



February 28, 2014

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# ENGROSSED HOUSE BILL No. 1005

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DIGEST OF HB 1005 (Updated February 27, 2014 9:58 am - DI 110)

**Citations Affected:** Numerous provisions throughout the Indiana Code.

**Synopsis:** Government reduction. Terminates Indiana's participation in the Midwest Greenhouse Gas Reduction Accord as of a certain date. Repeals law concerning a prohibition on construction of fences and bleachers on Evansville State Hospital property. Removes provisions allowing for violent crime victims compensation funding for loss or disability of a law enforcement animal. Specifies the rate of interest related to certain state payments is based on the average yield on state general fund money. Amends or repeals certain motor vehicles provisions, including references to street cars, motorcycle permits, and suspension of driving privileges. Removes funds used by the division of family resources in relation to programs for individuals with developmental disabilities from the list of funds to which the law concerning the financial services group of the office of the secretary of family and social services applies. Repeals the law concerning  
(Continued next page)

**Effective:** Upon passage; July 1, 2014.

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## McMillin, Koch, Goodin

(SENATE SPONSOR — SCHNEIDER)

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January 14, 2014, read first time and referred to Committee on Select Committee on Government Reduction.

January 28, 2014, amended, reported — Do Pass. Recommitted to Committee on Rules and Legislative Procedures. Amended, reported — Do Pass.

January 30, 2014, read second time, amended, ordered engrossed.

January 31, 2014, engrossed.

February 3, 2014, read third time, passed. Yeas 79, nays 15.

SENATE ACTION

February 10, 2014, read first time and referred to Committee on Public Policy.

February 27, 2014, amended, reported favorably — Do Pass.

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EH 1005—LS 7089/DI 97



## Digest Continued

providing for continuance of prosecution, treatment, and probation for individuals charged with or convicted of felonies related to drug or alcohol abuse and supervised by the division of mental health and addiction. Repeals provisions for voluntary and involuntary addiction treatment by the division of mental health and addiction. Changes the membership of the underground petroleum storage tank financial assurance board. Makes corrections to references to defunct environmental boards and language suggesting the existence of multiple boards with environmental rulemaking power. Repeals the pest control compact. Strikes a provision allowing the commissioner of labor to obtain assistance from the state department of health with respect to an unsafe or unsanitary workplace. Repeals the law concerning payroll bonds. Changes the frequency of occupational safety standards commission meetings. Removes a provision requiring foreign and alien insurers to file applications in duplicate. Makes conforming amendments.

**EH 1005—LS 7089/DI 97**



February 28, 2014

Second Regular Session 118th General Assembly (2014)

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

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

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1005

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A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

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

1 SECTION 1. IC 4-1-7.1-6 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE  
3 UPON PASSAGE]: **Sec. 6. (a) For purposes of this section,**  
4 **"Accord" refers to the Midwest Greenhouse Gas Reduction**  
5 **Accord signed on November 15, 2007.**

6 **(b) Notwithstanding any other law, rule, or regulation, the**  
7 **participation of the state of Indiana in the Accord in any capacity,**  
8 **including as a signatory or an observer to the Accord, terminates**  
9 **not later than the date on which the elected official who signed the**  
10 **Accord on behalf of the state of Indiana ceases to hold office.**

11 SECTION 2. IC 4-10-18-12 IS AMENDED TO READ AS  
12 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. If the amount of  
13 money in the underground petroleum storage tank excess liability **trust**  
14 fund established by IC 13-23-7-1 reaches zero (0), ten million dollars

**EH 1005—LS 7089/DI 97**



1 (\$10,000,000) shall be transferred to the underground petroleum  
2 storage tank excess liability fund from the fund if: ~~the:~~

- 3 (1) ~~underground petroleum storage tank financial assurance the~~  
4 board recommends that the appropriation should be made; and  
5 (2) ~~the~~ budget committee approves the appropriation.

6 SECTION 3. IC 4-20.5-6-9.4 IS REPEALED [EFFECTIVE JULY  
7 1, 2014]. ~~Sec. 9.4: The department and the office of the secretary of~~  
8 ~~family and social services shall establish policies that prohibit the~~  
9 ~~construction of fences and bleachers on real property that is part of the~~  
10 ~~Evansville State Hospital. This section applies to real property used~~  
11 ~~either by:~~

- 12 (1) ~~Evansville State Hospital for recreational purposes; or~~  
13 (2) ~~an entity using part of the property of the hospital with the~~  
14 ~~permission of the hospital.~~

15 SECTION 4. IC 4-20.5-7-2.5 IS REPEALED [EFFECTIVE JULY  
16 1, 2014]. ~~Sec. 2.5: (a) This section applies to real property that is part~~  
17 ~~of Evansville State Hospital.~~

18 (b) ~~The transfer of real property of Evansville State Hospital must~~  
19 ~~include a provision that no fences or bleachers may be constructed on~~  
20 ~~the real property being transferred. The deed transferring real property~~  
21 ~~must include a provision that the real property reverts to the state if~~  
22 ~~bleachers or fences are constructed on the real property.~~

23 SECTION 5. IC 5-2-6.1-12, AS AMENDED BY P.L.161-2013,  
24 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
25 JULY 1, 2014]: Sec. 12. Except as provided in sections 13 through 15  
26 of this chapter, the following persons are eligible for assistance under  
27 this chapter:

- 28 (1) A resident of Indiana who is a victim of a violent crime  
29 committed:  
30 (A) in Indiana; or  
31 (B) in a jurisdiction other than Indiana, including a foreign  
32 country, if the jurisdiction in which the violent crime occurs  
33 does not offer assistance to a victim of a violent crime that is  
34 substantially similar to the assistance offered under this  
35 chapter.  
36 (2) A nonresident of Indiana who is a victim of a violent crime  
37 committed in Indiana.  
38 (3) A surviving spouse or dependent child of a victim of a violent  
39 crime who died as a result of that crime.  
40 (4) Any other person legally dependent for principal support upon  
41 a victim of a violent crime who died as a result of that crime.  
42 (5) A person who is injured or killed while trying to prevent a



1 violent crime or an attempted violent crime from occurring in the  
 2 person's presence or while trying to apprehend a person who had  
 3 committed a violent crime.

4 (6) A surviving spouse or dependent child of a person who dies  
 5 as a result of:

6 (A) trying to prevent a violent crime or an attempted violent  
 7 crime from occurring in the presence of the deceased person;

8 or

9 (B) trying to apprehend a person who had committed a violent  
 10 crime.

11 (7) A person legally dependent for principal support upon a  
 12 person who dies as a result of:

13 (A) trying to prevent a violent crime or an attempted violent  
 14 crime from occurring in the presence of the deceased person;

15 or

16 (B) trying to apprehend a person who had committed a violent  
 17 crime.

18 (8) A person who is injured or killed while giving aid and  
 19 assistance to:

20 (A) a law enforcement officer in the performance of the  
 21 officer's lawful duties; or

22 (B) a member of a fire department who is being obstructed  
 23 from performing lawful duties.

24 ~~(9) A law enforcement agency or person that owns a law~~  
 25 ~~enforcement animal that is permanently disabled or killed as a~~  
 26 ~~result of a violation of IC 35-46-3-11.~~

27 SECTION 6. IC 5-2-6.1-21.1, AS AMENDED BY P.L.161-2013,  
 28 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2014]: Sec. 21.1. (a) This section applies to claims filed with  
 30 the division after June 30, 2009.

31 (b) This subsection does not apply to reimbursement for forensic  
 32 and evidence gathering services provided under section 39 of this  
 33 chapter.

34 (c) An award may not be made unless the claimant has incurred an  
 35 out-of-pocket loss of at least one hundred dollars (\$100).

36 (d) Subject to subsections (b) and (c), the division may order the  
 37 payment of compensation under this chapter for any of the following:

38 (1) Reasonable expenses incurred within one hundred eighty  
 39 (180) days after the date of the violent crime for necessary:

40 (A) medical, chiropractic, hospital, dental, optometric, and  
 41 ambulance services;

42 (B) prescription drugs; and



1 (C) prosthetic devices;  
2 that do not exceed the claimant's out-of-pocket loss.

3 (2) Loss of income:

4 (A) the victim would have earned had the victim not died or  
5 been injured, if the victim was employed at the time of the  
6 violent crime; or

7 (B) the parent, guardian, or custodian of a victim who is less  
8 than eighteen (18) years of age incurred by taking time off  
9 from work to care for the victim.

10 A claimant seeking reimbursement under this subdivision must  
11 provide the division with proof of employment and current wages.

12 (3) Reasonable emergency shelter care expenses, not to exceed  
13 the expenses for thirty (30) days, that are incurred for the claimant  
14 or a dependent of the claimant to avoid contact with a person who  
15 committed the violent crime.

16 (4) Reasonable expense incurred for child care, not to exceed one  
17 thousand dollars (\$1,000), to replace child care the victim would  
18 have supplied had the victim not died or been injured.

19 (5) Loss of financial support the victim would have supplied to  
20 legal dependents had the victim not died or been injured.

21 (6) Documented expenses incurred for funeral, burial, or  
22 cremation of the victim that do not exceed five thousand dollars  
23 (\$5,000). The division shall disburse compensation under this  
24 subdivision in accordance with guidelines adopted by the  
25 division.

26 (7) Outpatient mental health counseling, not to exceed three  
27 thousand dollars (\$3,000), concerning mental health issues related  
28 to the violent crime.

29 ~~(8) As compensation for a law enforcement animal that is~~  
30 ~~permanently disabled or killed as a result of a violation of~~  
31 ~~IC 35-46-3-11, the cost of replacing the animal, which may~~  
32 ~~include the cost of training the animal.~~

33 ~~(9)~~ (8) Other actual expenses related to bodily injury to or the  
34 death of the victim that the division determines are reasonable.

35 (e) If a health care provider accepts payment from the division  
36 under this chapter, the health care provider may not require the victim  
37 to pay a copayment or an additional fee for the provision of services.

38 (f) A health care provider who seeks compensation from the  
39 division under this chapter may not simultaneously seek funding for  
40 services provided to a victim from any other source.

41 (g) The director may extend the one hundred eighty (180) day  
42 compensation period established by subsection (d)(1) for a period not



1 to exceed two (2) years after the date of the violent crime if:

2 (1) the victim or the victim's representative requests the  
3 extension; and

4 (2) medical records and other documentation provided by the  
5 attending medical providers indicate that an extension is  
6 appropriate.

7 (h) The director may extend the one hundred eighty (180) day  
8 compensation period established by subsection (d)(1) for outpatient  
9 mental health counseling, established by subsection (d)(7), if the  
10 victim:

11 (1) was allegedly a victim of a sex crime (under IC 35-42-4) or  
12 incest (under IC 35-46-1-3);

13 (2) was under eighteen (18) years of age at the time of the alleged  
14 crime; and

15 (3) did not reveal the crime within two (2) years after the date of  
16 the alleged crime.

17 SECTION 7. IC 5-2-6.1-22, AS AMENDED BY P.L.161-2013,  
18 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
19 JULY 1, 2014]: Sec. 22. (a) The state is subrogated to the rights of the  
20 ~~victim or~~ claimant to whom an award is granted to the extent of the  
21 award.

22 (b) The subrogation rights are against the perpetrator of the crime  
23 or a person liable for the pecuniary loss.

24 (c) If the ~~victim or~~ claimant initiates a civil action against the  
25 perpetrator of the crime or against the person liable for the pecuniary  
26 loss, the ~~victim or~~ claimant shall promptly notify the division of the  
27 filing of the civil action.

28 SECTION 8. IC 5-2-6.1-23, AS AMENDED BY P.L.161-2013,  
29 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
30 JULY 1, 2014]: Sec. 23. (a) In addition to the subrogation rights under  
31 section 22 of this chapter, the state is entitled to a lien in the amount of  
32 the award on a recovery made by or on behalf of the ~~victim or~~  
33 claimant.

34 (b) The state may:

35 (1) recover the amount under subsection (a) in a separate action;  
36 or

37 (2) intervene in an action brought by or on behalf of the ~~victim or~~  
38 claimant.

39 (c) If the claimant brings the action, the claimant may deduct from  
40 the money owed to the state under the lien the state's pro rata share of  
41 the reasonable expenses for the court suit, including attorney's fees of  
42 not more than fifteen percent (15%).



1 SECTION 9. IC 5-2-6.1-26, AS AMENDED BY P.L.161-2013,  
 2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2014]: Sec. 26. (a) If an application is complete, the division  
 4 shall accept the application for filing and investigate the facts stated in  
 5 the application.

6 (b) As part of the investigation, the division shall verify that:

7 (1) a

8 ~~(A) violent crime or~~

9 ~~(B) crime under IC 35-46-3-11, for purposes of compensation~~  
 10 ~~payable under section 12(9) of this chapter;~~

11 was committed;

12 (2) the victim was killed or suffered bodily injury as a result of the  
 13 crime; ~~or, for a crime under IC 35-46-3-11, a law enforcement~~  
 14 ~~animal was permanently disabled or killed;~~

15 (3) the requirements of sections 13, 16(a), 16(b), 17, 18, and 19  
 16 of this chapter are met; and

17 (4) out-of-pocket loss exceeded one hundred dollars (\$100).

18 SECTION 10. IC 5-2-6.1-32, AS AMENDED BY P.L.161-2013,  
 19 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 20 JULY 1, 2014]: Sec. 32. (a) The division shall reduce an award made  
 21 under this chapter by the amount of benefits received or to be received  
 22 from the following sources if those benefits result from or are in any  
 23 manner attributable to the bodily injury or death upon which the award  
 24 is based:

25 (1) Benefits from public or private pension programs, including  
 26 Social Security benefits.

27 (2) Benefits from proceeds of an insurance policy.

28 (3) Benefits under IC 22-3-2 through IC 22-3-6.

29 (4) Unemployment compensation benefits.

30 (5) Benefits from other public funds, including Medicaid and  
 31 Medicare.

32 Compensation must be further reduced or denied to the extent that the  
 33 claimant's loss is recouped from other collateral sources.

34 (b) The division shall further reduce an award under this chapter by  
 35 the following:

36 (1) The amount of court ordered restitution actually received by  
 37 the ~~victim or~~ claimant from the offender.

38 (2) Benefits actually received by the ~~victim or~~ claimant from a  
 39 third party on behalf of the offender.

40 (c) The division shall determine whether the ~~victim or~~ claimant  
 41 vigorously pursued recovery against available collateral sources  
 42 described in this section.





1 (d) If the division finds that a ~~victim or~~ claimant has failed to pursue  
 2 an applicable collateral source of recovery, the division shall reduce or  
 3 deny an award under this section by the amount that is available to the  
 4 ~~victim or~~ claimant through the collateral source.

5 (e) A claimant must exhaust any paid or otherwise compensated  
 6 vacation leave, sick leave, personal leave, or other compensatory time  
 7 accrued through an employer before applying for benefits. The division  
 8 may not reimburse the ~~victim or~~ claimant for the use of paid or  
 9 otherwise compensated vacation leave, sick leave, personal leave, or  
 10 other compensatory time.

11 SECTION 11. IC 5-2-6.1-34, AS AMENDED BY P.L.161-2013,  
 12 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 JULY 1, 2014]: Sec. 34. (a) In determining the amount of the award,  
 14 the division shall determine whether the victim ~~(or law enforcement  
 15 animal; in an application described in section 12(9) of this chapter)~~  
 16 contributed to the infliction of the **victim's** injury or death.

17 (b) If the division finds that the victim ~~(or law enforcement animal;  
 18 in an application described in section 12(9) of this chapter)~~ contributed  
 19 to the infliction of the **victim's** injury or death, the division may deny  
 20 an award.

21 (c) If the division further finds that the **victim's** contributory  
 22 conduct was solely attributable to an effort to:

23 (1) prevent a crime from occurring; or

24 (2) apprehend a person who committed a crime;

25 **in the victim's presence**, the **victim's** contributory conduct does not  
 26 render the victim ~~or claimant~~ ineligible for compensation.

27 SECTION 12. IC 6-6-6.6-1 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) ~~For the purposes~~  
 29 **of The terms set forth in this section apply throughout this** chapter.

30 (b) "Department" means the department of state revenue.

31 (c) "Disposal" means all forms of disposal in or on the land,  
 32 including underground injection.

33 (d) "Disposal facility" means a site where hazardous wastes are  
 34 disposed of in or on the land, including a site associated with, within,  
 35 or adjacent to facilities generating the waste.

36 (e) "Hazardous substance" has the meaning set forth in  
 37 IC 13-11-2-98.

38 (f) "Hazardous waste" has the meaning set forth in IC 13-11-2-99(a)  
 39 and includes any waste that:

40 (1) meets the definition in IC 13-11-2-99(a);

41 (2) is determined to be hazardous under the criteria developed  
 42 under IC 13-22-2-3(a); or



- 1 (3) is included on the list compiled and maintained by the ~~solid~~  
 2 ~~waste management~~ board under IC 13-22-2-3(b).
- 3 (g) "Remedial action" has the meaning set forth in IC 13-11-2-185.
- 4 (h) "Removal" has the meaning set forth in IC 13-11-2-187.
- 5 (i) "Taxable hazardous waste" means:
- 6 (1) any waste determined to be a hazardous waste under  
 7 IC 13-22-2-3 and not excluded under IC 13-22-2-3(b) or  
 8 IC 13-22-2-3(d); and
- 9 (2) wastes that are disposed of by underground injection that  
 10 would constitute hazardous wastes under IC 13-22-2-3 if they  
 11 were not included in discharges that are subject to permits under  
 12 Section 402 of the Federal Water Pollution Control Act  
 13 Amendments of 1972 (33 U.S.C. 1342).
- 14 Taxable hazardous waste does not include natural agricultural waste.
- 15 (j) "Ton" means a short ton.
- 16 SECTION 13. IC 6-8.1-10-1, AS AMENDED BY P.L.211-2007,  
 17 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 18 JULY 1, 2014]: Sec. 1. (a) If a person fails to file a return for any of the  
 19 listed taxes, fails to pay the full amount of tax shown on the person's  
 20 return by the due date for the return or the payment, or incurs a  
 21 deficiency upon a determination by the department, the person is  
 22 subject to interest on the nonpayment.
- 23 (b) The interest for a failure described in subsection (a) is the  
 24 adjusted rate established by the commissioner under subsection (c),  
 25 from the due date for payment. The interest applies to:
- 26 (1) the full amount of the unpaid tax due if the person failed to  
 27 file the return;
- 28 (2) the amount of the tax that is not paid, if the person filed the  
 29 return but failed to pay the full amount of tax shown on the return;
- 30 or
- 31 (3) the amount of the deficiency.
- 32 (c) The commissioner shall establish an adjusted rate of interest for  
 33 a failure described in subsection (a) and for an excess tax payment on  
 34 or before November 1 of each year. For purposes of subsection (b), the  
 35 adjusted rate of interest shall be the percentage rounded to the nearest  
 36 whole number that equals two (2) percentage points above the average  
 37 investment yield on state **general fund** money for the state's previous  
 38 fiscal year, excluding pension fund investments, as determined by the  
 39 treasurer of state on or before October 1 of each year and reported to  
 40 the commissioner. For purposes of IC 6-8.1-9-2(c), the adjusted rate of  
 41 interest for an excess tax payment must be the same as the adjusted rate  
 42 of interest determined under this subsection for a failure described in



1 subsection (a). The adjusted rates of interest established under this  
 2 subsection shall take effect on January 1 of the immediately succeeding  
 3 year.

4 (d) For purposes of this section, the filing of a substantially blank or  
 5 unsigned return does not constitute a return.

6 (e) Except as provided by IC 6-8.1-3-17(c) and IC 6-8.1-5-2, the  
 7 department may not waive the interest imposed under this section.

8 (f) Subsections (a) through (c) do not apply to a motor carrier fuel  
 9 tax return.

10 SECTION 14. IC 7.1-5-7-1, AS AMENDED BY P.L.125-2012,  
 11 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2014]: Sec. 1. ~~(a)~~ It is a Class C misdemeanor for a minor to  
 13 knowingly or intentionally make a false statement of the minor's age or  
 14 to present or offer false or fraudulent evidence of majority or identity  
 15 to a permittee for the purpose of ordering, purchasing, attempting to  
 16 purchase, or otherwise procuring or attempting to procure an alcoholic  
 17 beverage.

18 ~~(b) In addition to the penalty under subsection (a), a minor who:~~

19 ~~(1) uses a false or altered driver's license or the driver's license of~~  
 20 ~~another person as evidence of majority under this section; or~~

21 ~~(2) is convicted of purchasing or procuring an alcoholic beverage~~  
 22 ~~with or without using a false or altered driver's license;~~

23 ~~shall have the minor's driver's license, permit, or driving privileges~~  
 24 ~~suspended for up to one (1) year in accordance with IC 9-24-18-8 and~~  
 25 ~~IC 9-30-4-9.~~

26 ~~(c) Upon entering a judgment of conviction for the misdemeanor~~  
 27 ~~under this section, the court shall forward a copy of the judgment to the~~  
 28 ~~bureau of motor vehicles for the purpose of complying with subsection~~  
 29 ~~(b).~~

30 SECTION 15. IC 8-1-2-89 IS AMENDED TO READ AS  
 31 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 89. (a) As used in this  
 32 section, unless the context otherwise requires, the following terms have  
 33 the following meanings:

34 (1) "Sewage disposal service" means any public utility service  
 35 whereby liquid and solid waste, sewage, night soil, and industrial  
 36 waste of any single territorial area is collected, treated, purified,  
 37 and disposed of in a sanitary manner, and includes all sewage  
 38 treatment plant or plants, main sewers, submain sewers, local and  
 39 lateral sewers, intercepting sewers, outfall sewers, force mains,  
 40 pumping stations, ejector stations, and all other equipment and  
 41 appurtenances necessary or useful and convenient for the  
 42 rendition of such service.



