



Reprinted  
January 31, 2014

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## HOUSE BILL No. 1005

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DIGEST OF HB 1005 (Updated January 30, 2014 12:03 pm - DI 97)

**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 the law concerning cancellation and reissuance by the auditor of state of certain outstanding warrants. Repeals law concerning a prohibition on construction of fences and bleachers on Evansville State Hospital property. Requires an administrative agency to submit certain information to the office of management and budget (OMB) and receive a certain determination from the director of OMB before pursuing a rulemaking action. Removes provisions allowing for violent crime victims compensation funding for loss or disability of a law enforcement animal. Requires the attorney general to publish reports concerning legal actions involving the state. 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, operation of certain buses, 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  
(Continued next page)

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

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## McMillin, Koch, Huston

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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.

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HB 1005—LS 7089/DI 97



## Digest Continued

law concerning 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 responsible property transfer law. 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 homecare consumer and worker protection. Repeals the law concerning payroll bonds. Repeals a provision allowing a terminating employee to request a letter from the employer. Changes the frequency of occupational safety standards commission meetings. Repeals a provision regulating distress sales. Removes a provision requiring foreign and alien insurers to file applications in duplicate. Makes conforming amendments.

**HB 1005—LS 7089/DI 97**



Reprinted  
January 31, 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.

## 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 4-10-10 IS REPEALED [EFFECTIVE JULY 1,  
12 2014]. (Cancellation and Reissue of Warrants Outstanding More Than  
13 Two Years).

14 SECTION 3. IC 4-10-18-12 IS AMENDED TO READ AS

**HB 1005—LS 7089/DI 97**



1 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. If the amount of  
 2 money in the underground petroleum storage tank excess liability **trust**  
 3 fund established by IC 13-23-7-1 reaches zero (0), ten million dollars  
 4 (\$10,000,000) shall be transferred to the underground petroleum  
 5 storage tank excess liability fund from the fund if: ~~the~~

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

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

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

18 SECTION 5. IC 4-20.5-7-2.5 IS REPEALED [EFFECTIVE JULY  
 19 1, 2014]. Sec. 2:5. (a) This section applies to real property that is part  
 20 of Evansville State Hospital.

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

26 SECTION 6. IC 4-22-2-1.5 IS ADDED TO THE INDIANA CODE  
 27 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 28 1, 2014]: Sec. 1.5. (a) This section does not apply to a public official  
 29 specified in IC 3-10-2-6(3), IC 3-10-2-6(4), or IC 3-10-2-7.

30 (b) An agency shall, before initiating a rulemaking action under  
 31 IC 4-22-2, notify the office of management and budget of any  
 32 proposed rule, including the following:

- 33 (1) A summary of the proposed rule.
- 34 (2) A copy of the proposed rule.
- 35 (3) An explanation of the manner in which the proposed rule  
 36 is thought to be necessary.
- 37 (4) A fiscal impact analysis.
- 38 (5) A cost benefit analysis, including:
  - 39 (A) a statement of need;
  - 40 (B) an evaluation of the costs and benefits;
  - 41 (C) an examination of alternatives;
  - 42 (D) independent information supporting the policy



- 1                   **rationale and cost benefit analysis; and**  
 2                   **(E) citation of sources used.**  
 3                   **(6) A statement concerning the proposed rule's potential to**  
 4                   **promote private sector job growth or foster private sector**  
 5                   **economic development.**  
 6                   **(7) An estimated date of the adoption of the proposed rule.**  
 7                   **(c) An agency may pursue a rulemaking action only if at least**  
 8                   **one (1) of the following applies, as determined by the director of**  
 9                   **the office of management and budget:**  
 10                   **(1) The rule is required to:**  
 11                   **(A) fulfill an objective related to job creation and**  
 12                   **increasing investment in Indiana; or**  
 13                   **(B) improve the quality of Indiana's workforce.**  
 14                   **(2) The rule:**  
 15                   **(A) repeals; or**  
 16                   **(B) reduces the regulatory impact of;**  
 17                   **an existing rule.**  
 18                   **(3) The rule implements a federal mandate that may not be**  
 19                   **waived under federal law.**  
 20                   **(4) The rule is necessary to avoid a violation of a court order**  
 21                   **or federal law that would result in sanctions against the state**  
 22                   **by the court or the federal government for failure to adopt the**  
 23                   **rule.**  
 24                   **(5) The rule addresses matters related to:**  
 25                   **(A) the control, mitigation, or eradication of waste, fraud,**  
 26                   **or abuse within an agency; or**  
 27                   **(B) wasteful or abusive activities directed toward an**  
 28                   **agency.**  
 29                   **(6) The primary purpose and effect of the rule, including an**  
 30                   **emergency rule adopted under IC 4-22-2-37.1, is to address**  
 31                   **emergency, health, or safety matters.**  
 32                   SECTION 7. IC 5-2-6.1-12, AS AMENDED BY P.L.161-2013,  
 33                   SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 34                   JULY 1, 2014]: Sec. 12. Except as provided in sections 13 through 15  
 35                   of this chapter, the following persons are eligible for assistance under  
 36                   this chapter:  
 37                   (1) A resident of Indiana who is a victim of a violent crime  
 38                   committed:  
 39                   (A) in Indiana; or  
 40                   (B) in a jurisdiction other than Indiana, including a foreign  
 41                   country, if the jurisdiction in which the violent crime occurs  
 42                   does not offer assistance to a victim of a violent crime that is



- 1 substantially similar to the assistance offered under this  
 2 chapter.
- 3 (2) A nonresident of Indiana who is a victim of a violent crime  
 4 committed in Indiana.
- 5 (3) A surviving spouse or dependent child of a victim of a violent  
 6 crime who died as a result of that crime.
- 7 (4) Any other person legally dependent for principal support upon  
 8 a victim of a violent crime who died as a result of that crime.
- 9 (5) A person who is injured or killed while trying to prevent a  
 10 violent crime or an attempted violent crime from occurring in the  
 11 person's presence or while trying to apprehend a person who had  
 12 committed a violent crime.
- 13 (6) A surviving spouse or dependent child of a person who dies  
 14 as a result of:
- 15 (A) trying to prevent a violent crime or an attempted violent  
 16 crime from occurring in the presence of the deceased person;  
 17 or  
 18 (B) trying to apprehend a person who had committed a violent  
 19 crime.
- 20 (7) A person legally dependent for principal support upon a  
 21 person who dies as a result of:
- 22 (A) trying to prevent a violent crime or an attempted violent  
 23 crime from occurring in the presence of the deceased person;  
 24 or  
 25 (B) trying to apprehend a person who had committed a violent  
 26 crime.
- 27 (8) A person who is injured or killed while giving aid and  
 28 assistance to:
- 29 (A) a law enforcement officer in the performance of the  
 30 officer's lawful duties; or  
 31 (B) a member of a fire department who is being obstructed  
 32 from performing lawful duties.
- 33 ~~(9) A law enforcement agency or person that owns a law~~  
 34 ~~enforcement animal that is permanently disabled or killed as a~~  
 35 ~~result of a violation of IC 35-46-3-11.~~
- 36 SECTION 8. IC 5-2-6.1-21.1, AS AMENDED BY P.L.161-2013,  
 37 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 JULY 1, 2014]: Sec. 21.1. (a) This section applies to claims filed with  
 39 the division after June 30, 2009.
- 40 (b) This subsection does not apply to reimbursement for forensic  
 41 and evidence gathering services provided under section 39 of this  
 42 chapter.



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

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

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

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

9 (B) prescription drugs; and

10 (C) prosthetic devices;

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

12 (2) Loss of income:

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

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

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

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

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

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

30 (6) Documented expenses incurred for funeral, burial, or  
31 cremation of the victim that do not exceed five thousand dollars  
32 (\$5,000). The division shall disburse compensation under this  
33 subdivision in accordance with guidelines adopted by the  
34 division.

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

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

42 (9) (8) Other actual expenses related to bodily injury to or the



- 1 death of the victim that the division determines are reasonable.
- 2 (e) If a health care provider accepts payment from the division  
3 under this chapter, the health care provider may not require the victim  
4 to pay a copayment or an additional fee for the provision of services.
- 5 (f) A health care provider who seeks compensation from the  
6 division under this chapter may not simultaneously seek funding for  
7 services provided to a victim from any other source.
- 8 (g) The director may extend the one hundred eighty (180) day  
9 compensation period established by subsection (d)(1) for a period not  
10 to exceed two (2) years after the date of the violent crime if:
- 11 (1) the victim or the victim's representative requests the  
12 extension; and
- 13 (2) medical records and other documentation provided by the  
14 attending medical providers indicate that an extension is  
15 appropriate.
- 16 (h) The director may extend the one hundred eighty (180) day  
17 compensation period established by subsection (d)(1) for outpatient  
18 mental health counseling, established by subsection (d)(7), if the  
19 victim:
- 20 (1) was allegedly a victim of a sex crime (under IC 35-42-4) or  
21 incest (under IC 35-46-1-3);
- 22 (2) was under eighteen (18) years of age at the time of the alleged  
23 crime; and
- 24 (3) did not reveal the crime within two (2) years after the date of  
25 the alleged crime.
- 26 SECTION 9. IC 5-2-6.1-22, AS AMENDED BY P.L.161-2013,  
27 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
28 JULY 1, 2014]: Sec. 22. (a) The state is subrogated to the rights of the  
29 victim ~~or claimant~~ to whom an award is granted to the extent of the  
30 award.
- 31 (b) The subrogation rights are against the perpetrator of the crime  
32 or a person liable for the pecuniary loss.
- 33 (c) If the victim ~~or claimant~~ initiates a civil action against the  
34 perpetrator of the crime or against the person liable for the pecuniary  
35 loss, the victim ~~or claimant~~ shall promptly notify the division of the  
36 filing of the civil action.
- 37 SECTION 10. IC 5-2-6.1-23, AS AMENDED BY P.L.161-2013,  
38 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
39 JULY 1, 2014]: Sec. 23. (a) In addition to the subrogation rights under  
40 section 22 of this chapter, the state is entitled to a lien in the amount of  
41 the award on a recovery made by or on behalf of the victim. ~~or~~  
42 ~~claimant~~.





- 1 (b) The state may:  
 2 (1) recover the amount under subsection (a) in a separate action;  
 3 or  
 4 (2) intervene in an action brought by or on behalf of the victim. ~~or~~  
 5 ~~claimant.~~  
 6 (c) If the claimant brings the action, the claimant may deduct from  
 7 the money owed to the state under the lien the state's pro rata share of  
 8 the reasonable expenses for the court suit, including attorney's fees of  
 9 not more than fifteen percent (15%).  
 10 SECTION 11. IC 5-2-6.1-26, AS AMENDED BY P.L.161-2013,  
 11 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2014]: Sec. 26. (a) If an application is complete, the division  
 13 shall accept the application for filing and investigate the facts stated in  
 14 the application.  
 15 (b) As part of the investigation, the division shall verify that:  
 16 (1) a  
 17 (A) violent crime ~~or~~  
 18 (B) ~~crime under IC 35-46-3-11, for purposes of compensation~~  
 19 ~~payable under section 12(9) of this chapter;~~  
 20 was committed;  
 21 (2) the victim was killed or suffered bodily injury as a result of the  
 22 crime; ~~or, for a crime under IC 35-46-3-11, a law enforcement~~  
 23 ~~animal was permanently disabled or killed;~~  
 24 (3) the requirements of sections 13, 16(a), 16(b), 17, 18, and 19  
 25 of this chapter are met; and  
 26 (4) out-of-pocket loss exceeded one hundred dollars (\$100).  
 27 SECTION 12. IC 5-2-6.1-32, AS AMENDED BY P.L.161-2013,  
 28 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2014]: Sec. 32. (a) The division shall reduce an award made  
 30 under this chapter by the amount of benefits received or to be received  
 31 from the following sources if those benefits result from or are in any  
 32 manner attributable to the bodily injury or death upon which the award  
 33 is based:  
 34 (1) Benefits from public or private pension programs, including  
 35 Social Security benefits.  
 36 (2) Benefits from proceeds of an insurance policy.  
 37 (3) Benefits under IC 22-3-2 through IC 22-3-6.  
 38 (4) Unemployment compensation benefits.  
 39 (5) Benefits from other public funds, including Medicaid and  
 40 Medicare.  
 41 Compensation must be further reduced or denied to the extent that the  
 42 claimant's loss is recouped from other collateral sources.



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

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

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

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

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

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

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

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

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

32 (1) prevent a crime from occurring; or

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

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

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

42 (1) **The name of the parties to the legal action.**



- 1           **(2) Whether the state prevailed in the legal action.**  
 2           **(3) The amount of the state's liability, if any, under the**  
 3           **settlement or judgment.**  
 4           **(4) The amount of the state's proceeds, if any, under the**  
 5           **settlement or judgment.**  
 6           **(5) The total amount of the settlement or judgment.**  
 7           **(6) The name of the fund or account in which the proceeds of**  
 8           **any settlement or judgment paid to the state will be deposited.**  
 9           **(7) Any other information considered appropriate by the**  
 10           **attorney general with respect to the settlement or judgment.**  
 11           **(b) The attorney general shall make each report required by**  
 12           **subsection (a) available electronically through the Indiana**  
 13           **transparency Internet web site established under this chapter.**  
 14           **(c) The appeal of a judgment against the state does not relieve**  
 15           **the attorney general of the duty to prepare a report under**  
 16           **subsection (a) with respect to the judgment.**  
 17           SECTION 15. IC 6-6-6.6-1 IS AMENDED TO READ AS  
 18           FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. **(a) For the purposes**  
 19           **of The terms set forth in this section apply throughout this chapter.**  
 20           **(b) "Department" means the department of state revenue.**  
 21           **(c) "Disposal" means all forms of disposal in or on the land,**  
 22           **including underground injection.**  
 23           **(d) "Disposal facility" means a site where hazardous wastes are**  
 24           **disposed of in or on the land, including a site associated with, within,**  
 25           **or adjacent to facilities generating the waste.**  
 26           **(e) "Hazardous substance" has the meaning set forth in**  
 27           **IC 13-11-2-98.**  
 28           **(f) "Hazardous waste" has the meaning set forth in IC 13-11-2-99(a)**  
 29           **and includes any waste that:**  
 30                   (1) meets the definition in IC 13-11-2-99(a);  
 31                   (2) is determined to be hazardous under the criteria developed  
 32                   under IC 13-22-2-3(a); or  
 33                   (3) is included on the list compiled and maintained by the ~~solid~~  
 34                   **waste management** board under IC 13-22-2-3(b).  
 35           **(g) "Remedial action" has the meaning set forth in IC 13-11-2-185.**  
 36           **(h) "Removal" has the meaning set forth in IC 13-11-2-187.**  
 37           **(i) "Taxable hazardous waste" means:**  
 38                   (1) any waste determined to be a hazardous waste under  
 39                   IC 13-22-2-3 and not excluded under IC 13-22-2-3(b) or  
 40                   IC 13-22-2-3(d); and  
 41                   (2) wastes that are disposed of by underground injection that  
 42                   would constitute hazardous wastes under IC 13-22-2-3 if they



1 were not included in discharges that are subject to permits under  
 2 Section 402 of the Federal Water Pollution Control Act  
 3 Amendments of 1972 (33 U.S.C. 1342).

