to the implementation of generally accepted accounting principles, as adopted by the Governmental Accounting Standards Board (GASB), during the legislative interim in 2013 and 2014.
- Requires the committee to report its findings and recommendations to the legislative council before November 1, 2014.

Local Government Reorganization (SEA 459-P.L. 255-2013)

Author: Pete Miller

Sponsor: Greg Steuerwald, Jeffrey Thompson

- Specifies that after a local government reorganization, a reorganized political subdivision may (except as provided in the plan of reorganization) do any of the following: (1) Establish any fund that one or more of the reorganizing political subdivisions were authorized to establish before the reorganization. (2) Impose any tax levy or adopt any tax that one or more of the reorganizing political subdivisions were authorized to impose or adopt before the reorganization.
- Provides that in the case of: (1) a local government reorganization; (2) a township merger; (3) a transfer or sharing of powers, duties, functions, or resources under an interlocal cooperation agreement; or (4) a combination or reorganization of a political subdivision's departments, agencies, or functions; the reorganizing or merging local governments shall specify in the reorganization plan or in the cooperative agreement or other agreement the amount (if any) of the decrease that the department of local government finance (DLGF) shall make to the maximum property tax levies, maximum property tax rates, and budgets of the political subdivision to eliminate double taxation

or eliminate any excess by which the amount of property taxes imposed by the political subdivision exceeds the amount necessary to pay for services.

- Provides the following regarding a township that merges with another township: (1) The new township may use any funds that are not needed to deliver services to pay the indebtedness of the new township government. (2) After satisfaction of the indebtedness, the new township may do the following with any remaining excess funds: (A) Transfer the funds to the county or a municipality having jurisdiction within the new township to make improvements to infrastructure located within the new township. (B) Transfer the funds to a transportation corporation that offers service within the area of the new township for use within the new township. (C) Use the funds for improvement of fire services within the new township. (D) Transfer the funds to a political subdivision that has jurisdiction within the new township for improvement of any fire department that provides service within the area of the new township.
- Provides that in the case of a government reorganization that involves one or more municipalities and one or more townships, all of which are participating units in a fire protection territory on the date the reorganization is approved by voters, the fiscal body of the reorganized political subdivision that results from a reorganization may establish an equipment replacement fund under the fire protection territory law and impose a property tax for the fund and take any other action under the fire protection territory law that may be taken by a participating unit in a fire protection territory.
- Specifies that the requirements and procedures in the statute governing the establishment of a cumulative fund and the imposing or increasing of a property tax rate for a cumulative fund also apply to an equipment replacement fund established for a fire protection territory.
- Requires the DLGF to assist township mergers and prohibits the DLGF from preventing or delaying township mergers.
- Removes the requirement that a county legislative body adopt an ordinance ordering a township merger after the legislative bodies of the merging townships adopt resolutions approving the merger.
- Removes provisions that prohibit a merger from being approved less than one year before the merger becomes effective.
- Provides that a township merger may reduce the term of office of a township trustee.

Local Government Finance (SEA 517, P.L. 257-2013)

Author: Pete Miller

Sponsor: Todd Huston, Sue Errington, Terry Goodin, Jeffrey Thompson

- Specifies that an eligible school corporation may adopt a resolution before January 1, 2014, to use certain debt restructuring statutes.
- Extends the assessment schedule for outdoor advertising through the 2016 assessment date.

- Provides that real property leased wholly or in part to a state agency is exempt to the extent that the real property is leased to the state agency from property taxes if the lease requires the state agency to reimburse the owner for property taxes.
- Provides a property tax exemption for signs manufactured for the Indiana department of transportation to comply with federal highway funding requirements under federal law.
- Creates a five year pilot program to require the department of local government finance (DLGF) to review and analyze certain improved residential property data submitted for North Township in Lake County and for Center, Wayne, and Washington townships in Marion County. Requires the DLGF to separate the parcels in these townships into four comparable groups and separately review and analyze data for each of the four groups and to prepare a coefficient of dispersion study and a property sales assessment ratio study for each group.
- Provides that the \$50 penalty that may be imposed against a taxpayer in certain property tax appeal circumstances may not be added as an amount owed on the property tax statement.
- Authorizes the DLGF to establish a three year pilot program concerning nonbinding review of budgets, property tax rates, and property tax levies. Provides that for a county to be eligible for designation as a pilot county, the county fiscal body must adopt a resolution and submit an application to the DLGF. Allows the DLGF to designate not more than three counties as pilot counties. Specifies that the following apply in 2014 and thereafter in a pilot county: (1) Each taxing unit in the pilot county must file with the DLGF the taxing unit's proposed budgets, property tax rates, and property tax levies. (2) When formulating the taxing unit's estimated budget, property tax rate, and property tax levy, each taxing unit shall consider estimated consequences of the circuit breaker property tax credits. (3) The DLGF shall prepare an analysis of the proposed budgets, property tax rates, and property tax levies submitted by taxing units in the pilot county and provide the analysis to the county fiscal body and to the fiscal body of each taxing unit in the pilot county. (4) Upon request by the county fiscal body, representatives of the DLGF shall appear before the county fiscal body to review the analysis. (5) The county fiscal body shall review the proposed budgets, property tax rates, and property tax levies of each taxing unit in the pilot county and the total tax rate of each taxing district in the county, and shall issue a nonbinding recommendation to each taxing unit.
- Provides that if the majority of the individuals serving on a governing body of a taxing unit are not elected officials and the assessed valuation of the taxing unit is not entirely contained within a city or town but the majority of the individuals serving on the governing body are appointed by the city or town, the governing body shall submit its proposed budget and property tax levy to the city or town fiscal body rather than the county fiscal body.
- Provides for a school corporation whose voters adopted a referendum after November 1, 2009, and before May 1, 2010, that the property tax revenue from the referendum is to be distributed to the school corporation instead of the redevelopment commission

having taxable property within the school corporation (applies to revenue received after 2013).

- Specifies that a homestead is eligible for the 1% circuit breaker cap if the homestead has actually been granted a standard deduction.
- Specifies, for purposes of protecting debt service funds under the property tax circuit breaker credit, that the political subdivision may determine the allocation of property tax reductions from the circuit breaker credit to funds receiving only unprotected taxes using only the funds of the political subdivision that incurred the debt and not other political subdivisions.
- Specifies that the allocation is to be made using only the taxing districts for which there was an impact from granting the circuit breaker credit.
- Specifies that the revenue for a fund receiving protected taxes is also reduced if the revenue reallocation from funds receiving only unprotected taxes is insufficient to offset the amount of the circuit breaker.
- Permits a political subdivision to transfer money to meet debt service obligations from any other available source if a fund receiving protected taxes also has to be reduced. Limits the amount of the transfer to the shortfall, and requires that the transfer must be specifically identified as a debt service obligation transfer for each affected fund.
- Permits losses to be allocated proportionately among protected and unprotected taxes in 2013.
- Requires the DLGF to annually (instead of biennially) review each coefficient of dispersion study for each township and county and annually (instead of quadrennially) review each sales assessment ratio study for each township and county.
- Provides that if a county auditor in a county other than Marion County determines that property is not eligible for the standard deduction and the property taxes, interest, and penalties are collected within 30 days after a notice is issued to the taxpayer, the amount of the increased property taxes, interest, and penalties deposited in the county auditor's nonreverting fund may not exceed \$100,000 per year, and any amount exceeding \$100,000 must be deposited in the county general fund.
- Permits an airport authority to transfer up to 5% of its budget each year to its cumulative building fund.
- Changes the deadline for solid waste management districts to submit certain information to the DLGF from February 1 to March 1.
- Permits a school corporation to make a transfer from its general fund to its transportation fund or school bus replacement fund if more than 75% of its transportation fund levy or bus replacement fund levy is lost due to: (1) the application of the circuit breaker credit; plus (2) the tax allocations made to protect taxes that are protected from the circuit breaker credit. Limits the general fund transfer to 50% of the revenue lost by the impacted fund.
- Provides that in the case of a school corporation designated after June 30, 2013, as distressed by the distressed unit appeal board (board) upon submission of a petition by the school corporation requesting the designation, the board shall appoint an emergency manager for the school corporation. Under current law, the board is

required to appoint an emergency manager for each political subdivision, other than a school corporation, that is designated as distressed.