- 1 (2) "Sewage disposal company" means any natural person, firm,  
 2 association, corporation, or partnership owning, leasing, or  
 3 operating any sewage disposal service within the rural areas of  
 4 this state, and all provisions of this chapter pertaining to a public  
 5 utility shall apply with equal force and effect to a sewage disposal  
 6 company, except insofar as said provisions may be inconsistent  
 7 with specific provisions of this section.
- 8 (3) "Rural area" means territory lying within the state of Indiana  
 9 and lying outside the corporate limits of a municipality.
- 10 (4) "Certificate of territorial authority" means a certificate of  
 11 convenience and necessity issued by the commission pursuant to  
 12 this section, which said certificate shall be deemed an  
 13 indeterminate permit, unless expressly conditioned otherwise by  
 14 the commission when issued.
- 15 (5) "Notice of hearing" means notice of the time, place, and  
 16 purpose of a hearing, given by publication in at least one (1)  
 17 newspaper of general circulation in each of the counties in which  
 18 the particular sewage disposal company operates or proposes to  
 19 operate and given also in writing by United States registered mail:
- 20 (A) to each other sewage disposal company operating in  
 21 territory contiguous to the territory in which the particular  
 22 sewage disposal company operates or proposes to operate;
- 23 (B) to each municipality in territory contiguous and nearest to  
 24 the territory in which the particular sewage disposal company  
 25 operates or proposes to operate; and
- 26 (C) to such other persons or entities which the commission  
 27 may from time to time require by its rules and forms;
- 28 all such notices shall be so mailed as to be received by the  
 29 recipients at least ten (10) days prior to any hearing, or as  
 30 otherwise required by the commission.
- 31 (b) It is hereby declared to be in the public interest to provide for the  
 32 orderly development and rendering of sewage disposal service in rural  
 33 areas within the state of Indiana, and such public interest makes it  
 34 necessary and desirable that to the extent provided herein the holding  
 35 of a certificate of territorial authority should be required as a condition  
 36 precedent to the rendering of such service, and that such operation be  
 37 under the control, regulation, and supervision of the commission, and  
 38 such sewage disposal companies shall not be subject to regulation by  
 39 any municipality or county government or metropolitan regulatory  
 40 body, or any branch or subdivisions thereof or substitute therefor in the  
 41 form of special service districts, with the exception that said sewage  
 42 disposal company shall be subject to the comprehensive plan, zoning,



1 and subdivision requirements and regulations of the governmental units  
 2 having jurisdiction in the area. However, all functions, powers, and  
 3 duties of the state department of health and the ~~water pollution control~~  
 4 **environmental rules** board shall remain unaffected by this section.

5 (c) No sewage disposal company shall commence the rendering of  
 6 sewage disposal service in any rural area in the state of Indiana in  
 7 which it is not actually rendering sewage disposal service, without first  
 8 obtaining from the commission a certificate of territorial authority  
 9 authorizing such sewage disposal service, finding that public  
 10 convenience and necessity require such sewage disposal service within  
 11 such rural area by such sewage disposal company, and defining and  
 12 limiting specifically the rural area covered thereby. No sewage disposal  
 13 company hereby required to hold such a certificate shall render any  
 14 additional sewage disposal service within such rural area to any extent  
 15 greater than that authorized by such certificate or shall continue to  
 16 render sewage disposal service within such rural area if and after such  
 17 certificate of territorial authority has been revoked or transferred as in  
 18 this section provided, unless in such order of revocation or transfer the  
 19 commission shall require continued service until a new sewage  
 20 disposal company or municipality actually takes over such service. The  
 21 commission shall not have the power to require extension of such  
 22 service by any sewage disposal company into any additional territory  
 23 than that defined and limited in such a certificate without the consent  
 24 of such sewage disposal company.

25 (d) Whenever any sewage disposal company proposes to commence  
 26 the rendering of sewage disposal service in any rural area, it shall file  
 27 with the commission a verified application for a certificate of territorial  
 28 authority to cover the proposed service. The commission shall by rule  
 29 prescribe the form of the application and the information to be  
 30 contained therein, and such application by any such company shall  
 31 conform to such prescribed form. The commission shall set the matter  
 32 for hearing and notice of such hearing shall be given to the parties and  
 33 in the manner defined in this section. Any city may, and upon petition  
 34 to the commission shall, be made a party to any service proposal if its  
 35 territorial limits lie within five (5) miles of the area to be serviced  
 36 under this section.

37 (e) If, after notice of hearing and hearing on any application for a  
 38 certificate of territorial authority, the commission shall find from the  
 39 evidence introduced at such hearing, including any evidence which the  
 40 commission shall have caused to be introduced as a result of any  
 41 investigation which it may have made into the matter, that the applicant  
 42 has proved:



1 (1) lawful power and authority to apply for said certificate and to  
 2 operate said proposed service;  
 3 (2) financial ability to install, commence, and maintain said  
 4 proposed service; and  
 5 (3) public convenience and necessity require the rendering of the  
 6 proposed service in the proposed rural area by this particular  
 7 sewage disposal company; however, in the event the service is  
 8 proposed for a proposed rural real estate addition, division, or  
 9 development, or any part thereof, the reasonably expected sewage  
 10 disposal service requirements of the anticipated residents may be  
 11 found to constitute such public convenience and necessity;  
 12 then the certificate of territorial authority, defining and limiting the  
 13 rural area to be covered thereby, shall be granted to the applicant,  
 14 subject to such terms, restrictions, limitations, and conditions,  
 15 including but not limited to a reasonable time in which to commence  
 16 operations, as the commission shall determine to be necessary and  
 17 desirable in the public interest.

18 (f) In cases of applications filed by two (2) or more sewage disposal  
 19 companies seeking the issuance of a certificate of territorial authority  
 20 for the same area or areas or any conflicting portions thereof, the  
 21 commission may either consider such applications separately or by  
 22 consolidation of two (2) or more or all within a single hearing at its  
 23 discretion and shall have the power to issue its certificate after notice  
 24 of hearing and hearing to any single qualified sewage disposal  
 25 company for a particular rural area, or, in the event that the commission  
 26 determines and finds that two (2) or more or all applicants seeking the  
 27 same area or areas or any conflicting portions thereof are both or all  
 28 qualified, then the commission shall have the power to determine  
 29 which is the better or best qualified, or whether the same area or areas  
 30 or any conflicting portions thereof shall be divided between or among  
 31 such qualified applicants. However, in no event shall such area or areas  
 32 or portions thereof be greater than that for which the particular  
 33 applicant applied, unless such sewage disposal company shall consent  
 34 and agree in writing to such modification of its application and the  
 35 issuance of such modified certificate.

36 (g) After the issuance of such certificate, no other sewage disposal  
 37 company shall render sewage disposal service in the area or areas so  
 38 determined and so defined in any certificate of territorial authority  
 39 issued by the commission, except after notice of hearing and hearing,  
 40 and the determination and finding by the commission that public  
 41 convenience and necessity require that sewage disposal service in said  
 42 same area or areas be also rendered or offered by an additional or



1 another company, and the issuance of a certificate duly granted by the  
2 commission as provided in this section.

3 (h) A sewage disposal company shall be required to furnish  
4 reasonable adequate sewage disposal services and facilities for which  
5 said service and facilities it shall be entitled to charge reasonable,  
6 nondiscriminatory rates, subject to the jurisdiction of the commission  
7 for the purpose of fixing said rates to be charged to patrons of such  
8 sewage disposal company for sewage disposal service, and for such  
9 purpose the commission is given jurisdiction to proceed in the same  
10 manner and with like power as is provided by this chapter in the case  
11 of public utilities.

12 (i) To encourage the installation of sewage treatment plants, and  
13 sewers, mains, stations, and all other equipment and appurtenances for  
14 rendering sewage disposal service in rural areas in close proximity to  
15 municipalities, and to ensure that a sewage disposal company which  
16 had made such installation in such area can recover the cost of its  
17 investment, in the event that the area or areas or any part thereof  
18 included within the territory granted under a certificate of territorial  
19 authority shall be annexed by any municipality at any time within  
20 twelve (12) years from the date that such certificate was granted, a  
21 sewage disposal company operating under such certificate shall  
22 continue to operate under such certificate of territorial authority,  
23 subject to the exclusive jurisdiction and regulation of the commission,  
24 for the unexpired portion of such period of twelve (12) years from the  
25 date of granting such certificate, or, in the case of a determinate permit  
26 specifying a term shorter than twelve (12) years, then for the unexpired  
27 portion of such lesser period as specified by such permit from the date  
28 of granting such permit. However, the foregoing provisions in regard  
29 to continued operation within the corporate limits of a municipality  
30 after annexation shall not affect the right of the sewage disposal  
31 company to cease its operation of providing sewage disposal service  
32 within such annexed territory prior to the termination of said twelve  
33 (12) year or lesser determinate permit period, upon thirty (30) days  
34 written notice to the commission, the municipality, and all patrons.

35 (j) Upon approval by the commission given after notice of hearing  
36 and hearing, but not otherwise, any certificate of territorial authority  
37 may:

- 38 (1) be sold, assigned, leased, or transferred by the holder thereof  
39 to any sewage disposal company to which a territorial certificate  
40 might be lawfully issued; or  
41 (2) be included in the property and rights encumbered under any  
42 indenture of mortgage or deed of trust of such holder;



1 or any sewage treatment plant or plants, sewers, mains, stations, and  
 2 equipment and appurtenances for the rendering of sewage disposal  
 3 service, or any part thereof, may be sold, assigned, leased, or  
 4 transferred by the holder thereof to any municipality if these assets lie  
 5 within an area which shall have been annexed by such municipality or  
 6 lie within the given radius of miles from the corporate limits of such  
 7 municipality into which it is authorized to render such services, if such  
 8 municipality is prepared to render a comparable sewage disposal  
 9 service without loss of continuity of service, and if the terms of such  
 10 sale, assignment, lease, or transfer are reasonable. However, once the  
 11 commission has given its approval to such transaction and the  
 12 transaction itself is actually consummated, the commission shall have  
 13 no control over the sewage disposal service henceforth rendered by  
 14 such municipality as a municipally owned utility (as defined in this  
 15 chapter).

16 (k) Any certificate of territorial authority may, after notice of  
 17 hearing and hearing, be revoked by the commission, in whole or in  
 18 part, for the failure of the holder thereof to furnish reasonably adequate  
 19 sewage disposal service within the area or areas determined and  
 20 defined in such certificate of territorial authority, or for the failure of  
 21 the holder thereof to comply with any applicable order or rule  
 22 prescribed by the commission in the exercise of its powers under this  
 23 chapter, or for failure to comply with any term, condition, or limitation  
 24 of such certificate of territorial authority.

25 (l) After the commission revokes any certificate of territorial  
 26 authority under subsection (k) or after the county board of health  
 27 determines the existence of a serious health problem related to the  
 28 sewage disposal facility, the county commissioners of the county in  
 29 which the sewage disposal facility is located may acquire the facility,  
 30 subject to the approval of the acquisition by the county council, except  
 31 that the county commissioners may not acquire any facility already  
 32 acquired by any city or town. The county commissioners shall acquire  
 33 the sewage disposal facility by:

34 (1) gift, grant, purchase, or condemnation that is funded in the  
 35 same manner that cities and towns fund sewage treatment  
 36 acquisitions under IC 36-9; or

37 (2) a lease arrangement that is funded in the same manner that  
 38 cities and towns fund leases of sewage disposal facilities under  
 39 IC 36-9.

40 After acquisition, the county commissioners shall repair, operate, and  
 41 maintain the sewage disposal facility and charge user fees for these  
 42 services.





1 SECTION 16. IC 9-13-2-146 IS REPEALED [EFFECTIVE JULY  
2 1, 2014]. ~~Sec. 146. "Railroad" does not include street car.~~

3 SECTION 17. IC 9-13-2-176 IS REPEALED [EFFECTIVE JULY  
4 1, 2014]. ~~Sec. 176. "Street car" means a car other than a railroad train  
5 for transporting persons or property and operated upon rails principally  
6 within a municipality.~~

7 SECTION 18. IC 9-13-2-182 IS AMENDED TO READ AS  
8 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 182. "Traffic" means  
9 pedestrians, ridden or herded animals, ~~street cars~~, vehicles, and other  
10 conveyances either singly or together while using any highway for  
11 purposes of travel.

12 SECTION 19. IC 9-21-3-10 IS REPEALED [EFFECTIVE JULY 1,  
13 2014]. ~~Sec. 10. The motorman of a street car shall obey traffic control  
14 signals that are applicable to vehicles.~~

15 SECTION 20. IC 9-21-3-11 IS AMENDED TO READ AS  
16 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. A person who  
17 violates section 7, 8, ~~or 9 or 10~~ of this chapter commits a Class C  
18 infraction.

19 SECTION 21. IC 9-21-8-41 IS AMENDED TO READ AS  
20 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 41. (a) A person who  
21 drives a vehicle ~~or street car~~ may not disobey the instructions of an  
22 official traffic control device placed in accordance with this article  
23 unless otherwise directed by a police officer.

24 (b) When a traffic control device or flagman is utilized at a worksite  
25 on a highway for traffic control, a person who drives a vehicle shall  
26 exercise extraordinary care to secure the mutual safety of all persons  
27 and vehicles at the worksite.

28 (c) All traffic shall observe and obey traffic control devices  
29 including signals, signs, and warnings, and all directions, signs, or  
30 warning devices that may be given or displayed by a police officer or  
31 flagman to safely control traffic movement at a worksite and promote  
32 safety at a worksite.

33 SECTION 22. IC 9-21-8-43 IS AMENDED TO READ AS  
34 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 43. (a) A person may  
35 not drive a vehicle when any of the following conditions exist:

36 (1) The vehicle:

37 (A) is loaded in a manner; or

38 (B) has more than three (3) persons in the front seat;

39 so as to obstruct the view of the person who drives the vehicle to  
40 the front or sides of the vehicle.

41 (2) The vehicle:

42 (A) is loaded in a manner; or



1 (B) has more than three (3) persons in the front seat;  
 2 so as to interfere with the person's control over the driving  
 3 mechanism of the vehicle.  
 4 (b) A passenger in a vehicle ~~or street car~~ may not do the following:  
 5 (1) Ride in a position that interferes with the view ahead or to the  
 6 sides of the person who drives the vehicle. ~~or street car.~~  
 7 (2) Interfere with the person's control over the driving mechanism  
 8 of the vehicle. ~~or street car.~~  
 9 SECTION 23. IC 9-21-12-6 IS REPEALED [EFFECTIVE JULY 1,  
 10 2014]. ~~Sec. 6: A street car or vehicle may not be driven over an~~  
 11 ~~unprotected hose of a fire department when laid down on a street;~~  
 12 ~~private driveway; or street car track to be used at a fire or alarm of fire~~  
 13 ~~without the consent of the fire department official in command.~~  
 14 SECTION 24. IC 9-24-8-6 IS REPEALED [EFFECTIVE JULY 1,  
 15 2014]. ~~Sec. 6: In addition to any other penalty, the bureau:~~  
 16 ~~(1) shall revoke the motorcycle learner's permit of a person who~~  
 17 ~~is convicted of operating a motorcycle under the influence of~~  
 18 ~~alcohol; and~~  
 19 ~~(2) may not issue a motorcycle learner's permit or motorcycle~~  
 20 ~~endorsement to a person referred to in subdivision (1) for at least~~  
 21 ~~(1) year after the date of the person's conviction.~~  
 22 SECTION 25. IC 9-24-18-8 IS AMENDED TO READ AS  
 23 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) The bureau shall  
 24 suspend for a mandatory period of at least ninety (90) days the current  
 25 driving license or permit of a person who:  
 26 (1) uses or has possession of a driving license or permit of another  
 27 person with the intent to violate or evade or to attempt to violate  
 28 or evade any provision of law relating to the sale, purchase, use,  
 29 or possession of alcoholic beverages; or  
 30 (2) is convicted of the offenses listed in ~~IC 7-1-5-7-1(b)~~ ~~or~~  
 31 IC 7.1-5-7-10.  
 32 (b) The mandatory suspension provided by this section is in addition  
 33 to all other sanctions provided by section 7 of this chapter and  
 34 IC 9-30-4-9.  
 35 SECTION 26. IC 12-8-10-1, AS AMENDED BY P.L.146-2008,  
 36 SECTION 383, IS AMENDED TO READ AS FOLLOWS  
 37 [EFFECTIVE JULY 1, 2014]: Sec. 1. This chapter applies only to the  
 38 indicated money of the following state agencies to the extent that the  
 39 money is used by the agency to obtain services from grantee agencies  
 40 to carry out the program functions of the agency:  
 41 (1) Money appropriated or allocated to a state agency from money  
 42 received by the state under the federal Social Services Block



- 1 Grant Act (42 U.S.C. 1397 et seq.).
- 2 (2) The division of aging, except this chapter does not apply to
- 3 money expended under the following:
- 4 (A) The following statutes, unless application of this chapter
- 5 is required by another subdivision of this section:
- 6 (i) IC 12-10-6.
- 7 (ii) IC 12-10-12.
- 8 (B) Epilepsy services.
- 9 (3) The division of family resources, for money expended under
- 10 the following programs:
- 11 (A) The child development associate scholarship program.
- 12 (B) The dependent care program.
- 13 (C) Migrant day care.
- 14 (D) The commodities program.
- 15 (E) The migrant nutrition program.
- 16 (F) Any emergency shelter program.
- 17 (G) The energy weatherization program.
- 18 ~~(H) Programs for individuals with developmental disabilities.~~
- 19 (4) The state department of health, for money expended under the
- 20 following statutes:
- 21 (A) IC 16-19-10.
- 22 (B) IC 16-38-3.
- 23 (5) The group.
- 24 (6) All state agencies, for any other money expended for the
- 25 purchase of services if all the following apply:
- 26 (A) The purchases are made under a contract between the state
- 27 agency and the office of the secretary.
- 28 (B) The contract includes a requirement that the office of the
- 29 secretary perform the duties and exercise the powers described
- 30 in this chapter.
- 31 (C) The contract is approved by the budget agency.
- 32 (7) The division of mental health and addiction.
- 33 SECTION 27. IC 12-8-10-9, AS AMENDED BY P.L.181-2006,
- 34 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 35 JULY 1, 2014]: Sec. 9. (a) Each grantee agency receiving money under
- 36 a contract covered by this chapter shall maintain sufficient records to
- 37 show the following:
- 38 (1) The actual cost of services provided under the contract.
- 39 (2) The nature and amount of services provided under the
- 40 contract.
- 41 (b) At least every two (2) years the group shall, in the manner
- 42 prescribed by the state board of accounts, conduct audits of all grantee



1 agencies that, under a contract under this chapter, receive payment  
 2 from any of the money described in section 1(2) ~~or 1(3)(f)~~ of this  
 3 chapter. These audits must include an investigation of the records of  
 4 the grantee agencies to determine whether the services rendered under  
 5 the contracts have been in compliance with the terms of the contracts.

6 (c) This section does not prohibit the state board of accounts from  
 7 auditing grantee agencies under the board's own authority. The office  
 8 of the secretary may do either of the following:

9 (1) Contract with the state board of accounts to conduct audits of  
 10 grantee agencies.

11 (2) Require grantee agencies to obtain independent audits of their  
 12 agencies.

13 (d) A contract between a state agency and the office of the secretary  
 14 under section 1(6) of this chapter may include a provision requiring  
 15 the group to perform or arrange for the audits described by this section.

16 SECTION 28. IC 12-15-21-3, AS AMENDED BY P.L.8-2005,  
 17 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 18 JULY 1, 2014]: Sec. 3. The rules adopted under section 2 of this  
 19 chapter must include the following:

20 (1) Providing for prior review and approval of medical services.

21 (2) Specifying the method of determining the amount of  
 22 reimbursement for services.

23 (3) Establishing limitations that are consistent with medical  
 24 necessity concerning the amount, scope, and duration of the  
 25 services and supplies to be provided. The rules may contain  
 26 limitations on services that are more restrictive than allowed  
 27 under a provider's scope of practice (as defined in Indiana law).

28 (4) Denying payment or instructing the contractor under  
 29 IC 12-15-30 to deny payment to a provider for services provided  
 30 to an individual or claimed to be provided to an individual if the  
 31 office after investigation finds any of the following:

32 (A) The services claimed cannot be documented by the  
 33 provider.

34 (B) The claims were made for services or materials determined  
 35 by licensed medical staff of the office as not medically  
 36 reasonable and necessary.

37 (C) The amount claimed for the services has been or can be  
 38 paid from other sources.

39 (D) The services claimed were provided to a person other than  
 40 the person in whose name the claim is made.

41 (E) The services claimed were provided to a person who was  
 42 not eligible for Medicaid.