4 Taxable hazardous waste does not include natural agricultural waste.

5 (j) "Ton" means a short ton.

6 SECTION 16. IC 6-8.1-10-1, AS AMENDED BY P.L.211-2007,  
 7 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JULY 1, 2014]: Sec. 1. (a) If a person fails to file a return for any of the  
 9 listed taxes, fails to pay the full amount of tax shown on the person's  
 10 return by the due date for the return or the payment, or incurs a  
 11 deficiency upon a determination by the department, the person is  
 12 subject to interest on the nonpayment.

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

16 (1) the full amount of the unpaid tax due if the person failed to  
 17 file the return;

18 (2) the amount of the tax that is not paid, if the person filed the  
 19 return but failed to pay the full amount of tax shown on the return;

20 or

21 (3) the amount of the deficiency.

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

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

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

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

42 SECTION 17. IC 7.1-5-7-1, AS AMENDED BY P.L.125-2012,



1 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2014]: Sec. 1. ~~(a)~~ It is a Class C misdemeanor for a minor to  
3 knowingly or intentionally make a false statement of the minor's age or  
4 to present or offer false or fraudulent evidence of majority or identity  
5 to a permittee for the purpose of ordering, purchasing, attempting to  
6 purchase, or otherwise procuring or attempting to procure an alcoholic  
7 beverage.

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

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

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

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

16 (c) Upon entering a judgment of conviction for the misdemeanor  
17 under this section, the court shall forward a copy of the judgment to the  
18 bureau of motor vehicles for the purpose of complying with subsection  
19 (b).

20 SECTION 18. IC 8-1-2-89 IS AMENDED TO READ AS  
21 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 89. (a) As used in this  
22 section, unless the context otherwise requires, the following terms have  
23 the following meanings:

24 (1) "Sewage disposal service" means any public utility service  
25 whereby liquid and solid waste, sewage, night soil, and industrial  
26 waste of any single territorial area is collected, treated, purified,  
27 and disposed of in a sanitary manner, and includes all sewage  
28 treatment plant or plants, main sewers, submain sewers, local and  
29 lateral sewers, intercepting sewers, outfall sewers, force mains,  
30 pumping stations, ejector stations, and all other equipment and  
31 appurtenances necessary or useful and convenient for the  
32 rendition of such service.

33 (2) "Sewage disposal company" means any natural person, firm,  
34 association, corporation, or partnership owning, leasing, or  
35 operating any sewage disposal service within the rural areas of  
36 this state, and all provisions of this chapter pertaining to a public  
37 utility shall apply with equal force and effect to a sewage disposal  
38 company, except insofar as said provisions may be inconsistent  
39 with specific provisions of this section.

40 (3) "Rural area" means territory lying within the state of Indiana  
41 and lying outside the corporate limits of a municipality.

42 (4) "Certificate of territorial authority" means a certificate of



1 convenience and necessity issued by the commission pursuant to  
 2 this section, which said certificate shall be deemed an  
 3 indeterminate permit, unless expressly conditioned otherwise by  
 4 the commission when issued.

5 (5) "Notice of hearing" means notice of the time, place, and  
 6 purpose of a hearing, given by publication in at least one (1)  
 7 newspaper of general circulation in each of the counties in which  
 8 the particular sewage disposal company operates or proposes to  
 9 operate and given also in writing by United States registered mail:

10 (A) to each other sewage disposal company operating in  
 11 territory contiguous to the territory in which the particular  
 12 sewage disposal company operates or proposes to operate;

13 (B) to each municipality in territory contiguous and nearest to  
 14 the territory in which the particular sewage disposal company  
 15 operates or proposes to operate; and

16 (C) to such other persons or entities which the commission  
 17 may from time to time require by its rules and forms;

18 all such notices shall be so mailed as to be received by the  
 19 recipients at least ten (10) days prior to any hearing, or as  
 20 otherwise required by the commission.

21 (b) It is hereby declared to be in the public interest to provide for the  
 22 orderly development and rendering of sewage disposal service in rural  
 23 areas within the state of Indiana, and such public interest makes it  
 24 necessary and desirable that to the extent provided herein the holding  
 25 of a certificate of territorial authority should be required as a condition  
 26 precedent to the rendering of such service, and that such operation be  
 27 under the control, regulation, and supervision of the commission, and  
 28 such sewage disposal companies shall not be subject to regulation by  
 29 any municipality or county government or metropolitan regulatory  
 30 body, or any branch or subdivisions thereof or substitute therefor in the  
 31 form of special service districts, with the exception that said sewage  
 32 disposal company shall be subject to the comprehensive plan, zoning,  
 33 and subdivision requirements and regulations of the governmental units  
 34 having jurisdiction in the area. However, all functions, powers, and  
 35 duties of the state department of health and the ~~water pollution control~~  
 36 **environmental rules** board shall remain unaffected by this section.

37 (c) No sewage disposal company shall commence the rendering of  
 38 sewage disposal service in any rural area in the state of Indiana in  
 39 which it is not actually rendering sewage disposal service, without first  
 40 obtaining from the commission a certificate of territorial authority  
 41 authorizing such sewage disposal service, finding that public  
 42 convenience and necessity require such sewage disposal service within



1 such rural area by such sewage disposal company, and defining and  
2 limiting specifically the rural area covered thereby. No sewage disposal  
3 company hereby required to hold such a certificate shall render any  
4 additional sewage disposal service within such rural area to any extent  
5 greater than that authorized by such certificate or shall continue to  
6 render sewage disposal service within such rural area if and after such  
7 certificate of territorial authority has been revoked or transferred as in  
8 this section provided, unless in such order of revocation or transfer the  
9 commission shall require continued service until a new sewage  
10 disposal company or municipality actually takes over such service. The  
11 commission shall not have the power to require extension of such  
12 service by any sewage disposal company into any additional territory  
13 than that defined and limited in such a certificate without the consent  
14 of such sewage disposal company.

15 (d) Whenever any sewage disposal company proposes to commence  
16 the rendering of sewage disposal service in any rural area, it shall file  
17 with the commission a verified application for a certificate of territorial  
18 authority to cover the proposed service. The commission shall by rule  
19 prescribe the form of the application and the information to be  
20 contained therein, and such application by any such company shall  
21 conform to such prescribed form. The commission shall set the matter  
22 for hearing and notice of such hearing shall be given to the parties and  
23 in the manner defined in this section. Any city may, and upon petition  
24 to the commission shall, be made a party to any service proposal if its  
25 territorial limits lie within five (5) miles of the area to be serviced  
26 under this section.

27 (e) If, after notice of hearing and hearing on any application for a  
28 certificate of territorial authority, the commission shall find from the  
29 evidence introduced at such hearing, including any evidence which the  
30 commission shall have caused to be introduced as a result of any  
31 investigation which it may have made into the matter, that the applicant  
32 has proved:

- 33 (1) lawful power and authority to apply for said certificate and to  
34 operate said proposed service;
- 35 (2) financial ability to install, commence, and maintain said  
36 proposed service; and
- 37 (3) public convenience and necessity require the rendering of the  
38 proposed service in the proposed rural area by this particular  
39 sewage disposal company; however, in the event the service is  
40 proposed for a proposed rural real estate addition, division, or  
41 development, or any part thereof, the reasonably expected sewage  
42 disposal service requirements of the anticipated residents may be



1 found to constitute such public convenience and necessity;  
2 then the certificate of territorial authority, defining and limiting the  
3 rural area to be covered thereby, shall be granted to the applicant,  
4 subject to such terms, restrictions, limitations, and conditions,  
5 including but not limited to a reasonable time in which to commence  
6 operations, as the commission shall determine to be necessary and  
7 desirable in the public interest.

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

26 (g) After the issuance of such certificate, no other sewage disposal  
27 company shall render sewage disposal service in the area or areas so  
28 determined and so defined in any certificate of territorial authority  
29 issued by the commission, except after notice of hearing and hearing,  
30 and the determination and finding by the commission that public  
31 convenience and necessity require that sewage disposal service in said  
32 same area or areas be also rendered or offered by an additional or  
33 another company, and the issuance of a certificate duly granted by the  
34 commission as provided in this section.

35 (h) A sewage disposal company shall be required to furnish  
36 reasonable adequate sewage disposal services and facilities for which  
37 said service and facilities it shall be entitled to charge reasonable,  
38 nondiscriminatory rates, subject to the jurisdiction of the commission  
39 for the purpose of fixing said rates to be charged to patrons of such  
40 sewage disposal company for sewage disposal service, and for such  
41 purpose the commission is given jurisdiction to proceed in the same  
42 manner and with like power as is provided by this chapter in the case





1 of public utilities.

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

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

28 (1) be sold, assigned, leased, or transferred by the holder thereof  
29 to any sewage disposal company to which a territorial certificate  
30 might be lawfully issued; or  
31 (2) be included in the property and rights encumbered under any  
32 indenture of mortgage or deed of trust of such holder;

33 or any sewage treatment plant or plants, sewers, mains, stations, and  
34 equipment and appurtenances for the rendering of sewage disposal  
35 service, or any part thereof, may be sold, assigned, leased, or  
36 transferred by the holder thereof to any municipality if these assets lie  
37 within an area which shall have been annexed by such municipality or  
38 lie within the given radius of miles from the corporate limits of such  
39 municipality into which it is authorized to render such services, if such  
40 municipality is prepared to render a comparable sewage disposal  
41 service without loss of continuity of service, and if the terms of such  
42 sale, assignment, lease, or transfer are reasonable. However, once the



1 commission has given its approval to such transaction and the  
 2 transaction itself is actually consummated, the commission shall have  
 3 no control over the sewage disposal service henceforth rendered by  
 4 such municipality as a municipally owned utility (as defined in this  
 5 chapter).

6 (k) Any certificate of territorial authority may, after notice of  
 7 hearing and hearing, be revoked by the commission, in whole or in  
 8 part, for the failure of the holder thereof to furnish reasonably adequate  
 9 sewage disposal service within the area or areas determined and  
 10 defined in such certificate of territorial authority, or for the failure of  
 11 the holder thereof to comply with any applicable order or rule  
 12 prescribed by the commission in the exercise of its powers under this  
 13 chapter, or for failure to comply with any term, condition, or limitation  
 14 of such certificate of territorial authority.

15 (l) After the commission revokes any certificate of territorial  
 16 authority under subsection (k) or after the county board of health  
 17 determines the existence of a serious health problem related to the  
 18 sewage disposal facility, the county commissioners of the county in  
 19 which the sewage disposal facility is located may acquire the facility,  
 20 subject to the approval of the acquisition by the county council, except  
 21 that the county commissioners may not acquire any facility already  
 22 acquired by any city or town. The county commissioners shall acquire  
 23 the sewage disposal facility by:

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

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

30 After acquisition, the county commissioners shall repair, operate, and  
 31 maintain the sewage disposal facility and charge user fees for these  
 32 services.

33 SECTION 19. IC 9-13-2-146 IS REPEALED [EFFECTIVE JULY  
 34 1, 2014]. Sec. 146. "Railroad" does not include street car.

35 SECTION 20. IC 9-13-2-176 IS REPEALED [EFFECTIVE JULY  
 36 1, 2014]. Sec. 176. "Street car" means a car other than a railroad train  
 37 for transporting persons or property and operated upon rails principally  
 38 within a municipality.

39 SECTION 21. IC 9-13-2-182 IS AMENDED TO READ AS  
 40 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 182. "Traffic" means  
 41 pedestrians, ridden or herded animals, ~~street cars~~, vehicles, and other  
 42 conveyances either singly or together while using any highway for



1 purposes of travel.

2 SECTION 22. IC 9-21-3-10 IS REPEALED [EFFECTIVE JULY 1,  
3 2014]. ~~Sec. 10: The motorman of a street car shall obey traffic control  
4 signals that are applicable to vehicles.~~

5 SECTION 23. IC 9-21-3-11 IS AMENDED TO READ AS  
6 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. A person who  
7 violates section 7, 8, ~~or 9 or 10~~ of this chapter commits a Class C  
8 infraction.

9 SECTION 24. IC 9-21-8-41 IS AMENDED TO READ AS  
10 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 41. (a) A person who  
11 drives a vehicle ~~or street car~~ may not disobey the instructions of an  
12 official traffic control device placed in accordance with this article  
13 unless otherwise directed by a police officer.

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

18 (c) All traffic shall observe and obey traffic control devices  
19 including signals, signs, and warnings, and all directions, signs, or  
20 warning devices that may be given or displayed by a police officer or  
21 flagman to safely control traffic movement at a worksite and promote  
22 safety at a worksite.

23 SECTION 25. IC 9-21-8-43 IS AMENDED TO READ AS  
24 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 43. (a) A person may  
25 not drive a vehicle when any of the following conditions exist:

26 (1) The vehicle:

27 (A) is loaded in a manner; or

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

29 so as to obstruct the view of the person who drives the vehicle to  
30 the front or sides of the vehicle.

31 (2) The vehicle:

32 (A) is loaded in a manner; or

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

34 so as to interfere with the person's control over the driving  
35 mechanism of the vehicle.

36 (b) A passenger in a vehicle ~~or street car~~ may not do the following:

37 (1) Ride in a position that interferes with the view ahead or to the  
38 sides of the person who drives the vehicle. ~~or street car.~~

39 (2) Interfere with the person's control over the driving mechanism  
40 of the vehicle. ~~or street car.~~

41 SECTION 26. IC 9-21-12-2 IS REPEALED [EFFECTIVE JULY 1,  
42 2014]. ~~Sec. 2: Whenever a school bus is being operated upon a~~



1 highway for purposes other than the actual transportation of children  
 2 either to or from school or other school related activities; all markings  
 3 on the school bus indicating "school bus" shall be covered or  
 4 concealed.

5 SECTION 27. IC 9-21-12-6 IS REPEALED [EFFECTIVE JULY 1,  
 6 2014]. Sec. 6. A street car or vehicle may not be driven over an  
 7 unprotected hose of a fire department when laid down on a street,  
 8 private driveway, or street car track to be used at a fire or alarm of fire  
 9 without the consent of the fire department official in command.