- Allows the board to approve a petition submitted jointly by the governing body and the superintendent of a school corporation requesting authority to transfer before July 1, 2015, excess funds in the school corporation's debt service fund to the school corporation's transportation fund.
- Allows a school corporation in LaPorte County to exchange real property for services provided by another governmental agency.
- Urges the legislative council to assign to an interim study committee the study of the budgeting process for political subdivisions.
- Allows various taxing units to adjust levies and borrow money to offset a levy reduction.
- Authorizes a taxpayer to claim a property tax exemption for the March 1, 2009, assessment date for property leased to the bureau of motor vehicles or bureau of motor vehicles commission.
- Forgives property taxes, penalties, or interest for various properties owned by nonprofit organizations.

State and Local Tax Administration (SEA 544, P.L. 261-2013)

Author: Brandt Hershman

Sponsor: Tim Brown

- Specifies the dates by which an ordinance to impose, increase, decrease, or rescind a county income tax must be adopted and the date the ordinance takes effect.
- Specifies that county auditors shall send a certified copy of ordinances to impose, increase, decrease, or rescind a county income tax rate to the department of state revenue (department), the budget agency, and the department of local government finance in an electronic format approved by the director of the budget agency.
- Provides that if the commissioner of the department determines that an ordinance to impose, increase, decrease, or rescind a county income tax rate was not adopted according to the statutory requirements: (1) the commissioner shall notify the county auditor that the ordinance was not adopted according to the requirements of the statute and shall specify the corrective action that must be taken for the ordinance to be in compliance with the statute; and (2) the ordinance may not take effect until the corrective action is taken.
- Provides that before August 2 of each calendar year, the budget agency shall provide to each county auditor an estimate of the amount of county income tax that will be distributed to the county, based on known tax rates. Requires the budget agency to certify before October 1 the amount of a county's certified distribution of county income tax for the following year.
- Provides that a county is entitled to a supplemental distribution of county income tax if the budget agency determines that the balance in the county's trust account exceeds 50% (rather than 150%, under current law) of the certified distributions to be made in the following year.

- Provides that the bureau of motor vehicles (rather than the auditor of state) shall make required distributions and transfers of boat excise tax revenue.
- Requires the auditor of state to recalculate the state welfare and tuition support allocation amount to be recaptured by the state from certain excise tax distributions if a new taxing district is established or if the boundaries of a taxing district change.
- Requires the bureau of motor vehicles to verify the accuracy and completeness of certain information on vehicle registration forms.
- Specifies that if the department makes a refund of sales taxes, cigarette taxes, tobacco products taxes, or alcoholic beverage taxes, the department shall charge each fund into which the taxes have been allocated or distributed with that fund's proportionate share of the amount of taxes refunded.
- Requires the department to provide information concerning county road mileage to the auditor of state before April 1 of each year, for purposes of determining distributions from the motor vehicle highway account.
- Provides that if the alcohol and tobacco commission or the bureau of motor vehicles notifies the professional licensing agency that a person has an outstanding balance due, the professional licensing agency shall not issue or renew the person's license until the person provides to the licensing agency a statement from the commission or the bureau indicating that the outstanding balance has been satisfied.
- Requires businesses operating in certain special tax areas and districts to annually report information that the department determines necessary to calculate the incremental taxes that will be captured by the district or area.
- Requires taxpayers that file consolidated tax returns also to file annually an informational return for each business location of the taxpayer within such a district or area.
- Provides that if taxpayers located in such special tax areas or districts fail to report required information or file required informational returns, the department shall use the best information available in calculating the amount of incremental taxes in the area or district.
- Provides that the department may release information concerning total incremental tax revenue from such a district or area to the fiscal officer of the political subdivision or other entity that established the district or area, if that fiscal officer enters into an agreement with the department specifying that the information will be used solely for official purposes.
- Urges the legislative council to assign to an interim study committee the study of the administration of the county adjusted gross income tax, county option income tax, and county economic development income tax.

State and Local Administration (SEA 585, P.L. 230-2013)

Author: Ed Charbonneau

Sponsor: Edmond Soliday, Hal Slager, Charlie Brown

- Requires the joint study committee on transportation and infrastructure assessment and solutions to study the feasibility and economic impact of adding a second port to serve Lake Michigan.
- Removes an exception in current law concerning how the assessed value growth quotient is calculated for civil taxing units in Lake County, which is a factor in the calculation of a civil taxing unit's maximum property tax levy.
- Requires the department of local government finance to increase the maximum property tax levy of the city of Gary. Provides that the adjustment to the maximum property tax levy of the city of Gary applies to property taxes first due and payable after December 31, 2013.
- Decreases the maximum property tax levy of the Gary Sanitary District to zero. Provides that beginning with property taxes first due and payable after December 31, 2013, the district may not impose a property tax levy for its general fund.
- Terminates on September 1, 2013, the term of each existing member serving on the board of the Gary airport authority (GAA). Provides that the governor's appointment to the GAA board serves as the president of the GAA board. Requires that each person appointed to the board must have knowledge of and at least five years professional work experience in aviation management at an executive level, regional economic development, or business or finance. Provides that an appointee to the GAA board may not have, or be affiliated with an entity that has a significant contractual or business relationship with the airport authority. Provides that the GAA board is responsible for contracting with a certified public accountant (CPA) to perform an annual audit of the GAA, subject to approval of the CPA by the state board of accounts. Provides that the state board of accounts may at any time conduct an audit of any phase of the operations of the GAA. Requires the GAA board to submit an annual report of the board's activities to the budget agency and the legislative council.
- Provides that indebtedness of an airport authority under a loan contract: (1) may be paid from an airport authority cumulative building fund; and (2) may not be paid from a general operating fund tax.
- Requires the northwest Indiana regional development authority to study the issues of: (1) whether the statistical profile of injuries annually sustained by the population of northwestern Indiana justifies the placement of one or more trauma centers in northwestern Indiana; and (2) the feasibility of developing an academic medical center in northwestern Indiana.
- Urges the legislative council to assign to an interim study committee the topic of the responsibility of local units for providing governmental services to the Indiana ports.

Pensions

Pension Thirteenth Checks (HEA 1080, P.L. 101-2013)

Author: Woody Burton

Sponsor: Phil boots, Karen Tallian, Lindel Hume, Sue Landske, Lonnie Randolph, James Buck, Ed Charbonneau

- Provides for a thirteenth check for certain members of the: (1) Indiana state teachers' retirement fund; (2) public employees' retirement fund; (3) state excise police, gaming agent, gaming control officer, and conservation enforcement officers' retirement fund; and (4) state police 1987 benefits system.

Public Employees' Defined Contribution Plan (HEA 1148, P.L. 66-2013)

Author: David Niezgodski

Sponsor: Phil Boots, Karen Tallian

- Changes the definition of "normal retirement age" in the public employees' defined contribution plan (plan) to reduce the minimum number of years required for participation in the plan from ten years to five years.
- Requires a vested plan member to be separated from employment for at least 30 days before the member may make a withdrawal from the member's account.
- The introduced version of this bill was prepared by the pension management oversight commission.