- 1 (F) The claim rises out of an act or practice prohibited by law  
 2 or by rules of the secretary.
- 3 (5) Recovering payment or instructing the contractor under  
 4 IC 12-15-30-3 to recover payment from a provider for services  
 5 rendered to an individual or claimed to be rendered to an  
 6 individual if the office after investigation finds any of the  
 7 following:
- 8 (A) The services paid for cannot be documented by the  
 9 provider.
- 10 (B) The amount paid for such services has been or can be paid  
 11 from other sources.
- 12 (C) The services were provided to a person other than the  
 13 person in whose name the claim was made and paid.
- 14 (D) The services paid for were provided to a person who was  
 15 not eligible for Medicaid.
- 16 (E) The paid claim rises out of an act or practice prohibited by  
 17 law or by rules of the secretary.
- 18 (6) Recovering interest due from a provider:
- 19 (A) at a rate that is the percentage rounded to the nearest  
 20 whole number that equals the average investment yield on  
 21 state **general fund** money for the state's previous fiscal year,  
 22 excluding pension fund investments, as published in the  
 23 auditor of state's comprehensive annual financial report; and  
 24 (B) accruing from the date of overpayment;  
 25 on amounts paid to the provider that are in excess of the amount  
 26 subsequently determined to be due the provider as a result of an  
 27 audit, a reimbursement cost settlement, or a judicial or an  
 28 administrative proceeding.
- 29 (7) Paying interest to providers:
- 30 (A) at a rate that is the percentage rounded to the nearest  
 31 whole number that equals the average investment yield on  
 32 state **general fund** money for the state's previous fiscal year,  
 33 excluding pension fund investments, as published in the  
 34 auditor of state's comprehensive annual financial report; and  
 35 (B) accruing from the date that an overpayment is erroneously  
 36 recovered by the office until the office restores the  
 37 overpayment to the provider.
- 38 (8) Establishing a system with the following conditions:
- 39 (A) Audits may be conducted by the office after service has  
 40 been provided and before reimbursement for the service has  
 41 been made.
- 42 (B) Reimbursement for services may be denied if an audit



- 1 conducted under clause (A) concludes that reimbursement  
2 should be denied.
- 3 (C) Audits may be conducted by the office after service has  
4 been provided and after reimbursement has been made.
- 5 (D) Reimbursement for services may be recovered if an audit  
6 conducted under clause (C) concludes that the money  
7 reimbursed should be recovered.
- 8 SECTION 29. IC 12-23-1-11 IS AMENDED TO READ AS  
9 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) This article does  
10 not repeal or modify Indiana law relating to the operation of a vehicle  
11 under the influence of liquor or drugs.
- 12 (b) IC 12-23-5 ~~IC 12-23-6~~, ~~IC 12-23-7~~, ~~IC 12-23-8~~, and any other  
13 related provisions of this article shall be considered to be alternative  
14 methods or procedures for the prosecution of alcoholics or drug abusers  
15 as criminals.
- 16 SECTION 30. IC 12-23-6 IS REPEALED [EFFECTIVE JULY 1,  
17 2014]. (Request for Treatment After Charge or Conviction of Certain  
18 Felonies).
- 19 SECTION 31. IC 12-23-7 IS REPEALED [EFFECTIVE JULY 1,  
20 2014]. (Continuance of Prosecution After Felony Charge).
- 21 SECTION 32. IC 12-23-8 IS REPEALED [EFFECTIVE JULY 1,  
22 2014]. (Treatment and Probation Following Felony Conviction).
- 23 SECTION 33. IC 12-23-9-4 IS AMENDED TO READ AS  
24 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) An individual  
25 who by medical examination is found to be incapacitated by alcohol at  
26 the time of admission or to have become incapacitated by alcohol at  
27 any time after admission may not be detained at a facility:
- 28 (1) after the individual is no longer incapacitated by alcohol; or  
29 (2) if the individual remains incapacitated by alcohol for more  
30 than forty-eight (48) hours after admission as a patient. ~~unless the~~  
31 ~~individual is committed under IC 12-23-7 through IC 12-23-8.~~
- 32 (b) An individual may consent to remain in a facility as long as the  
33 physician in charge believes it is appropriate.
- 34 SECTION 34. IC 12-23-10 IS REPEALED [EFFECTIVE JULY 1,  
35 2014]. (Voluntary Treatment by Division for Drug Abusers).
- 36 SECTION 35. IC 12-23-11 IS REPEALED [EFFECTIVE JULY 1,  
37 2014]. (Involuntary Treatment by Division for Alcoholics and Drug  
38 Abusers).
- 39 SECTION 36. IC 12-24-12-10, AS AMENDED BY P.L.188-2013,  
40 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
41 JULY 1, 2014]: Sec. 10. (a) Upon admission to a state institution  
42 administered by the division of mental health and addiction, the



1 gatekeeper is one (1) of the following:

2 (1) For an individual with a psychiatric disorder, the community  
3 mental health center that submitted the report to the committing  
4 court under IC 12-26.

5 (2) For an individual with a developmental disability, a division  
6 of disability and rehabilitative services service coordinator under  
7 IC 12-11-2.1.

8 (b) The division is the gatekeeper for the following:

9 (1) An individual who is found to have insufficient  
10 comprehension to stand trial under IC 35-36-3.

11 (2) An individual who is found to be not guilty by reason of  
12 insanity under IC 35-36-2-4 and is subject to a civil commitment  
13 under IC 12-26.

14 (3) An individual who is immediately subject to a civil  
15 commitment upon the individual's release from incarceration in  
16 a facility administered by the department of correction or the  
17 Federal Bureau of Prisons, or upon being charged with or  
18 convicted of a forcible felony (as defined by IC 35-31.5-2-138).

19 ~~(4) An individual placed under the supervision of the division for~~  
20 ~~addictions treatment under IC 12-23-7 and IC 12-23-8.~~

21 ~~(5) (4)~~ (4) An individual transferred from the department of  
22 correction under IC 11-10-4.

23 SECTION 37. IC 13-11-2-40, AS AMENDED BY P.L.189-2011,  
24 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
25 JULY 1, 2014]: Sec. 40. "Confined feeding operation" means:

26 (1) any confined feeding of:

27 (A) at least three hundred (300) cattle;

28 (B) at least six hundred (600) swine or sheep;

29 (C) at least thirty thousand (30,000) fowl; or

30 (D) at least five hundred (500) horses.

31 (2) any animal feeding operation electing to be subject to  
32 IC 13-18-10; or

33 (3) any animal feeding operation that is causing a violation of:

34 (A) water pollution control laws;

35 (B) any rules of the ~~water pollution control~~ board; or

36 (C) IC 13-18-10.

37 A determination by the department under this subdivision is appealable  
38 under IC 4-21.5.

39 SECTION 38. IC 13-11-2-74.5, AS AMENDED BY P.L.241-2005,  
40 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
41 JULY 1, 2014]: Sec. 74.5. (a) "Exempt isolated wetland", for purposes  
42 of IC 13-18 and environmental management laws, means an isolated



- 1 wetland that:
- 2 (1) is a voluntarily created wetland unless:
- 3 (A) the wetland is approved by the department for
- 4 compensatory mitigation purposes in accordance with a permit
- 5 issued under Section 404 of the Clean Water Act or
- 6 IC 13-18-22;
- 7 (B) the wetland is reclassified as a state regulated wetland
- 8 under IC 13-18-22-6(e); or
- 9 (C) the owner of the wetland declares, by a written instrument:
- 10 (i) recorded in the office of the recorder of the county or
- 11 counties in which the wetland is located; and
- 12 (ii) filed with the department;
- 13 that the wetland is to be considered in all respects to be a state
- 14 regulated wetland;
- 15 (2) exists as an incidental feature in or on:
- 16 (A) a residential lawn;
- 17 (B) a lawn or landscaped area of a commercial or
- 18 governmental complex;
- 19 (C) agricultural land;
- 20 (D) a roadside ditch;
- 21 (E) an irrigation ditch; or
- 22 (F) a manmade drainage control structure;
- 23 (3) is a fringe wetland associated with a private pond;
- 24 (4) is, or is associated with, a manmade body of surface water of
- 25 any size created by:
- 26 (A) excavating;
- 27 (B) diking; or
- 28 (C) excavating and diking;
- 29 dry land to collect and retain water for or incidental to
- 30 agricultural, commercial, industrial, or aesthetic purposes;
- 31 (5) subject to subsection (c), is a Class I wetland with an area, as
- 32 delineated, of one-half (1/2) acre or less;
- 33 (6) subject to subsection (d), is a Class II wetland with an area, as
- 34 delineated, of one-fourth (1/4) acre or less;
- 35 (7) is located on land:
- 36 (A) subject to regulation under United States Department of
- 37 Agriculture wetland conservation programs, including
- 38 Swampbuster and the Wetlands Reserve Program, because of
- 39 voluntary enrollment in a federal farm program; and
- 40 (B) used for agricultural or other purposes allowed under the
- 41 programs referred to in clause (A); or
- 42 (8) is constructed for reduction or control of pollution.





1 (b) For purposes of subsection (a)(2), an isolated wetland exists as  
 2 an incidental feature:

3 (1) if:

4 (A) the owner or operator of the property or facility described  
 5 in subsection (a)(2) does not intend the isolated wetland to be  
 6 a wetland;

7 (B) the isolated wetland is not essential to the function or use  
 8 of the property or facility; and

9 (C) the isolated wetland arises spontaneously as a result of  
 10 damp soil conditions incidental to the function or use of the  
 11 property or facility; and

12 (2) if the isolated wetland satisfies any other factors or criteria  
 13 established in rules that are:

14 (A) adopted by the ~~water pollution control~~ board; and

15 (B) not inconsistent with the factors and criteria described in  
 16 subdivision (1).

17 (c) The total acreage of Class I wetlands on a tract to which the  
 18 exemption described in subsection (a)(5) may apply is limited to the  
 19 larger of:

20 (1) the acreage of the largest individual isolated wetland on the  
 21 tract that qualifies for the exemption described in subsection  
 22 (a)(5); and

23 (2) fifty percent (50%) of the cumulative acreage of all individual  
 24 isolated wetlands on the tract that would qualify for the exemption  
 25 described in subsection (a)(5) but for the limitation of this  
 26 subsection.

27 (d) The total acreage of Class II wetlands on a tract to which the  
 28 exemption described in subsection (a)(6) may apply is limited to the  
 29 larger of:

30 (1) the acreage of the largest individual isolated wetland on the  
 31 tract that qualifies for the exemption described in subsection  
 32 (a)(6); and

33 (2) thirty-three and one-third percent (33 1/3%) of the cumulative  
 34 acreage of all individual isolated wetlands on the tract that would  
 35 qualify for the exemption described in subsection (a)(6) but for  
 36 the limitation of this subsection.

37 (e) An isolated wetland described in subsection (a)(5) or (a)(6) does  
 38 not include an isolated wetland on a tract that contains more than one  
 39 (1) of the same class of wetland until the owner of the tract notifies the  
 40 department that the owner has selected the isolated wetland to be an  
 41 exempt isolated wetland under subsection (a)(5) or (a)(6) consistent  
 42 with the applicable limitations described in subsections (c) and (d).



1 SECTION 39. IC 13-11-2-96 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 96. (a) "Hazardous  
 3 material", for purposes of IC 13-18-5, means any of the following:

4 (1) A hazardous chemical (as defined in 42 U.S.C. 11021(e), as  
 5 in effect on January 1, 1990).

6 (2) A hazardous waste.

7 (3) A hazardous substance (as defined in 42 U.S.C. 9601(14), as  
 8 in effect on January 1, 1990).

9 (4) A substance that is on the list of extremely hazardous  
 10 substances published by the Administrator of the United States  
 11 Environmental Protection Agency under 42 U.S.C. 11002(a)(2).

12 (5) A material that is identified by the ~~water pollution control~~  
 13 board as potentially harmful to surface water or groundwater if  
 14 accidentally released from a storage or handling facility.

15 (b) "Hazardous material", for purposes of IC 13-25-6, means a  
 16 material or waste that has been determined to be hazardous or  
 17 potentially hazardous to human health, to property, or to the  
 18 environment by:

19 (1) the United States:

20 (A) Environmental Protection Agency;

21 (B) Nuclear Regulatory Commission;

22 (C) Department of Transportation; or

23 (D) Occupational Safety and Health Administration; or

24 (2) the ~~solid waste management~~ board.

25 The term includes all of the hazardous materials identified in 49 CFR  
 26 172.101.

27 SECTION 40. IC 13-11-2-98 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 98. "Hazardous  
 29 substance", for purposes of:

30 (1) IC 13-19-5;

31 (2) IC 13-25-4; and

32 (3) IC 13-25-5;

33 has the meaning set forth in Section 101 of CERCLA (42 U.S.C. 9601).

34 The term includes any substance that the ~~solid waste management~~  
 35 board determines to be hazardous under environmental management  
 36 laws.

37 SECTION 41. IC 13-11-2-149.5, AS AMENDED BY P.L.78-2009,  
 38 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39 JULY 1, 2014]: Sec. 149.5. "Outstanding national resource water", for  
 40 purposes of section 50.5 of this chapter and IC 13-18-3, means a water  
 41 designated as such by the general assembly after recommendations by  
 42 the ~~water pollution control~~ board and the environmental quality service



1 council under IC 13-18-3-2(n) and IC 13-18-3-2(o). The designation  
 2 must describe the quality of the outstanding national resource water to  
 3 serve as the benchmark of the water quality that shall be maintained  
 4 and protected. Waters that may be considered for designation as  
 5 outstanding national resource waters include water bodies that are  
 6 recognized as:

7 (1) important because of protection through official action, such  
 8 as:

- 9 (A) federal or state law;  
 10 (B) presidential or secretarial action;  
 11 (C) international treaty; or  
 12 (D) interstate compact;

13 (2) having exceptional recreational significance;

14 (3) having exceptional ecological significance;

15 (4) having other special environmental, recreational, or ecological  
 16 attributes; or

17 (5) waters with respect to which designation as an outstanding  
 18 national resource water is reasonably necessary for protection of  
 19 other water bodies designated as outstanding national resource  
 20 waters.

21 SECTION 42. IC 13-11-2-149.6 IS AMENDED TO READ AS  
 22 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 149.6. "Outstanding  
 23 state resource water", for purposes of section 50.5 of this chapter and  
 24 IC 13-18-3, means any water designated as such by the ~~water pollution~~  
 25 ~~control~~ board regardless of when the designation occurred or occurs.  
 26 Waters that may be considered for designation as outstanding state  
 27 resource waters include water bodies that have unique or special  
 28 ecological, recreational, or aesthetic significance.

29 SECTION 43. IC 13-11-2-183, AS AMENDED BY P.L.221-2007,  
 30 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 JULY 1, 2014]: Sec. 183. "Regulated substance", for purposes of this  
 32 chapter and IC 13-23, includes the following:

33 (1) Any substance defined in section 98 of this chapter as a  
 34 hazardous substance, but excluding any substance regulated as a  
 35 hazardous waste under:

- 36 (A) Subtitle C of the federal Solid Waste Disposal Act, as  
 37 amended (42 U.S.C. 6921 through 6939(a)); or  
 38 (B) IC 13-22-2-3.

39 (2) Petroleum.

40 (3) Any other substance designated by rules adopted by the ~~solid~~  
 41 ~~waste management~~ board under IC 13-23-1-2.

42 SECTION 44. IC 13-11-2-205, AS AMENDED BY P.L.189-2011,



1 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2014]: Sec. 205. (a) "Solid waste", for purposes of IC 13-19,  
3 IC 13-21, IC 13-20-22, and environmental management laws, except  
4 as provided in subsection (b), means any garbage, refuse, sludge from  
5 a waste treatment plant, sludge from a water supply treatment plant,  
6 sludge from an air pollution control facility, or other discarded  
7 material, including solid, liquid, semisolid, or contained gaseous  
8 material resulting from industrial, commercial, mining, or agricultural  
9 operations or from community activities. The term does not include:

10 (1) solid or dissolved material in:

11 (A) domestic sewage; or

12 (B) irrigation return flows or industrial discharges;

13 that are point sources subject to permits under Section 402 of the  
14 Federal Water Pollution Control Act Amendments (33 U.S.C.  
15 1342);

16 (2) source, special nuclear, or byproduct material (as defined by  
17 the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.));

18 (3) manures or crop residues returned to the soil as fertilizers or  
19 soil conditioners as part of a total farm operation; or

20 (4) vegetative matter at composting facilities registered under  
21 IC 13-20-10.

22 (b) "Solid waste", for purposes of IC 13-20-5, IC 13-20-22, and  
23 IC 13-21, does not include the following:

24 (1) A waste that is regulated under the following:

25 (A) IC 13-22-1 through IC 13-22-8.

26 (B) IC 13-22-13 through IC 13-22-14.

27 (2) An infectious waste (as defined in IC 16-41-16-4) that is  
28 disposed of at an incinerator permitted under rules adopted by the  
29 ~~solid waste management~~ board to dispose of infectious waste.

30 (c) "Solid waste", for purposes of IC 13-26, means all putrescible  
31 and nonputrescible solid and semisolid wastes, except human excreta.  
32 The term includes garbage, rubbish, ashes, street cleanings, dead  
33 animals, offal, and solid commercial, industrial, and institutional  
34 wastes.

35 SECTION 45. IC 13-11-2-241 IS AMENDED TO READ AS  
36 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 241. (a) "Underground  
37 storage tank", for purposes of section 161 of this chapter and IC 13-23,  
38 means one (1) tank or a combination of tanks, including underground  
39 pipes connected to the tank or combination of tanks:

40 (1) that is used to contain an accumulation of regulated  
41 substances; and

42 (2) the volume of which, including the volume of the underground



- 1 connected pipes, is at least ten percent (10%) beneath the surface  
 2 of the ground.
- 3 (b) The term does not include any of the following:
- 4 (1) A farm or residential tank with a capacity of not more than one  
 5 thousand one hundred (1,100) gallons that is used for storing  
 6 motor fuel for noncommercial purposes.
- 7 (2) A tank used for storing heating oil for consumptive use on the  
 8 premises on which the tank is stored.
- 9 (3) A septic tank.
- 10 (4) A pipeline facility, including gathering lines, that:
- 11 (A) is regulated under the Natural Gas Pipeline Safety Act of  
 12 1968 (49 U.S.C. 1671 et seq.);
- 13 (B) is regulated under the Hazardous Liquid Pipeline Safety  
 14 Act of 1979 (49 U.S.C. 60101 et seq.); or
- 15 (C) is an intrastate pipeline facility regulated under state laws  
 16 comparable to the laws identified in clauses (A) through (B).
- 17 (5) A surface impoundment, pit, pond, or lagoon.
- 18 (6) A stormwater or wastewater collection system.
- 19 (7) A flow-through process tank.
- 20 (8) A liquid trap or associated gathering lines directly related to  
 21 oil or gas production and gathering operations.
- 22 (9) A storage tank situated in an underground area such as:
- 23 (A) a basement;
- 24 (B) a cellar;
- 25 (C) a mineworking;
- 26 (D) a drift;
- 27 (E) a shaft; or
- 28 (F) a tunnel;
- 29 if the storage tank is situated upon or above the surface of the  
 30 floor.
- 31 (10) Any other tank exempted by a rule adopted by the ~~solid~~  
 32 ~~waste management~~ board in accordance with regulations adopted  
 33 by the Administrator of the United States Environmental  
 34 Protection Agency.
- 35 (11) A pipe connected to a tank described in subdivisions (1)  
 36 through (10).
- 37 SECTION 46. IC 13-14-8-0.3, AS ADDED BY P.L.220-2011,  
 38 SECTION 279, IS AMENDED TO READ AS FOLLOWS  
 39 [EFFECTIVE JULY 1, 2014]: Sec. 0.3. A rule **that:**  
 40 **(1) was** adopted by the solid waste management board  
 41 **(established by IC 13-19-2, before its repeal)** before May 13,  
 42 1999; **and**



1           (2) ~~that~~ does not comply with IC 13-20-7-1 (as amended by  
 2           P.L.224-1999 and before its repeal);  
 3 applies only to special waste that is disposed of at a solid waste landfill  
 4 that does not meet Subtitle D design standards of the federal Resource  
 5 Conservation and Recovery Act as provided in 40 CFR Part 258.

6           SECTION 47. IC 13-14-8-11.6 IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11.6. (a) A discharger  
 8 is not required to obtain a state permit for the modification or  
 9 construction of a water pollution treatment or control facility if the  
 10 discharger has an effective:

11           (1) National Pollutant Discharge Elimination System (NPDES)  
 12 industrial permit for direct discharges to surface water; or

13           (2) industrial waste pretreatment permit not issued by the  
 14 department for discharges to a publicly owned treatment works.

15           (b) If a modification is for the treatment or control of any new  
 16 influent pollutant or increased levels of any existing pollutant, within  
 17 thirty (30) days after commencement of operation, the discharger shall  
 18 file with the department a notice of installation for the additional  
 19 pollutant control equipment and a design summary of any  
 20 modifications.

21           (c) The ~~water pollution control~~ board shall adopt a general permit  
 22 rule for the approval of sanitary collection system plans, lift station  
 23 plans, and force main plans.

24           SECTION 48. IC 13-15-4-1, AS AMENDED BY P.L.223-2011,  
 25 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26 JULY 1, 2014]: Sec. 1. (a) Except as provided in sections 2, 3, and 6  
 27 of this chapter, the commissioner shall approve or deny an application  
 28 filed with the department after July 1, 1995, within the following  
 29 number of days:

30           (1) Three hundred sixty-five (365) days for an application  
 31 concerning the following:

32           (A) A new hazardous waste or solid waste landfill.

33           (B) A new hazardous waste or solid waste incinerator.

34           (C) A major modification of a solid waste landfill.

35           (D) A major modification of a solid waste incinerator.

36           (E) A new hazardous waste treatment or storage facility.

37           (F) A new Part B permit issued under 40 CFR 270 et seq. for  
 38 an existing hazardous waste treatment or storage facility.

39           (G) A Class 3 modification under 40 CFR 270.42 to a  
 40 hazardous waste landfill.

41           (H) A new solid waste processing facility other than a transfer  
 42 station.



- 1 (2) Except as provided in IC 13-18-3-2.1, two hundred seventy  
 2 (270) days for an application concerning the following:  
 3 (A) A Class 3 modification under 40 CFR 270.42 of a  
 4 hazardous waste treatment or storage facility.  
 5 (B) A major new National Pollutant Discharge Elimination  
 6 System permit.  
 7 (C) A major modification to a solid waste processing facility  
 8 other than a transfer station.  
 9 (3) Except as provided in IC 13-18-3-2.1, one hundred eighty  
 10 (180) days for an application concerning the following:  
 11 (A) A new transfer station or a major modification to a transfer  
 12 station.  
 13 (B) A minor new National Pollutant Discharge Elimination  
 14 System individual permit.  
 15 (C) A permit concerning the land application of a material.  
 16 (D) A permit for marketing and distribution of a biosolid or an  
 17 industrial waste product.  
 18 (4) Except as provided in IC 13-18-3-2.1, one hundred fifty (150)  
 19 days for an application concerning a minor new National  
 20 Pollutant Discharge Elimination System general permit.  
 21 (5) One hundred twenty (120) days for an application concerning  
 22 a Class 2 modification under 40 CFR 270.42 to a hazardous waste  
 23 facility.  
 24 (6) Ninety (90) days for an application concerning the following:  
 25 (A) A minor modification to a permit for the following:  
 26 (i) A solid waste landfill.  
 27 (ii) A solid waste processing facility.  
 28 (iii) An incinerator.  
 29 (B) A wastewater facility or water facility construction permit.  
 30 (7) The amount of time provided for in rules adopted by the ~~air~~  
 31 ~~pollution control~~ board for an application concerning the  
 32 following:  
 33 (A) An air pollution construction permit that is subject to 326  
 34 IAC 2-2 and 326 IAC 2-3.  
 35 (B) An air pollution facility construction permit (other than as  
 36 defined in 326 IAC 2-2).  
 37 (C) Registration of an air pollution facility.  
 38 (8) Sixty (60) days for an application concerning the following:  
 39 (A) A Class 1 modification under 40 CFR 270.42 requiring  
 40 prior written approval, to a hazardous waste:  
 41 (i) landfill;  
 42 (ii) incinerator;



1 (iii) treatment facility; or

2 (iv) storage facility.