10 SECTION 28. IC 9-21-12-9 IS AMENDED TO READ AS  
 11 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. A person who  
 12 violates section 1 of this chapter commits a Class A infraction. A  
 13 person who violates section 2 of this chapter commits a Class E  
 14 misdemeanor.

15 SECTION 29. IC 9-21-12-11, AS AMENDED BY P.L.39-2009,  
 16 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 JULY 1, 2014]: Sec. 11. (a) A person who violates section 5, 6, 7, or 19  
 18 of this chapter commits a Class C infraction.

19 (b) A person who knowingly or intentionally violates section 12, 13,  
 20 14, 15, or 16 or 17 of this chapter commits a Class C misdemeanor.

21 (c) A person described in section 18(b) or 18(c) or 18(d) of this  
 22 chapter commits a Class B infraction.

23 SECTION 30. IC 9-21-12-17 IS REPEALED [EFFECTIVE JULY  
 24 1, 2014]: Sec. 17. (a) Except as provided in subsection (b), before  
 25 crossing any railroad track at grade, the driver of a school bus or  
 26 special purpose bus shall stop the bus within fifty (50) feet but not less  
 27 than fifteen (15) feet from the nearest rail. While the bus is stopped, the  
 28 driver shall:

29 (1) listen through an open door;

30 (2) look in both directions along the track for an approaching train  
 31 or other on-track equipment; and

32 (3) look for signals indicating the approach of a train or other  
 33 on-track equipment.

34 The driver may not proceed until it is safe to proceed. When it is safe  
 35 to proceed, the driver shall select a gear that will allow the driver to  
 36 cross the tracks without changing gears. The driver may not shift gears  
 37 while crossing the tracks.

38 (b) The driver is not required to stop when a police officer is  
 39 directing the flow of traffic across railroad tracks.

40 (c) Upon conviction of a violation of this section, a driver shall have  
 41 the driver's operator's license suspended for a period of not less than  
 42 sixty (60) days in addition to the penalties provided by section 11 of



1 this chapter:

2 SECTION 31. IC 9-21-12-18, AS ADDED BY P.L.107-2006,  
3 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2014]: Sec. 18. (a) Whenever a school bus or special purpose  
5 bus is at a place of departure for transporting passengers, the school  
6 bus or special purpose bus emergency escape exits, doors, emergency  
7 exit windows, roof exits, and service doors must be free of any  
8 obstruction that:

- 9 (1) inhibits or obstructs an exit; or  
10 (2) renders the means of exit hazardous.

11 (b) A driver who knowingly operates a school bus or special  
12 purpose bus in violation of subsection (a) is subject to section 11(c) of  
13 this chapter.

14 (c) A person who knowingly directs a driver to operate a school bus  
15 or special purpose bus in violation of subsection (a) is subject to  
16 section 11(c) of this chapter.

17 (d) A school corporation or an entity that employs:

18 ~~(1) a driver who knowingly operates a school bus or special~~  
19 ~~purpose bus in violation of subsection (a); or~~

20 ~~(2) a person who knowingly directs a driver to operate a school~~  
21 ~~bus or special purpose bus in violation of subsection (a);~~

22 ~~is subject to section 11(c) of this chapter.~~

23 SECTION 32. IC 9-24-8-6 IS REPEALED [EFFECTIVE JULY 1,  
24 2014]. Sec. 6: In addition to any other penalty, the bureau:

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

28 ~~(2) may not issue a motorcycle learner's permit or motorcycle~~  
29 ~~endorsement to a person referred to in subdivision (1) for at least~~

30 ~~(1) year after the date of the person's conviction.~~

31 SECTION 33. IC 9-24-18-8 IS AMENDED TO READ AS  
32 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) The bureau shall  
33 suspend for a mandatory period of at least ninety (90) days the current  
34 driving license or permit of a person who:

35 (1) uses or has possession of a driving license or permit of another  
36 person with the intent to violate or evade or to attempt to violate  
37 or evade any provision of law relating to the sale, purchase, use,  
38 or possession of alcoholic beverages; or

39 (2) is convicted of the offenses listed in ~~IC 7.1-5-7-1(b) or~~  
40 IC 7.1-5-7-10.

41 (b) The mandatory suspension provided by this section is in addition  
42 to all other sanctions provided by section 7 of this chapter and



- 1 IC 9-30-4-9.
- 2 SECTION 34. IC 9-30-4-1, AS AMENDED BY P.L.85-2013,  
3 SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2014]: Sec. 1. **(a)** Upon any reasonable ground appearing on  
5 the records of the bureau **and specified in rules adopted under**  
6 **subsection (b)**, the bureau may do the following:  
7 (1) Suspend or revoke the current driving privileges or driver's  
8 license of any person.  
9 (2) Suspend or revoke the certificate of registration and license  
10 plate for any motor vehicle.  
11 **(b) The bureau shall adopt rules under IC 4-22-2 to specify**  
12 **reasonable grounds for suspension or revocation permitted under**  
13 **subsection (a).**
- 14 SECTION 35. IC 12-8-10-1, AS AMENDED BY P.L.146-2008,  
15 SECTION 383, IS AMENDED TO READ AS FOLLOWS  
16 [EFFECTIVE JULY 1, 2014]: Sec. 1. This chapter applies only to the  
17 indicated money of the following state agencies to the extent that the  
18 money is used by the agency to obtain services from grantee agencies  
19 to carry out the program functions of the agency:  
20 (1) Money appropriated or allocated to a state agency from money  
21 received by the state under the federal Social Services Block  
22 Grant Act (42 U.S.C. 1397 et seq.).  
23 (2) The division of aging, except this chapter does not apply to  
24 money expended under the following:  
25 (A) The following statutes, unless application of this chapter  
26 is required by another subdivision of this section:  
27 (i) IC 12-10-6.  
28 (ii) IC 12-10-12.  
29 (B) Epilepsy services.  
30 (3) The division of family resources, for money expended under  
31 the following programs:  
32 (A) The child development associate scholarship program.  
33 (B) The dependent care program.  
34 (C) Migrant day care.  
35 (D) The commodities program.  
36 (E) The migrant nutrition program.  
37 (F) Any emergency shelter program.  
38 (G) The energy weatherization program.  
39 ~~(H) Programs for individuals with developmental disabilities.~~  
40 (4) The state department of health, for money expended under the  
41 following statutes:  
42 (A) IC 16-19-10.



- 1 (B) IC 16-38-3.  
 2 (5) The group.  
 3 (6) All state agencies, for any other money expended for the  
 4 purchase of services if all the following apply:  
 5 (A) The purchases are made under a contract between the state  
 6 agency and the office of the secretary.  
 7 (B) The contract includes a requirement that the office of the  
 8 secretary perform the duties and exercise the powers described  
 9 in this chapter.  
 10 (C) The contract is approved by the budget agency.  
 11 (7) The division of mental health and addiction.  
 12 SECTION 36. IC 12-8-10-9, AS AMENDED BY P.L.181-2006,  
 13 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 JULY 1, 2014]: Sec. 9. (a) Each grantee agency receiving money under  
 15 a contract covered by this chapter shall maintain sufficient records to  
 16 show the following:  
 17 (1) The actual cost of services provided under the contract.  
 18 (2) The nature and amount of services provided under the  
 19 contract.  
 20 (b) At least every two (2) years the group shall, in the manner  
 21 prescribed by the state board of accounts, conduct audits of all grantee  
 22 agencies that, under a contract under this chapter, receive payment  
 23 from any of the money described in section 1(2) ~~or 1(3)(f)~~ of this  
 24 chapter. These audits must include an investigation of the records of  
 25 the grantee agencies to determine whether the services rendered under  
 26 the contracts have been in compliance with the terms of the contracts.  
 27 (c) This section does not prohibit the state board of accounts from  
 28 auditing grantee agencies under the board's own authority. The office  
 29 of the secretary may do either of the following:  
 30 (1) Contract with the state board of accounts to conduct audits of  
 31 grantee agencies.  
 32 (2) Require grantee agencies to obtain independent audits of their  
 33 agencies.  
 34 (d) A contract between a state agency and the office of the secretary  
 35 under section (1)(6) of this chapter may include a provision requiring  
 36 the group to perform or arrange for the audits described by this section.  
 37 SECTION 37. IC 12-15-21-3, AS AMENDED BY P.L.8-2005,  
 38 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39 JULY 1, 2014]: Sec. 3. The rules adopted under section 2 of this  
 40 chapter must include the following:  
 41 (1) Providing for prior review and approval of medical services.  
 42 (2) Specifying the method of determining the amount of



- 1 reimbursement for services.
- 2 (3) Establishing limitations that are consistent with medical  
3 necessity concerning the amount, scope, and duration of the  
4 services and supplies to be provided. The rules may contain  
5 limitations on services that are more restrictive than allowed  
6 under a provider's scope of practice (as defined in Indiana law).
- 7 (4) Denying payment or instructing the contractor under  
8 IC 12-15-30 to deny payment to a provider for services provided  
9 to an individual or claimed to be provided to an individual if the  
10 office after investigation finds any of the following:
- 11 (A) The services claimed cannot be documented by the  
12 provider.
- 13 (B) The claims were made for services or materials determined  
14 by licensed medical staff of the office as not medically  
15 reasonable and necessary.
- 16 (C) The amount claimed for the services has been or can be  
17 paid from other sources.
- 18 (D) The services claimed were provided to a person other than  
19 the person in whose name the claim is made.
- 20 (E) The services claimed were provided to a person who was  
21 not eligible for Medicaid.
- 22 (F) The claim rises out of an act or practice prohibited by law  
23 or by rules of the secretary.
- 24 (5) Recovering payment or instructing the contractor under  
25 IC 12-15-30-3 to recover payment from a provider for services  
26 rendered to an individual or claimed to be rendered to an  
27 individual if the office after investigation finds any of the  
28 following:
- 29 (A) The services paid for cannot be documented by the  
30 provider.
- 31 (B) The amount paid for such services has been or can be paid  
32 from other sources.
- 33 (C) The services were provided to a person other than the  
34 person in whose name the claim was made and paid.
- 35 (D) The services paid for were provided to a person who was  
36 not eligible for Medicaid.
- 37 (E) The paid claim rises out of an act or practice prohibited by  
38 law or by rules of the secretary.
- 39 (6) Recovering interest due from a provider:
- 40 (A) at a rate that is the percentage rounded to the nearest  
41 whole number that equals the average investment yield on  
42 state money for the state's previous fiscal year, excluding





- 1 pension fund investments, as published in the auditor of state's  
 2 comprehensive annual financial report; and  
 3 (B) accruing from the date of overpayment;  
 4 on amounts paid to the provider that are in excess of the amount  
 5 subsequently determined to be due the provider as a result of an  
 6 audit, a reimbursement cost settlement, or a judicial or an  
 7 administrative proceeding.  
 8 (7) Paying interest to providers:  
 9 (A) at a rate that is the percentage rounded to the nearest  
 10 whole number that equals the average investment yield on  
 11 state **general fund** money for the state's previous fiscal year,  
 12 excluding pension fund investments, as published in the  
 13 auditor of state's comprehensive annual financial report; and  
 14 (B) accruing from the date that an overpayment is erroneously  
 15 recovered by the office until the office restores the  
 16 overpayment to the provider.  
 17 (8) Establishing a system with the following conditions:  
 18 (A) Audits may be conducted by the office after service has  
 19 been provided and before reimbursement for the service has  
 20 been made.  
 21 (B) Reimbursement for services may be denied if an audit  
 22 conducted under clause (A) concludes that reimbursement  
 23 should be denied.  
 24 (C) Audits may be conducted by the office after service has  
 25 been provided and after reimbursement has been made.  
 26 (D) Reimbursement for services may be recovered if an audit  
 27 conducted under clause (C) concludes that the money  
 28 reimbursed should be recovered.  
 29 SECTION 38. IC 12-23-1-11 IS AMENDED TO READ AS  
 30 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) This article does  
 31 not repeal or modify Indiana law relating to the operation of a vehicle  
 32 under the influence of liquor or drugs.  
 33 (b) IC 12-23-5 ~~IC 12-23-6~~, ~~IC 12-23-7~~, ~~IC 12-23-8~~, and any other  
 34 related provisions of this article shall be considered to be alternative  
 35 methods or procedures for the prosecution of alcoholics or drug abusers  
 36 as criminals.  
 37 SECTION 39. IC 12-23-6 IS REPEALED [EFFECTIVE JULY 1,  
 38 2014]. (Request for Treatment After Charge or Conviction of Certain  
 39 Felonies).  
 40 SECTION 40. IC 12-23-7 IS REPEALED [EFFECTIVE JULY 1,  
 41 2014]. (Continuance of Prosecution After Felony Charge).  
 42 SECTION 41. IC 12-23-8 IS REPEALED [EFFECTIVE JULY 1,



1 2014]. (Treatment and Probation Following Felony Conviction).

2 SECTION 42. IC 12-23-9-4 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) An individual  
4 who by medical examination is found to be incapacitated by alcohol at  
5 the time of admission or to have become incapacitated by alcohol at  
6 any time after admission may not be detained at a facility:

- 7 (1) after the individual is no longer incapacitated by alcohol; or  
8 (2) if the individual remains incapacitated by alcohol for more  
9 than forty-eight (48) hours after admission as a patient. ~~unless the~~  
10 ~~individual is committed under IC 12-23-7 through IC 12-23-8.~~

11 (b) An individual may consent to remain in a facility as long as the  
12 physician in charge believes it is appropriate.

13 SECTION 43. IC 12-23-10 IS REPEALED [EFFECTIVE JULY 1,  
14 2014]. (Voluntary Treatment by Division for Drug Abusers).

15 SECTION 44. IC 12-23-11 IS REPEALED [EFFECTIVE JULY 1,  
16 2014]. (Involuntary Treatment by Division for Alcoholics and Drug  
17 Abusers).

18 SECTION 45. IC 12-24-12-10, AS AMENDED BY P.L.188-2013,  
19 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
20 JULY 1, 2014]: Sec. 10. (a) Upon admission to a state institution  
21 administered by the division of mental health and addiction, the  
22 gatekeeper is one (1) of the following:

- 23 (1) For an individual with a psychiatric disorder, the community  
24 mental health center that submitted the report to the committing  
25 court under IC 12-26.  
26 (2) For an individual with a developmental disability, a division  
27 of disability and rehabilitative services service coordinator under  
28 IC 12-11-2.1.