1977 Fund Membership (HEA 1561, P.L. 117-2013)

Author: Tim Harman

Sponsor: Randy Head, James Buck, Karen Tallian

- Permits a police officer or firefighter who: (1) is an active member of the 1977 police officers' and firefighters' pension and disability fund (1977 fund) with an employer that participates in the 1977 fund; (2) separates from that employer; and (3) becomes employed as a full-time police officer or firefighter with a second employer that participates in the 1977 fund not later than 180 days after separation from the first employer; is a member of the 1977 fund without meeting for a second time the age limitations and the physical and mental requirements for admission to the 1977 fund.
- Exempts from the 180 day limitation a member of the 1977 fund who is eligible for reinstatement with a police or fire department following a layoff for financial reasons.
- Provides that a police officer or firefighter who has been employed as a full-time police officer or firefighter with more than one employer that participates in the 1977 fund 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.

Indiana Public Retirement System Administrative Matters (SEA 228, P.L. 15-2013)

Author: Phil Boots

Sponsor: Woody Burton, David Niezgodski

- Permits a police officer or firefighter who: (1) is an active member of the 1977 police officers' and firefighters' pension and disability fund (1977 fund) with an employer that participates in the 1977 fund; (2) separates from that employer; and (3) becomes employed as a full-time police officer or firefighter with a second employer that participates in the 1977 fund not later than 180 days after separation from the first employer; is a member of the 1977 fund without meeting for a second time the age limitations and the physical and mental requirements for admission to the 1977 fund.
- Exempts from the 180 day limitation a member of the 1977 fund who is eligible for reinstatement with a police or fire department following a layoff for financial reasons.
- Provides that a police officer or firefighter who has been employed as a full-time police officer or firefighter with more than one employer that participates in the 1977 fund 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.

Pension Plan Reporting (SEA 249, P.L. 47-2013)

Author: Phil Boots

Sponsor: Woody Burton, David Niezgodski

- Provides that for a member of the public employees' retirement fund (PERF) who dies after June 30, 2013, the right to receive a death benefit from PERF vests with the designated beneficiary on file with PERF at the time of the member's death, as is the case under current law with the teachers' retirement fund (TRF).
- Provides that the board of the Indiana public retirement system (INPRS) shall elect officers by December 31 each year, rather than June 30 as specified in current law.
- Requires that an order for restitution be issued by the sentencing court before money may be taken from a PERF member's account to compensate an employer for a criminal taking by the member, and provides that money may be taken from a TRF member's account in the same manner as with PERF.
- Urges the legislative council to assign to the pension management oversight commission the task of studying the guaranteed fund, an investment option in the annuity savings account of PERF and TRF.
- The introduced version of this bill was prepared by the pension management oversight commission.

Judges' Pensions (SEA 527, P.L. 56-2013)

Author: Phil Boots

Sponsor: Woody Burton, Sheila Klinker

- Urges the legislative council to assign to the pension management oversight commission the task of studying the retirement, disability, and death benefits currently provided to judges and full-time magistrates.

Public Safety

Civil Immunity for Services Provided in Emergency (HEA 1027, P.L. 96-2013)

Author: Mark Messer

Sponsor: James Merritt, Tim Lanane

- Provides civil immunity to a registered architect, land surveyor, or professional engineer who provides, without compensation, professional services related to a declared emergency

Public Safety Training on Alzheimer's and Dementia (HEA 1044, P.L. 138-2013)

Author: William Friend

Sponsor: Jim Arnold, Randy Head

- Specifies that the law enforcement academy must provide training regarding persons with Alzheimer's disease or related senile dementia. Specifies that the law enforcement academy must provide in service training concerning interacting with Alzheimer's disease or related senile dementia and high risk missing persons.

Sex Offenses and Sex Offenders (HEA 1053, P.L. 214-2013)

Author: Greg Steuerwald

Sponsor: Brent Steele, R. Michael Young, Lonnie Randolph, Lindel Hume

- Specifies that the law enforcement academy must provide training regarding persons with Alzheimer's disease or related senile dementia. Specifies that the law enforcement academy must provide in service training concerning interacting with Alzheimer's disease or related senile dementia and high risk missing persons.

Killing a Law Enforcement Animal (HEA 1093, P.L. 161-2013)

Author: Shelli Vandenburg

Sponsor: Sue Landske, Jim Arnold, Tim Lanane, Patricia Miller, Joseph Zakas

- Requires a court to order a person convicted of the offense of: (1) striking, tormenting, injuring, or otherwise mistreating a law enforcement animal; or (2) interfering with the actions of a law enforcement animal while the animal is engaged in assisting a law enforcement officer; to make restitution to the person or law enforcement agency that owns the animal for reimbursement of replacement costs of the animal if the animal is permanently disabled or killed.
- Permits a law enforcement agency to apply to the violent crime victims compensation unit to obtain reimbursement for expenses incurred in connection with a law enforcement animal that is killed or permanently disabled.

- Urges the legislative council to assign to an interim study committee the topic of the appropriate penalty for a person who harms a law enforcement animal.

Tactical Emergency Medicine (HEA 1111, P.L. 64)

Author: Wendy McNamara

Sponsor: Vaneta Becker, Jim Arnold

- Allows an individual to practice tactical emergency medicine if the individual: (1) is an emergency medical technician, an advanced emergency medical technician, or a paramedic; (2) is employed by a law enforcement agency or an emergency medical services agency to provide retrieval and field medical treatment to victims of violent confrontations; and (3) has successfully completed an accredited educational training program in tactical emergency medicine.
- Provides that the individual must act within the scope of the individual's training and as allowed by the supervising medical director.
- Requires that a law enforcement agency or an emergency medical services agency that allows a person to practice tactical medicine must be certified. Requires the emergency medical services commission to adopt emergency rules to incorporate existing policy and curriculum requirements.

Immediate Detention (HEA 1130, P.L. 4-2013)

Author: Charlie Brown

Sponsor: Patricia Miller, Lindel Hume, Lonnie Randolph

- Provides that an individual who is gravely disabled, in addition to having a mental illness and being in immediate need of hospitalization, may be detained by a law enforcement officer and transported to the nearest appropriate facility. This makes the immediate detention statute consistent with the emergency and temporary commitment statutes.
- The introduced version of this bill was prepared by the commission on mental health and addiction.

Blue Alert Program (HEA 1151, P.L. 38-2013)

Author: Wendy McNamara

Sponsor: Ron Grooms, Jim Arnold, Susan Glick, Michael Crider, Vaneta Becker, Thomas Wyss

- Creates the blue alert program to notify the public when a law enforcement officer is killed, seriously injured, or missing in the line of duty.
- Requires the Indiana state police department to operate the program.

Fire Protection Districts (HEA 1215, P.L. 19-2013)

Author: Peggy Mayfield

Sponsor: Brent Steele, Thomas Wyss

- Allows a fire protection district to purchase, with the approval of the county council, firefighting apparatus and equipment for the district on an installment conditional sale or mortgage contract running for a period not exceeding 15 years.
- Under current law, the 15 year duration for such a contract applies only to a fire protection district with assessed value of \$60,000,000 or less.