3 (B) Any other permit not specifically described in this section  
4 for which the application fee exceeds forty-nine dollars (\$49)  
5 and for which a time frame has not been established under  
6 section 3 of this chapter.

7 (b) When a person holding a valid permit concerning an activity of  
8 a continuing nature has made a timely and sufficient application for a  
9 renewal permit under the rules of one (1) of the boards, the  
10 commissioner shall approve or deny the application on or before the  
11 expiration date stated in the permit for which renewal is sought.

12 SECTION 49. IC 13-15-6-6 IS AMENDED TO READ AS  
13 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. The ~~air pollution~~  
14 ~~control~~ board may adopt rules under IC 4-22-2 to provide that the  
15 opportunity for judicial review allowed under section 4 or 5 of this  
16 chapter applies to the revision or modification of a permit or license  
17 under the operating permit program under 42 U.S.C. 7661 through  
18 7661f.

19 SECTION 50. IC 13-15-7-1 IS AMENDED TO READ AS  
20 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. Except as provided  
21 in sections 2 and 4 of this chapter, the commissioner or a designated  
22 staff member may revoke or modify a permit granted by the department  
23 under environmental management laws or IC 13-7 (before its repeal)  
24 for any of the following causes:

- 25 (1) Violation of any condition of the permit.  
26 (2) Failure to disclose all of the relevant facts.  
27 (3) Any misrepresentation made in obtaining the permit.  
28 (4) Changes in circumstances relating to the permit that require  
29 either a temporary or permanent reduction in the discharge of  
30 contaminants.  
31 (5) Any other change, situation, or activity relating to the use of  
32 a permit that, in the judgment of the department, is not consistent  
33 with the following:  
34 (A) The purposes of this title.  
35 (B) Rules adopted by **the board or** one (1) of the **former**  
36 **boards abolished by IC 13-13-8-2.**

37 SECTION 51. IC 13-15-12-1 IS AMENDED TO READ AS  
38 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. Every twelve (12)  
39 months, the commissioner shall submit to the following a report that  
40 contains an evaluation of the actions taken by the department to  
41 improve the department's process of issuing permits:

- 42 (1) The governor.





- 1 (2) The general assembly. The report must be in an electronic  
2 format under IC 5-14-6.
- 3 (3) ~~The boards.~~ **board.**
- 4 SECTION 52. IC 13-16-1-2 IS AMENDED TO READ AS  
5 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. To establish fees or  
6 change the amount of a fee, ~~a~~ **the** board shall:
- 7 (1) follow the procedure required for the adoption of rules; and  
8 (2) take into account:
- 9 (A) the cost of the issuance of a permit or license;  
10 (B) the cost of the performance of services in connection with  
11 the supervision, review, and other necessary activities related  
12 to the area involved;  
13 (C) the cost of the surveillance of the activity or property  
14 covered by the license or permit; and  
15 (D) fees charged for equivalent permits or licenses in other  
16 states.
- 17 SECTION 53. IC 13-16-1-6 IS AMENDED TO READ AS  
18 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. Notwithstanding  
19 sections 1 through 5 of this chapter or any other law, ~~a~~ **the** board or the  
20 department may not do any of the following:
- 21 (1) Except as provided in section 7 of this chapter, change a fee  
22 established by:
- 23 (A) IC 13-18-20;  
24 (B) IC 13-20-21; or  
25 (C) IC 13-22-12.
- 26 (2) Establish an additional fee that was not in effect on January 1,  
27 1994, concerning the following:
- 28 (A) National Pollutant Discharge Elimination System  
29 programs.  
30 (B) Solid waste programs.  
31 (C) Hazardous waste programs.
- 32 (3) Require payment of a fee for material used as alternate daily  
33 cover pursuant to a permit issued by the department under 329  
34 IAC 10-20-13.
- 35 SECTION 54. IC 13-18-3-12, AS AMENDED BY P.L.57-2013,  
36 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
37 JULY 1, 2014]: Sec. 12. The board shall adopt rules providing that  
38 whenever a person submits plans to a unit concerning the design or  
39 construction of:
- 40 (1) a sanitary sewer or public water main, if:
- 41 (A) a professional engineer who is registered under IC 25-31  
42 prepared the plans;



- 1 (B) the unit provided for review of the plans by a qualified  
 2 engineer and subsequently approved the plans; and  
 3 (C) all other requirements specified in rules adopted by the  
 4 ~~water pollution control~~ board are met; or  
 5 (2) a sanitary sewer extension for and within a subdivision, if:  
 6 (A) a qualified professional surveyor who is registered under  
 7 IC 25-21.5 prepared the plans;  
 8 (B) the subdivision is being laid out or having been laid out by  
 9 the professional surveyor subject to IC 25-21.5-7;  
 10 (C) the unit provided for review of the plans by a qualified  
 11 engineer and subsequently approved the plans; and  
 12 (D) all other requirements specified in rules adopted by the  
 13 board are met;

14 the plans are not required to be submitted to any state agency for a  
 15 permit, permission, or review, unless required by federal law.

16 SECTION 55. IC 13-18-9-3 IS AMENDED TO READ AS  
 17 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A person may not  
 18 use, sell, or otherwise dispose of any detergent containing phosphorus,  
 19 except:

- 20 (1) for those amounts not exceeding one-half percent (0.5%) by  
 21 weight incidental to manufacturing; and  
 22 (2) in accordance with rules adopted under IC 4-22-2 by the ~~water~~  
 23 ~~pollution control~~ board;

24 in Indiana or into the boundary waters of Indiana from a source within  
 25 Indiana.

26 (b) The concentration of phosphorus shall be determined by the  
 27 applicable method prescribed by the American Society for Testing and  
 28 Materials.

29 SECTION 56. IC 13-18-17-5, AS AMENDED BY P.L.1-2006,  
 30 SECTION 201, IS AMENDED TO READ AS FOLLOWS  
 31 [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) The board shall adopt rules  
 32 under IC 4-22-2 establishing groundwater quality standards that  
 33 include numeric and narrative criteria, a groundwater classification  
 34 plan, and a method of determining where the groundwater quality  
 35 standards must apply. The standards established under this subsection  
 36 shall be used for the following purposes:

- 37 (1) To establish minimum compliance levels for groundwater  
 38 quality monitoring at regulated facilities.  
 39 (2) To ban the discharge of effluents into potable groundwater.  
 40 (3) To establish health protection goals for untreated water in  
 41 water supply wells.  
 42 (4) To establish concentration limits for contaminants in ambient



1 groundwater.  
 2 (b) Except as provided in subsection (c) and subject to subsection  
 3 (d), the following agencies shall adopt rules under IC 4-22-2 to apply  
 4 the groundwater quality standards established under this section to  
 5 activities regulated by the agencies:

- 6 (1) The department.  
 7 (2) The department of natural resources.  
 8 (3) The state department of health.  
 9 (4) The office of the state chemist.  
 10 (5) The division of fire and building safety.

11 (c) The executive board of the state department of health may not  
 12 adopt rules to apply the nitrate and nitrite numeric criteria included in  
 13 groundwater quality standards established in rules adopted by the board  
 14 under subsection (a) to onsite sewage systems.

15 (d) Any rule adopted by the executive board of the state department  
 16 of health is void to the extent that the rule applies the nitrate and nitrite  
 17 numeric criteria included in groundwater quality standards established  
 18 in rules adopted by the ~~Indiana water pollution control~~ board under  
 19 subsection (a) to onsite sewage systems.

20 SECTION 57. IC 13-20-4-16 IS AMENDED TO READ AS  
 21 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. The ~~solid waste~~  
 22 ~~management~~ board may adopt rules under IC 4-22-2 to implement this  
 23 chapter.

24 SECTION 58. IC 13-20-6-9 IS AMENDED TO READ AS  
 25 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. The ~~solid waste~~  
 26 ~~management~~ board shall adopt rules under IC 4-22-2 to implement this  
 27 chapter.

28 SECTION 59. IC 13-20-11-2 IS AMENDED TO READ AS  
 29 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. A department  
 30 employee designated as a landfill inspector for a county under this  
 31 chapter shall monitor operations at every landfill in the county. The  
 32 duties of the landfill inspector include the following:

- 33 (1) Promoting compliance with the rules of the ~~solid waste~~  
 34 ~~management~~ board governing landfill operations.  
 35 (2) Keeping records required by the rules of the board or ensuring  
 36 that those records be kept.  
 37 (3) Investigating possible violations of:  
 38 (A) the rules of the board; or  
 39 (B) any statute;  
 40 governing landfill operation or solid waste disposal.

41 SECTION 60. IC 13-20-22-1, AS AMENDED BY P.L.131-2006,  
 42 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2014]: Sec. 1. (a) Unless the legislative body of a county  
 2 having a consolidated city elects by ordinance to participate in the  
 3 rules, ordinances, and governmental structures enacted or created  
 4 under this chapter, the collection of fees on the disposal of solid waste  
 5 in a final disposal facility located in that county are exempt until  
 6 December 2, 2008, from regulation or control under this chapter.

7 (b) A fee is imposed on the disposal or incineration of solid waste  
 8 in a final disposal facility in Indiana. Except as provided in section 14  
 9 of this chapter, the amount of the fee is as follows:

10 (1) For solid waste generated in Indiana and delivered to a final  
 11 disposal facility in a motor vehicle having a registered gross  
 12 vehicle weight greater than nine thousand (9,000) pounds, fifty  
 13 cents (\$0.50) a ton.

14 (2) For solid waste generated outside Indiana and delivered to a  
 15 final disposal facility in a motor vehicle having a registered gross  
 16 vehicle weight greater than nine thousand (9,000) pounds:

17 (A) fifty cents (\$0.50) a ton; and

18 (B) if the ~~solid waste management~~ board has adopted rules  
 19 under subsection (c), an additional amount imposed under the  
 20 rules.

21 (3) For solid waste generated in Indiana or outside Indiana and  
 22 delivered to a final disposal facility in:

23 (A) a motor vehicle having a registered gross vehicle weight  
 24 of not more than nine thousand (9,000) pounds; or

25 (B) a passenger motor vehicle (as defined in IC 9-13-2-123);  
 26 fifty cents (\$0.50) for each load delivered by the motor vehicle.

27 (c) The ~~solid waste management~~ board may adopt rules to establish  
 28 and impose a fee on the disposal or incineration of solid waste that is:

29 (1) generated outside Indiana; and

30 (2) disposed of or incinerated in a final disposal facility in  
 31 Indiana.

32 If rules are adopted under this subsection, the fee shall be set at an  
 33 amount necessary to offset the costs incurred by the state or a county,  
 34 municipality, or township that can be attributed to the importation of  
 35 the solid waste into Indiana and the presence of the solid waste in  
 36 Indiana.

37 (d) Revenue from fees collected under subsection (b)(1) and  
 38 (b)(2)(A) shall be deposited in the state solid waste management fund  
 39 established by section 2 of this chapter. Revenue from fees collected  
 40 under subsection (b)(2)(B) shall be deposited in the hazardous  
 41 substances response trust fund established by IC 13-25-4-1, except that  
 42 any part of the revenue that the board finds is necessary to offset costs



1 incurred by counties, municipalities, and townships shall be distributed  
2 to solid waste management districts pro rata on the basis of the district's  
3 population.

4 (e) If solid waste has been subject to a fee under this section, the  
5 total amount of the fee paid shall be credited against any other fee to  
6 which the solid waste may later be subject under this section.

7 (f) A fee may not be imposed upon material used as alternate daily  
8 cover pursuant to a permit issued by the department under 329  
9 IAC 10-20-13.

10 SECTION 61. IC 13-22-3-2 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. The department shall  
12 issue permits for a hazardous waste facility constructed and operated  
13 in compliance with rules adopted by the ~~solid waste management~~  
14 board.

15 SECTION 62. IC 13-23-5-3, AS ADDED BY P.L.16-2009,  
16 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
17 JULY 1, 2014]: Sec. 3. (a) An underground storage tank system that  
18 contains fuel composed of greater than fifteen percent (15%) alcohol  
19 is considered to comply with section 1(b) of this chapter if either of the  
20 following applies:

21 (1) The system predates May 11, 2007.

22 (2) The system predates the **adoption by:**

23 **(A) the solid waste management board's board (established**  
24 **by IC 13-19-2, before its repeal); or**

25 **(B) the environmental rules board; adoption**

26 after May 11, 2007, of any additional rules concerning technical  
27 and safety requirements for storing and dispensing alcohol  
28 blended fuel.

29 (b) Replacement tanks or ancillary equipment installed in existing  
30 underground storage tank systems storing or dispensing alcohol  
31 blended fuels must meet the standards contained in additional rules  
32 ~~adopted by the solid waste management board~~ as described in  
33 subsection (a)(2) **that were adopted by the solid waste management**  
34 **board before January 1, 2013, or are adopted by the environmental**  
35 **rules board** only if the installation occurs after the adoption of those  
36 rules.

37 SECTION 63. IC 13-23-11-2 IS AMENDED TO READ AS  
38 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) The board  
39 consists of the following ~~sixteen (16)~~ **nine (9)** members:

40 (1) The commissioner or the commissioner's designee.

41 ~~(2) The state fire marshal or the state fire marshal's designee.~~

42 ~~(3) The (2) One (1) member nominated by the~~ treasurer of state



- 1 or the treasurer of state's designee. **in consultation with**  
 2 ~~(4)~~ the commissioner of the department of state revenue. ~~or the~~  
 3 ~~commissioner's designee.~~  
 4 ~~(5)~~ Twelve ~~(12)~~ individuals appointed by the governor for terms  
 5 of two ~~(2)~~ years as follows:  
 6 ~~(A)~~ **(3)** One (1) member representing the independent petroleum  
 7 wholesale distributor-marketer industry. **In making this**  
 8 **appointment, the governor may consider the recommendation**  
 9 **of the Indiana petroleum marketers and convenience store**  
 10 **association.**  
 11 ~~(B)~~ **(4)** One (1) member representing the petroleum  
 12 refiner-supplier industry. **In making this appointment, the**  
 13 **governor may consider the recommendation of the Indiana**  
 14 **petroleum council.**  
 15 ~~(C)~~ One ~~(1)~~ member representing the service station dealer  
 16 industry who owns or operates less than thirteen ~~(13)~~  
 17 underground petroleum storage tanks.  
 18 ~~(D)~~ **(5)** One (1) member of the financial lending community who  
 19 has experience with loan guaranty programs.  
 20 ~~(E)~~ **(6)** One (1) member representing the convenience store  
 21 operator industry **or independent petroleum retail**  
 22 **distributor-marketer industry. In making this appointment,**  
 23 **the governor may consider the recommendation of the**  
 24 **Indiana petroleum marketers and convenience store**  
 25 **association.**  
 26 ~~(F)~~ **(7)** One (1) member representing environmental interests.  
 27 ~~(G)~~ **(8)** One (1) member representing local government.  
 28 ~~(H)~~ Two ~~(2)~~ members representing the general public.  
 29 ~~(I)~~ One ~~(1)~~ member representing the independent petroleum  
 30 retail distributor marketer industry who owns or operates more  
 31 than twelve ~~(12)~~ underground petroleum storage tanks.  
 32 ~~(J)~~ One ~~(1)~~ member representing businesses that own  
 33 petroleum underground storage tanks and are not engaged in  
 34 the sale of petroleum.  
 35 ~~(K)~~ **(9)** One (1) member representing the property and casualty  
 36 insurance industry.  
 37 **(b) The governor shall appoint the members specified in**  
 38 **subsection (a)(2) through (a)(9) for terms of two (2) years.**  
 39 SECTION 64. IC 13-23-11-6 IS AMENDED TO READ AS  
 40 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) The board must  
 41 have a quorum to transact business. ~~Nine (9)~~ **Five (5)** members  
 42 constitute a quorum.



1 (b) An affirmative vote of the majority of members present is  
2 required for the board to take action.

3 (c) The board shall meet upon:

4 (1) the request of the chairperson; or

5 (2) the written request of three (3) of the board's members.

6 (d) A meeting must be held not later than fourteen (14) days after a  
7 request is made.

8 SECTION 65. IC 13-23-11-7 IS AMENDED TO READ AS  
9 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) The board shall  
10 do the following:

11 (1) Adopt rules under IC 4-22-2 and IC 13-14-9 necessary to carry  
12 out the duties of the board under this article.

13 (2) Take testimony and receive a written report at every meeting  
14 of the board from the commissioner or the commissioner's  
15 designee regarding the financial condition and operation of the  
16 excess liability trust fund including:

17 (A) a detailed breakdown of contractual and administrative  
18 expenses the department is claiming from the excess liability  
19 trust fund under ~~IC 13-23-7-1(4)~~; **IC 13-23-7-1(a)(4)**; and

20 (B) a claims statistics report consisting of the status and value  
21 of each claim submitted to the fund and claims payments made  
22 under IC 13-23-8-1.

23 The testimony and written report under this subdivision shall be  
24 provided at every meeting of the board. However, the testimony  
25 and written report are not required more than one (1) time during  
26 any thirty (30) day period.

27 (3) Consult with the department on administration of the  
28 underground petroleum storage tank excess liability trust fund  
29 established by IC 13-23-7-1 in developing uniform policies and  
30 procedures for revenue collection and claims administration of the  
31 fund.

32 (b) The department shall consult with the board on administration  
33 of the underground petroleum storage tank excess liability trust fund.  
34 The consultation must include evaluation of alternative means of  
35 administering the fund in a cost effective and efficient manner.

36 (c) At each meeting of the board, the department shall provide the  
37 board with a written report on the financial condition and operation of  
38 the underground petroleum storage tank trust fund established under  
39 IC 13-23-6-1.

40 SECTION 66. IC 13-26-4-7, AS AMENDED BY P.L.179-2013,  
41 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
42 JULY 1, 2014]: Sec. 7. (a) Except as provided in subsection (b), the



1 board of a district may provide for the payment of not more than fifty  
 2 dollars (\$50) per day to members of the board for each day or major  
 3 part of a day devoted to the work of the district.

4 (b) This subsection applies only to a regional water and sewage  
 5 district that:

- 6 (1) is located in more than one (1) county; and
- 7 (2) was formed in 1975 by order of the stream pollution control  
 8 board of the state of Indiana (which was succeeded in 1986 by the  
 9 water pollution control board, ~~in 1986~~ **which was established**  
 10 **by IC 13-18-1, before its repeal**).

11 The board of a district may provide for the payment of not more than  
 12 one hundred twenty-five dollars (\$125) per day to members of the  
 13 board for each day or major part of a day devoted to the work of the  
 14 district.

15 (c) Members of the board are entitled to receive an amount for travel  
 16 expenses equal to the amount paid to state employees for expenses  
 17 incurred in the performance of their duties.

18 (d) Payments made to board members under subsections (a), (b),  
 19 and (c) shall be made from the general fund of the district.

20 SECTION 67. IC 13-26-5-4 IS AMENDED TO READ AS  
 21 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The board may  
 22 adopt and enforce rules for the following purposes:

- 23 (1) To accomplish the purpose of a district.
- 24 (2) To protect the works, improvements, and properties, both real  
 25 and personal, that the district owns.
- 26 (3) To secure the best results from the construction, operation,  
 27 and maintenance of works, improvements, and properties.
- 28 (4) To prevent damage by the misuse of the works, improvements,  
 29 or properties by:
  - 30 (A) the pollution or misuse of the waters in the district or of  
 31 the sewerage system; or
  - 32 (B) the improper disposal of solid waste.

33 (b) The board may adopt and enforce rules under subsection (a) that  
 34 are necessary and advisable to do the following:

- 35 (1) Protect and preserve the works, improvements, and properties  
 36 owned or controlled by the district, prescribe the manner of use  
 37 by any person, and preserve order in and adjacent to the works.
- 38 (2) Prescribe the manner:
  - 39 (A) in which ditches, sewers, pipelines, or other works should  
 40 be adjusted to or connected with the works of the district; and
  - 41 (B) of waste disposal in the district.
- 42 (3) Prescribe the permissible uses of the water supply and the





- 1 manner of distribution and prevent the pollution or unnecessary  
 2 waste of the water supply.
- 3 (4) Prohibit or regulate the discharge into the sewers of the  
 4 district of liquid or solid waste detrimental to the works and  
 5 improvements.
- 6 (c) Rules must be:
- 7 (1) consistent with:
- 8 (A) statutes; and
- 9 (B) the rules of the ~~solid waste management board or the water~~  
 10 ~~pollution control~~ **environmental rules** board; and
- 11 (2) maintained and open to inspection in the office of the district.
- 12 (d) The board may enforce by injunction or other legal remedy rules  
 13 adopted under this section. The board may remove a harmful or  
 14 improper construction or obstruction or may close an opening or  
 15 connection made improperly or in violation of the rules. A person that  
 16 willfully fails to comply with the rules is liable for damage caused by  
 17 the failure and for the cost of restoring or replacing construction  
 18 damaged.
- 19 SECTION 68. IC 13-27-7-2, AS AMENDED BY P.L.37-2012,  
 20 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 JULY 1, 2014]: Sec. 2. (a) Guidance documents, technical assistance  
 22 manuals, and policies developed or used in implementing programs  
 23 under this article are not binding on participating businesses.
- 24 (b) Subject to subsection (e), the ~~air pollution control board; the~~  
 25 ~~water pollution control board; the solid waste management board or the~~  
 26 department may not do the following:
- 27 (1) Subject to IC 13-14-1-11.5, incorporate documents, manuals,  
 28 or policies developed under this article into rules adopted under  
 29 IC 4-22-2.
- 30 (2) Adopt rules under IC 4-22-2 requiring business  
 31 implementation of pollution prevention practices or of clean  
 32 manufacturing by means of any of the following:
- 33 (A) Permit conditions.
- 34 (B) Enforcement actions.
- 35 (C) Other department actions.
- 36 (c) Subsection (b) only applies to pollution prevention as defined in  
 37 this title.
- 38 (d) Subsection (b) does not apply to authority granted under federal  
 39 law to implement pollution prevention as defined under any of the  
 40 following:
- 41 (1) Federally delegated air, water, solid waste, and other  
 42 programs.



1 (2) Guidance documents developed to implement programs  
2 described in subdivision (1).