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

- 30 (1) An individual who is found to have insufficient  
31 comprehension to stand trial under IC 35-36-3.  
32 (2) An individual who is found to be not guilty by reason of  
33 insanity under IC 35-36-2-4 and is subject to a civil commitment  
34 under IC 12-26.  
35 (3) An individual who is immediately subject to a civil  
36 commitment upon the individual's release from incarceration in  
37 a facility administered by the department of correction or the  
38 Federal Bureau of Prisons, or upon being charged with or  
39 convicted of a forcible felony (as defined by IC 35-31.5-2-138).  
40 ~~(4) An individual placed under the supervision of the division for~~  
41 ~~addictions treatment under IC 12-23-7 and IC 12-23-8.~~

42 ~~(5)~~ (4) An individual transferred from the department of



- 1 correction under IC 11-10-4.
- 2 SECTION 46. IC 13-11-2-40, AS AMENDED BY P.L.189-2011,  
3 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2014]: Sec. 40. "Confined feeding operation" means:
- 5 (1) any confined feeding of:  
6 (A) at least three hundred (300) cattle;  
7 (B) at least six hundred (600) swine or sheep;  
8 (C) at least thirty thousand (30,000) fowl; or  
9 (D) at least five hundred (500) horses.
- 10 (2) any animal feeding operation electing to be subject to  
11 IC 13-18-10; or
- 12 (3) any animal feeding operation that is causing a violation of:  
13 (A) water pollution control laws;  
14 (B) any rules of the ~~water pollution control~~ board; or  
15 (C) IC 13-18-10.
- 16 A determination by the department under this subdivision is appealable  
17 under IC 4-21.5.
- 18 SECTION 47. IC 13-11-2-56 IS REPEALED [EFFECTIVE JULY  
19 1, 2014]. Sec. 56: "~~Disclosure document~~"; for purposes of IC 13-25-3;  
20 means a document that sets forth certain information about a property  
21 that is to be transferred.
- 22 SECTION 48. IC 13-11-2-70 IS REPEALED [EFFECTIVE JULY  
23 1, 2014]. Sec. 70: (a) "~~Environmental defect~~"; for purposes of  
24 IC 13-25-3; means an environmentally related commission, omission;  
25 activity, or condition that meets at least one (1) of the following  
26 conditions:
- 27 (1) ~~Constitutes a material violation of an environmental:~~  
28 (A) statute;  
29 (B) regulation; or  
30 (C) ordinance.
- 31 (2) ~~Would require remedial activity under an environmental:~~  
32 (A) statute;  
33 (B) regulation; or  
34 (C) ordinance.
- 35 (3) ~~Presents a substantial endangerment to at least one (1) of the~~  
36 ~~following:~~  
37 (A) ~~The public health.~~  
38 (B) ~~The public welfare.~~  
39 (C) ~~The environment.~~
- 40 (4) ~~Would have a material, adverse effect on the market value of~~  
41 ~~the property or of an abutting property.~~
- 42 (5) ~~Would prevent or materially interfere with another party's~~



1 ability to obtain a permit or license that is required under an  
2 environmental:

- 3 (A) statute;  
4 (B) regulation; or  
5 (C) ordinance;

6 to operate the property or a facility or process on the property.

7 (b) The term does not include a condition that is the subject of a  
8 voluntary remediation that received a certificate of completion from the  
9 department under IC 13-25-5-16.

10 SECTION 49. IC 13-11-2-74.5, AS AMENDED BY P.L.241-2005,  
11 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12 JULY 1, 2014]: Sec. 74.5. (a) "Exempt isolated wetland", for purposes  
13 of IC 13-18 and environmental management laws, means an isolated  
14 wetland that:

15 (1) is a voluntarily created wetland unless:

16 (A) the wetland is approved by the department for  
17 compensatory mitigation purposes in accordance with a permit  
18 issued under Section 404 of the Clean Water Act or  
19 IC 13-18-22;

20 (B) the wetland is reclassified as a state regulated wetland  
21 under IC 13-18-22-6(e); or

22 (C) the owner of the wetland declares, by a written instrument:  
23 (i) recorded in the office of the recorder of the county or  
24 counties in which the wetland is located; and  
25 (ii) filed with the department;

26 that the wetland is to be considered in all respects to be a state  
27 regulated wetland;

28 (2) exists as an incidental feature in or on:

29 (A) a residential lawn;

30 (B) a lawn or landscaped area of a commercial or  
31 governmental complex;

32 (C) agricultural land;

33 (D) a roadside ditch;

34 (E) an irrigation ditch; or

35 (F) a manmade drainage control structure;

36 (3) is a fringe wetland associated with a private pond;

37 (4) is, or is associated with, a manmade body of surface water of  
38 any size created by:

39 (A) excavating;

40 (B) diking; or

41 (C) excavating and diking;

42 dry land to collect and retain water for or incidental to



- 1 agricultural, commercial, industrial, or aesthetic purposes;  
 2 (5) subject to subsection (c), is a Class I wetland with an area, as  
 3 delineated, of one-half (1/2) acre or less;  
 4 (6) subject to subsection (d), is a Class II wetland with an area, as  
 5 delineated, of one-fourth (1/4) acre or less;  
 6 (7) is located on land:  
 7 (A) subject to regulation under United States Department of  
 8 Agriculture wetland conservation programs, including  
 9 Swampbuster and the Wetlands Reserve Program, because of  
 10 voluntary enrollment in a federal farm program; and  
 11 (B) used for agricultural or other purposes allowed under the  
 12 programs referred to in clause (A); or  
 13 (8) is constructed for reduction or control of pollution.  
 14 (b) For purposes of subsection (a)(2), an isolated wetland exists as  
 15 an incidental feature:  
 16 (1) if:  
 17 (A) the owner or operator of the property or facility described  
 18 in subsection (a)(2) does not intend the isolated wetland to be  
 19 a wetland;  
 20 (B) the isolated wetland is not essential to the function or use  
 21 of the property or facility; and  
 22 (C) the isolated wetland arises spontaneously as a result of  
 23 damp soil conditions incidental to the function or use of the  
 24 property or facility; and  
 25 (2) if the isolated wetland satisfies any other factors or criteria  
 26 established in rules that are:  
 27 (A) adopted by the ~~water pollution control~~ board; and  
 28 (B) not inconsistent with the factors and criteria described in  
 29 subdivision (1).  
 30 (c) The total acreage of Class I wetlands on a tract to which the  
 31 exemption described in subsection (a)(5) may apply is limited to the  
 32 larger of:  
 33 (1) the acreage of the largest individual isolated wetland on the  
 34 tract that qualifies for the exemption described in subsection  
 35 (a)(5); and  
 36 (2) fifty percent (50%) of the cumulative acreage of all individual  
 37 isolated wetlands on the tract that would qualify for the exemption  
 38 described in subsection (a)(5) but for the limitation of this  
 39 subsection.  
 40 (d) The total acreage of Class II wetlands on a tract to which the  
 41 exemption described in subsection (a)(6) may apply is limited to the  
 42 larger of:



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

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

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

14 SECTION 50. IC 13-11-2-96 IS AMENDED TO READ AS  
 15 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 96. (a) "Hazardous  
 16 material", for purposes of IC 13-18-5, means any of the following:

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

19 (2) A hazardous waste.

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

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

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

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

32 (1) the United States:

33 (A) Environmental Protection Agency;

34 (B) Nuclear Regulatory Commission;

35 (C) Department of Transportation; or

36 (D) Occupational Safety and Health Administration; or

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

38 The term includes all of the hazardous materials identified in 49 CFR  
 39 172.101.

40 SECTION 51. IC 13-11-2-98 IS AMENDED TO READ AS  
 41 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 98. "Hazardous  
 42 substance", for purposes of:



1 (1) IC 13-19-5;  
 2 (2) IC 13-25-4; and  
 3 (3) IC 13-25-5;  
 4 has the meaning set forth in Section 101 of CERCLA (42 U.S.C. 9601).  
 5 The term includes any substance that the ~~solid waste management~~  
 6 board determines to be hazardous under environmental management  
 7 laws.  
 8 SECTION 52. IC 13-11-2-115.5 IS REPEALED [EFFECTIVE  
 9 JULY 1, 2014]. ~~Sec. 115.5. "Land trust", for purposes of IC 13-25-3,~~  
 10 ~~means a trust that is established under terms providing that:~~  
 11 ~~(1) the trustee holds legal or equitable title to property;~~  
 12 ~~(2) the beneficiary has the power to manage the trust property;~~  
 13 ~~including the power to direct the trustee to sell the property; and~~  
 14 ~~(3) the trustee may sell the trust property:~~  
 15 ~~(A) only at the direction of the beneficiary or other person; or~~  
 16 ~~(B) after a time stipulated in the terms of the trust.~~  
 17 SECTION 53. IC 13-11-2-119 IS AMENDED TO READ AS  
 18 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 119. (a) "Lender", for  
 19 purposes of IC 13-23-13, means any of the following:  
 20 (1) An insured depository institution (as defined in Section 3 of  
 21 the Federal Deposit Insurance Act (12 U.S.C. 1813)).  
 22 (2) An insured credit union (as defined in Section 101 of the  
 23 Federal Credit Union Act (12 U.S.C. 1752)).  
 24 (3) A bank or association chartered under the Farm Credit Act of  
 25 1971 (12 U.S.C. 2001 et seq.).  
 26 (4) A leasing or trust company that is an affiliate of an insured  
 27 depository institution.  
 28 (5) A person (including a successor or assignee of the person)  
 29 that:  
 30 (A) makes a bona fide extension of credit to; or  
 31 (B) takes or acquires a security interest from;  
 32 a nonaffiliated person.  
 33 (6) The Federal National Mortgage Association, the Federal  
 34 Home Loan Mortgage Corporation, the Federal Agricultural  
 35 Mortgage Corporation, or an entity that buys or sells loans or  
 36 interests in loans in a bona fide manner.  
 37 (7) A person that:  
 38 (A) insures or guarantees against a default in the repayment of  
 39 an extension of credit; or  
 40 (B) acts as a surety with respect to an extension of credit;  
 41 to a nonaffiliated person.  
 42 (8) A person that provides title insurance and that acquires an



- 1 underground storage tank as a result of assignment or conveyance  
 2 in the course of underwriting claims and claims settlement.
- 3 (b) "Lender", for purposes of IC 13-24-1, means any of the  
 4 following:  
 5 (1) An insured depository institution (as defined in Section 3 of  
 6 the Federal Deposit Insurance Act (12 U.S.C. 1813)).  
 7 (2) An insured credit union (as defined in Section 101 of the  
 8 Federal Credit Union Act (12 U.S.C. 1752)).  
 9 (3) A bank or association chartered under the Farm Credit Act of  
 10 1971 (12 U.S.C. 2001 et seq.).  
 11 (4) A leasing or trust company that is an affiliate of an insured  
 12 depository institution.  
 13 (5) A person (including a successor or assignee of the person)  
 14 that:  
 15 (A) makes a bona fide extension of credit to; or  
 16 (B) takes or acquires a security interest from;  
 17 a nonaffiliated person.  
 18 (6) The Federal National Mortgage Association, the Federal  
 19 Home Loan Mortgage Corporation, the Federal Agricultural  
 20 Mortgage Corporation, or an entity that buys or sells loans or  
 21 interests in loans in a bona fide manner.  
 22 (7) A person that:  
 23 (A) insures or guarantees against a default in the repayment of  
 24 an extension of credit; or  
 25 (B) acts as a surety with respect to an extension of credit;  
 26 to a nonaffiliated person.  
 27 (8) A person that provides title insurance and that acquires a  
 28 petroleum facility as a result of assignment or conveyance in the  
 29 course of underwriting claims and claims settlement.
- 30 ~~(c)~~ "Lender", for purposes of IC 13-25-3, means a person that  
 31 provides loans secured by:  
 32 ~~(1) an interest in property; or~~  
 33 ~~(2) an assignment of beneficial interest in a land trust.~~
- 34 ~~(d)~~ (c) "Lender", for purposes of IC 13-25-4, means any of the  
 35 following:  
 36 (1) An insured depository institution (as defined in Section 3 of  
 37 the Federal Deposit Insurance Act (12 U.S.C. 1813)).  
 38 (2) An insured credit union (as defined in Section 101 of the  
 39 Federal Credit Union Act (12 U.S.C. 1752)).  
 40 (3) A bank or association chartered under the Farm Credit Act of  
 41 1971 (12 U.S.C. 2001 et seq.).  
 42 (4) A leasing or trust company that is an affiliate of an insured





- 1 depository institution.
- 2 (5) A person (including a successor or assignee of the person)
- 3 that:
- 4 (A) makes a bona fide extension of credit to; or
- 5 (B) takes or acquires a security interest from;
- 6 a nonaffiliated person.
- 7 (6) The Federal National Mortgage Association, the Federal
- 8 Home Loan Mortgage Corporation, the Federal Agricultural
- 9 Mortgage Corporation, or an entity that buys or sells loans or
- 10 interests in loans in a bona fide manner.
- 11 (7) A person that:
- 12 (A) insures or guarantees against a default in the repayment of
- 13 an extension of credit; or
- 14 (B) acts as a surety with respect to an extension of credit;
- 15 to a nonaffiliated person.
- 16 (8) A person that provides title insurance and that acquires a
- 17 vessel or facility as a result of assignment or conveyance in the
- 18 course of underwriting claims and claims settlement.
- 19 SECTION 54. IC 13-11-2-149.5, AS AMENDED BY P.L.78-2009,
- 20 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 21 JULY 1, 2014]: Sec. 149.5. "Outstanding national resource water", for
- 22 purposes of section 50.5 of this chapter and IC 13-18-3, means a water
- 23 designated as such by the general assembly after recommendations by
- 24 the ~~water pollution control~~ board and the environmental quality service
- 25 council under IC 13-18-3-2(n) and IC 13-18-3-2(o). The designation
- 26 must describe the quality of the outstanding national resource water to
- 27 serve as the benchmark of the water quality that shall be maintained
- 28 and protected. Waters that may be considered for designation as
- 29 outstanding national resource waters include water bodies that are
- 30 recognized as:
- 31 (1) important because of protection through official action, such
- 32 as:
- 33 (A) federal or state law;
- 34 (B) presidential or secretarial action;
- 35 (C) international treaty; or
- 36 (D) interstate compact;
- 37 (2) having exceptional recreational significance;
- 38 (3) having exceptional ecological significance;
- 39 (4) having other special environmental, recreational, or ecological
- 40 attributes; or
- 41 (5) waters with respect to which designation as an outstanding
- 42 national resource water is reasonably necessary for protection of



- 1 other water bodies designated as outstanding national resource  
 2 waters.
- 3 SECTION 55. IC 13-11-2-149.6 IS AMENDED TO READ AS  
 4 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 149.6. "Outstanding  
 5 state resource water", for purposes of section 50.5 of this chapter and  
 6 IC 13-18-3, means any water designated as such by the ~~water pollution~~  
 7 ~~control~~ board regardless of when the designation occurred or occurs.  
 8 Waters that may be considered for designation as outstanding state  
 9 resource waters include water bodies that have unique or special  
 10 ecological, recreational, or aesthetic significance.
- 11 SECTION 56. IC 13-11-2-152 IS REPEALED [EFFECTIVE JULY  
 12 1, 2014]. ~~Sec. 152: (a) "Parties", for purposes of IC 13-25-3, refers to~~  
 13 ~~the parties to a transfer of property, which include the following:~~
- 14 (1) ~~The transferor;~~  
 15 (2) ~~The transferee;~~  
 16 (3) ~~Each lender involved in the transfer.~~
- 17 (b) ~~The term includes a person who intends to participate in a~~  
 18 ~~transfer of property as:~~
- 19 (1) ~~a transferor;~~  
 20 (2) ~~a transferee; or~~  
 21 (3) ~~a lender.~~
- 22 SECTION 57. IC 13-11-2-158, AS AMENDED BY P.L.114-2012,  
 23 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2014]: Sec. 158. (a) "Person", for purposes of:
- 25 (1) IC 13-21;  
 26 (2) air pollution control laws;  
 27 (3) water pollution control laws; and  
 28 (4) environmental management laws, except as provided in  
 29 subsections (c), (d), and (e);
- 30 means an individual, a partnership, a copartnership, a firm, a company,  
 31 a corporation, an association, a joint stock company, a trust, an estate,  
 32 a municipal corporation, a city, a school city, a town, a school town, a  
 33 school district, a school corporation, a county, any consolidated unit of  
 34 government, political subdivision, state agency, a contractor, or any  
 35 other legal entity.
- 36 (b) "Person", for purposes of:
- 37 (1) IC 13-18-10;  
 38 (2) IC 13-18-10.5;  
 39 (3) IC 13-20-10.5; and  
 40 (4) IC 13-20-17;
- 41 means an individual, a partnership, a copartnership, a firm, a company,  
 42 a corporation, an association, a joint stock company, a trust, an estate,



1 a political subdivision, a state agency, or other legal entity, or their  
2 legal representative, agent, or assigns.