Privacy of Home Addresses (HEA 1219, P.L. 106-2013)

Author: Mike Karickhoff

Sponsor: Thomas Wyss, Michael Crider, James Buck

- Beginning July 1, 2014, allows a city, town, county, or township (unit) that operates a public Internet web site data base containing the names and addresses of property owners to establish a procedure to permit a law enforcement officer, a judge, or a victim of domestic violence who participates in the attorney general's address confidentiality program (covered person) to restrict disclosure to the general public of the covered person's home address.
- Provides that a covered person must submit a written request to a unit in order for the unit to restrict access to the covered person's home address through a public property data base web site.
- Provides that the unit must restrict access to the information of a covered person until the covered person submits a written request to the unit to allow access to the information.
- Provides that if a covered person: (1) has a name change; and (2) notifies the unit in writing of the name change; the unit must prevent disclosure of the covered person's home address and both the covered person's former name and new name.
- Allows a unit to charge a reasonable fee. Provides immunity from civil liability for certain units that restrict address disclosure.

Mobile Support Unit Personnel for Disaster Relief (HEA 1325, P.L. 71-2013)

Author: Randy Frye

Sponsor: James Merritt, Jim Arnold, Thomas Wyss

- Provides that certain individuals serving as members of a mobile support unit are considered to be temporary employees of the state for purposes of worker's compensation law and worker's occupational diseases law.
- Authorizes the state to reimburse a political subdivision for a backfill employee necessary for the political subdivision to fill the position and duty of an employee deployed to a mobile support unit, but only if and to the extent that the cost of the backfill employee represents an extra cost to the political subdivision.

- Authorizes the use of money from the state disaster relief fund for certain eligible entities that incur certain costs for the contribution of personnel to a mobile support unit.
- Authorizes the department of homeland security to adopt certain emergency rules.

Chaplain Driving Personal Vehicle to Emergency (HEA 1347, P.L. 22-2013)

Author: Steven Stemler

Sponsor: Jim Banks, James Buck, Dennis Kruse, Earline Rogers

- Provides that a chaplain of a full-time police or fire department (chaplain) may display certain green and white lights (lights) on the privately owned vehicle of the chaplain while serving the duties of the department en route to scenes of emergencies.
- Requires a chaplain operating a vehicle displaying lights to obey all traffic rules.
- Provides that a person who is not a chaplain who displays lights commits a Class C infraction.

Controlled Substances (HEA 1382, P.L. 283-2013)

Author: Cindy Kirchofer

Sponsor: Rodric Bray

- Adds additional drug compounds to Schedules I, II, IV, and V.

Restricting Criminal Background Checks (HEA 1392, P.L. 112-2013)

Author: Greg Steuerwald

Sponsor: R. Michael Young, Lindel Hume

- Specifies that the clerk of a court is not a "criminal history provider".
- Permits a criminal history provider to provide certain information relating to an incident that did not result in a conviction.
- Provides that a criminal history provider may provide information concerning expunged, restricted, or reduced convictions to a person required by law to obtain this information.
- Specifies that a criminal history provider does not violate the requirement to provide current information if the public records used to obtain the information are not current.
- Provides that a violation of these requirements is a deceptive act.
- Repeals a provision requiring a clerk to restrict disclosure of an infraction five years after it has been satisfied and permits a person to petition a court to restrict disclosure of an infraction five years after it has been satisfied.

Valuable Metal and Scrap Metal (HEA 1441, P.L. 224-2013)

Author: Jud McMillin

Sponsor: Dennis Kruse, Lonnie Randolph

- Provides that before a person sells, gives away, or disposes of a vehicle for scrap metal the person shall give the automobile scrapyards: (1) a certificate of authority for the vehicle; or (2) a certificate of title for the vehicle.
- Provides that a person who knowingly or intentionally purchases or accepts a vehicle with intent to scrap or dismantle the vehicle without obtaining: (1) a certificate of authority for the vehicle; or (2) a certificate of title for the vehicle; commits a Class B misdemeanor.
- Provides: (1) for certain conditions that must be satisfied, including documentation, before a valuable metal dealer may purchase an air conditioner evaporator coil or condenser or a catalytic converter; and (2) that a valuable metal dealer may purchase a window air conditioning unit without restriction.

1977 Fund Membership (HEA 1561, P.L. 117-2013)

Author: Tim Harman

Sponsor: Randy Head, James Buck, Karen Tallian

- Permits a police officer or firefighter who: (1) is an active member of the 1977 police officers' and firefighters' pension and disability fund (1977 fund) with an employer that participates in the 1977 fund; (2) separates from that employer; and (3) becomes employed as a full-time police officer or firefighter with a second employer that participates in the 1977 fund not later than 180 days after separation from the first employer; is a member of the 1977 fund without meeting for a second time the age limitations and the physical and mental requirements for admission to the 1977 fund.
- Exempts from the 180 day limitation a member of the 1977 fund who is eligible for reinstatement with a police or fire department following a layoff for financial reasons.
- Provides that a police officer or firefighter who has been employed as a full-time police officer or firefighter with more than one employer that participates in the 1977 fund 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.

Open Container Laws (HEA 1579, P.L. 290-2013)

Author: Ben Smaltz

Sponsor: Thomas Wyss, Dennis Kruse, Lonnie Randolph

- Provides that, for purposes of open container laws, the exemption for a person who is in the passenger compartment of a vehicle used to transport passengers for compensation or the living quarters of a house coach or trailer does not apply to the operator of the vehicle.

School Resource Officers and School Safety (SEA 1, P.L. 172-2013)

Author: Pete Miller

Sponsor: Jerry Torr, Alan Morrison, Ed Clere, Richard Hamm, Greg Steuerwald, Jim Lucas, Robert Behning, Sean Eberhart, Woody Burton, Douglas Gutwein, David Frizzell

- Specifies how a school resource officer program may be established and sets forth duties and responsibilities for school resource officers.
- Provides that a person, before being appointed as a school resource officer, must successfully complete the training requirements for law enforcement officers and receive 40 hours of certified school resource officer training.
- Establishes the Indiana secured school fund (fund) under the administration of the department of homeland security to provide matching grants to enable school corporations and charter schools to establish programs to: (1) employ school resource officers; (2) conduct threat assessments of school buildings; or (3) purchase safety equipment and technology.
- Creates the secured school safety board to approve or disapprove applications for matching grants from the fund and to develop best practices for school resource officers.
- Provides that a matching grant from the fund may not exceed the following: (1) \$50,000 per year, in the case of a school corporation or charter school that has an ADM of at least 1,000 and is not applying jointly. (2) \$35,000 per year, in the case of a school corporation or charter school that has an ADM of less than 1,000 and is not applying jointly. (3) \$50,000 per year, in the case of a coalition of schools applying jointly.
- Eliminates the authority to use money in the safe schools fund for certain purposes.
- Provides that in order to receive a matching grant, a school corporation or charter school must be located in a county that has a county school safety commission.
- Provides that a school safety plan is available, upon request, to a member of the secured school safety board.
- Requires a county school safety commission to receive school safety plans.
- Requires a law enforcement agency to notify a school if a student is apprehended because a law enforcement officer had reasonable grounds to believe the student has a mental illness, is dangerous, and is in need of hospitalization and treatment.
- Requires a law enforcement agency to include training to law enforcement officers pertaining to school notification requirements.
- Provides that for purposes of resisting law enforcement and disarming a law enforcement officer, a law enforcement officer includes a school resource officer, in certain situations, and a school corporation police officer.
- Provides that the state shall indemnify a public school against a loss resulting from any injury to a person caused by a school resource officer if the loss was the result of misfeasance, malfeasance, or nonfeasance in connection with the use of the officer's weapon.
- Provides that the statute regarding possession of a firearm on school property does not apply to a person who may legally possess a firearm and who has been authorized by a

school board or body that administers a charter school to carry a firearm in or on school property.

- Establishes the school safety interim study committee, which shall: (1) study how to improve the safety of schools in Indiana; (2) develop best practices for a school resource officer to employ in order to successfully carry out the officer's responsibilities; and (3) study additional topics that the legislative council assigns.