3 (3) Programs established under IC 13-20-3, IC 13-20-22, or  
4 IC 13-21.

5 (e) The department shall present pollution prevention as an option  
6 to businesses in any of the following:

7 (1) Permit conditions.

8 (2) Enforcement actions.

9 (3) Other department actions.

10 SECTION 69. IC 13-28-4-2 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) In a civil or an  
12 administrative proceeding, a court of record, after an in camera review,  
13 shall require disclosure of material for which the privilege described in  
14 section 1 of this chapter is asserted if the court determines that both  
15 subdivisions (1) and (2) apply:

16 (1) The environmental audit report was first issued after July 1,  
17 1994.

18 (2) One (1) of the following applies:

19 (A) The privilege is asserted for a fraudulent purpose.

20 (B) The material is not subject to the privilege.

21 (C) The material is subject to the privilege and the material  
22 shows evidence of noncompliance with:

23 (i) this title or a rule or standard adopted by **the board or**  
24 one (1) of the **former** boards **abolished by IC 13-13-8-2;**

25 (ii) a determination, a permit, or an order issued by the  
26 commissioner under this title; or

27 (iii) the federal, regional, or local counterpart of item (i) or  
28 (ii);

29 and the person claiming the privilege did not promptly initiate  
30 and pursue appropriate efforts to achieve compliance with  
31 reasonable diligence.

32 (b) If the noncompliance described in subsection (a)(2)(C)  
33 constitutes a failure to obtain a required permit, the person is  
34 considered to have made appropriate efforts to achieve compliance if  
35 the person filed an application for the required permit not later than  
36 ninety (90) days after the date the person became aware of the  
37 noncompliance.

38 SECTION 70. IC 13-30-4-3 IS AMENDED TO READ AS  
39 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) The department  
40 may waive up to one hundred percent (100%) of a civil penalty  
41 imposed on a business for a minor violation of:

42 (1) a requirement of environmental management laws;



- 1 (2) a rule adopted by a **the board or one (1) of the former**  
 2 **boards abolished by IC 13-13-8-2;** or  
 3 (3) any determination, permit, or order made or issued by the  
 4 commissioner.
- 5 (b) The department may not waive any part of a civil penalty under  
 6 this section if the violation:  
 7 (1) endangers or causes damage to public health or the  
 8 environment;  
 9 (2) is intentional, willful, or criminal;  
 10 (3) is of a requirement for which the department has previously  
 11 issued a notice or warning of violation, for this or a prior  
 12 violation, to the business required to correct the violation; or  
 13 (4) is not corrected within ninety (90) days after the date the  
 14 business required to correct the violation notifies the department  
 15 of the violation under subsection (c). The department may extend  
 16 the ninety (90) day period for not more than an additional ninety  
 17 (90) days.
- 18 (c) To seek a waiver of a civil penalty under this section, the  
 19 business required to correct the violation must submit to the  
 20 department a written report of the violation for which a waiver is  
 21 sought. The report must be submitted to the department before an  
 22 inspection by the department that discloses the violation or the issuance  
 23 of a notice or warning of violation.
- 24 (d) The ~~boards~~ **board** may adopt rules to implement this section.
- 25 SECTION 71. IC 14-8-2-49.2, AS AMENDED BY P.L.4-2008,  
 26 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27 JULY 1, 2014]: Sec. 49.2. (a) "~~Compact~~"; for purposes of IC 14-24-4.5;  
 28 has the meaning set forth in IC 14-24-4.5-2(8).
- 29 (b) "~~Compact~~", for purposes of IC 14-25-15, has the meaning set  
 30 forth in IC 14-25-15-1.
- 31 SECTION 72. IC 14-8-2-86.5 IS REPEALED [EFFECTIVE JULY  
 32 1, 2014]. Sec. 86.5: "~~Executive committee~~"; for purposes of  
 33 IC 14-24-4.5; has the meaning set forth in IC 14-24-4.5-2(7).
- 34 SECTION 73. IC 14-8-2-107, AS AMENDED BY P.L.133-2012,  
 35 SECTION 164, IS AMENDED TO READ AS FOLLOWS  
 36 [EFFECTIVE JULY 1, 2014]: Sec. 107. "Fund" has the following  
 37 meaning:  
 38 (1) For purposes of IC 14-9-5, the meaning set forth in  
 39 IC 14-9-5-1.  
 40 (2) For purposes of IC 14-9-8-21, the meaning set forth in  
 41 IC 14-9-8-21.  
 42 (3) For purposes of IC 14-9-8-21.5, the meaning set forth in



- 1 IC 14-9-8-21.5.  
 2 (4) For purposes of IC 14-9-9, the meaning set forth in  
 3 IC 14-9-9-3.  
 4 (5) For purposes of IC 14-12-1, the meaning set forth in  
 5 IC 14-12-1-1.  
 6 (6) For purposes of IC 14-12-2, the meaning set forth in  
 7 IC 14-12-2-2.  
 8 (7) For purposes of IC 14-12-3, the meaning set forth in  
 9 IC 14-12-3-2.  
 10 (8) For purposes of IC 14-13-1, the meaning set forth in  
 11 IC 14-13-1-2.  
 12 (9) For purposes of IC 14-13-2, the meaning set forth in  
 13 IC 14-13-2-3.  
 14 (10) For purposes of IC 14-16-1, the meaning set forth in  
 15 IC 14-16-1-30.  
 16 (11) For purposes of IC 14-19-8, the meaning set forth in  
 17 IC 14-19-8-1.  
 18 (12) For purposes of IC 14-20-11, the meaning set forth in  
 19 IC 14-20-11-2.  
 20 (13) For purposes of IC 14-22-3, the meaning set forth in  
 21 IC 14-22-3-1.  
 22 (14) For purposes of IC 14-22-4, the meaning set forth in  
 23 IC 14-22-4-1.  
 24 (15) For purposes of IC 14-22-5, the meaning set forth in  
 25 IC 14-22-5-1.  
 26 (16) For purposes of IC 14-22-8, the meaning set forth in  
 27 IC 14-22-8-1.  
 28 (17) For purposes of IC 14-22-34, the meaning set forth in  
 29 IC 14-22-34-2.  
 30 (18) For purposes of IC 14-23-3, the meaning set forth in  
 31 IC 14-23-3-1.  
 32 ~~(19) For purposes of IC 14-24-4.5, the meaning set forth in~~  
 33 ~~IC 14-24-4.5-2(5).~~  
 34 ~~(20)~~ **(19)** For purposes of IC 14-25-2-4, the meaning set forth in  
 35 IC 14-25-2-4.  
 36 ~~(21)~~ **(20)** For purposes of IC 14-25-10, the meaning set forth in  
 37 IC 14-25-10-1.  
 38 ~~(22)~~ **(21)** For purposes of IC 14-25.5, the meaning set forth in  
 39 IC 14-25.5-1-3.  
 40 ~~(23)~~ **(22)** For purposes of IC 14-28-5, the meaning set forth in  
 41 IC 14-28-5-2.  
 42 ~~(24)~~ **(23)** For purposes of IC 14-31-2, the meaning set forth in



- 1 IC 14-31-2-5.  
 2 ~~(25)~~ **(24)** For purposes of IC 14-25-12, the meaning set forth in  
 3 IC 14-25-12-1.  
 4 ~~(26)~~ **(25)** For purposes of IC 14-32-8, the meaning set forth in  
 5 IC 14-32-8-1.  
 6 ~~(27)~~ **(26)** For purposes of IC 14-33-14, the meaning set forth in  
 7 IC 14-33-14-3.  
 8 ~~(28)~~ **(27)** For purposes of IC 14-33-21, the meaning set forth in  
 9 IC 14-33-21-1.  
 10 ~~(29)~~ **(28)** For purposes of IC 14-34-6-15, the meaning set forth in  
 11 IC 14-34-6-15.  
 12 ~~(30)~~ **(29)** For purposes of IC 14-34-14, the meaning set forth in  
 13 IC 14-34-14-1.  
 14 ~~(31)~~ **(30)** For purposes of IC 14-34-19-1.3, the meaning set forth  
 15 in IC 14-34-19-1.3(a).  
 16 ~~(32)~~ **(31)** For purposes of IC 14-34-19-1.5, the meaning set forth  
 17 in IC 14-34-19-1.5(a).  
 18 ~~(33)~~ **(32)** For purposes of IC 14-37-10, the meaning set forth in  
 19 IC 14-37-10-1.

20 SECTION 74. IC 14-8-2-117, AS AMENDED BY P.L.225-2005,  
 21 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 2014]: Sec. 117. "Governing board", ~~has the following~~  
 23 ~~meaning:~~

- 24 ~~(1)~~ For purposes of IC 14-24-4.5, the meaning set forth in  
 25 ~~IC 14-24-4.5-2(6):~~  
 26 ~~(2)~~ for purposes of IC 14-28-5, **has** the meaning set forth in  
 27 IC 14-28-5-3.

28 SECTION 75. IC 14-8-2-203, AS AMENDED BY P.L.17-2009,  
 29 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30 JULY 1, 2014]: Sec. 203. "Pest or pathogen", ~~has the following~~  
 31 ~~meaning:~~

- 32 ~~(1)~~ Except as provided in IC 14-24-4.5, for purposes of IC 14-24,  
 33 means:  
 34 ~~(A)~~ **(1)** an arthropod;  
 35 ~~(B)~~ **(2)** a nematode;  
 36 ~~(C)~~ **(3)** a microorganism;  
 37 ~~(D)~~ **(4)** a fungus;  
 38 ~~(E)~~ **(5)** a parasitic plant;  
 39 ~~(F)~~ **(6)** a mollusk;  
 40 ~~(G)~~ **(7)** a plant disease; or  
 41 ~~(H)~~ **(8)** an exotic weed;  
 42 that may be injurious to nursery stock, agricultural crops, other



1 vegetation, natural resources, or bees.

2 ~~(2) For purposes of IC 14-24-4.5, the meaning set forth in~~  
 3 ~~IC 14-24-4.5-2(4).~~

4 SECTION 76. IC 14-8-2-239.5 IS REPEALED [EFFECTIVE JULY  
 5 1, 2014]. Sec. 239.5: "Requesting state", for purposes of IC 14-24-4.5;  
 6 has the meaning set forth in IC 14-24-4.5-2(2).

7 SECTION 77. IC 14-8-2-242.5 IS REPEALED [EFFECTIVE JULY  
 8 1, 2014]. Sec. 242.5: "Responding state", for purposes of IC 14-24-4.5;  
 9 has the meaning set forth in IC 14-24-4.5-2(3).

10 SECTION 78. IC 14-8-2-265, AS AMENDED BY P.L.225-2005,  
 11 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2014]: Sec. 265. "State", has the following meaning:

13 ~~(1) For purposes of IC 14-24-4.5, the meaning set forth in~~  
 14 ~~IC 14-24-4.5-2(1).~~

15 (2) for purposes of IC 14-28-1, IC 14-28-3, and IC 14-32, means  
 16 the following:

17 ~~(A) (1) The Indiana state government.~~

18 ~~(B) (2) An agency, a subdivision, an officer, a board, a bureau, a~~  
 19 ~~commission, a department, a division, or an instrumentality of the~~  
 20 ~~state.~~

21 SECTION 79. IC 14-15-2-7 IS AMENDED TO READ AS  
 22 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) As used in this  
 23 section, "sewage" means human body wastes.

24 (b) A person may not keep, maintain, or operate upon public water  
 25 a boat that is equipped with a water closet or toilet unless the water  
 26 closet or toilet is equipped with a holding tank with the capacity to  
 27 store wastes for subsequent disposal at:

28 (1) an approved shoreside facility or incinerator; or

29 (2) a treatment system approved by the department of  
 30 environmental management according to rules adopted by the  
 31 ~~solid waste management board or the water pollution control~~  
 32 ~~environmental rules~~ board.

33 (c) A person may not dispose of sewage accumulated in a holding  
 34 tank or any other container on a watercraft in a manner that the sewage  
 35 reaches or may reach public waters, except through a sewage disposal  
 36 facility approved by the department of environmental management  
 37 according to rules adopted by

38 ~~(1) the solid waste management board; or~~

39 ~~(2) the water pollution control environmental rules~~ board.

40 SECTION 80. IC 14-24-4.5 IS REPEALED [EFFECTIVE JULY 1,  
 41 2014]. (Pest Control Compact).

42 SECTION 81. IC 14-25-3-9 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. In granting a permit,  
2 the department may do the following:

3 (1) Impose the conditions or stipulations that are necessary to  
4 conserve the ground water of the area and prevent waste,  
5 exhaustion, or impairment of the ground water.

6 (2) Require that ground water in a restricted area that is  
7 withdrawn and used be returned to the ground through wells, pits,  
8 or spreading grounds. If this condition is imposed, the water shall  
9 be returned under the rules that the department adopts subject to  
10 the approval of the ~~water pollution control~~ **environmental rules**  
11 board to avoid pollution of underground water.

12 SECTION 82. IC 14-25-4-5 IS AMENDED TO READ AS  
13 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. As used in this  
14 chapter, "potable water" means water that at the point of use is  
15 acceptable for human consumption under drinking water quality  
16 standards adopted by the ~~water pollution control~~ **environmental rules**  
17 board under IC 13-18-4-1.

18 SECTION 83. IC 14-33-6-4 IS AMENDED TO READ AS  
19 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The commission  
20 shall do the following:

21 (1) Review each district plan.

22 (2) Request the technical assistance of any other state agency,  
23 including:

24 (A) the ~~water pollution control~~ **environmental rules** board;

25 (B) the state department of health; and

26 (C) the department of environmental management;

27 having administrative jurisdiction over any of the purposes of the  
28 district.

29 (b) The commission may also request technical assistance of any  
30 federal agency.

31 (c) The commission shall approve a plan if the following conditions  
32 are met:

33 (1) Any other state agency having authority over certain purposes  
34 of the district has approved that part of the plan.

35 (2) The commission finds that the plan accomplishes in an  
36 economical manner the purpose for which the district is  
37 established.

38 (d) The commission may reject a plan or any part of a plan.

39 The board may make the changes that are necessary to secure the  
40 approval of the commission.

41 SECTION 84. IC 16-18-2-116.4 IS ADDED TO THE INDIANA  
42 CODE AS A NEW SECTION TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2014]: **Sec. 116.4. "Environmental rules**  
 2 **board", for purposes of IC 16-41, refers to the board established**  
 3 **by IC 13-13-8-3.**

4 SECTION 85. IC 16-18-2-372 IS REPEALED [EFFECTIVE JULY  
 5 1, 2014]. ~~Sec. 372: "Water board", for purposes of IC 16-41, refers to~~  
 6 ~~the board established by IC 13-13-8-3.~~

7 SECTION 86. IC 16-19-3-4, AS AMENDED BY P.L.83-2007,  
 8 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9 JULY 1, 2014]: Sec. 4. (a) The executive board may, by an affirmative  
 10 vote of a majority of its members, adopt reasonable rules on behalf of  
 11 the state department to protect or to improve the public health in  
 12 Indiana.

13 (b) The rules may concern but are not limited to the following:

- 14 (1) Nuisances dangerous to public health.
- 15 (2) The pollution of any water supply other than where  
 16 jurisdiction is in the ~~water pollution control~~ **environmental rules**  
 17 board and department of environmental management.
- 18 (3) The disposition of excremental and sewage matter.
- 19 (4) The control of fly and mosquito breeding places.
- 20 (5) The detection, reporting, prevention, and control of diseases  
 21 that affect public health.
- 22 (6) The care of maternity and infant cases and the conduct of  
 23 maternity homes.
- 24 (7) The production, distribution, and sale of human food.
- 25 (8) Except as provided in section 4.4 of this chapter, the conduct  
 26 of camps.
- 27 (9) Standards of cleanliness of eating facilities for the public.
- 28 (10) Standards of cleanliness of sanitary facilities offered for  
 29 public use.
- 30 (11) The handling, disposal, disinterment, and reburial of dead  
 31 human bodies.
- 32 (12) Vital statistics.
- 33 (13) Sanitary conditions and facilities in public buildings and  
 34 grounds, including plumbing, drainage, sewage disposal, water  
 35 supply, lighting, heating, and ventilation, other than where  
 36 jurisdiction is vested by law in the fire prevention and building  
 37 safety commission or other state agency.
- 38 (14) The design, construction, and operation of swimming and  
 39 wading pools. However, the rules governing swimming and  
 40 wading pools do not apply to a pool maintained by an individual  
 41 for the sole use of the individual's household and house guests.

42 SECTION 87. IC 16-41-21-2 IS AMENDED TO READ AS





1 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. Water supply and  
 2 sewage disposal facilities serving schools must be constructed and  
 3 operated in accordance with applicable rules of the state department  
 4 and the ~~water pollution control~~ **environmental rules** board.

5 SECTION 88. IC 16-41-24-6 IS AMENDED TO READ AS  
 6 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. The state department  
 7 shall enforce this chapter and the statutes relating to pollution of waters  
 8 and public water supply, except where jurisdiction is vested in the  
 9 ~~water pollution control~~ **environmental rules** board and the department  
 10 of environmental management.

11 SECTION 89. IC 16-41-26-8 IS AMENDED TO READ AS  
 12 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) Except as  
 13 provided in subsection (b), the state department shall adopt rules under  
 14 IC 4-22-2 necessary to protect the health, safety, and welfare of persons  
 15 living in agricultural labor camps, prescribing standards for living  
 16 quarters at agricultural labor camps, including provisions relating to  
 17 construction of camps, sanitary conditions, light, air, safety protection  
 18 from fire hazards, equipment, maintenance and operation of the camp,  
 19 sewage disposal through septic tank absorption fields, and other  
 20 matters appropriate for the security of the life and health of occupants.

21 (b) The ~~water pollution control~~ **environmental rules** board shall  
 22 adopt rules under IC 4-22-2 pertaining to water supplies and sewage  
 23 disposal systems other than septic tank absorption fields required for  
 24 agricultural labor camps.

25 (c) In the preparation of rules, the state department:

26 (1) shall consult with and request technical assistance from other  
 27 appropriate state agencies; and

28 (2) may appoint and consult with committees of technically  
 29 qualified persons and of representatives of employers and  
 30 employees.

31 (d) If a conflict exists between rules adopted under this chapter and  
 32 rules adopted by the fire prevention and building safety commission,  
 33 the rules authorized in this section apply.

34 (e) A copy of every rule adopted under this chapter shall be sent to  
 35 each health officer in Indiana and to the heads of other state agencies  
 36 with specific or related responsibility affecting agricultural labor camps  
 37 and to any person requesting the rules. The rules affecting agricultural  
 38 labor camps adopted under this chapter shall be published periodically  
 39 in the manner the state department determines.

40 SECTION 90. IC 16-41-27-8, AS AMENDED BY P.L.87-2005,  
 41 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42 JULY 1, 2014]: Sec. 8. (a) Except as provided in subsection (b), the



1 state department may adopt rules under IC 4-22-2 to carry out this  
2 chapter, including rules for the following:

- 3 (1) Health, sanitation, and safety.
- 4 (2) Sewage collection.
- 5 (3) Sewage disposal through septic tank absorption fields.

6 (b) The ~~water~~ **environmental rules** board shall adopt rules under  
7 IC 4-22-2 concerning the following:

- 8 (1) Public water supplies required for mobile home communities.
- 9 (2) Sewage disposal systems other than septic tank absorption  
10 fields.

11 SECTION 91. IC 16-41-27-10, AS AMENDED BY P.L.87-2005,  
12 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13 JULY 1, 2014]: Sec. 10. A mobile home community shall provide a  
14 water supply through the use of a public water system if the water  
15 supply is reasonably available within a reasonable distance from the  
16 mobile home community. A mobile home community is not required  
17 to use a public water system if the water system is more than two  
18 thousand (2,000) feet from the mobile home community. If a public  
19 water system is not available, water shall be provided by a system  
20 approved by the environmental commissioner under rules adopted by  
21 the ~~water pollution control~~ **environmental rules** board.

22 SECTION 92. IC 16-41-27-22, AS AMENDED BY P.L.87-2005,  
23 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
24 JULY 1, 2014]: Sec. 22. (a) The construction of a new mobile home  
25 community or alteration of an existing mobile home community shall  
26 be made only after plans for the proposed construction or alteration  
27 have been forwarded to and approved by the state department.

28 (b) A public water system may not be constructed or altered in a  
29 new or existing mobile home community until plans for the  
30 construction or alteration have been forwarded to and approved by the  
31 environmental commissioner under rules adopted by the ~~water~~  
32 **environmental rules** board.

33 (c) A sewage collection and disposal system may not be constructed  
34 or altered in a new or existing mobile home community until:

- 35 (1) plans for construction or alteration of the sewage collection  
36 system and any septic tank absorption field have been forwarded  
37 to and approved by the state department under rules adopted by  
38 the state department; and
- 39 (2) plans for construction or alteration of any sewage disposal  
40 system other than a septic tank absorption field have been  
41 forwarded to and approved by the environmental commissioner  
42 under rules adopted by the ~~water~~ **environmental rules** board.



1 SECTION 93. IC 16-41-27-25 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 25. (a) The state  
 3 department shall adopt a schedule of civil penalties that may be levied  
 4 in an action to enforce the following:

5 (1) This chapter.

6 (2) The rules of the state department.

7 (3) The rules adopted under this chapter by the ~~water~~  
 8 **environmental rules** board.

9 (b) A penalty included in the schedule of civil penalties adopted  
 10 under subsection (a) may not exceed one thousand dollars (\$1,000) per  
 11 violation per day.

12 (c) The state department may issue an order of compliance, impose  
 13 a civil penalty included in the schedule of civil penalties adopted under  
 14 subsection (a), or both, against a person who:

15 (1) fails to comply with this chapter or a rule adopted under this  
 16 chapter; or

17 (2) interferes with or obstructs the state department or the state  
 18 department's designated agent in the performance of duties under  
 19 this chapter.

20 (d) An order of compliance may be issued under IC 4-21.5-3-6,  
 21 IC 4-21.5-3-8, or IC 4-21.5-4. A civil penalty may be imposed only in  
 22 a proceeding under IC 4-21.5-3-8.

23 (e) A proceeding to impose a civil penalty may be consolidated with  
 24 any other proceedings to enforce any of the following:

25 (1) This chapter.