3 (c) "Person", for purposes of:

4 (1) IC 13-20-13;

5 (2) IC 13-20-14;

6 (3) IC 13-20-16; and

7 (4) IC 13-25-6;

8 means an individual, a corporation, a limited liability company, a  
9 partnership, or an unincorporated association.

10 (d) "Person", for purposes of IC 13-23, has the meaning set forth in  
11 subsection (a). The term includes a consortium, a joint venture, a  
12 commercial entity, and the United States government.

13 (e) "Person", for purposes of IC 13-20-17.5, ~~and IC 13-25-3~~, means  
14 an individual, a corporation, a limited liability company, a partnership,  
15 a trust, an estate, or an unincorporated association.

16 (f) "Person", for purposes of IC 13-26, means an individual, a firm,  
17 a partnership, an association, a limited liability company, or a  
18 corporation other than an eligible entity.

19 (g) "Person", for purposes of IC 13-29-1, means any individual,  
20 corporation, business enterprise, or other legal entity either public or  
21 private and any legal successor, representative, agent, or agency of that  
22 individual, corporation, business enterprise, or legal entity.

23 SECTION 58. IC 13-11-2-174 IS REPEALED [EFFECTIVE JULY  
24 1, 2014]. Sec. 174: (a) "Property", for purposes of IC 13-25-3, means  
25 a specific and an identifiable parcel of real property that:

26 (1) contains one (1) or more facilities that are subject to reporting  
27 under Section 312 of the federal Emergency Planning and  
28 Community Right-to-Know Act of 1986 (42 U.S.C. 11022);

29 (2) is the site of one (1) or more underground storage tanks for  
30 which notification is required under:

31 (A) 42 U.S.C. 6991a; and

32 (B) IC 13-23-1-2(c)(8)(A); or

33 (3) is listed on the Comprehensive Environmental Response;  
34 Compensation; and Liability Information System (CERCLIS) in  
35 accordance with Section 116 of CERCLA (42 U.S.C. 9616).

36 (b) The term does not include property that has been subject to  
37 bonding or other financial assurances released by the appropriate  
38 governmental agency after compliance with applicable state laws.

39 SECTION 59. IC 13-11-2-183, AS AMENDED BY P.L.221-2007,  
40 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
41 JULY 1, 2014]: Sec. 183. "Regulated substance", for purposes of this  
42 chapter and IC 13-23, includes the following:



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

4 (A) Subtitle C of the federal Solid Waste Disposal Act, as  
 5 amended (42 U.S.C. 6921 through 6939(a)); or

6 (B) IC 13-22-2-3.

7 (2) Petroleum.

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

10 SECTION 60. IC 13-11-2-205, AS AMENDED BY P.L.189-2011,  
 11 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2014]: Sec. 205. (a) "Solid waste", for purposes of IC 13-19,  
 13 IC 13-21, IC 13-20-22, and environmental management laws, except  
 14 as provided in subsection (b), means any garbage, refuse, sludge from  
 15 a waste treatment plant, sludge from a water supply treatment plant,  
 16 sludge from an air pollution control facility, or other discarded  
 17 material, including solid, liquid, semisolid, or contained gaseous  
 18 material resulting from industrial, commercial, mining, or agricultural  
 19 operations or from community activities. The term does not include:

20 (1) solid or dissolved material in:

21 (A) domestic sewage; or

22 (B) irrigation return flows or industrial discharges;

23 that are point sources subject to permits under Section 402 of the  
 24 Federal Water Pollution Control Act Amendments (33 U.S.C.  
 25 1342);

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

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

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

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

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

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

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

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

40 (c) "Solid waste", for purposes of IC 13-26, means all putrescible  
 41 and nonputrescible solid and semisolid wastes, except human excreta.  
 42 The term includes garbage, rubbish, ashes, street cleanings, dead



1 animals, offal, and solid commercial, industrial, and institutional  
2 wastes.

3 SECTION 61. IC 13-11-2-234 IS REPEALED [EFFECTIVE JULY  
4 1, 2014]. Sec. 234. (a) "Transfer"; for purposes of IC 13-25-3, means  
5 a conveyance of an interest in property by any of the following:

6 (1) A deed or other instrument of conveyance of fee title to  
7 property.

8 (2) A lease whose term, if all options were exercised, would be  
9 more than forty (40) years.

10 (3) An assignment of more than twenty-five percent (25%) of the  
11 beneficial interest in a land trust.

12 (4) A collateral assignment of a beneficial interest in a land trust.

13 (5) An installment contract for the sale of property.

14 (6) A mortgage or trust deed.

15 (7) A lease of any duration that includes an option to purchase.

16 (b) The term does not include a conveyance of an interest in  
17 property by any of the following:

18 (1) A deed or trust document that, without additional  
19 consideration:

20 (A) confirms;

21 (B) corrects;

22 (C) modifies; or

23 (D) supplements;

24 a deed or trust document that was previously recorded.

25 (2) A deed or trust document that, without additional  
26 consideration, changes title to property without changing  
27 beneficial interest.

28 (3) A tax deed or a deed from a county transferring property the  
29 county received under IC 6-1.1-25-5.5.

30 (4) An instrument of release of an interest in property that is  
31 security for a debt or other obligation.

32 (5) A deed of partition.

33 (6) A conveyance occurring as a result of the foreclosure of a  
34 mortgage or other lien on real property.

35 (7) An easement.

36 (8) A conveyance of an interest in minerals, gas, or oil, including  
37 a lease.

38 (9) A conveyance by operation of law upon the death of a joint  
39 tenant with right of survivorship.

40 (10) An inheritance or devise.

41 (11) A deed in lieu of foreclosure.

42 (12) A Uniform Commercial Code sale or other foreclosure of a



1 collateral assignment of a beneficial interest in a land trust:

2 (13) A deed that conveys fee title under an installment contract  
3 for the sale of property:

4 (14) A deed that conveys fee title under an exercise of an option  
5 to purchase contained in a lease of property:

6 SECTION 62. IC 13-11-2-236 IS REPEALED [EFFECTIVE JULY  
7 1, 2014]. Sec. 236: (a) "Transferee", for purposes of IC 13-25-3, means  
8 any of the following:

9 (1) A buyer, mortgagee, grantee, or lessee of real property:

10 (2) An assignee of an interest of more than twenty-five percent  
11 (25%) in a land trust:

12 (3) For a transfer to the trustee of a land trust, the owners of the  
13 beneficial interest of the land trust:

14 (b) The term includes a prospective transferee:

15 SECTION 63. IC 13-11-2-237 IS REPEALED [EFFECTIVE JULY  
16 1, 2014]. Sec. 237: (a) "Transferor", for purposes of IC 13-25-3, means  
17 any of the following:

18 (1) A seller, grantor, mortgagor, or lessor of real property:

19 (2) An assignor of an interest of more than twenty-five percent  
20 (25%) in a land trust:

21 (3) For a transfer by the trustee of a land trust, the owner of the  
22 beneficial interest of the land trust:

23 (b) The term includes a prospective transferor:

24 SECTION 64. IC 13-11-2-241 IS AMENDED TO READ AS  
25 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 241. (a) "Underground  
26 storage tank", for purposes of section 161 of this chapter and IC 13-23,  
27 means one (1) tank or a combination of tanks, including underground  
28 pipes connected to the tank or combination of tanks:

29 (1) that is used to contain an accumulation of regulated  
30 substances; and

31 (2) the volume of which, including the volume of the underground  
32 connected pipes, is at least ten percent (10%) beneath the surface  
33 of the ground.

34 (b) The term does not include any of the following:

35 (1) A farm or residential tank with a capacity of not more than one  
36 thousand one hundred (1,100) gallons that is used for storing  
37 motor fuel for noncommercial purposes.

38 (2) A tank used for storing heating oil for consumptive use on the  
39 premises on which the tank is stored.

40 (3) A septic tank.

41 (4) A pipeline facility, including gathering lines, that:

42 (A) is regulated under the Natural Gas Pipeline Safety Act of



- 1           1968 (49 U.S.C. 1671 et seq.);  
 2           (B) is regulated under the Hazardous Liquid Pipeline Safety  
 3           Act of 1979 (49 U.S.C. 60101 et seq.); or  
 4           (C) is an intrastate pipeline facility regulated under state laws  
 5           comparable to the laws identified in clauses (A) through (B).  
 6           (5) A surface impoundment, pit, pond, or lagoon.  
 7           (6) A stormwater or wastewater collection system.  
 8           (7) A flow-through process tank.  
 9           (8) A liquid trap or associated gathering lines directly related to  
 10          oil or gas production and gathering operations.  
 11          (9) A storage tank situated in an underground area such as:  
 12           (A) a basement;  
 13           (B) a cellar;  
 14           (C) a mineworking;  
 15           (D) a drift;  
 16           (E) a shaft; or  
 17           (F) a tunnel;  
 18          if the storage tank is situated upon or above the surface of the  
 19          floor.  
 20          (10) Any other tank exempted by a rule adopted by the ~~solid~~  
 21          ~~waste management~~ board in accordance with regulations adopted  
 22          by the Administrator of the United States Environmental  
 23          Protection Agency.  
 24          (11) A pipe connected to a tank described in subdivisions (1)  
 25          through (10).

26          SECTION 65. IC 13-14-8-0.3, AS ADDED BY P.L.220-2011,  
 27          SECTION 279, IS AMENDED TO READ AS FOLLOWS  
 28          [EFFECTIVE JULY 1, 2014]: Sec. 0.3. A rule **that**:

29           **(1) was** adopted by the solid waste management board  
 30           **(established by IC 13-19-2, before its repeal)** before May 13,  
 31           1999; **and**

32           **(2) that** does not comply with IC 13-20-7-1 (as amended by  
 33           P.L.224-1999 and before its repeal);

34          applies only to special waste that is disposed of at a solid waste landfill  
 35          that does not meet Subtitle D design standards of the federal Resource  
 36          Conservation and Recovery Act as provided in 40 CFR Part 258.

37          SECTION 66. IC 13-14-8-11.6 IS AMENDED TO READ AS  
 38          FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11.6. (a) A discharger  
 39          is not required to obtain a state permit for the modification or  
 40          construction of a water pollution treatment or control facility if the  
 41          discharger has an effective:

42           (1) National Pollutant Discharge Elimination System (NPDES)



- 1 industrial permit for direct discharges to surface water; or  
 2 (2) industrial waste pretreatment permit not issued by the  
 3 department for discharges to a publicly owned treatment works.  
 4 (b) If a modification is for the treatment or control of any new  
 5 influent pollutant or increased levels of any existing pollutant, within  
 6 thirty (30) days after commencement of operation, the discharger shall  
 7 file with the department a notice of installation for the additional  
 8 pollutant control equipment and a design summary of any  
 9 modifications.  
 10 (c) The ~~water pollution control~~ board shall adopt a general permit  
 11 rule for the approval of sanitary collection system plans, lift station  
 12 plans, and force main plans.  
 13 SECTION 67. IC 13-15-4-1, AS AMENDED BY P.L.223-2011,  
 14 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 JULY 1, 2014]: Sec. 1. (a) Except as provided in sections 2, 3, and 6  
 16 of this chapter, the commissioner shall approve or deny an application  
 17 filed with the department after July 1, 1995, within the following  
 18 number of days:  
 19 (1) Three hundred sixty-five (365) days for an application  
 20 concerning the following:  
 21 (A) A new hazardous waste or solid waste landfill.  
 22 (B) A new hazardous waste or solid waste incinerator.  
 23 (C) A major modification of a solid waste landfill.  
 24 (D) A major modification of a solid waste incinerator.  
 25 (E) A new hazardous waste treatment or storage facility.  
 26 (F) A new Part B permit issued under 40 CFR 270 et seq. for  
 27 an existing hazardous waste treatment or storage facility.  
 28 (G) A Class 3 modification under 40 CFR 270.42 to a  
 29 hazardous waste landfill.  
 30 (H) A new solid waste processing facility other than a transfer  
 31 station.  
 32 (2) Except as provided in IC 13-18-3-2.1, two hundred seventy  
 33 (270) days for an application concerning the following:  
 34 (A) A Class 3 modification under 40 CFR 270.42 of a  
 35 hazardous waste treatment or storage facility.  
 36 (B) A major new National Pollutant Discharge Elimination  
 37 System permit.  
 38 (C) A major modification to a solid waste processing facility  
 39 other than a transfer station.  
 40 (3) Except as provided in IC 13-18-3-2.1, one hundred eighty  
 41 (180) days for an application concerning the following:  
 42 (A) A new transfer station or a major modification to a transfer





- 1 station.
- 2 (B) A minor new National Pollutant Discharge Elimination
- 3 System individual permit.
- 4 (C) A permit concerning the land application of a material.
- 5 (D) A permit for marketing and distribution of a biosolid or an
- 6 industrial waste product.
- 7 (4) Except as provided in IC 13-18-3-2.1, one hundred fifty (150)
- 8 days for an application concerning a minor new National
- 9 Pollutant Discharge Elimination System general permit.
- 10 (5) One hundred twenty (120) days for an application concerning
- 11 a Class 2 modification under 40 CFR 270.42 to a hazardous waste
- 12 facility.
- 13 (6) Ninety (90) days for an application concerning the following:
- 14 (A) A minor modification to a permit for the following:
- 15 (i) A solid waste landfill.
- 16 (ii) A solid waste processing facility.
- 17 (iii) An incinerator.
- 18 (B) A wastewater facility or water facility construction permit.
- 19 (7) The amount of time provided for in rules adopted by the ~~air~~
- 20 ~~pollution control~~ board for an application concerning the
- 21 following:
- 22 (A) An air pollution construction permit that is subject to 326
- 23 IAC 2-2 and 326 IAC 2-3.
- 24 (B) An air pollution facility construction permit (other than as
- 25 defined in 326 IAC 2-2).
- 26 (C) Registration of an air pollution facility.
- 27 (8) Sixty (60) days for an application concerning the following:
- 28 (A) A Class 1 modification under 40 CFR 270.42 requiring
- 29 prior written approval, to a hazardous waste:
- 30 (i) landfill;
- 31 (ii) incinerator;
- 32 (iii) treatment facility; or
- 33 (iv) storage facility.
- 34 (B) Any other permit not specifically described in this section
- 35 for which the application fee exceeds forty-nine dollars (\$49)
- 36 and for which a time frame has not been established under
- 37 section 3 of this chapter.
- 38 (b) When a person holding a valid permit concerning an activity of
- 39 a continuing nature has made a timely and sufficient application for a
- 40 renewal permit under the rules of one (1) of the boards, the
- 41 commissioner shall approve or deny the application on or before the
- 42 expiration date stated in the permit for which renewal is sought.