County Extradition and Sheriff's Assistance Fund (SEA 24, P.L. 42-2013)

Author: Susan Glick

Sponsor: Kevin Mahan

- Replaces the county extradition fund of a county with the county extradition and sheriff's assistance fund.
- Provides that, in addition to providing funding to offset the costs of extraditing criminal defendants, a county extradition and sheriff's assistance fund may also be used to provide funding to: (1) train and equip law enforcement officers in the county; and (2) offset other costs incurred by the county sheriff's department in providing law enforcement services.
- Transfers any money in a county extradition fund on June 30, 2013, to the county extradition and sheriff's assistance fund on July 1, 2013.

Chemical Tests for Intoxication (SEA 168, P.L. 237-2013)

Author: Randy Head

Sponsor: Jud McMillin, Ryan Dvorak, Matt Pierce, Greg Steuerwald

- Provides that a bodily substance sample may be obtained by any person qualified through training, experience, or education to obtain a bodily substance sample.
- Provides that a law enforcement officer may not obtain a blood sample if the blood sample is to be obtained from another law enforcement officer as a result of the other law enforcement officer's involvement in an accident or alleged crime.
- Permits a law enforcement officer who is otherwise qualified to obtain a bodily substance sample under this section to obtain a bodily substance sample from a person who is not a law enforcement officer only if: (1) before January 1, 2013, the officer obtained a bodily substance sample from an individual as part of the officer's official duties as a law enforcement officer; and (2) the person consents to the officer obtaining a bodily substance sample, or taking the bodily substance sample from the individual is authorized by a search warrant.

Video Service Providers (SEA 235, P.L. 241-2013)

Author: Travis Holdman

Sponsor: Eric Koch, Alan Morrison, Kreg Battles

- Amends the required contents of the annual report of the utility regulatory commission (commission) to the regulatory flexibility committee concerning video and telecommunications service.
- Authorizes the commission to grant direct marketing authority to a holder of a certificate of video service franchise that satisfies certain requirements.

Homeland Security Matters (SEA 242, P.L. 78-2013)

Author: Thomas Wyss

Sponsor: Randy Frye

- Provides that the emergency response commission may withhold funding from a local emergency planning committee for failing to provide proof that each committee member is properly trained in the code of ethics.
- Provides that a unit that requests assistance through the statewide mutual aid program (program) must: (1) provide a copy of the request to the state emergency operations center (emergency center) within 48 hours after making the request; and (2) state that the request is being made through the program.
- Provides that a unit that renders assistance through the program and seeks reimbursement must submit an itemized statement of expenses to the unit that receives the assistance not more than 30 days after the assistance is rendered.
- Requires a shipper of highway route controlled quantity (HRCQ) radioactive materials to obtain a shipping permit from and pay certain fees to the department of homeland security, and notify the emergency center of the shipment. Imposes a civil penalty on a shipper of HRCQ radioactive materials that fails to obtain a permit, pay a fee, or notify the emergency center.
- Deposits the fees and penalties in the nuclear response fund. Provides that money in the nuclear response fund may be used to enforce provisions relating to the transportation of HRCQ radioactive materials. Under current law, money in the nuclear response fund may be used only to enforce provisions related to the transportation of radioactive waste.
- Specifies the funding sources of the regional public safety training fund (training fund). Provides that certain money in the training fund must be used for fire investigation training. Requires the department of homeland security to transfer all money in the statewide arson investigation financial assistance fund (arson fund) to the training fund.
- Provides that the statute establishing the arson fund expires July 1, 2013.
- Provides that the board of firefighting personnel standards and education may adopt emergency rules concerning the adoption of the standards of the National Fire Protection Association.
- Establishes notice and hearing requirements and expiration dates for the emergency rules.

Public Records (SEA 243, P.L. 184-2013)

Author: Jim Arnold

Sponsor: Edmond Soliday, Dan Forestal, Randy Frye

- Allows a public agency to withhold from public disclosure the home address, home telephone number, and emergency contact information for any emergency management worker, public safety officer, emergency medical responder, or advanced emergency medical technician.

Methamphetamine Vehicle Information Disclosure (SEA 277, P.L. 76-2013)

Author: Joseph Zakas

Sponsor: Mike Speedy, Suzanne Crouch, Mark Messmer

- Requires a dealer or seller who knows or reasonably should know that methamphetamine has been manufactured in a motor vehicle within the previous two years to disclose this fact, in writing, to a buyer, prospective buyer, lessee, or prospective lessee of the motor vehicle before the sale.
- Permits a dealer or seller to include a decontamination report with the written disclosure.
- Provides that failure to disclose gives rise to a cause of action in which the buyer may seek: (1) remediation to a certain standard; or (2) reimbursement for remediation costs.
- Provides that, in addition, a court may award a buyer or prospective buyer liquidated damages of not more than \$10,000, and that existing tort remedies that may be available to a buyer or lessee are not eliminated or abrogated.

Intimidation (SEA 361, P.L. 123-2013)

Author: Mike Crider

Sponsor: John Price

- Provides that for the crime of intimidation, "communicates" includes posting a message electronically, including on a social networking web site.
- Provides that it is a Class D felony if the person to whom the threat is communicated is: (1) an employee of a hospital, school, church, or religious organization; or (2) is a person that owns a building or structure that is open to the public or is an employee of the person.
- Specifies that communicating a threat with the intent to interfere with the occupancy of certain buildings may constitute intimidation.
- Increases the penalty to a Class C felony if it is committed against a judge, bailiff, prosecuting attorney, or deputy prosecuting attorney.

Public Records (SEA 369, P.L. 248-2013)

Author: Thomas Wyss

Sponsor: Randy Frye, Ed DeLaney, Charles Moseley, Kevin Mahan

- Allows a public agency to refuse to confirm or deny the existence of investigatory records of law enforcement agencies or criminal intelligence information, if the fact of the existence of the information would: (1) impede or compromise an ongoing law enforcement investigation or endanger an individual; or (2) reveal information that would have a reasonable likelihood of threatening public safety.
- Allows a public agency to refuse to confirm or deny the existence of a record the disclosure of which would expose vulnerability to terrorist attack, if the fact of the record's existence or nonexistence would reveal information that would have a reasonable likelihood of threatening public safety.
- Allows a person to file an action in court to appeal an agency's refusal to confirm or deny the existence of a record. Clarifies when a request for a record is deemed denied and appealable.
- Provides that when a public agency refuses to confirm or deny the existence of a record under certain circumstances, the name and title or position of the person responsible for the refusal shall be given to the person making the records request.

Control of Ephedrine and Pseudoephedrine (SEA 496, P.L. 193-2013)

Author: Carlin Yoder

Sponsor: Jud McMillin, Greg Steuerwald

- Specifies that ephedrine or pseudoephedrine may be sold only by a pharmacy or a retailer that uses the NPLEx tracking system.
- Allows a retailer who: (1) does not use the NPLEx tracking system; and (2) meets certain other requirements; to sell ephedrine or pseudoephedrine in convenience packages until January 1, 2014.
- Provides that: (1) a pharmacy may not sell more than 61.2 grams of ephedrine or pseudoephedrine to an individual in a 365 day period; and (2) an individual may not purchase more than 61.2 grams of ephedrine or pseudoephedrine in a 365 day period.
- Prohibits a person convicted of certain offenses involving methamphetamine from possessing ephedrine, pseudoephedrine, or phenylpropanolamine within seven years of the person's conviction, unless dispensed under a prescription.
- Increases the penalty for furnishing methamphetamine precursors to another person with knowledge that the recipient will use the precursors to manufacture a controlled substance if the person furnishes more than 10 grams of certain precursors.
- Removes a provision requiring certain signage where ephedrine or pseudoephedrine is sold.