26 (2) The rules of the state department.

27 (3) The rules adopted under this chapter by the ~~water pollution~~  
 28 **control environmental rules** board.

29 SECTION 94. IC 16-41-35-38 IS AMENDED TO READ AS  
 30 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 38. The powers, duties,  
 31 and functions of the state department under this chapter do not affect  
 32 the powers, duties, and functions of the state department or the ~~water~~  
 33 **pollution control environmental rules** board under any other law.

34 SECTION 95. IC 20-26-5-6, AS ADDED BY P.L.1-2005,  
 35 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 JULY 1, 2014]: Sec. 6. All powers delegated to the governing body of  
 37 a school corporation under section 1 or 4 of this chapter are subject to  
 38 all laws subjecting the school corporation to regulation by a state  
 39 agency, including the state superintendent, state board of accounts,  
 40 state police department, fire prevention and building safety  
 41 commission, department of local government finance, ~~water pollution~~  
 42 **control environmental rules** board, state school bus committee, state



1 department of health, and any local governmental agency to which the  
 2 state has been delegated a specific authority in matters other than  
 3 educational matters and other than finance, including plan  
 4 commissions, zoning boards, and boards concerned with health and  
 5 safety.

6 SECTION 96. IC 22-1-1-11, AS AMENDED BY P.L.35-2007,  
 7 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JULY 1, 2014]: Sec. 11. The commissioner of labor is authorized and  
 9 directed to do the following:

10 (1) To investigate and adopt rules under IC 4-22-2 prescribing  
 11 what safety devices, safeguards, or other means of protection shall  
 12 be adopted for the prevention of accidents in every employment  
 13 or place of employment, to determine what suitable devices,  
 14 safeguards, or other means of protection for the prevention of  
 15 industrial accidents or occupational diseases shall be adopted or  
 16 followed in any or all employments or places of employment, and  
 17 to adopt rules under IC 4-22-2 applicable to either employers or  
 18 employees, or both for the prevention of accidents and the  
 19 prevention of industrial or occupational diseases.

20 ~~(2) Whenever, in the judgment of the commissioner of labor, any~~  
 21 ~~place of employment is not being maintained in a sanitary manner~~  
 22 ~~or is being maintained in a manner detrimental to the health of the~~  
 23 ~~employees therein; to obtain any necessary technical or expert~~  
 24 ~~advice and assistance from the state department of health. The~~  
 25 ~~state department of health, upon the request of the commissioner~~  
 26 ~~of labor, shall furnish technical or expert advice and assistance to~~  
 27 ~~the commissioner and take the steps authorized or required by the~~  
 28 ~~health laws of the state:~~

29 ~~(3) (2)~~ Annually forward the report received from the mining  
 30 board under IC 22-10-1.5-5(a)(5) to the legislative council in an  
 31 electronic format under IC 5-14-6 and request from the general  
 32 assembly funding for necessary additional mine inspectors.

33 ~~(4) (3)~~ Administer the mine safety fund established under  
 34 IC 22-10-12-16.

35 SECTION 97. IC 22-2-11 IS REPEALED [EFFECTIVE JULY 1,  
 36 2014]. (Payroll Bond for Benefit of Employees).

37 SECTION 98. IC 22-8-1.1-13 IS AMENDED TO READ AS  
 38 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. The commission  
 39 shall meet at the call of the commissioner **or** the chairman or upon the  
 40 written request of any four (4) members. However, the commission  
 41 shall meet at least ~~every three (3) months~~ **one (1) time per year** at the  
 42 call of the commissioner to conduct the business that comes before the



1 commission.

2 SECTION 99. IC 22-13-2-2, AS AMENDED BY P.L.101-2006,  
3 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2014]: Sec. 2. (a) The commission shall adopt rules under  
5 IC 4-22-2 to adopt a statewide code of fire safety laws and building  
6 laws.

7 (b) Before December 1, 2003, the commission shall adopt the most  
8 recent edition, including addenda, of the following national codes by  
9 rules under IC 4-22-2 and IC 22-13-2.5 (before its repeal):

- 10 (1) ANSI A10.4 (Safety Requirements for Personnel Hoists).  
11 (2) ASME A17.1 (Safety Code for Elevators and Escalators, an  
12 American National Standard).  
13 (3) ASME A18.1 (Safety Standard for Platform Lifts and Stairway  
14 Chairlifts, American National Standard).  
15 (4) ASME QEI-1 (Standard for the Qualification of Elevator  
16 Inspectors, an American National Standard).  
17 (5) The American Society of Civil Engineers (ASCE) Automated  
18 People Mover Standard 21.  
19 (6) ANSI A90.1 Safety Code for Manlifts.

20 (c) Before July 1, 2006, the commission shall adopt the most recent  
21 edition, including addenda, of ASME A17.3 (Safety Code for Existing  
22 Elevators and Escalators, an American National Standard) by rules  
23 under IC 4-22-2 and IC 22-13-2.5 (before its repeal).

24 (d) The commission shall adopt the subsequent edition of each  
25 national code, including addenda, to be adopted as provided under  
26 subsections (b) and (c) within eighteen (18) months after the effective  
27 date of the subsequent edition.

28 (e) The commission may amend the national codes as a condition of  
29 the adoption under subsections (b), (c), and (d).

30 (f) ~~To the extent that the following sections of the International Fire~~  
31 ~~Code, 2000 edition, as adopted by reference in 675 IAC 22-2.3-1, apply~~  
32 ~~to tents or canopies in which cooking does not occur, the commission~~  
33 ~~shall suspend enforcement of the following sections of the International~~  
34 ~~Fire Code, 2000 edition, until the division of fire and building safety~~  
35 ~~recommends amendments to the commission under subsection (h) and~~  
36 ~~the commission adopts rules under subsection (i) based on the~~  
37 ~~recommendations:~~

- 38 (1) ~~Section 2406.1 (675 IAC 22-2.3-233).~~  
39 (2) ~~Section 2406.2.~~  
40 (3) ~~Section 2406.3.~~

41 (g) ~~To the extent that section 2403.2 of the International Fire Code,~~  
42 ~~2000 edition, as adopted by reference in 675 IAC 22-2.3-1, applies to~~



1 a tent or canopy in which there is an open flame, the commission shall  
 2 suspend enforcement of section 2403.2 until the division of fire and  
 3 building safety recommends amendments to section 2403.2 to the  
 4 commission under subsection (h) and the commission adopts rules  
 5 under subsection (i) based on the recommendations and amending  
 6 section 2403.2.

7 (h) The division of fire and building safety shall recommend  
 8 amendments to the commission to the following sections of the  
 9 International Fire Code, 2000 edition, as adopted by reference in 675  
 10 IAC 22-2.3-1:

11 (1) Section 2403.2.

12 (2) Section 2406.1 (675 IAC 22-2.3-233).

13 (3) Section 2406.2.

14 (4) Section 2406.3.

15 (i) After receiving and considering recommendations from the  
 16 division of fire and building safety under subsection (h), and using the  
 17 procedure set forth in IC 4-22-2-38, the commission shall amend the  
 18 following sections of the International Fire Code, 2000 edition, as  
 19 adopted by reference in 675 IAC 22-2.3-1:

20 (1) Section 2403.2.

21 (2) Section 2406.1 (675 IAC 22-2.3-233).

22 (3) Section 2406.2.

23 (4) Section 2406.3.

24 SECTION 100. IC 27-1-17-4, AS AMENDED BY P.L.193-2006,  
 25 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26 JULY 1, 2014]: Sec. 4. Whenever a foreign or an alien insurance  
 27 company desires to be admitted to do an insurance business in this  
 28 state, it shall execute in the English language and present the following  
 29 to the department, at its office, accompanied by the fees prescribed by  
 30 law:

31 (1) A copy of its articles of incorporation or association, with all  
 32 amendments thereto, duly authenticated by the proper officer of  
 33 the state, country, province, or government wherein it is  
 34 incorporated or organized, or the state in which it is domiciled in  
 35 the United States.

36 (2) An application for admission, executed in the manner  
 37 provided in this chapter, setting forth:

38 (A) the name of such company;

39 (B) the location of its principal office or place of business  
 40 without this state;

41 (C) the names of the states in which it has been admitted or  
 42 qualified to do business;



- 1 (D) the character of insurance business under its articles of  
 2 incorporation or association which it intends to transact in this  
 3 state, which must conform to the class or classes set forth in  
 4 the provisions of IC 27-1-5-1;
- 5 (E) the total authorized capital stock of the company and the  
 6 amount thereof issued and outstanding, and the surplus  
 7 required of such company by the laws of the state, country,  
 8 province, or government under which it is organized, or the  
 9 state in which it is domiciled in the United States, if a stock  
 10 company, which shall equal at least the requirements set forth  
 11 in section 5(a) of this chapter;
- 12 (F) the total amount of assets and the surplus of assets over all  
 13 its liabilities, if other than a stock company, which shall equal  
 14 at least the requirements set forth in section 5(b) of this  
 15 chapter;
- 16 (G) if an alien company, the surplus of assets invested  
 17 according to the laws of the state in the United States where it  
 18 has its deposit, which shall equal at least the requirements set  
 19 forth in section 5(c) of this chapter; and
- 20 (H) such further and additional information as the department  
 21 may from time to time require.
- 22 The application shall be signed, ~~in duplicate~~, in the form  
 23 prescribed by the department, by the president or a vice president  
 24 and the secretary or an assistant secretary of the corporation, and  
 25 verified under oath by the officers signing the same.
- 26 (3) A statement of its financial condition and business, in the form  
 27 prescribed by law for annual statements, signed and sworn to by  
 28 the president or secretary or other principal officers of the  
 29 company; provided, however, that an alien company shall also  
 30 furnish a separate statement comprising only its condition and  
 31 business in the United States, which shall be signed and sworn to  
 32 by its United States manager.
- 33 (4) A copy of the last report of examination certified to by the  
 34 insurance commissioner or other proper supervisory official of the  
 35 state in which such company is domiciled; provided, however,  
 36 that the commissioner may cause an examination to be made of  
 37 the condition and affairs of such company before authority to  
 38 transact business in this state is given.
- 39 (5) A certificate from the proper official of the state, country,  
 40 province, or government wherein it is incorporated or organized,  
 41 or the state in which it is domiciled in the United States, that it is  
 42 duly organized or incorporated under those laws and authorized



1 to make the kind or kinds of insurance which it proposes to make  
 2 in this state.  
 3 (6) A copy of its bylaws or regulations, if any, certified to by the  
 4 secretary or similar officer of the insurance company.  
 5 (7) A duly executed power of attorney in a form prescribed by the  
 6 department which constitutes and appoints an individual or a  
 7 corporate resident of Indiana, or an authorized Indiana insurer, as  
 8 the insurance company's agent, its true and lawful attorney upon  
 9 whom, except as provided in section 4.2 of this chapter, all lawful  
 10 processes in any action in law or in equity against it shall be  
 11 served. Such power of attorney shall contain an agreement by the  
 12 insurance company that any lawful process against it which may  
 13 be served upon the agent as its attorney shall be of the same force  
 14 and validity as if served upon the insurance company and that  
 15 such power of attorney shall continue in force and be irrevocable  
 16 so long as any liability of the insurance company remains  
 17 outstanding in this state. Such power of attorney shall be executed  
 18 by the president and secretary of the insurance company or other  
 19 duly authorized officers under its seal and shall be accompanied  
 20 by a certified copy of the resolution of the board of directors of  
 21 the company making said appointment and authorizing the  
 22 execution of said power of attorney. Service of any lawful process  
 23 shall be by delivering to and leaving with the agent two (2) copies  
 24 of such process, with copy of the pertinent complaint attached.  
 25 The agent shall forthwith transmit to the defendant company at its  
 26 last known principal place of business by registered or certified  
 27 mail, return receipt requested, one (1) of the copies of such  
 28 process, with complaint attached, the other copy to be retained in  
 29 a record which shall show all process served upon and transmitted  
 30 by ~~him~~: **the agent**. Such service shall be sufficient provided the  
 31 returned receipt or, if the defendant company shall refuse to  
 32 accept such mailing, the registered mail together with an affidavit  
 33 of plaintiff or ~~his~~ **the plaintiff's** attorney stating that service was  
 34 made upon the agent and forwarded as above set forth but that  
 35 such mail was returned by the post office department is filed with  
 36 the court. The agent shall make information and receipts available  
 37 to plaintiff, defendant or their attorneys. No plaintiff or  
 38 complainant shall be entitled to a judgment by default based on  
 39 service authorized by this section until the expiration of at least  
 40 thirty (30) days from the date on which either the post office  
 41 receipt or the unclaimed mail together with affidavit is filed with  
 42 the court. Nothing in this section shall limit or abridge the right





1 to serve any process, notice, or demand upon any company in any  
2 other manner permitted by law.

3 (8) Proof which satisfies the department that it has complied with  
4 the financial requirements imposed in this chapter upon foreign  
5 and alien insurance companies which transact business in this  
6 state and that it is entitled to public confidence and that its  
7 admission to transact business in this state will not be prejudicial  
8 to public interest.

9 SECTION 101. IC 34-6-2-52 IS AMENDED TO READ AS  
10 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 52. "Hazardous  
11 substance", for purposes of IC 34-30-6, means:

12 (1) a material or waste that has been determined to be hazardous  
13 or potentially hazardous to any individual, to property, or to the  
14 environment by the United States Environmental Protection  
15 Agency, the federal Nuclear Regulatory Commission, the United  
16 States Department of Transportation, the ~~solid waste management~~  
17 **environmental rules** board, or the United States Occupational  
18 Safety and Health Agency or any agent or designee of any of the  
19 above mentioned boards, agencies, or commission; or

20 (2) any substance that may be potentially hazardous to any person,  
21 to property or to the environment.

22 SECTION 102. IC 35-52-25-18 IS REPEALED [EFFECTIVE JULY  
23 1, 2014]. ~~Sec. 18. IC 25-18-1-19 defines a crime concerning distress~~  
24 ~~sales.~~

25 SECTION 103. IC 36-9-23-16 IS AMENDED TO READ AS  
26 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. (a) A municipality  
27 that does not have a sewage treatment plant, and wants to acquire,  
28 construct, improve, operate, and maintain sewage works other than a  
29 sewage treatment plant, may proceed under this chapter only if it first  
30 contracts for the required treatment of the sewage emanating from its  
31 works.

32 (b) A municipality owning and operating facilities for sewage  
33 treatment may contract to treat all or part of the sewage of:

34 (1) any other municipality;

35 (2) any facility of the department of correction; or

36 (3) if a contract described in subdivision (2) is in effect, any  
37 person or entity, a municipal corporation, a private corporation,  
38 or a federal government facility that is located within five (5)  
39 miles of the sewer line connecting the municipality to the facility  
40 of the department of correction under the contract.

41 The contracts must be authorized by ordinance and are subject to  
42 approval by the department of environmental management according



1 to rules adopted by the ~~water pollution control~~ **environmental rules**  
 2 board as to the sufficiency of the provision for sewage treatment.

3 (c) Unless otherwise provided in the authorizing ordinance or  
 4 governing indenture, the revenues received by the owner under the  
 5 contract are considered a part of the revenues of the owner's sewage  
 6 treatment facilities, and shall be applied in accordance with the  
 7 applicable statutes.

8 (d) The necessary intercepting and connecting sewers and  
 9 appurtenances to connect the sewage treatment facilities and sewage  
 10 works of the contracting parties may be constructed in part or in whole  
 11 by either of the contracting parties, as provided in the contract. For a  
 12 municipality, the money to pay for this construction may be provided  
 13 by the issuance of bonds under the applicable statutes, as part of the  
 14 cost of the facilities or works of the respective parties.

15 (e) All bonds issued under this section are payable before the  
 16 expiration date of the contract. The parties may contract for the terms  
 17 of the bonds, and for any term or terms beyond the last maturity of the  
 18 bonds.

19 SECTION 104. IC 36-9-23-35 IS AMENDED TO READ AS  
 20 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 35. No proceedings  
 21 other than those prescribed by this chapter are required for:

- 22 (1) the construction or acquisition of sewage works;
- 23 (2) the issuance or sale of bonds; or
- 24 (3) the establishment of fees;

25 under this chapter. However, the functions, powers, and duties of the  
 26 department of environmental management, the ~~water pollution control~~  
 27 **environmental rules** board, and the state department of health are not  
 28 affected by this chapter.

29 SECTION 105. IC 36-9-24-10 IS AMENDED TO READ AS  
 30 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. A lease under this  
 31 chapter does not become effective until its provisions for sewage  
 32 treatment have been found sufficient by the department of  
 33 environmental management according to rules adopted by the ~~state~~  
 34 **water pollution control environmental rules** board.

35 SECTION 106. IC 36-9-30-4 IS AMENDED TO READ AS  
 36 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. A unit acting under  
 37 this chapter must obtain approval from the department of  
 38 environmental management, according to rules adopted by the ~~solid~~  
 39 **waste management environmental rules** board, for any method or  
 40 methods used for the disposal of solid waste before obtaining land or  
 41 facilities. One (1) or more of the methods listed below may be used:

- 42 (1) A unit may use a sanitary landfill. If a sanitary landfill is to be



- 1 used, information necessary to evaluate the project shall be  
 2 submitted to the department of environmental management for  
 3 review and approval before the purchase of land or equipment.
- 4 (2) A unit may use incineration. If incineration is to be used, the  
 5 plans and specifications of each incinerating plant or other  
 6 facility, along with other information necessary to evaluate the  
 7 project, shall be submitted to the department of environmental  
 8 management for review and approval before construction of the  
 9 facilities. The plans must include an approved method for the  
 10 disposal of noncombustible solid waste and incinerator residue.
- 11 (3) A unit may use composting. If composting is to be used, the  
 12 plans and specifications of composting facilities, along with other  
 13 information necessary to evaluate the project, shall be submitted  
 14 to the department of environmental management for review and  
 15 approval before construction of the facilities. The plans must  
 16 provide for the proper disposal of all solid waste that is not  
 17 suitable for composting.
- 18 (4) A unit may use a garbage grinding system involving the  
 19 separate collection and disposal of garbage into a community  
 20 sewerage system through commercial-type grinders or  
 21 community-wide installation of individual grinders. As used in  
 22 this subdivision, "garbage" means all decayable solid and  
 23 semisolid wastes resulting from the processing, preparation,  
 24 cooking, serving, or consumption of food or food materials. The  
 25 plans and specifications for the garbage grinding facilities, along  
 26 with other information necessary to evaluate the project, shall be  
 27 submitted to the department of environmental management for  
 28 review and approval before construction or installation of the  
 29 facilities. The plans must provide for the proper disposal of all  
 30 solid waste that is not suitable for grinding.
- 31 (5) A unit may use any other suitable methods or facilities for the  
 32 disposal of solid waste, if the plans and specifications, along with  
 33 other information necessary to evaluate the project, are submitted  
 34 to the department of environmental management for review and  
 35 approval before the acquisition, construction, installation, or  
 36 operation of the method or facility.
- 37 SECTION 107. IC 36-9-30-33 IS AMENDED TO READ AS  
 38 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 33. The ~~solid waste~~  
 39 **management environmental rules** board may adopt rules under  
 40 IC 4-22-2 to carry out this chapter.
- 41 SECTION 108. IC 36-9-30-35 IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 35. (a) Solid waste may



1 be disposed of on land only through use of sanitary landfills,  
2 incineration, composting, garbage grinding, or other acceptable  
3 methods approved by the department of environmental management in  
4 accordance with rules adopted by the ~~solid waste management~~  
5 **environmental rules** board. A person may not operate or maintain an  
6 open dump.

7 (b) A person may not operate or maintain facilities for the collection  
8 and disposal of solid waste, except as set out in section 4 of this chapter  
9 or under rules adopted by the ~~solid waste management~~ **environmental**  
10 **rules** board.

11 (c) Failure to comply with this section constitutes the operation of  
12 a nuisance inimical to human health. A prosecuting attorney who  
13 receives a report of such a failure from the department of  
14 environmental management, a solid waste management district, or a  
15 local health officer shall cause appropriate court proceedings to be  
16 instituted.

17 (d) A person who fails to comply with this section commits a Class  
18 C infraction. If the violation is of a continuing nature, each day of  
19 failure to comply constitutes a separate infraction.

20 (e) The department of environmental management may bring  
21 proceedings for injunctive or mandatory relief through the attorney  
22 general against any person (including any agency of the state or federal  
23 government) for failure to comply with this section.

24 **SECTION 109. An emergency is declared for this act.**



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Select Committee on Government Reduction, to which was referred House Bill 1005, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-10-10 IS REPEALED [EFFECTIVE JULY 1, 2014]. (Cancellation and Reissue of Warrants Outstanding More Than Two Years).".

Page 1, delete lines 10 through 14, begin a new paragraph and insert:

"SECTION 3. IC 4-20.5-6-9.4 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 9-4: The department and the office of the secretary of family and social services shall establish policies that prohibit the construction of fences and bleachers on real property that is part of the Evansville State Hospital. This section applies to real property used either by:

- (1) Evansville State Hospital for recreational purposes; or
- (2) an entity using part of the property of the hospital with the permission of the hospital.

SECTION 4. IC 4-20.5-7-2.5 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 2-5: (a) This section applies to real property that is part of Evansville State Hospital:

(b) The transfer of real property of Evansville State Hospital must include a provision that no fences or bleachers may be constructed on the real property being transferred. The deed transferring real property must include a provision that the real property reverts to the state if bleachers or fences are constructed on the real property.".

Page 2, delete lines 1 through 17.

Page 3, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 6. IC 5-2-6.1-12, AS AMENDED BY P.L.161-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. Except as provided in sections 13 through 15 of this chapter, the following persons are eligible for assistance under this chapter:

- (1) A resident of Indiana who is a victim of a violent crime committed:
  - (A) in Indiana; or
  - (B) in a jurisdiction other than Indiana, including a foreign country, if the jurisdiction in which the violent crime occurs



does not offer assistance to a victim of a violent crime that is substantially similar to the assistance offered under this chapter.

(2) A nonresident of Indiana who is a victim of a violent crime committed in Indiana.

(3) A surviving spouse or dependent child of a victim of a violent crime who died as a result of that crime.

(4) Any other person legally dependent for principal support upon a victim of a violent crime who died as a result of that crime.