1 SECTION 68. IC 13-15-6-6 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. The ~~air pollution~~  
 3 ~~control~~ board may adopt rules under IC 4-22-2 to provide that the  
 4 opportunity for judicial review allowed under section 4 or 5 of this  
 5 chapter applies to the revision or modification of a permit or license  
 6 under the operating permit program under 42 U.S.C. 7661 through  
 7 7661f.

8 SECTION 69. IC 13-15-7-1 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. Except as provided  
 10 in sections 2 and 4 of this chapter, the commissioner or a designated  
 11 staff member may revoke or modify a permit granted by the department  
 12 under environmental management laws or IC 13-7 (before its repeal)  
 13 for any of the following causes:

- 14 (1) Violation of any condition of the permit.
- 15 (2) Failure to disclose all of the relevant facts.
- 16 (3) Any misrepresentation made in obtaining the permit.
- 17 (4) Changes in circumstances relating to the permit that require  
 18 either a temporary or permanent reduction in the discharge of  
 19 contaminants.
- 20 (5) Any other change, situation, or activity relating to the use of  
 21 a permit that, in the judgment of the department, is not consistent  
 22 with the following:

23 (A) The purposes of this title.

24 (B) Rules adopted by **the board** or one (1) of the **former**  
 25 boards **abolished by IC 13-13-8-2**.

26 SECTION 70. IC 13-15-12-1 IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. Every twelve (12)  
 28 months, the commissioner shall submit to the following a report that  
 29 contains an evaluation of the actions taken by the department to  
 30 improve the department's process of issuing permits:

- 31 (1) The governor.
- 32 (2) The general assembly. The report must be in an electronic  
 33 format under IC 5-14-6.
- 34 (3) The ~~boards~~ **board**.

35 SECTION 71. IC 13-16-1-2 IS AMENDED TO READ AS  
 36 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. To establish fees or  
 37 change the amount of a fee, ~~a~~ **the** board shall:

- 38 (1) follow the procedure required for the adoption of rules; and
- 39 (2) take into account:
  - 40 (A) the cost of the issuance of a permit or license;
  - 41 (B) the cost of the performance of services in connection with  
 42 the supervision, review, and other necessary activities related



- 1 to the area involved;  
 2 (C) the cost of the surveillance of the activity or property  
 3 covered by the license or permit; and  
 4 (D) fees charged for equivalent permits or licenses in other  
 5 states.

6 SECTION 72. IC 13-16-1-6 IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. Notwithstanding  
 8 sections 1 through 5 of this chapter or any other law, **a the** board or the  
 9 department may not do any of the following:

- 10 (1) Except as provided in section 7 of this chapter, change a fee  
 11 established by:  
 12 (A) IC 13-18-20;  
 13 (B) IC 13-20-21; or  
 14 (C) IC 13-22-12.  
 15 (2) Establish an additional fee that was not in effect on January 1,  
 16 1994, concerning the following:  
 17 (A) National Pollutant Discharge Elimination System  
 18 programs.  
 19 (B) Solid waste programs.  
 20 (C) Hazardous waste programs.  
 21 (3) Require payment of a fee for material used as alternate daily  
 22 cover pursuant to a permit issued by the department under 329  
 23 IAC 10-20-13.

24 SECTION 73. IC 13-18-3-12, AS AMENDED BY P.L.57-2013,  
 25 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26 JULY 1, 2014]: Sec. 12. The board shall adopt rules providing that  
 27 whenever a person submits plans to a unit concerning the design or  
 28 construction of:

- 29 (1) a sanitary sewer or public water main, if:  
 30 (A) a professional engineer who is registered under IC 25-31  
 31 prepared the plans;  
 32 (B) the unit provided for review of the plans by a qualified  
 33 engineer and subsequently approved the plans; and  
 34 (C) all other requirements specified in rules adopted by the  
 35 ~~water pollution control~~ board are met; or  
 36 (2) a sanitary sewer extension for and within a subdivision, if:  
 37 (A) a qualified professional surveyor who is registered under  
 38 IC 25-21.5 prepared the plans;  
 39 (B) the subdivision is being laid out or having been laid out by  
 40 the professional surveyor subject to IC 25-21.5-7;  
 41 (C) the unit provided for review of the plans by a qualified  
 42 engineer and subsequently approved the plans; and



1 (D) all other requirements specified in rules adopted by the  
 2 board are met;  
 3 the plans are not required to be submitted to any state agency for a  
 4 permit, permission, or review, unless required by federal law.

5 SECTION 74. IC 13-18-9-3 IS AMENDED TO READ AS  
 6 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A person may not  
 7 use, sell, or otherwise dispose of any detergent containing phosphorus,  
 8 except:

9 (1) for those amounts not exceeding one-half percent (0.5%) by  
 10 weight incidental to manufacturing; and

11 (2) in accordance with rules adopted under IC 4-22-2 by the ~~water~~  
 12 ~~pollution control~~ board;

13 in Indiana or into the boundary waters of Indiana from a source within  
 14 Indiana.

15 (b) The concentration of phosphorus shall be determined by the  
 16 applicable method prescribed by the American Society for Testing and  
 17 Materials.

18 SECTION 75. IC 13-18-17-5, AS AMENDED BY P.L.1-2006,  
 19 SECTION 201, IS AMENDED TO READ AS FOLLOWS  
 20 [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) The board shall adopt rules  
 21 under IC 4-22-2 establishing groundwater quality standards that  
 22 include numeric and narrative criteria, a groundwater classification  
 23 plan, and a method of determining where the groundwater quality  
 24 standards must apply. The standards established under this subsection  
 25 shall be used for the following purposes:

26 (1) To establish minimum compliance levels for groundwater  
 27 quality monitoring at regulated facilities.

28 (2) To ban the discharge of effluents into potable groundwater.

29 (3) To establish health protection goals for untreated water in  
 30 water supply wells.

31 (4) To establish concentration limits for contaminants in ambient  
 32 groundwater.

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

37 (1) The department.

38 (2) The department of natural resources.

39 (3) The state department of health.

40 (4) The office of the state chemist.

41 (5) The division of fire and building safety.

42 (c) The executive board of the state department of health may not



1 adopt rules to apply the nitrate and nitrite numeric criteria included in  
 2 groundwater quality standards established in rules adopted by the board  
 3 under subsection (a) to onsite sewage systems.

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

9 SECTION 76. IC 13-20-4-16 IS AMENDED TO READ AS  
 10 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. The ~~solid waste~~  
 11 ~~management~~ board may adopt rules under IC 4-22-2 to implement this  
 12 chapter.

13 SECTION 77. IC 13-20-6-9 IS AMENDED TO READ AS  
 14 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. The ~~solid waste~~  
 15 ~~management~~ board shall adopt rules under IC 4-22-2 to implement this  
 16 chapter.

17 SECTION 78. IC 13-20-11-2 IS AMENDED TO READ AS  
 18 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. A department  
 19 employee designated as a landfill inspector for a county under this  
 20 chapter shall monitor operations at every landfill in the county. The  
 21 duties of the landfill inspector include the following:

- 22 (1) Promoting compliance with the rules of the ~~solid waste~~  
 23 ~~management~~ board governing landfill operations.
- 24 (2) Keeping records required by the rules of the board or ensuring  
 25 that those records be kept.
- 26 (3) Investigating possible violations of:  
 27 (A) the rules of the board; or  
 28 (B) any statute;  
 29 governing landfill operation or solid waste disposal.

30 SECTION 79. IC 13-20-22-1, AS AMENDED BY P.L.131-2006,  
 31 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 JULY 1, 2014]: Sec. 1. (a) Unless the legislative body of a county  
 33 having a consolidated city elects by ordinance to participate in the  
 34 rules, ordinances, and governmental structures enacted or created  
 35 under this chapter, the collection of fees on the disposal of solid waste  
 36 in a final disposal facility located in that county are exempt until  
 37 December 2, 2008, from regulation or control under this chapter.

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

- 41 (1) For solid waste generated in Indiana and delivered to a final  
 42 disposal facility in a motor vehicle having a registered gross



- 1 vehicle weight greater than nine thousand (9,000) pounds, fifty  
 2 cents (\$0.50) a ton.
- 3 (2) For solid waste generated outside Indiana and delivered to a  
 4 final disposal facility in a motor vehicle having a registered gross  
 5 vehicle weight greater than nine thousand (9,000) pounds:  
 6 (A) fifty cents (\$0.50) a ton; and  
 7 (B) if the ~~solid waste management~~ board has adopted rules  
 8 under subsection (c), an additional amount imposed under the  
 9 rules.
- 10 (3) For solid waste generated in Indiana or outside Indiana and  
 11 delivered to a final disposal facility in:  
 12 (A) a motor vehicle having a registered gross vehicle weight  
 13 of not more than nine thousand (9,000) pounds; or  
 14 (B) a passenger motor vehicle (as defined in IC 9-13-2-123);  
 15 fifty cents (\$0.50) for each load delivered by the motor vehicle.
- 16 (c) The ~~solid waste management~~ board may adopt rules to establish  
 17 and impose a fee on the disposal or incineration of solid waste that is:  
 18 (1) generated outside Indiana; and  
 19 (2) disposed of or incinerated in a final disposal facility in  
 20 Indiana.
- 21 If rules are adopted under this subsection, the fee shall be set at an  
 22 amount necessary to offset the costs incurred by the state or a county,  
 23 municipality, or township that can be attributed to the importation of  
 24 the solid waste into Indiana and the presence of the solid waste in  
 25 Indiana.
- 26 (d) Revenue from fees collected under subsection (b)(1) and  
 27 (b)(2)(A) shall be deposited in the state solid waste management fund  
 28 established by section 2 of this chapter. Revenue from fees collected  
 29 under subsection (b)(2)(B) shall be deposited in the hazardous  
 30 substances response trust fund established by IC 13-25-4-1, except that  
 31 any part of the revenue that the board finds is necessary to offset costs  
 32 incurred by counties, municipalities, and townships shall be distributed  
 33 to solid waste management districts pro rata on the basis of the district's  
 34 population.
- 35 (e) If solid waste has been subject to a fee under this section, the  
 36 total amount of the fee paid shall be credited against any other fee to  
 37 which the solid waste may later be subject under this section.
- 38 (f) A fee may not be imposed upon material used as alternate daily  
 39 cover pursuant to a permit issued by the department under 329  
 40 IAC 10-20-13.
- 41 SECTION 80. IC 13-22-3-2 IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. The department shall



1 issue permits for a hazardous waste facility constructed and operated  
 2 in compliance with rules adopted by the ~~solid waste management~~  
 3 board.

4 SECTION 81. IC 13-23-5-3, AS ADDED BY P.L.16-2009,  
 5 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2014]: Sec. 3. (a) An underground storage tank system that  
 7 contains fuel composed of greater than fifteen percent (15%) alcohol  
 8 is considered to comply with section 1(b) of this chapter if either of the  
 9 following applies:

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

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

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

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

15 after May 11, 2007, of any additional rules concerning technical  
 16 and safety requirements for storing and dispensing alcohol  
 17 blended fuel.

18 (b) Replacement tanks or ancillary equipment installed in existing  
 19 underground storage tank systems storing or dispensing alcohol  
 20 blended fuels must meet the standards contained in additional rules  
 21 **adopted by the solid waste management board as described in**  
 22 **subsection (a)(2) that were adopted by the solid waste management**  
 23 **board before January 1, 2013, or are adopted by the environmental**  
 24 **rules board only if the installation occurs after the adoption of those**  
 25 rules.

26 SECTION 82. IC 13-23-11-2 IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) The board  
 28 consists of the following ~~sixteen (16)~~ **nine (9)** members:

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

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

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

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

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

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

42 ~~(B) (4) One (1) member representing the petroleum~~



1 refiner-supplier industry. **In making this appointment, the**  
 2 **governor may consider the recommendation of the Indiana**  
 3 **petroleum council.**

4 ~~(C)~~ **(1)** One ~~(1)~~ member representing the service station dealer  
 5 industry who owns or operates less than thirteen ~~(13)~~  
 6 underground petroleum storage tanks.

7 ~~(D)~~ **(5)** One (1) member of the financial lending community who  
 8 has experience with loan guaranty programs.

9 ~~(E)~~ **(6)** One (1) member representing the convenience store  
 10 operator industry **or independent petroleum retail**  
 11 **distributor-marketer industry. In making this appointment,**  
 12 **the governor may consider the recommendation of the**  
 13 **Indiana petroleum marketers and convenience store**  
 14 **association.**

15 ~~(F)~~ **(7)** One (1) member representing environmental interests.

16 ~~(G)~~ **(8)** One (1) member representing local government.