Off-Road Vehicles and Snowmobiles (SEA 523, P.L. 259-2013)

Author: Carlin Yoder

Sponsor: Sean Eberhart, Matthew Lehman, Clyde Kersey

- Transfers responsibility for the registration of off-road vehicles and snowmobiles to the bureau of motor vehicles (bureau) after December 31, 2013. Currently, the department of natural resources is responsible for the registration of off-road vehicles and snowmobiles.
- Provides that a city, county, or town may adopt an ordinance that allows an off-road vehicle to operate on a highway under the jurisdiction of the city, county, or town.
- Sets fees for the registration of off-road vehicles and snowmobiles and services related to registration.
- Provides that a person that sells at least 12 snowmobiles a year after December 31, 2013, is a dealer.
- Specifies that: (1) fees for the registration of off-road vehicles and snowmobiles performed by the bureau shall be deposited in the off-road vehicle and snowmobile fund; and (2) registration fees for off-road vehicles and snowmobiles do not include a crossroads 2000 fee or a public service fee.
- Specifies that off-road vehicles and snowmobiles are not subject to the motor vehicle excise tax or motor vehicle insurance requirements.

Synthetic Drugs (SEA 536, P.L. 196-2013)

Author: James Merritt

Sponsor: Milo Smith, Steve Davisson, Ron Bacon, Terri Austin

- Permits the attorney general to issue a civil investigative demand to obtain immediate access to records relating to the sale of synthetic drugs.
- Provides that the department of state revenue may revoke a retail merchant certificate if the holder commits certain violations relating to synthetic drugs.
- Provides that a person may be intoxicated if the person consumes any substance resulting in impairment, with certain exceptions.
- Permits the board of pharmacy, on its own initiative or upon formal request from the state police department, the federal Drug Enforcement Administration, or a poison control center, to adopt an emergency rule declaring certain substances to be synthetic drugs.
- Permits the attorney general to bring an action to abate a nuisance created in connection with the sale of synthetic drugs.
- Authorizes the seizure of certain property used in connection with dealing in synthetic drugs.
Defines additional substances as synthetic drugs, and makes the sale or possession of a synthetic drug lookalike substance a criminal offense.
- Adds dealing in synthetic drugs to the list of racketeering offenses.

Hospital Police Departments (SEA 582, P.L. 199-2013)

Author: Dennis Kruse

Sponsor: Kathy Heuer, Phil GiaQuinta, Bob Morris, Ben Smaltz

- Allows the governing board of a county hospital, the Marion County health and hospital corporation, a municipal hospital, or a private hospital to establish a hospital police department.
- Provides that an individual appointed to a hospital police department must meet at least the following requirements: (1) The individual must successfully complete, within one year after the individual is appointed as a hospital police officer, the minimum basic training and educational requirements as approved by the governing board of the hospital and the law enforcement training board. (2) The individual must undergo a psychological evaluation. (3) The individual must undergo a national criminal history background check.
- Requires the governing board of the hospital to require a hospital police officer to annually attend in-service training courses approved by the governing board of the hospital.

Transportation

Public Mass Transportation (HEA 1011, P.L. 212-2013)

Author: Jerry Torr

Sponsor: Patricia Miller, James Merritt, Luke Kenley

- Provides that certain counties in central Indiana may not enter into an interlocal cooperation agreement under which all of those counties participate in or are eligible to participate in a joint district or entity to provide public transportation services throughout those counties. Specifies that this provision expires on March 15, 2014.
- Provides that certain counties in central Indiana and municipalities in those counties may not establish a new regional transportation authority or become a member of an existing regional transportation authority. Specifies that this provision expires on March 15, 2014.
- Establishes the central Indiana transit study committee. Requires the committee to report to the legislative council before December 15, 2013, concerning specified transportation issues.

Railroad Crossings (HEA 1037, P.L. 2-2013)

Author: Edmond Soliday

Sponsor: Ed Charbonneau, Jim Arnold, Lonnie Randolph

- Requires the Indiana department of transportation to adopt rules concerning minimum distance requirements at railroad crossings.

- Provides that statutory minimum distance requirements expire on the date on which the rules are finally adopted.
- Provides that a railroad that violates a rule adopted by the Indiana department of transportation (INDOT) concerning minimum distance requirements at railroad crossings is subject to a civil penalty of \$100 for each day the violation continues and that the maximum civil penalty for a continuing violation is \$5,000.
- Authorizes INDOT to bring an action to recover a civil penalty in the circuit or superior court of the county in which the crossing that is the subject of the violation is located.

Airports (HEA 1045, P.L. 139)

Author: Bill Friend

Sponsor: Thomas Wyss

- Provides that: (1) a local department of aviation; and (2) an airport authority; are public agencies for purposes of entering into design-build contracts for a public works project. Provides that a lease for the maintenance, operation, or use of an airport is not limited to a 15 year term. (Current law limits contracts and leases for maintenance, operation, or use of an airport to 15 year terms.)
- Specifies that the jurisdiction granted to an airport authority is superior to that of other local units or entities with respect to airport lands, and removes a requirement that a cumulative building fund be used only to support commercial intrastate air transportation.

Federal Fund Exchange Program (HEA 1067, P.L. 141-2013)

Author: Robert Cherry

Sponsor: Michael Crider, Richard Young, Thomas Wyss, Vaneta Becker

- Establishes the federal fund exchange program (program) to allow a county or municipality that receives funds from the federal surface transportation program to exchange the federal funds for an agreed upon amount of state funds.
- Provides that the Indiana department of transportation shall administer the program.

Bell Requirements on a Locomotive (HEA 1310, P.L. 69-2013)

Author: Thomas Saunders

Sponsor: Sue Landske, Timothy Skinner

- Specifies that when the bell of a locomotive becomes inoperable after the daily inspection required under the Code of Federal Regulations, the locomotive may be operated until the next required daily inspection.
- Makes technical corrections and conforming amendments. Removes outdated language.

Alternative Fuels (HEA 1324, P.L. 277-2013)

Author: Randy Frye

Sponsor: Doug Eckerty, Thomas Wyss, Jean Breaux, Lonnie Randolph

- Creates a study committee to study issues concerning the imposition of road impact fees on users of plug in, plug in hybrid, and hybrid vehicles.
- Increases from 10% to 20% the amount by which the price of a clean energy vehicle may surpass the price of a similarly equipped vehicle that is not a clean energy vehicle for the purpose of determining whether a state agency must purchase or lease the clean energy vehicle.
- Provides a three year income tax credit for placing into service a natural gas powered vehicle that has a gross vehicle weight rating of more than 33,000 pounds.
- Provides for the collection and remittance of the state gross retail tax (by changing the definition of "special fuel") and the special fuel tax on natural gas, butane, and propane used as a motor fuel.
- Provides that a transaction involving alternative fuel acquired to fuel a motor vehicle used in providing public transportation for persons or property is not exempt from the state gross retail tax for three years.
- Provides for the imposition of the motor carrier fuel tax upon alternative fuels by imposing the existing rates on the diesel or gasoline gallon equivalents of the various forms of natural gas sold.
- Excludes certain alternative fueled vehicles from the alternative fuel decal law.
- Increases the maximum weight limitation for a vehicle that uses natural gas as a motor fuel by 2,000 pounds.
- Provides a refundable road tax credit to a carrier that uses compressed natural gas to fuel large trucks.