(5) A person who is injured or killed while trying to prevent a violent crime or an attempted violent crime from occurring in the person's presence or while trying to apprehend a person who had committed a violent crime.

(6) A surviving spouse or dependent child of a person who dies as a result of:

(A) trying to prevent a violent crime or an attempted violent crime from occurring in the presence of the deceased person; or

(B) trying to apprehend a person who had committed a violent crime.

(7) A person legally dependent for principal support upon a person who dies as a result of:

(A) trying to prevent a violent crime or an attempted violent crime from occurring in the presence of the deceased person; or

(B) trying to apprehend a person who had committed a violent crime.

(8) A person who is injured or killed while giving aid and assistance to:

(A) a law enforcement officer in the performance of the officer's lawful duties; or

(B) a member of a fire department who is being obstructed from performing lawful duties.

~~(9) A law enforcement agency or person that owns a law enforcement animal that is permanently disabled or killed as a result of a violation of IC 35-46-3-11.~~

SECTION 7. IC 5-2-6.1-21.1, AS AMENDED BY P.L.161-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 21.1. (a) This section applies to claims filed with the division after June 30, 2009.

(b) This subsection does not apply to reimbursement for forensic and evidence gathering services provided under section 39 of this



chapter.

(c) An award may not be made unless the claimant has incurred an out-of-pocket loss of at least one hundred dollars (\$100).

(d) Subject to subsections (b) and (c), the division may order the payment of compensation under this chapter for any of the following:

(1) Reasonable expenses incurred within one hundred eighty (180) days after the date of the violent crime for necessary:

(A) medical, chiropractic, hospital, dental, optometric, and ambulance services;

(B) prescription drugs; and

(C) prosthetic devices;

that do not exceed the claimant's out-of-pocket loss.

(2) Loss of income:

(A) the victim would have earned had the victim not died or been injured, if the victim was employed at the time of the violent crime; or

(B) the parent, guardian, or custodian of a victim who is less than eighteen (18) years of age incurred by taking time off from work to care for the victim.

A claimant seeking reimbursement under this subdivision must provide the division with proof of employment and current wages.

(3) Reasonable emergency shelter care expenses, not to exceed the expenses for thirty (30) days, that are incurred for the claimant or a dependent of the claimant to avoid contact with a person who committed the violent crime.

(4) Reasonable expense incurred for child care, not to exceed one thousand dollars (\$1,000), to replace child care the victim would have supplied had the victim not died or been injured.

(5) Loss of financial support the victim would have supplied to legal dependents had the victim not died or been injured.

(6) Documented expenses incurred for funeral, burial, or cremation of the victim that do not exceed five thousand dollars (\$5,000). The division shall disburse compensation under this subdivision in accordance with guidelines adopted by the division.

(7) Outpatient mental health counseling, not to exceed three thousand dollars (\$3,000), concerning mental health issues related to the violent crime.

~~(8) As compensation for a law enforcement animal that is permanently disabled or killed as a result of a violation of IC 35-46-3-11, the cost of replacing the animal, which may include the cost of training the animal.~~



~~(9)~~ **(8)** Other actual expenses related to bodily injury to or the death of the victim that the division determines are reasonable.

(e) If a health care provider accepts payment from the division under this chapter, the health care provider may not require the victim to pay a copayment or an additional fee for the provision of services.

(f) A health care provider who seeks compensation from the division under this chapter may not simultaneously seek funding for services provided to a victim from any other source.

(g) The director may extend the one hundred eighty (180) day compensation period established by subsection (d)(1) for a period not to exceed two (2) years after the date of the violent crime if:

- (1) the victim or the victim's representative requests the extension; and
- (2) medical records and other documentation provided by the attending medical providers indicate that an extension is appropriate.

(h) The director may extend the one hundred eighty (180) day compensation period established by subsection (d)(1) for outpatient mental health counseling, established by subsection (d)(7), if the victim:

- (1) was allegedly a victim of a sex crime (under IC 35-42-4) or incest (under IC 35-46-1-3);
- (2) was under eighteen (18) years of age at the time of the alleged crime; and
- (3) did not reveal the crime within two (2) years after the date of the alleged crime.

SECTION 8. IC 5-2-6.1-22, AS AMENDED BY P.L.161-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 22. (a) The state is subrogated to the rights of the victim ~~or claimant~~ to whom an award is granted to the extent of the award.

(b) The subrogation rights are against the perpetrator of the crime or a person liable for the pecuniary loss.

(c) If the victim ~~or claimant~~ initiates a civil action against the perpetrator of the crime or against the person liable for the pecuniary loss, the victim ~~or claimant~~ shall promptly notify the division of the filing of the civil action.

SECTION 9. IC 5-2-6.1-23, AS AMENDED BY P.L.161-2013, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 23. (a) In addition to the subrogation rights under section 22 of this chapter, the state is entitled to a lien in the amount of the award on a recovery made by or on behalf of the victim. ~~or~~





claimant.

(b) The state may:

- (1) recover the amount under subsection (a) in a separate action;
- or
- (2) intervene in an action brought by or on behalf of the victim. ~~or claimant.~~

(c) If the claimant brings the action, the claimant may deduct from the money owed to the state under the lien the state's pro rata share of the reasonable expenses for the court suit, including attorney's fees of not more than fifteen percent (15%).

SECTION 10. IC 5-2-6.1-26, AS AMENDED BY P.L.161-2013, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 26. (a) If an application is complete, the division shall accept the application for filing and investigate the facts stated in the application.

(b) As part of the investigation, the division shall verify that:

- (1) a
  - ~~(A) violent crime or~~
  - ~~(B) crime under IC 35-46-3-11, for purposes of compensation payable under section 12(9) of this chapter;~~
 was committed;
- (2) the victim was killed or suffered bodily injury as a result of the crime; ~~or, for a crime under IC 35-46-3-11, a law enforcement animal was permanently disabled or killed;~~
- (3) the requirements of sections 13, 16(a), 16(b), 17, 18, and 19 of this chapter are met; and
- (4) out-of-pocket loss exceeded one hundred dollars (\$100).

SECTION 11. IC 5-2-6.1-32, AS AMENDED BY P.L.161-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 32. (a) The division shall reduce an award made under this chapter by the amount of benefits received or to be received from the following sources if those benefits result from or are in any manner attributable to the bodily injury or death upon which the award is based:

- (1) Benefits from public or private pension programs, including Social Security benefits.
- (2) Benefits from proceeds of an insurance policy.
- (3) Benefits under IC 22-3-2 through IC 22-3-6.
- (4) Unemployment compensation benefits.
- (5) Benefits from other public funds, including Medicaid and Medicare.

Compensation must be further reduced or denied to the extent that the

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claimant's loss is recouped from other collateral sources.

(b) The division shall further reduce an award under this chapter by the following:

- (1) The amount of court ordered restitution actually received by the victim ~~or claimant~~ from the offender.
- (2) Benefits actually received by the victim ~~or claimant~~ from a third party on behalf of the offender.

(c) The division shall determine whether the victim ~~or claimant~~ vigorously pursued recovery against available collateral sources described in this section.

(d) If the division finds that a victim ~~or claimant~~ has failed to pursue an applicable collateral source of recovery, the division shall reduce or deny an award under this section by the amount that is available to the victim ~~or claimant~~ through the collateral source.

(e) A claimant must exhaust any paid or otherwise compensated vacation leave, sick leave, personal leave, or other compensatory time accrued through an employer before applying for benefits. The division may not reimburse the victim ~~or claimant~~ for the use of paid or otherwise compensated vacation leave, sick leave, personal leave, or other compensatory time.

SECTION 12. IC 5-2-6.1-34, AS AMENDED BY P.L.161-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 34. (a) In determining the amount of the award, the division shall determine whether the victim ~~(or law enforcement animal; in an application described in section 12(9) of this chapter)~~ contributed to the infliction of the **victim's** injury or death.

(b) If the division finds that the victim ~~(or law enforcement animal; in an application described in section 12(9) of this chapter)~~ contributed to the infliction of the **victim's** injury or death, the division may deny an award.

(c) If the division further finds that the **victim's** contributory conduct was solely attributable to an effort to:

- (1) prevent a crime from occurring; or
- (2) apprehend a person who committed a crime;

**in the victim's presence**, the **victim's** contributory conduct does not render the victim ~~or claimant~~ ineligible for compensation."

Page 4, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 14. IC 6-8.1-10-1, AS AMENDED BY P.L.211-2007, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) If a person fails to file a return for any of the listed taxes, fails to pay the full amount of tax shown on the person's return by the due date for the return or the payment, or incurs a



deficiency upon a determination by the department, the person is subject to interest on the nonpayment.

(b) The interest for a failure described in subsection (a) is the adjusted rate established by the commissioner under subsection (c), from the due date for payment. The interest applies to:

- (1) the full amount of the unpaid tax due if the person failed to file the return;
- (2) the amount of the tax that is not paid, if the person filed the return but failed to pay the full amount of tax shown on the return;
- or
- (3) the amount of the deficiency.

(c) The commissioner shall establish an adjusted rate of interest for a failure described in subsection (a) and for an excess tax payment on or before November 1 of each year. For purposes of subsection (b), the adjusted rate of interest shall be the percentage rounded to the nearest whole number that equals two (2) percentage points above the average investment yield on state **general fund** money for the state's previous fiscal year, excluding pension fund investments, as determined by the treasurer of state on or before October 1 of each year and reported to the commissioner. For purposes of IC 6-8.1-9-2(c), the adjusted rate of interest for an excess tax payment must be the same as the adjusted rate of interest determined under this subsection for a failure described in subsection (a). The adjusted rates of interest established under this subsection shall take effect on January 1 of the immediately succeeding year.

(d) For purposes of this section, the filing of a substantially blank or unsigned return does not constitute a return.

(e) Except as provided by IC 6-8.1-3-17(c) and IC 6-8.1-5-2, the department may not waive the interest imposed under this section.

(f) Subsections (a) through (c) do not apply to a motor carrier fuel tax return."

Page 12, between lines 34 and 35, begin a new paragraph and insert:  
"SECTION 30. IC 9-24-8-6 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 6. In addition to any other penalty, the bureau:

- (1) shall revoke the motorcycle learner's permit of a person who is convicted of operating a motorcycle under the influence of alcohol; and
- (2) may not issue a motorcycle learner's permit or motorcycle endorsement to a person referred to in subdivision (1) for at least (1) year after the date of the person's conviction."

Page 13, delete lines 6 through 40, begin a new paragraph and insert:

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"SECTION 32. IC 9-30-4-1, AS AMENDED BY P.L.85-2013, SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. **(a)** Upon any reasonable ground appearing on the records of the bureau **and specified in rules adopted under subsection (b)**, the bureau may do the following:

- (1) Suspend or revoke the current driving privileges or driver's license of any person.
- (2) Suspend or revoke the certificate of registration and license plate for any motor vehicle.

**(b) The bureau shall adopt rules under IC 4-22-2 to specify reasonable grounds for suspension or revocation permitted under subsection (a)."**

Page 15, between lines 21 and 22, begin a new paragraph and insert:  
 "SECTION 35. IC 12-15-21-3, AS AMENDED BY P.L.8-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. The rules adopted under section 2 of this chapter must include the following:

- (1) Providing for prior review and approval of medical services.
- (2) Specifying the method of determining the amount of reimbursement for services.
- (3) Establishing limitations that are consistent with medical necessity concerning the amount, scope, and duration of the services and supplies to be provided. The rules may contain limitations on services that are more restrictive than allowed under a provider's scope of practice (as defined in Indiana law).
- (4) Denying payment or instructing the contractor under IC 12-15-30 to deny payment to a provider for services provided to an individual or claimed to be provided to an individual if the office after investigation finds any of the following:
  - (A) The services claimed cannot be documented by the provider.
  - (B) The claims were made for services or materials determined by licensed medical staff of the office as not medically reasonable and necessary.
  - (C) The amount claimed for the services has been or can be paid from other sources.
  - (D) The services claimed were provided to a person other than the person in whose name the claim is made.
  - (E) The services claimed were provided to a person who was not eligible for Medicaid.
  - (F) The claim rises out of an act or practice prohibited by law or by rules of the secretary.



(5) Recovering payment or instructing the contractor under IC 12-15-30-3 to recover payment from a provider for services rendered to an individual or claimed to be rendered to an individual if the office after investigation finds any of the following:

(A) The services paid for cannot be documented by the provider.

(B) The amount paid for such services has been or can be paid from other sources.

(C) The services were provided to a person other than the person in whose name the claim was made and paid.

(D) The services paid for were provided to a person who was not eligible for Medicaid.

(E) The paid claim rises out of an act or practice prohibited by law or by rules of the secretary.

(6) Recovering interest due from a provider:

(A) at a rate that is the percentage rounded to the nearest whole number that equals the average investment yield on state money for the state's previous fiscal year, excluding pension fund investments, as published in the auditor of state's comprehensive annual financial report; and

(B) accruing from the date of overpayment;

on amounts paid to the provider that are in excess of the amount subsequently determined to be due the provider as a result of an audit, a reimbursement cost settlement, or a judicial or an administrative proceeding.

(7) Paying interest to providers:

(A) at a rate that is the percentage rounded to the nearest whole number that equals the average investment yield on state **general fund** money for the state's previous fiscal year, excluding pension fund investments, as published in the auditor of state's comprehensive annual financial report; and

(B) accruing from the date that an overpayment is erroneously recovered by the office until the office restores the overpayment to the provider.

(8) Establishing a system with the following conditions:

(A) Audits may be conducted by the office after service has been provided and before reimbursement for the service has been made.

(B) Reimbursement for services may be denied if an audit conducted under clause (A) concludes that reimbursement should be denied.



(C) Audits may be conducted by the office after service has been provided and after reimbursement has been made.

(D) Reimbursement for services may be recovered if an audit conducted under clause (C) concludes that the money reimbursed should be recovered."

Page 16, delete lines 37 through 42.

Page 17, delete lines 1 through 5.

Page 20, delete lines 18 through 21.

Page 29, delete lines 34 through 42.

Page 30, delete lines 1 through 34.

Page 31, delete lines 4 through 42.

Page 32, delete lines 1 through 23.

Page 32, delete line 42.

Delete pages 33 through 39.

Page 40, delete lines 1 through 24.

Page 42, line 10, reset in roman "one (1) of".

Page 42, line 10, reset in roman "boards,".

Page 42, line 10, delete "board,".

Page 42, delete lines 13 through 42.

Delete page 43.

Page 44, delete lines 1 through 17.

Delete pages 50 through 52.

Page 53, delete lines 1 through 3, begin a new paragraph and insert:  
"SECTION 80. IC 13-23-11-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. **(a)** The board consists of the following ~~sixteen (16)~~ **nine (9)** members:

(1) The commissioner or the commissioner's designee.

~~(2) The state fire marshal or the state fire marshal's designee.~~

~~(3) The (2) One (1) member nominated by the treasurer of state or the treasurer of state's designee. in consultation with~~

~~(4) the commissioner of the department of state revenue. or the commissioner's designee.~~

~~(5) Twelve (12) individuals appointed by the governor for terms of two (2) years as follows:~~

~~(A) (3) One (1) member representing the independent petroleum wholesale distributor-marketer industry. In making this appointment, the governor may consider the recommendation of the Indiana petroleum marketers and convenience store association.~~

~~(B) (4) One (1) member representing the petroleum refiner-supplier industry. In making this appointment, the governor may consider the recommendation of the Indiana~~



**petroleum council.**

- (C) One (1) member representing the service station dealer industry who owns or operates less than thirteen (13) underground petroleum storage tanks.
- (D) (5) One (1) member of the financial lending community who has experience with loan guaranty programs.
- (E) (6) One (1) member representing the convenience store operator industry or independent petroleum retail distributor-marketer industry. In making this appointment, the governor may consider the recommendation of the Indiana petroleum marketers and convenience store association.
- (F) (7) One (1) member representing environmental interests.
- (G) (8) One (1) member representing local government.
- (H) Two (2) members representing the general public.
- (I) One (1) member representing the independent petroleum retail distributor marketer industry who owns or operates more than twelve (12) underground petroleum storage tanks.
- (J) One (1) member representing businesses that own petroleum underground storage tanks and are not engaged in the sale of petroleum.
- (K) (9) One (1) member representing the property and casualty insurance industry.

**(b) The governor shall appoint the members specified in subsection (a)(2) through (a)(9) for terms of two (2) years.**

SECTION 81. IC 13-23-11-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) The board must have a quorum to transact business. ~~Nine (9)~~ **Five (5)** members constitute a quorum.

(b) An affirmative vote of the majority of members present is required for the board to take action.

(c) The board shall meet upon:

- (1) the request of the chairperson; or
- (2) the written request of three (3) of the board's members.

(d) A meeting must be held not later than fourteen (14) days after a request is made."

Page 56, delete lines 8 through 42.

Page 57, delete lines 1 through 2.

Page 57, delete lines 31 through 42.

Page 58, delete lines 1 through 36.

Page 59, delete lines 24 through 42.

Page 60, delete lines 1 through 31.



Page 74, delete lines 24 through 25.

Page 75, delete lines 10 through 12, begin a new paragraph and insert:

"SECTION 125. IC 34-28-7-2, AS AMENDED BY P.L.114-2012, SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) Notwithstanding any other law and except as provided in subsection (b), a person may not adopt or enforce an ordinance, a resolution, a policy, or a rule that:

- (1) prohibits; or
- (2) has the effect of prohibiting;

an employee of the person, including a contract employee, from possessing a firearm or ammunition that is locked in the trunk of the employee's vehicle, kept in the glove compartment of the employee's locked vehicle, or stored out of plain sight in the employee's locked vehicle.

(b) Subsection (a) does not prohibit the adoption or enforcement of an ordinance, a resolution, a policy, or a rule that prohibits or has the effect of prohibiting an employee of the person, including a contract employee, from possessing a firearm or ammunition:

~~(1) in or on school property; in or on property that is being used by a school for a school function; or on a school bus in violation of IC 20-33-8-16 or IC 35-47-9-2;~~

~~(2) (1) on the property of:~~

- (A) a child caring institution;
- (B) an emergency shelter care child caring institution;
- (C) a private secure facility;
- (D) a group home;
- (E) an emergency shelter care group home; or
- (F) a child care center;

in violation of 465 IAC 2-9-80, 465 IAC 2-10-79, 465 IAC 2-11-80, 465 IAC 2-12-78, 465 IAC 2-13-77, or 470 IAC 3-4.7-19;

~~(3) (2) on the property of a penal facility (as defined in IC 35-31.5-2-232);~~

~~(4) (3) in violation of federal law;~~

~~(5) (4) in or on property belonging to an approved postsecondary educational institution (as defined in IC 21-7-13-6(b));~~

~~(6) (5) on the property of a domestic violence shelter;~~

~~(7) (6) at a person's the employer's residence;~~

~~(8) (7) on the property of a person that is:~~

- (A) subject to the United States Department of Homeland Security's Chemical Facility Anti-Terrorism Standards issued





April 9, 2007; and

(B) licensed by the United States Nuclear Regulatory Commission under Title 10 of the Code of Federal Regulations;

~~(9)~~ **(8)** on property owned by:

(A) a public utility (as defined in IC 8-1-2-1) that generates and transmits electric power; or

(B) a department of public utilities created under IC 8-1-11.1; or

~~(10)~~ **(9)** in the employee's personal vehicle if the employee, including a contract employee, is a direct support professional who:

(A) works directly with individuals with developmental disabilities to assist the individuals to become integrated into the individuals' community or least restrictive environment; and

(B) uses the employee's personal vehicle while transporting an individual with developmental disabilities.

SECTION 126. IC 35-47-9-1, AS AMENDED BY P.L.172-2013, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. This chapter does not apply to the following:

(1) A:

(A) federal;

(B) state; or

(C) local;

law enforcement officer.

(2) A person who may legally possess a firearm and who has been authorized by:

(A) a school board (as defined by IC 20-26-9-4); or

(B) the body that administers a charter school established under IC 20-24;

to carry a firearm in or on school property.

(3) A person who:

(A) may legally possess a firearm; and

(B) possesses the firearm in a motor vehicle that is being operated by the person to transport another person to or from a school or a school function.

(4) A person who is a school resource officer, as defined in IC 20-26-18.2-1.

**(5) A person who:**

**(A) may legally possess a firearm; and**

**(B) possesses a firearm that is:**



- (i) locked in the trunk of the person's motor vehicle;**  
**(ii) kept in the glove compartment of the person's locked motor vehicle; or**  
**(iii) stored out of plain sight in the person's locked motor vehicle."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1005 as introduced.)

WOLKINS, Chair

Committee Vote: yeas 7, nays 3.

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#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures, to which was referred House Bill 1005, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the committee report made by the Select Committee on Government Reduction, adopted January 28, 2014.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-10-10 IS REPEALED [EFFECTIVE JULY 1, 2014]. (Cancellation and Reissue of Warrants Outstanding More Than Two Years)."

Page 1, delete lines 10 through 14, begin a new paragraph and insert:

"SECTION 3. IC 4-20.5-6-9.4 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 9:4: The department and the office of the secretary of family and social services shall establish policies that prohibit the construction of fences and bleachers on real property that is part of the Evansville State Hospital. This section applies to real property used either by:

- (1) Evansville State Hospital for recreational purposes; or
- (2) an entity using part of the property of the hospital with the permission of the hospital:

SECTION 4. IC 4-20.5-7-2.5 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 2:5: (a) This section applies to real property that is part of Evansville State Hospital:

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(b) The transfer of real property of Evansville State Hospital must include a provision that no fences or bleachers may be constructed on the real property being transferred. The deed transferring real property must include a provision that the real property reverts to the state if bleachers or fences are constructed on the real property:".

Page 2, delete lines 1 through 17.

Page 3, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 6. IC 5-2-6.1-12, AS AMENDED BY P.L.161-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. Except as provided in sections 13 through 15 of this chapter, the following persons are eligible for assistance under this chapter:

(1) A resident of Indiana who is a victim of a violent crime committed:

(A) in Indiana; or

(B) in a jurisdiction other than Indiana, including a foreign country, if the jurisdiction in which the violent crime occurs does not offer assistance to a victim of a violent crime that is substantially similar to the assistance offered under this chapter.

(2) A nonresident of Indiana who is a victim of a violent crime committed in Indiana.