17 ~~(H)~~ **(2)** Two ~~(2)~~ members representing the general public.

18 ~~(I)~~ **(1)** One ~~(1)~~ member representing the independent petroleum  
 19 retail distributor marketer industry who owns or operates more  
 20 than twelve ~~(12)~~ underground petroleum storage tanks.

21 ~~(J)~~ **(1)** One ~~(1)~~ member representing businesses that own  
 22 petroleum underground storage tanks and are not engaged in  
 23 the sale of petroleum.

24 ~~(K)~~ **(9)** One (1) member representing the property and casualty  
 25 insurance industry.

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

28 SECTION 83. IC 13-23-11-6 IS AMENDED TO READ AS  
 29 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) The board must  
 30 have a quorum to transact business. ~~Nine (9)~~ **Five (5)** members  
 31 constitute a quorum.

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

34 (c) The board shall meet upon:

35 (1) the request of the chairperson; or

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

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

39 SECTION 84. IC 13-23-11-7 IS AMENDED TO READ AS  
 40 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) The board shall  
 41 do the following:

42 (1) Adopt rules under IC 4-22-2 and IC 13-14-9 necessary to carry





1 out the duties of the board under this article.

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

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

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

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

16 (3) Consult with the department on administration of the  
17 underground petroleum storage tank excess liability trust fund  
18 established by IC 13-23-7-1 in developing uniform policies and  
19 procedures for revenue collection and claims administration of the  
20 fund.

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

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

29 SECTION 85. IC 13-25-3 IS REPEALED [EFFECTIVE JULY 1,  
30 2014]. (Responsible Property Transfer Law).

31 SECTION 86. IC 13-26-4-7, AS AMENDED BY P.L.179-2013,  
32 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
33 JULY 1, 2014]: Sec. 7. (a) Except as provided in subsection (b), the  
34 board of a district may provide for the payment of not more than fifty  
35 dollars (\$50) per day to members of the board for each day or major  
36 part of a day devoted to the work of the district.

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

39 (1) is located in more than one (1) county; and

40 (2) was formed in 1975 by order of the stream pollution control  
41 board of the state of Indiana (which was succeeded in 1986 by the  
42 water pollution control board, in 1986): **which was established**



1           **by IC 13-18-1, before its repeal).**  
 2           The board of a district may provide for the payment of not more than  
 3           one hundred twenty-five dollars (\$125) per day to members of the  
 4           board for each day or major part of a day devoted to the work of the  
 5           district.

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

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

11          SECTION 87. IC 13-26-5-4 IS AMENDED TO READ AS  
 12          FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The board may  
 13          adopt and enforce rules for the following purposes:

- 14           (1) To accomplish the purpose of a district.  
 15           (2) To protect the works, improvements, and properties, both real  
 16           and personal, that the district owns.  
 17           (3) To secure the best results from the construction, operation,  
 18           and maintenance of works, improvements, and properties.  
 19           (4) To prevent damage by the misuse of the works, improvements,  
 20           or properties by:

21           (A) the pollution or misuse of the waters in the district or of  
 22           the sewerage system; or

23           (B) the improper disposal of solid waste.

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

26           (1) Protect and preserve the works, improvements, and properties  
 27           owned or controlled by the district, prescribe the manner of use  
 28           by any person, and preserve order in and adjacent to the works.

29           (2) Prescribe the manner:

30           (A) in which ditches, sewers, pipelines, or other works should  
 31           be adjusted to or connected with the works of the district; and

32           (B) of waste disposal in the district.

33           (3) Prescribe the permissible uses of the water supply and the  
 34           manner of distribution and prevent the pollution or unnecessary  
 35           waste of the water supply.

36           (4) Prohibit or regulate the discharge into the sewers of the  
 37           district of liquid or solid waste detrimental to the works and  
 38           improvements.

39          (c) Rules must be:

40           (1) consistent with:

41           (A) statutes; and

42           (B) the rules of the ~~solid waste management board or the water~~



- 1                    ~~pollution control~~ **environmental rules** board; and
- 2                    (2) maintained and open to inspection in the office of the district.
- 3                    (d) The board may enforce by injunction or other legal remedy rules
- 4                    adopted under this section. The board may remove a harmful or
- 5                    improper construction or obstruction or may close an opening or
- 6                    connection made improperly or in violation of the rules. A person that
- 7                    willfully fails to comply with the rules is liable for damage caused by
- 8                    the failure and for the cost of restoring or replacing construction
- 9                    damaged.
- 10                  SECTION 88. IC 13-27-7-2, AS AMENDED BY P.L.37-2012,
- 11                  SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 12                  JULY 1, 2014]: Sec. 2. (a) Guidance documents, technical assistance
- 13                  manuals, and policies developed or used in implementing programs
- 14                  under this article are not binding on participating businesses.
- 15                  (b) Subject to subsection (e), the ~~air pollution control board; the~~
- 16                  ~~water pollution control board; the solid waste management~~ board or the
- 17                  department may not do the following:
- 18                    (1) Subject to IC 13-14-1-11.5, incorporate documents, manuals,
- 19                    or policies developed under this article into rules adopted under
- 20                    IC 4-22-2.
- 21                    (2) Adopt rules under IC 4-22-2 requiring business
- 22                    implementation of pollution prevention practices or of clean
- 23                    manufacturing by means of any of the following:
- 24                    (A) Permit conditions.
- 25                    (B) Enforcement actions.
- 26                    (C) Other department actions.
- 27                  (c) Subsection (b) only applies to pollution prevention as defined in
- 28                  this title.
- 29                  (d) Subsection (b) does not apply to authority granted under federal
- 30                  law to implement pollution prevention as defined under any of the
- 31                  following:
- 32                    (1) Federally delegated air, water, solid waste, and other
- 33                    programs.
- 34                    (2) Guidance documents developed to implement programs
- 35                    described in subdivision (1).
- 36                    (3) Programs established under IC 13-20-3, IC 13-20-22, or
- 37                    IC 13-21.
- 38                  (e) The department shall present pollution prevention as an option
- 39                  to businesses in any of the following:
- 40                    (1) Permit conditions.
- 41                    (2) Enforcement actions.
- 42                    (3) Other department actions.



1 SECTION 89. IC 13-28-4-2 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) In a civil or an  
 3 administrative proceeding, a court of record, after an in camera review,  
 4 shall require disclosure of material for which the privilege described in  
 5 section 1 of this chapter is asserted if the court determines that both  
 6 subdivisions (1) and (2) apply:

7 (1) The environmental audit report was first issued after July 1,  
 8 1994.

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

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

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

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

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

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

18 (iii) the federal, regional, or local counterpart of item (i) or  
 19 (ii);

20 and the person claiming the privilege did not promptly initiate  
 21 and pursue appropriate efforts to achieve compliance with  
 22 reasonable diligence.

23 (b) If the noncompliance described in subsection (a)(2)(C)  
 24 constitutes a failure to obtain a required permit, the person is  
 25 considered to have made appropriate efforts to achieve compliance if  
 26 the person filed an application for the required permit not later than  
 27 ninety (90) days after the date the person became aware of the  
 28 noncompliance.

29 SECTION 90. IC 13-30-4-3 IS AMENDED TO READ AS  
 30 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) The department  
 31 may waive up to one hundred percent (100%) of a civil penalty  
 32 imposed on a business for a minor violation of:

33 (1) a requirement of environmental management laws;

34 (2) a rule adopted by ~~a~~ **the board or one (1) of the former**  
 35 **boards abolished by IC 13-13-8-2;** or

36 (3) any determination, permit, or order made or issued by the  
 37 commissioner.

38 (b) The department may not waive any part of a civil penalty under  
 39 this section if the violation:

40 (1) endangers or causes damage to public health or the  
 41 environment;

42 (2) is intentional, willful, or criminal;



1 (3) is of a requirement for which the department has previously  
 2 issued a notice or warning of violation, for this or a prior  
 3 violation, to the business required to correct the violation; or  
 4 (4) is not corrected within ninety (90) days after the date the  
 5 business required to correct the violation notifies the department  
 6 of the violation under subsection (c). The department may extend  
 7 the ninety (90) day period for not more than an additional ninety  
 8 (90) days.

9 (c) To seek a waiver of a civil penalty under this section, the  
 10 business required to correct the violation must submit to the  
 11 department a written report of the violation for which a waiver is  
 12 sought. The report must be submitted to the department before an  
 13 inspection by the department that discloses the violation or the issuance  
 14 of a notice or warning of violation.

15 (d) The ~~boards~~ **board** may adopt rules to implement this section.

16 SECTION 91. IC 14-8-2-49.2, AS AMENDED BY P.L.4-2008,  
 17 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 18 JULY 1, 2014]: Sec. 49.2. (a) "Compact", for purposes of IC 14-24-4.5,  
 19 has the meaning set forth in IC 14-24-4.5-2(8).

20 (b) "Compact", for purposes of IC 14-25-15, has the meaning set  
 21 forth in IC 14-25-15-1.

22 SECTION 92. IC 14-8-2-86.5 IS REPEALED [EFFECTIVE JULY  
 23 1, 2014]. Sec. 86.5: "Executive committee", for purposes of  
 24 IC 14-24-4.5, has the meaning set forth in IC 14-24-4.5-2(7).

25 SECTION 93. IC 14-8-2-107, AS AMENDED BY P.L.133-2012,  
 26 SECTION 164, IS AMENDED TO READ AS FOLLOWS  
 27 [EFFECTIVE JULY 1, 2014]: Sec. 107. "Fund" has the following  
 28 meaning:

29 (1) For purposes of IC 14-9-5, the meaning set forth in  
 30 IC 14-9-5-1.

31 (2) For purposes of IC 14-9-8-21, the meaning set forth in  
 32 IC 14-9-8-21.

33 (3) For purposes of IC 14-9-8-21.5, the meaning set forth in  
 34 IC 14-9-8-21.5.

35 (4) For purposes of IC 14-9-9, the meaning set forth in  
 36 IC 14-9-9-3.

37 (5) For purposes of IC 14-12-1, the meaning set forth in  
 38 IC 14-12-1-1.

39 (6) For purposes of IC 14-12-2, the meaning set forth in  
 40 IC 14-12-2-2.

41 (7) For purposes of IC 14-12-3, the meaning set forth in  
 42 IC 14-12-3-2.



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



- 1           ~~(29)~~ **(28)** For purposes of IC 14-34-6-15, the meaning set forth in  
 2           IC 14-34-6-15.  
 3           ~~(30)~~ **(29)** For purposes of IC 14-34-14, the meaning set forth in  
 4           IC 14-34-14-1.  
 5           ~~(31)~~ **(30)** For purposes of IC 14-34-19-1.3, the meaning set forth  
 6           in IC 14-34-19-1.3(a).  
 7           ~~(32)~~ **(31)** For purposes of IC 14-34-19-1.5, the meaning set forth  
 8           in IC 14-34-19-1.5(a).  
 9           ~~(33)~~ **(32)** For purposes of IC 14-37-10, the meaning set forth in  
 10          IC 14-37-10-1.

11          SECTION 94. IC 14-8-2-117, AS AMENDED BY P.L.225-2005,  
 12          SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13          JULY 1, 2014]: Sec. 117. "Governing board", **has the following**  
 14          **meaning:**

- 15           ~~(1)~~ For purposes of IC 14-24-4.5, the meaning set forth in  
 16           ~~IC 14-24-4.5-2(6)~~.  
 17           ~~(2)~~ for purposes of IC 14-28-5, **has** the meaning set forth in  
 18           IC 14-28-5-3.

19          SECTION 95. IC 14-8-2-203, AS AMENDED BY P.L.17-2009,  
 20          SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21          JULY 1, 2014]: Sec. 203. "Pest or pathogen", **has the following**  
 22          **meaning:**

- 23           ~~(1)~~ Except as provided in IC 14-24-4.5, for purposes of IC 14-24,  
 24           means:  
 25           ~~(A)~~ **(1)** an arthropod;  
 26           ~~(B)~~ **(2)** a nematode;  
 27           ~~(C)~~ **(3)** a microorganism;  
 28           ~~(D)~~ **(4)** a fungus;  
 29           ~~(E)~~ **(5)** a parasitic plant;  
 30           ~~(F)~~ **(6)** a mollusk;  
 31           ~~(G)~~ **(7)** a plant disease; or  
 32           ~~(H)~~ **(8)** an exotic weed;

33          that may be injurious to nursery stock, agricultural crops, other  
 34          vegetation, natural resources, or bees.

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

37          SECTION 96. IC 14-8-2-239.5 IS REPEALED [EFFECTIVE JULY  
 38          1, 2014]. Sec. 239.5: "Requesting state", for purposes of IC 14-24-4.5,  
 39          **has the meaning set forth in IC 14-24-4.5-2(2)**.

- 40          SECTION 97. IC 14-8-2-242.5 IS REPEALED [EFFECTIVE JULY  
 41          1, 2014]. Sec. 242.5: "Responding state", for purposes of IC 14-24-4.5,  
 42          **has the meaning set forth in IC 14-24-4.5-2(3)**.



1 SECTION 98. IC 14-8-2-265, AS AMENDED BY P.L.225-2005,  
 2 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2014]: Sec. 265. "State", ~~has the following meaning:~~

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

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

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

9 ~~(B) (2) An agency, a subdivision, an officer, a board, a bureau, a~~  
 10 ~~commission, a department, a division, or an instrumentality of the~~  
 11 ~~state.~~

12 SECTION 99. IC 14-15-2-7 IS AMENDED TO READ AS  
 13 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) As used in this  
 14 section, "sewage" means human body wastes.

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

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

20 (2) a treatment system approved by the department of  
 21 environmental management according to rules adopted by the  
 22 ~~solid waste management board or the water pollution control~~  
 23 ~~environmental rules board.~~

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

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

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

31 SECTION 100. IC 14-24-4.5 IS REPEALED [EFFECTIVE JULY  
 32 1, 2014]. (Pest Control Compact).

33 SECTION 101. IC 14-25-3-9 IS AMENDED TO READ AS  
 34 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. In granting a permit,  
 35 the department may do the following:

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

39 (2) Require that ground water in a restricted area that is  
 40 withdrawn and used be returned to the ground through wells, pits,  
 41 or spreading grounds. If this condition is imposed, the water shall  
 42 be returned under the rules that the department adopts subject to





1 the approval of the ~~water pollution control~~ **environmental rules**  
 2 board to avoid pollution of underground water.

3 SECTION 102. IC 14-25-4-5 IS AMENDED TO READ AS  
 4 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. As used in this  
 5 chapter, "potable water" means water that at the point of use is  
 6 acceptable for human consumption under drinking water quality  
 7 standards adopted by the ~~water pollution control~~ **environmental rules**  
 8 board under IC 13-18-4-1.