Commuter Transportation Districts (HEA 1450, P.L. 72-2013)

Author: Mara Candelaria Reardon

Sponsor: Sue Landske, Ed Charbonneau, Earline Rogers

- Requires the joint study committee on transportation and infrastructure assessment and solutions to study during the 2013 legislative interim: (1) the composition of the board of trustees of the commuter transportation district; (2) all funding for the board of trustees; (3) use of public mass transit funds (PMTF); (4) ridership numbers of the Chicago, South Shore, and South Bend Railroad; and (5) possible expansion of rail lines used by the Chicago, South Shore, and South Bend Railroad.

Permits for Loads (HEA 1481, P.L. 135)

Author: Hal Slager

Sponsor: Ed Charbonneau, Travis Holdman

- Authorizes the Indiana department of transportation (department) or a local authority to grant permits for transporting overweight divisible loads.
- Provides definitions for equivalent single axle load mile (mile) and overweight divisible load for purposes of transportation.
- Authorizes the department to adopt emergency rules and requires the department to adopt emergency rules for the: (1) issuance, fee structure, and enforcement of permits for overweight divisible loads; (2) fee structure of permits for loads on extra heavy duty highways; and (3) fee structure of permits for overweight loads; and provides that these emergency rules expire only with the adoption of a new superseding rule.
- Requires the department to charge five cents per mile for a permit for an overweight divisible load and provides that the annual fee for an overweight divisible load permit may not exceed \$470.
- Requires the department to study the impact of overweight divisible loads on Indiana's transportation infrastructure and economy not later than December 31, 2014, and to: (1) consider the results of the study in adopting rules to establish fees for overweight divisible load permits; and (2) report the results of the study to the general assembly in an electronic format.

Use Tax on Gasoline (SEA 479, P.L. 227-2013)

Author: Greg Walker

Sponsor: Tom Dermody, Terry Goodin

- Provides a new collection procedure for imposing and collecting state gross retail and use tax on the sale of gasoline based on gallons sold and a rolling four week average retail price per gallon.
- Specifies that the collection point is moved to the first purchaser of gasoline from a refiner, a terminal operator, or supplier.
- Requires the department of state revenue to monthly determine a use tax rate per gallon using the 7% gross retail and use tax rate.

- Requires all reports of gasoline use tax to be filed electronically and the taxes remitted using the department's online tax system.
- Changes from 25% to 15% the amount the retail price of gasoline must change before a new use tax rate may be set at a time other than at the time of the monthly rate setting.
- Provides that if the department changes the use tax rate determined for a month because the statewide average retail price per gallon of gasoline has increased by more than 15%, the new rate may not take effect earlier than 10 days after publication of the new rate.
- Requires the department to publish a tax notice on its Internet web site. Requires the notice to specify the source of the data used to determine the gasoline use tax rate and the statewide average retail price per gallon of gasoline.
- Provides that certain licensing information may be published by the department. Establishes a truck stop owner's license.

Off-Road Vehicles and Snowmobiles (SEA 523, P.L. 259-2013)

Author: Carlin Yoder

Sponsor: Sean Eberhart, Matthew Lehman, Clyde Kersey

- Transfers responsibility for the registration of off-road vehicles and snowmobiles to the bureau of motor vehicles (bureau) after December 31, 2013. Currently, the department of natural resources is responsible for the registration of off-road vehicles and snowmobiles.
- Provides that a city, county, or town may adopt an ordinance that allows an off-road vehicle to operate on a highway under the jurisdiction of the city, county, or town.
- Sets fees for the registration of off-road vehicles and snowmobiles and services related to registration.
- Provides that a person that sells at least 12 snowmobiles a year after December 31, 2013, is a dealer.
- Specifies that: (1) fees for the registration of off-road vehicles and snowmobiles performed by the bureau shall be deposited in the off-road vehicle and snowmobile fund; and (2) registration fees for off-road vehicles and snowmobiles do not include a crossroads 2000 fee or a public service fee.
- Specifies that off-road vehicles and snowmobiles are not subject to the motor vehicle excise tax or motor vehicle insurance requirements.

Airport Authorities (SEA 535, P.L. 84-2013)

Author: Ron Grooms

Sponsor: Steven Stemler, Steve Davisson, Terry Goodin, Ed Clere

- Specifies that if the fiscal body of Clark County establishes an airport authority with four members, one of the members shall be appointed by the legislative body of the town of Sellersburg and three members shall be appointed by the county executive of Clark County.
- Provides that the board of the airport authority may consist of five members if the county fiscal body adopts an ordinance or resolution under the provision in current law authorizing such a five member board.
- Provides that if the board of the airport authority consists of five members, three of the members of the board shall be appointed by the county executive of Clark County, one of the members of the board shall be appointed by the fiscal body of Clark County, and one of the members of the board shall be appointed by the legislative body of the town of Sellersburg.
- Specifies, however, that the individuals serving as members of the Clark County board of aviation commissioners at the time the airport authority is established shall become the initial members of the board of the airport authority.
- Provides that if the fiscal body of Clark County establishes an airport authority: (1) the airport authority shall be named the South Central Regional Airport Authority; and (2) the airport authority's budget, tax levies, and bonds or leases payable from property taxes must be approved by the Clark County fiscal body.
- Requires the board of the airport authority to maintain liability insurance coverage in an amount determined sufficient by the board.
- Requires the board of the airport authority to issue for each year an annual report that contains certain elements and to present the annual report at public hearings of the county executive of Clark County, the fiscal body of Clark County, and the legislative body of the town of Sellersburg.

Utilities

IURC Review of Extraterritorial Water Rates (HEA 1137, P.L. 163-2013)

Author: David Frizzell

Sponsor: James Merritt, Jean Breaux

- Requires that petitions for review by the utility regulatory commission (IURC) of extraterritorial water rates must be signed by each individual seeking review or by an attorney representing the individuals.
- Provides that the IURC may extend the deadline for approving or disapproving a petition for up to 60 days for good cause upon agreement of all parties to the proceeding. (Current law provides that a petition is dismissed if the IURC fails to act by the deadline.)
- Provides that if a city adopts an ordinance before January 1, 2013, to remove the city's municipally owned electric utility from the IURC's jurisdiction for certain purposes, the removal of the city's electric utility from the IURC's jurisdiction is effective for all purposes and is legalized and validated, notwithstanding that the city adopted an

ordinance for the removal instead of submitting the question of removal to registered voters of the municipality, as specified by the Indiana Code.

Municipally Owned Utilities (HEA 1307, P.L. 270-2013)

Author: Steve Braun

Sponsor: James Merritt

- Provides that a municipality or a municipally owned utility may not purchase the property of a utility company that provides water or sewer service (including a regional sewer and water district) unless the utility regulatory commission (IURC): (1) finds that the utility company has continued violations of the IURC's orders or the law regulating the utility company after the IURC has ordered compliance; or (2) finds after a review that the utility company has severe deficiencies that the utility company has failed to remedy.
- Provides that a utility may petition a court to stay proceedings of a municipality or a municipally owned utility to acquire the utility.
- Establishes a procedure for extraterritorial customers of certain municipally owned utilities to petition the IURC for review of rates and charges.

Taxation of Certain Utilities (HEA 1374, P.L. 168-2013)

Author: Eric Koch

Sponsor: James Merritt, Timothy Skinner

- Provides that certain companies that: (1) ordinarily would be subject to taxation under the Indiana Code chapter concerning property taxes for public utilities; and (2) own definite situs property that is located in only one taxing district; may elect to file a personal property tax return for the definite situs property with the county assessor or (if applicable) the township assessor, instead of filing a return for the definite situs property under the Indiana Code chapter concerning property taxes for public utilities.
- Provides that the following taxpayers are not subject to filing a state personal property tax return for certain utility property: (1) A company that: (A) owns definite situs property that is located in only one taxing district; and (B) files a personal property tax return for the definite situs property with the local assessor. (2) A taxpayer that: (A) is participating in a net metering program or in a feed-in-tariff program offered by a light, heat, or power company; and (B) files a personal property tax return for the property with the local assessor.
- Provides that certification requirements for utility powerplant construction do not apply to a joint agency of two or more municipal utilities.