(3) A surviving spouse or dependent child of a victim of a violent crime who died as a result of that crime.

(4) Any other person legally dependent for principal support upon a victim of a violent crime who died as a result of that crime.

(5) A person who is injured or killed while trying to prevent a violent crime or an attempted violent crime from occurring in the person's presence or while trying to apprehend a person who had committed a violent crime.

(6) A surviving spouse or dependent child of a person who dies as a result of:

(A) trying to prevent a violent crime or an attempted violent crime from occurring in the presence of the deceased person;

or

(B) trying to apprehend a person who had committed a violent crime.

(7) A person legally dependent for principal support upon a person who dies as a result of:

(A) trying to prevent a violent crime or an attempted violent crime from occurring in the presence of the deceased person;

or



(B) trying to apprehend a person who had committed a violent crime.

(8) A person who is injured or killed while giving aid and assistance to:

(A) a law enforcement officer in the performance of the officer's lawful duties; or

(B) a member of a fire department who is being obstructed from performing lawful duties.

~~(9) A law enforcement agency or person that owns a law enforcement animal that is permanently disabled or killed as a result of a violation of IC 35-46-3-11.~~

SECTION 7. IC 5-2-6.1-21.1, AS AMENDED BY P.L.161-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 21.1. (a) This section applies to claims filed with the division after June 30, 2009.

(b) This subsection does not apply to reimbursement for forensic and evidence gathering services provided under section 39 of this chapter.

(c) An award may not be made unless the claimant has incurred an out-of-pocket loss of at least one hundred dollars (\$100).

(d) Subject to subsections (b) and (c), the division may order the payment of compensation under this chapter for any of the following:

(1) Reasonable expenses incurred within one hundred eighty (180) days after the date of the violent crime for necessary:

(A) medical, chiropractic, hospital, dental, optometric, and ambulance services;

(B) prescription drugs; and

(C) prosthetic devices;

that do not exceed the claimant's out-of-pocket loss.

(2) Loss of income:

(A) the victim would have earned had the victim not died or been injured, if the victim was employed at the time of the violent crime; or

(B) the parent, guardian, or custodian of a victim who is less than eighteen (18) years of age incurred by taking time off from work to care for the victim.

A claimant seeking reimbursement under this subdivision must provide the division with proof of employment and current wages.

(3) Reasonable emergency shelter care expenses, not to exceed the expenses for thirty (30) days, that are incurred for the claimant or a dependent of the claimant to avoid contact with a person who committed the violent crime.



(4) Reasonable expense incurred for child care, not to exceed one thousand dollars (\$1,000), to replace child care the victim would have supplied had the victim not died or been injured.

(5) Loss of financial support the victim would have supplied to legal dependents had the victim not died or been injured.

(6) Documented expenses incurred for funeral, burial, or cremation of the victim that do not exceed five thousand dollars (\$5,000). The division shall disburse compensation under this subdivision in accordance with guidelines adopted by the division.

(7) Outpatient mental health counseling, not to exceed three thousand dollars (\$3,000), concerning mental health issues related to the violent crime.

~~(8) As compensation for a law enforcement animal that is permanently disabled or killed as a result of a violation of IC 35-46-3-11, the cost of replacing the animal, which may include the cost of training the animal.~~

~~(9)~~ (8) Other actual expenses related to bodily injury to or the death of the victim that the division determines are reasonable.

(e) If a health care provider accepts payment from the division under this chapter, the health care provider may not require the victim to pay a copayment or an additional fee for the provision of services.

(f) A health care provider who seeks compensation from the division under this chapter may not simultaneously seek funding for services provided to a victim from any other source.

(g) The director may extend the one hundred eighty (180) day compensation period established by subsection (d)(1) for a period not to exceed two (2) years after the date of the violent crime if:

(1) the victim or the victim's representative requests the extension; and

(2) medical records and other documentation provided by the attending medical providers indicate that an extension is appropriate.

(h) The director may extend the one hundred eighty (180) day compensation period established by subsection (d)(1) for outpatient mental health counseling, established by subsection (d)(7), if the victim:

(1) was allegedly a victim of a sex crime (under IC 35-42-4) or incest (under IC 35-46-1-3);

(2) was under eighteen (18) years of age at the time of the alleged crime; and

(3) did not reveal the crime within two (2) years after the date of



the alleged crime.

SECTION 8. IC 5-2-6.1-22, AS AMENDED BY P.L.161-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 22. (a) The state is subrogated to the rights of the victim ~~or claimant~~ to whom an award is granted to the extent of the award.

(b) The subrogation rights are against the perpetrator of the crime or a person liable for the pecuniary loss.

(c) If the victim ~~or claimant~~ initiates a civil action against the perpetrator of the crime or against the person liable for the pecuniary loss, the victim ~~or claimant~~ shall promptly notify the division of the filing of the civil action.

SECTION 9. IC 5-2-6.1-23, AS AMENDED BY P.L.161-2013, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 23. (a) In addition to the subrogation rights under section 22 of this chapter, the state is entitled to a lien in the amount of the award on a recovery made by or on behalf of the victim. ~~or claimant.~~

(b) The state may:

- (1) recover the amount under subsection (a) in a separate action;
- or
- (2) intervene in an action brought by or on behalf of the victim. ~~or claimant.~~

(c) If the claimant brings the action, the claimant may deduct from the money owed to the state under the lien the state's pro rata share of the reasonable expenses for the court suit, including attorney's fees of not more than fifteen percent (15%).

SECTION 10. IC 5-2-6.1-26, AS AMENDED BY P.L.161-2013, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 26. (a) If an application is complete, the division shall accept the application for filing and investigate the facts stated in the application.

(b) As part of the investigation, the division shall verify that:

- (1) a
  - (A) violent crime ~~or~~
  - (B) ~~crime under IC 35-46-3-11, for purposes of compensation payable under section 12(9) of this chapter;~~
 was committed;
- (2) the victim was killed or suffered bodily injury as a result of the crime; ~~or, for a crime under IC 35-46-3-11, a law enforcement animal was permanently disabled or killed;~~
- (3) the requirements of sections 13, 16(a), 16(b), 17, 18, and 19



of this chapter are met; and

(4) out-of-pocket loss exceeded one hundred dollars (\$100).

SECTION 11. IC 5-2-6.1-32, AS AMENDED BY P.L.161-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 32. (a) The division shall reduce an award made under this chapter by the amount of benefits received or to be received from the following sources if those benefits result from or are in any manner attributable to the bodily injury or death upon which the award is based:

- (1) Benefits from public or private pension programs, including Social Security benefits.
- (2) Benefits from proceeds of an insurance policy.
- (3) Benefits under IC 22-3-2 through IC 22-3-6.
- (4) Unemployment compensation benefits.
- (5) Benefits from other public funds, including Medicaid and Medicare.

Compensation must be further reduced or denied to the extent that the claimant's loss is recouped from other collateral sources.

(b) The division shall further reduce an award under this chapter by the following:

- (1) The amount of court ordered restitution actually received by the victim ~~or claimant~~ from the offender.
- (2) Benefits actually received by the victim ~~or claimant~~ from a third party on behalf of the offender.

(c) The division shall determine whether the victim ~~or claimant~~ vigorously pursued recovery against available collateral sources described in this section.

(d) If the division finds that a victim ~~or claimant~~ has failed to pursue an applicable collateral source of recovery, the division shall reduce or deny an award under this section by the amount that is available to the victim ~~or claimant~~ through the collateral source.

(e) A claimant must exhaust any paid or otherwise compensated vacation leave, sick leave, personal leave, or other compensatory time accrued through an employer before applying for benefits. The division may not reimburse the victim ~~or claimant~~ for the use of paid or otherwise compensated vacation leave, sick leave, personal leave, or other compensatory time.

SECTION 12. IC 5-2-6.1-34, AS AMENDED BY P.L.161-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 34. (a) In determining the amount of the award, the division shall determine whether the victim ~~(or law enforcement animal; in an application described in section 12(9) of this chapter)~~



contributed to the infliction of the **victim's** injury or death.

(b) If the division finds that the victim ~~(or law enforcement animal; in an application described in section 12(9) of this chapter)~~ contributed to the infliction of the **victim's** injury or death, the division may deny an award.

(c) If the division further finds that the **victim's** contributory conduct was solely attributable to an effort to:

- (1) prevent a crime from occurring; or
- (2) apprehend a person who committed a crime;

**in the victim's presence**, the **victim's** contributory conduct does not render the victim ~~or claimant~~ ineligible for compensation."

Page 4, between lines 12 and 13, begin a new paragraph and insert:  
 "SECTION 14. IC 6-8.1-10-1, AS AMENDED BY P.L.211-2007, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) If a person fails to file a return for any of the listed taxes, fails to pay the full amount of tax shown on the person's return by the due date for the return or the payment, or incurs a deficiency upon a determination by the department, the person is subject to interest on the nonpayment.

(b) The interest for a failure described in subsection (a) is the adjusted rate established by the commissioner under subsection (c), from the due date for payment. The interest applies to:

- (1) the full amount of the unpaid tax due if the person failed to file the return;
  - (2) the amount of the tax that is not paid, if the person filed the return but failed to pay the full amount of tax shown on the return;
- or
- (3) the amount of the deficiency.

(c) The commissioner shall establish an adjusted rate of interest for a failure described in subsection (a) and for an excess tax payment on or before November 1 of each year. For purposes of subsection (b), the adjusted rate of interest shall be the percentage rounded to the nearest whole number that equals two (2) percentage points above the average investment yield on state **general fund** money for the state's previous fiscal year, excluding pension fund investments, as determined by the treasurer of state on or before October 1 of each year and reported to the commissioner. For purposes of IC 6-8.1-9-2(c), the adjusted rate of interest for an excess tax payment must be the same as the adjusted rate of interest determined under this subsection for a failure described in subsection (a). The adjusted rates of interest established under this subsection shall take effect on January 1 of the immediately succeeding year.





(d) For purposes of this section, the filing of a substantially blank or unsigned return does not constitute a return.

(e) Except as provided by IC 6-8.1-3-17(c) and IC 6-8.1-5-2, the department may not waive the interest imposed under this section.

(f) Subsections (a) through (c) do not apply to a motor carrier fuel tax return."

Page 12, between lines 34 and 35, begin a new paragraph and insert:  
"SECTION 30. IC 9-24-8-6 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 6: ~~In addition to any other penalty, the bureau:~~

~~(1) shall revoke the motorcycle learner's permit of a person who is convicted of operating a motorcycle under the influence of alcohol; and~~

~~(2) may not issue a motorcycle learner's permit or motorcycle endorsement to a person referred to in subdivision (1) for at least (1) year after the date of the person's conviction."~~

Page 13, delete lines 6 through 40, begin a new paragraph and insert:

"SECTION 32. IC 9-30-4-1, AS AMENDED BY P.L.85-2013, SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. **(a)** Upon any reasonable ground appearing on the records of the bureau **and specified in rules adopted under subsection (b)**, the bureau may do the following:

(1) Suspend or revoke the current driving privileges or driver's license of any person.

(2) Suspend or revoke the certificate of registration and license plate for any motor vehicle.

**(b) The bureau shall adopt rules under IC 4-22-2 to specify reasonable grounds for suspension or revocation permitted under subsection (a)."**

Page 15, between lines 21 and 22, begin a new paragraph and insert:  
"SECTION 35. IC 12-15-21-3, AS AMENDED BY P.L.8-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. The rules adopted under section 2 of this chapter must include the following:

(1) Providing for prior review and approval of medical services.

(2) Specifying the method of determining the amount of reimbursement for services.

(3) Establishing limitations that are consistent with medical necessity concerning the amount, scope, and duration of the services and supplies to be provided. The rules may contain limitations on services that are more restrictive than allowed under a provider's scope of practice (as defined in Indiana law).



(4) Denying payment or instructing the contractor under IC 12-15-30 to deny payment to a provider for services provided to an individual or claimed to be provided to an individual if the office after investigation finds any of the following:

(A) The services claimed cannot be documented by the provider.

(B) The claims were made for services or materials determined by licensed medical staff of the office as not medically reasonable and necessary.

(C) The amount claimed for the services has been or can be paid from other sources.

(D) The services claimed were provided to a person other than the person in whose name the claim is made.

(E) The services claimed were provided to a person who was not eligible for Medicaid.

(F) The claim rises out of an act or practice prohibited by law or by rules of the secretary.

(5) Recovering payment or instructing the contractor under IC 12-15-30-3 to recover payment from a provider for services rendered to an individual or claimed to be rendered to an individual if the office after investigation finds any of the following:

(A) The services paid for cannot be documented by the provider.

(B) The amount paid for such services has been or can be paid from other sources.

(C) The services were provided to a person other than the person in whose name the claim was made and paid.

(D) The services paid for were provided to a person who was not eligible for Medicaid.

(E) The paid claim rises out of an act or practice prohibited by law or by rules of the secretary.

(6) Recovering interest due from a provider:

(A) at a rate that is the percentage rounded to the nearest whole number that equals the average investment yield on state money for the state's previous fiscal year, excluding pension fund investments, as published in the auditor of state's comprehensive annual financial report; and

(B) accruing from the date of overpayment;

on amounts paid to the provider that are in excess of the amount subsequently determined to be due the provider as a result of an audit, a reimbursement cost settlement, or a judicial or an



administrative proceeding.

(7) Paying interest to providers:

- (A) at a rate that is the percentage rounded to the nearest whole number that equals the average investment yield on state **general fund** money for the state's previous fiscal year, excluding pension fund investments, as published in the auditor of state's comprehensive annual financial report; and
- (B) accruing from the date that an overpayment is erroneously recovered by the office until the office restores the overpayment to the provider.

(8) Establishing a system with the following conditions:

- (A) Audits may be conducted by the office after service has been provided and before reimbursement for the service has been made.
- (B) Reimbursement for services may be denied if an audit conducted under clause (A) concludes that reimbursement should be denied.
- (C) Audits may be conducted by the office after service has been provided and after reimbursement has been made.
- (D) Reimbursement for services may be recovered if an audit conducted under clause (C) concludes that the money reimbursed should be recovered."

Page 16, delete lines 37 through 42.

Page 17, delete lines 1 through 5.

Page 20, delete lines 18 through 21.

Page 29, delete lines 34 through 42.

Page 30, delete lines 1 through 34.

Page 31, delete lines 4 through 42.

Page 32, delete lines 1 through 23.

Page 32, delete line 42.

Delete pages 33 through 39.

Page 40, delete lines 1 through 24.

Page 42, line 10, reset in roman "one (1) of".

Page 42, line 10, reset in roman "boards,".

Page 42, line 10, delete "board,".

Page 42, delete lines 13 through 42.

Delete page 43.

Page 44, delete lines 1 through 17.

Delete pages 50 through 52.

Page 53, delete lines 1 through 3, begin a new paragraph and insert:

"SECTION 80. IC 13-23-11-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) The board

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consists of the following ~~sixteen (16)~~ **nine (9)** members:

- (1) The commissioner or the commissioner's designee.
- ~~(2) The state fire marshal or the state fire marshal's designee.~~
- ~~(3) The (2) One (1) member nominated by the~~ treasurer of state **or the treasurer of state's designee. in consultation with**
- ~~(4) the commissioner of the department of state revenue. or the commissioner's designee.~~
- ~~(5) Twelve (12) individuals appointed by the governor for terms of two (2) years as follows:~~
  - ~~(A) (3) One (1) member representing the independent petroleum wholesale distributor-marketer industry. In making this appointment, the governor may consider the recommendation of the Indiana petroleum marketers and convenience store association.~~
  - ~~(B) (4) One (1) member representing the petroleum refiner-supplier industry. In making this appointment, the governor may consider the recommendation of the Indiana petroleum council.~~
  - ~~(C) One (1) member representing the service station dealer industry who owns or operates less than thirteen (13) underground petroleum storage tanks.~~
  - ~~(D) (5) One (1) member of the financial lending community who has experience with loan guaranty programs.~~
  - ~~(E) (6) One (1) member representing the convenience store operator industry or independent petroleum retail distributor-marketer industry. In making this appointment, the governor may consider the recommendation of the Indiana petroleum marketers and convenience store association.~~
  - ~~(F) (7) One (1) member representing environmental interests.~~
  - ~~(G) (8) One (1) member representing local government.~~
    - ~~(H) Two (2) members representing the general public:~~
      - ~~(1) One (1) member representing the independent petroleum retail distributor marketer industry who owns or operates more than twelve (12) underground petroleum storage tanks.~~
      - ~~(2) One (1) member representing businesses that own petroleum underground storage tanks and are not engaged in the sale of petroleum.~~
    - ~~(K) (9) One (1) member representing the property and casualty insurance industry.~~

**(b) The governor shall appoint the members specified in subsection (a)(2) through (a)(9) for terms of two (2) years.**



SECTION 81. IC 13-23-11-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) The board must have a quorum to transact business. ~~Nine (9)~~ **Five (5)** members constitute a quorum.

(b) An affirmative vote of the majority of members present is required for the board to take action.

(c) The board shall meet upon:

(1) the request of the chairperson; or

(2) the written request of three (3) of the board's members.

(d) A meeting must be held not later than fourteen (14) days after a request is made."

Page 56, delete lines 8 through 42.

Page 57, delete lines 1 through 2.

Page 57, delete lines 31 through 42.

Page 58, delete lines 1 through 36.

Page 59, delete lines 24 through 42.

Page 60, delete lines 1 through 31.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1005 as introduced and amended by the committee report of the Select Committee on Government Reduction adopted January 28, 2014.)

TORR, Chair

Committee Vote: yeas 5, nays 3.

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#### HOUSE MOTION

Mr. Speaker: I move that House Bill 1005 be amended to read as follows:

Page 64, delete lines 17 through 18.

Page 65, delete lines 3 through 5.

Renumber all SECTIONS consecutively.

(Reference is to HB 1005 as printed January 28, 2014.)

MCMILLIN



## HOUSE MOTION

Mr. Speaker: I move that House Bill 1005 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-1-7.1-6 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) For purposes of this section, "Accord" refers to the Midwest Greenhouse Gas Reduction Accord signed on November 15, 2007.**

**(b) Notwithstanding any other law, rule, or regulation, the participation of the state of Indiana in the Accord in any capacity, including as a signatory or an observer to the Accord, terminates not later than the date on which the elected official who signed the Accord on behalf of the state of Indiana ceases to hold office."**

Page 68, after line 4, begin a new paragraph and insert:

"SECTION 134. **An emergency is declared for this act."**

Re-number all SECTIONS consecutively.

(Reference is to HB 1005 as printed January 28, 2014.)

KOCH

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 HOUSE MOTION

Mr. Speaker: I move that House Bill 1005 be amended to read as follows:

Page 8, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 13. IC 5-14-3.5-15 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. (a) Not more than thirty (30) days after a settlement or a judgment concludes a legal action brought by or against the state, the attorney general shall prepare a report containing the following information:**

- (1) The name of the parties to the legal action.**
- (2) Whether the state prevailed in the legal action.**
- (3) The amount of the state's liability, if any, under the settlement or judgment.**
- (4) The amount of the state's proceeds, if any, under the settlement or judgment.**

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**(5) The total amount of the settlement or judgment.**

**(6) The name of the fund or account in which the proceeds of any settlement or judgment paid to the state will be deposited.**

**(7) Any other information considered appropriate by the attorney general with respect to the settlement or judgment.**

**(b) The attorney general shall make each report required by subsection (a) available electronically through the Indiana transparency Internet web site established under this chapter.**

**(c) The appeal of a judgment against the state does not relieve the attorney general of the duty to prepare a report under subsection (a) with respect to the judgment."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1005 as printed January 28, 2014.)

PRYOR

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#### COMMITTEE REPORT

Madam President: The Senate Committee on Public Policy, to which was referred House Bill No. 1005, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 11 through 13.

Page 2, delete lines 26 through 42.

Page 3, delete lines 1 through 31.

Page 6, line 29, strike "victim".

Page 6, line 29, reset in roman "claimant".

Page 6, line 33, strike "victim".

Page 6, line 33, reset in roman "claimant".

Page 6, line 35, strike "victim".

Page 6, line 35, reset in roman "claimant".

Page 6, line 41, strike "victim".

Page 6, line 42, reset in roman "claimant".

Page 7, line 4, strike "victim".

Page 7, line 5, reset in roman "claimant".

Page 8, line 4, strike "victim".

Page 8, line 4, reset in roman "claimant".

Page 8, line 5, strike "victim".

Page 8, line 5, reset in roman "claimant".

Page 8, line 7, strike "victim".

Page 8, line 7, reset in roman "claimant".

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Page 8, line 10, strike "victim".  
 Page 8, line 10, reset in roman "claimant".  
 Page 8, line 13, strike "victim".  
 Page 8, line 13, reset in roman "claimant".  
 Page 8, line 17, strike "victim".  
 Page 8, line 17, reset in roman "claimant".  
 Page 8, delete lines 36 through 42.  
 Page 9, delete lines 1 through 16.  
 Page 17, delete lines 41 through 42.  
 Page 18, delete lines 1 through 4.  
 Page 18, delete lines 10 through 42.  
 Page 19, delete lines 1 through 22.  
 Page 20, delete lines 2 through 13.  
 Page 22, line 42, after "state" insert "**general fund**".  
 Page 25, delete lines 18 through 42.  
 Page 26, delete lines 1 through 9.  
 Page 29, delete lines 8 through 42.  
 Delete page 30.  
 Page 31, delete lines 1 through 18.  
 Page 32, delete lines 11 through 42.  
 Page 33, delete lines 1 through 38.  
 Page 35, delete lines 3 through 42.  
 Page 36, delete lines 1 through 23.  
 Page 47, delete lines 29 through 30.  
 Page 60, delete lines 26 through 27.  
 Page 60, delete lines 30 through 31.  
 Page 62, delete lines 19 through 20.  
 Page 65, delete lines 6 through 20.  
 Page 65, between lines 33 and 34, begin a new paragraph and insert:  
 "SECTION 106. IC 35-52-25-18 IS REPEALED [EFFECTIVE  
 JULY 1, 2014]. ~~Sec. 18. IC 25-18-1-19 defines a crime concerning  
 distress sales.~~"

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1005 as reprinted January 31, 2014.)

ALTING, Chairperson

Committee Vote: Yeas 9, Nays 0.