Regional Water, Sewage and Solid Waste Districts (HEA 1497, P.L. 292-2013)

Author: Dennis Zent

Sponsor: Jean Leising, Ed Charbonneau

- Amends the requirements that a property owner must meet to discontinue use of a sewage disposal system and connect to a sewer system operated by a not-for-profit sewer utility or a regional sewage district.
- Amends the type of notice that must be provided to property owners that would be served by a proposed regional water, sewage, or solid waste district before the district is established.
- Provides that a proposed regional water, sewage, or solid waste district may not be established if a majority of property owners that would be served by the district submit a petition to the department of environmental management (department) that indicates the owners are opposed to the establishment of the district.
- Provides that an existing regional sewage or solid waste district may not add territory to the district if a majority of the freeholders within the proposed territory to be added submit a petition to the department that indicates the freeholders are opposed to the addition of the territory by the district.
- Allows a ratepayer of a regional water, sewage, or solid waste district to serve on the board of trustees for the district. Provides that notice requirements for certain construction permit applications apply to sewer and water system construction. Current law exempts sewer and water system construction permit applications from the notice requirements.
- Makes it a Class C misdemeanor instead of a Class C infraction for a person to provide false information to a health officer.
- Makes it false informing, a Class B misdemeanor, for a person to give a false report related to sewage disposal systems and sewer connections knowing the information to be false.

Sewer Connections (SEA 204, P.L. 178-2013)

Author: Jean Leising

Sponsor: David Wolkins, Randy Frye

- Provides that a not-for-profit public sewer utility or a regional sewage district may require connection to its sewage disposal system if there is an available sanitary sewer line within 300 feet of: (1) the property line, if the property line is located in a consolidated city or adjacent to a body of water; (2) any part of a subdivision, or land that is divided or proposed to be divided into lots, whether contiguous or subject to zoning requirements, for the purpose of sale or lease as part of a larger common plan of development or sale; or (3) for all other properties, the source of the sewage discharge.
- Current law requires connection if there is an available line within 300 feet of the property line.

Regional Water, Sewage and Solid Waste Districts (SEA 205, P.L. 179-2013)

Author: Jean Leising

Sponsor: David Wolkins, Dennis Zent, Randy Frye

- Provides that an appointed trustee of the board of directors of a regional water, sewage, or solid waste district may be a ratepayer of the district.
- Allows a member of the board of certain regional water and sewage districts to receive not more than \$125 per day for each day or major part of a day the member devotes to the work of the district (instead of not more than \$50 per day).

Utilities and Economic Development (SEA 349, P.L. 226-2013)

Author: Randy Head

Sponsor: William Friend

- With respect to a municipality that: (1) has a municipally owned utility that has donated funds to a local economic development organization before July 1, 2012; and (2) is a city having a certain population size; adds to the chapter in the Indiana Code concerning donations by local units of government a provision authorizing the municipal legislative body, with the approval of the board of the municipality's municipally owned utility, to donate funds from the municipally owned utility's surplus earnings to a local economic development organization as long as certain obligations of the municipally owned utility are met before the donation is made.

Utility Facility Relocation (SEA 365, P.L. 79-2013)

Author: Michael Crider

Sponsor: Eric Koch, Dale DeVon, Robert Cherry, Kreg Battles, David Niezgodski

- Authorizes a unit of local government to enter into an agreement with a utility concerning the relocation of the utility's facilities for a major highway, street, or road project undertaken by the local unit.
- Requires that the agreement must include a date for relocation and conditions under which the utility is excused from meeting the date, including a force majeure clause.
- Specifies that a unit that is responsible for relocation costs shall pay the costs in arrears in accordance with the procedures of the state board of accounts.

Municipal Utilities (SEA 385, P.L. 251-2013)

Author: Ed Charbonneau

Sponsor: David Wolkins, Don Lehe

- Provides that a utility that: (1) provides or receives wholesale sewage service; and (2) negotiates to renew an expiring contract or enter into a new contract for wholesale sewage service; may file a petition for review of the rates and charges for the wholesale sewage service with the utility regulatory commission (commission) or a court, but not both.

- Deposits certain expense reimbursements paid by municipal utilities for investigations conducted by the commission into the commission public utility fund account. Under current law, the amounts paid are deposited in the state treasury.
- Provides that a contract for the construction of a municipal sewage works may not require certain landowners to waive the right to remonstrate against annexation by the municipality.
- Urges the legislative council to assign to the environmental quality service council for study during the 2013 legislative interim the topic of rates and charges imposed by water, wastewater, and combined water and wastewater utilities for service to users located outside the corporate boundaries or service territory of the utilities.

Various Telecommunication Matters (SEA 492, P.L. 256-2013)

Author: Brandt Hershman

Sponsor: Eric Koch, Christina Hale

- Deletes expired provisions concerning rate transition periods for telecommunications service providers.
- Provides that a tariff filed by a telecommunications service provider as required by the utility regulatory commission (IURC) serves as public notice of the filing of the tariff.
- Repeals statutes concerning: (1) rate reduction programs; and (2) certain settlement agreements.
- Deletes certain reporting requirements of communications service providers to the IURC.
- Limits information requested by the IURC for certain purposes from a communications service provider to public information provided to the Federal Communications Commission.
- Repeals a chapter concerning telephone caller identification services.
- Provides that a communications service provider is not eligible for property tax exemptions for the facilities or technologies used in providing broadband service if the facilities or technologies are used in a location where wireline broadband service is provided.
- Repeals the Indiana lifeline assistance program.

Utility Transmission (SEA 560, P.L. 133-2013)

Author: Brandt Hershman

Sponsor: Eric Koch, Heath VanNatter, Shelli VanDenburgh, Kreg Battles

- Provides for the establishment by counties of infrastructure development zones in which natural gas, broadband and advanced services, and water infrastructure is exempt from property taxation.

- Allows a customer of an electricity supplier that is: (1) a public utility; and (2) under the jurisdiction of the utility regulatory commission (commission) for the approval of rates and charges; to petition the commission for a temporary discount to the demand component of the customer's rates and charges established in the electricity supplier's applicable standard tariff for service to a single Indiana facility of the customer.
- Requires: (1) preapproval by the economic development corporation (IEDC) of the customer's requested temporary discount amount; and (2) that an electricity supplier defer the cost of a discount for subsequent recovery in its next general retail electric rate case.
- Requires the utility consumer counselor (counselor) to investigate a utility's petition for a transmission, distribution, and storage system improvement charge (TDSIC) and report its activities to the commission.
- Authorizes the counselor to request additional funding from the budget agency.
- Allows a utility to designate a test period for the commission to use in determining an increase in the utility's rates and charges.
- Provides that a utility may impose a temporary increase in rates and charges while its rate case is pending before the commission. Requires a utility to provide a refund, with interest, to customers if the temporary rates and charges exceed the rates and charges approved by the commission.
- Authorizes a utility that provides electric or gas service to petition the commission to recover TDSIC costs.
- Requires the utility to petition the commission for approval of a seven year plan for eligible transmission, distribution, and storage improvements.
- Requires the Indiana department of transportation to develop a program to coordinate the use of public rights-of-way with utilities when the department undertakes an infrastructure improvement project.