9 SECTION 103. IC 14-33-6-4 IS AMENDED TO READ AS  
 10 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The commission  
 11 shall do the following:

12 (1) Review each district plan.  
 13 (2) Request the technical assistance of any other state agency,  
 14 including:  
 15 (A) the ~~water pollution control~~ **environmental rules** board;  
 16 (B) the state department of health; and  
 17 (C) the department of environmental management;  
 18 having administrative jurisdiction over any of the purposes of the  
 19 district.

20 (b) The commission may also request technical assistance of any  
 21 federal agency.

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

24 (1) Any other state agency having authority over certain purposes  
 25 of the district has approved that part of the plan.  
 26 (2) The commission finds that the plan accomplishes in an  
 27 economical manner the purpose for which the district is  
 28 established.

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

30 The board may make the changes that are necessary to secure the  
 31 approval of the commission.

32 SECTION 104. IC 16-18-2-116.4 IS ADDED TO THE INDIANA  
 33 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 34 [EFFECTIVE JULY 1, 2014]: **Sec. 116.4. "Environmental rules**  
 35 **board", for purposes of IC 16-41, refers to the board established**  
 36 **by IC 13-13-8-3.**

37 SECTION 105. IC 16-18-2-372 IS REPEALED [EFFECTIVE JULY  
 38 1, 2014]. ~~Sec. 372: "Water board", for purposes of IC 16-41, refers to~~  
 39 ~~the board established by IC 13-13-8-3.~~

40 SECTION 106. IC 16-19-3-4, AS AMENDED BY P.L.83-2007,  
 41 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42 JULY 1, 2014]: Sec. 4. (a) The executive board may, by an affirmative



1 vote of a majority of its members, adopt reasonable rules on behalf of  
 2 the state department to protect or to improve the public health in  
 3 Indiana.

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

5 (1) Nuisances dangerous to public health.

6 (2) The pollution of any water supply other than where  
 7 jurisdiction is in the ~~water pollution control~~ **environmental rules**  
 8 board and department of environmental management.

9 (3) The disposition of excremental and sewage matter.

10 (4) The control of fly and mosquito breeding places.

11 (5) The detection, reporting, prevention, and control of diseases  
 12 that affect public health.

13 (6) The care of maternity and infant cases and the conduct of  
 14 maternity homes.

15 (7) The production, distribution, and sale of human food.

16 (8) Except as provided in section 4.4 of this chapter, the conduct  
 17 of camps.

18 (9) Standards of cleanliness of eating facilities for the public.

19 (10) Standards of cleanliness of sanitary facilities offered for  
 20 public use.

21 (11) The handling, disposal, disinterment, and reburial of dead  
 22 human bodies.

23 (12) Vital statistics.

24 (13) Sanitary conditions and facilities in public buildings and  
 25 grounds, including plumbing, drainage, sewage disposal, water  
 26 supply, lighting, heating, and ventilation, other than where  
 27 jurisdiction is vested by law in the fire prevention and building  
 28 safety commission or other state agency.

29 (14) The design, construction, and operation of swimming and  
 30 wading pools. However, the rules governing swimming and  
 31 wading pools do not apply to a pool maintained by an individual  
 32 for the sole use of the individual's household and house guests.

33 SECTION 107. IC 16-41-21-2 IS AMENDED TO READ AS  
 34 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. Water supply and  
 35 sewage disposal facilities serving schools must be constructed and  
 36 operated in accordance with applicable rules of the state department  
 37 and the ~~water pollution control~~ **environmental rules** board.

38 SECTION 108. IC 16-41-24-6 IS AMENDED TO READ AS  
 39 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. The state department  
 40 shall enforce this chapter and the statutes relating to pollution of waters  
 41 and public water supply, except where jurisdiction is vested in the  
 42 ~~water pollution control~~ **environmental rules** board and the department



1 of environmental management.

2 SECTION 109. IC 16-41-26-8 IS AMENDED TO READ AS  
 3 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) Except as  
 4 provided in subsection (b), the state department shall adopt rules under  
 5 IC 4-22-2 necessary to protect the health, safety, and welfare of persons  
 6 living in agricultural labor camps, prescribing standards for living  
 7 quarters at agricultural labor camps, including provisions relating to  
 8 construction of camps, sanitary conditions, light, air, safety protection  
 9 from fire hazards, equipment, maintenance and operation of the camp,  
 10 sewage disposal through septic tank absorption fields, and other  
 11 matters appropriate for the security of the life and health of occupants.

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

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

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

19 (2) may appoint and consult with committees of technically  
 20 qualified persons and of representatives of employers and  
 21 employees.

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

25 (e) A copy of every rule adopted under this chapter shall be sent to  
 26 each health officer in Indiana and to the heads of other state agencies  
 27 with specific or related responsibility affecting agricultural labor camps  
 28 and to any person requesting the rules. The rules affecting agricultural  
 29 labor camps adopted under this chapter shall be published periodically  
 30 in the manner the state department determines.

31 SECTION 110. IC 16-41-27-8, AS AMENDED BY P.L.87-2005,  
 32 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 33 JULY 1, 2014]: Sec. 8. (a) Except as provided in subsection (b), the  
 34 state department may adopt rules under IC 4-22-2 to carry out this  
 35 chapter, including rules for the following:

36 (1) Health, sanitation, and safety.

37 (2) Sewage collection.

38 (3) Sewage disposal through septic tank absorption fields.

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

41 (1) Public water supplies required for mobile home communities.

42 (2) Sewage disposal systems other than septic tank absorption



- 1 fields.
- 2 SECTION 111. IC 16-41-27-10, AS AMENDED BY P.L.87-2005,  
3 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2014]: Sec. 10. A mobile home community shall provide a  
5 water supply through the use of a public water system if the water  
6 supply is reasonably available within a reasonable distance from the  
7 mobile home community. A mobile home community is not required  
8 to use a public water system if the water system is more than two  
9 thousand (2,000) feet from the mobile home community. If a public  
10 water system is not available, water shall be provided by a system  
11 approved by the environmental commissioner under rules adopted by  
12 the ~~water pollution control~~ **environmental rules** board.
- 13 SECTION 112. IC 16-41-27-22, AS AMENDED BY P.L.87-2005,  
14 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15 JULY 1, 2014]: Sec. 22. (a) The construction of a new mobile home  
16 community or alteration of an existing mobile home community shall  
17 be made only after plans for the proposed construction or alteration  
18 have been forwarded to and approved by the state department.
- 19 (b) A public water system may not be constructed or altered in a  
20 new or existing mobile home community until plans for the  
21 construction or alteration have been forwarded to and approved by the  
22 environmental commissioner under rules adopted by the ~~water~~  
23 **environmental rules** board.
- 24 (c) A sewage collection and disposal system may not be constructed  
25 or altered in a new or existing mobile home community until:
- 26 (1) plans for construction or alteration of the sewage collection  
27 system and any septic tank absorption field have been forwarded  
28 to and approved by the state department under rules adopted by  
29 the state department; and
- 30 (2) plans for construction or alteration of any sewage disposal  
31 system other than a septic tank absorption field have been  
32 forwarded to and approved by the environmental commissioner  
33 under rules adopted by the ~~water~~ **environmental rules** board.
- 34 SECTION 113. IC 16-41-27-25 IS AMENDED TO READ AS  
35 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 25. (a) The state  
36 department shall adopt a schedule of civil penalties that may be levied  
37 in an action to enforce the following:
- 38 (1) This chapter.
- 39 (2) The rules of the state department.
- 40 (3) The rules adopted under this chapter by the ~~water~~  
41 **environmental rules** board.
- 42 (b) A penalty included in the schedule of civil penalties adopted



1 under subsection (a) may not exceed one thousand dollars (\$1,000) per  
2 violation per day.

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

6 (1) fails to comply with this chapter or a rule adopted under this  
7 chapter; or

8 (2) interferes with or obstructs the state department or the state  
9 department's designated agent in the performance of duties under  
10 this chapter.

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

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

16 (1) This chapter.

17 (2) The rules of the state department.

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

20 SECTION 114. IC 16-41-35-38 IS AMENDED TO READ AS  
21 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 38. The powers, duties,  
22 and functions of the state department under this chapter do not affect  
23 the powers, duties, and functions of the state department or the ~~water~~  
24 **pollution control environmental rules** board under any other law.

25 SECTION 115. IC 20-26-5-6, AS ADDED BY P.L.1-2005,  
26 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
27 JULY 1, 2014]: Sec. 6. All powers delegated to the governing body of  
28 a school corporation under section 1 or 4 of this chapter are subject to  
29 all laws subjecting the school corporation to regulation by a state  
30 agency, including the state superintendent, state board of accounts,  
31 state police department, fire prevention and building safety  
32 commission, department of local government finance, ~~water pollution~~  
33 **control environmental rules** board, state school bus committee, state  
34 department of health, and any local governmental agency to which the  
35 state has been delegated a specific authority in matters other than  
36 educational matters and other than finance, including plan  
37 commissions, zoning boards, and boards concerned with health and  
38 safety.

39 SECTION 116. IC 22-1-1-11, AS AMENDED BY P.L.35-2007,  
40 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
41 JULY 1, 2014]: Sec. 11. The commissioner of labor is authorized and  
42 directed to do the following:

**HB 1005—LS 7089/DI 97**



1 (1) To investigate and adopt rules under IC 4-22-2 prescribing  
 2 what safety devices, safeguards, or other means of protection shall  
 3 be adopted for the prevention of accidents in every employment  
 4 or place of employment, to determine what suitable devices,  
 5 safeguards, or other means of protection for the prevention of  
 6 industrial accidents or occupational diseases shall be adopted or  
 7 followed in any or all employments or places of employment, and  
 8 to adopt rules under IC 4-22-2 applicable to either employers or  
 9 employees, or both for the prevention of accidents and the  
 10 prevention of industrial or occupational diseases.

11 ~~(2) Whenever, in the judgment of the commissioner of labor, any~~  
 12 ~~place of employment is not being maintained in a sanitary manner~~  
 13 ~~or is being maintained in a manner detrimental to the health of the~~  
 14 ~~employees therein, to obtain any necessary technical or expert~~  
 15 ~~advice and assistance from the state department of health. The~~  
 16 ~~state department of health, upon the request of the commissioner~~  
 17 ~~of labor, shall furnish technical or expert advice and assistance to~~  
 18 ~~the commissioner and take the steps authorized or required by the~~  
 19 ~~health laws of the state.~~

20 ~~(3) (2)~~ Annually forward the report received from the mining  
 21 board under IC 22-10-1.5-5(a)(5) to the legislative council in an  
 22 electronic format under IC 5-14-6 and request from the general  
 23 assembly funding for necessary additional mine inspectors.

24 ~~(4) (3)~~ Administer the mine safety fund established under  
 25 IC 22-10-12-16.

26 SECTION 117. IC 22-1-5 IS REPEALED [EFFECTIVE JULY 1,  
 27 2014]. (Home Care Consumers and Worker Protection).

28 SECTION 118. IC 22-2-11 IS REPEALED [EFFECTIVE JULY 1,  
 29 2014]. (Payroll Bond for Benefit of Employees).

30 SECTION 119. IC 22-6-3 IS REPEALED [EFFECTIVE JULY 1,  
 31 2014]. (Termination Letter From Employer).

32 SECTION 120. IC 22-8-1.1-13 IS AMENDED TO READ AS  
 33 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. The commission  
 34 shall meet at the call of the commissioner ~~or~~ the chairman or upon the  
 35 written request of any four (4) members. However, the commission  
 36 shall meet at least ~~every three (3) months~~ **one (1) time per year** at the  
 37 call of the commissioner to conduct the business that comes before the  
 38 commission.

39 SECTION 121. IC 22-13-2-2, AS AMENDED BY P.L.101-2006,  
 40 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41 JULY 1, 2014]: Sec. 2. (a) The commission shall adopt rules under  
 42 IC 4-22-2 to adopt a statewide code of fire safety laws and building



- 1 laws.
- 2 (b) Before December 1, 2003, the commission shall adopt the most  
3 recent edition, including addenda, of the following national codes by  
4 rules under IC 4-22-2 and IC 22-13-2.5 (before its repeal):
- 5 (1) ANSI A10.4 (Safety Requirements for Personnel Hoists).
  - 6 (2) ASME A17.1 (Safety Code for Elevators and Escalators, an  
7 American National Standard).
  - 8 (3) ASME A18.1 (Safety Standard for Platform Lifts and Stairway  
9 Chairlifts, American National Standard).
  - 10 (4) ASME QEI-1 (Standard for the Qualification of Elevator  
11 Inspectors, an American National Standard).
  - 12 (5) The American Society of Civil Engineers (ASCE) Automated  
13 People Mover Standard 21.
  - 14 (6) ANSI A90.1 Safety Code for Manlifts.
- 15 (c) Before July 1, 2006, the commission shall adopt the most recent  
16 edition, including addenda, of ASME A17.3 (Safety Code for Existing  
17 Elevators and Escalators, an American National Standard) by rules  
18 under IC 4-22-2 and IC 22-13-2.5 (before its repeal).
- 19 (d) The commission shall adopt the subsequent edition of each  
20 national code, including addenda, to be adopted as provided under  
21 subsections (b) and (c) within eighteen (18) months after the effective  
22 date of the subsequent edition.
- 23 (e) The commission may amend the national codes as a condition of  
24 the adoption under subsections (b), (c), and (d).
- 25 (f) ~~To the extent that the following sections of the International Fire  
26 Code, 2000 edition, as adopted by reference in 675 IAC 22-2.3-1, apply  
27 to tents or canopies in which cooking does not occur, the commission  
28 shall suspend enforcement of the following sections of the International  
29 Fire Code, 2000 edition, until the division of fire and building safety  
30 recommends amendments to the commission under subsection (h) and  
31 the commission adopts rules under subsection (i) based on the  
32 recommendations:~~
- 33 ~~(1) Section 2406.1 (675 IAC 22-2.3-233).~~
  - 34 ~~(2) Section 2406.2.~~
  - 35 ~~(3) Section 2406.3.~~
- 36 (g) ~~To the extent that section 2403.2 of the International Fire Code,  
37 2000 edition, as adopted by reference in 675 IAC 22-2.3-1, applies to  
38 a tent or canopy in which there is an open flame, the commission shall  
39 suspend enforcement of section 2403.2 until the division of fire and  
40 building safety recommends amendments to section 2403.2 to the  
41 commission under subsection (h) and the commission adopts rules  
42 under subsection (i) based on the recommendations and amending~~



1 section 2403.2:

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

6 (1) Section 2403.2:

7 (2) Section 2406.1 (675 IAC 22-2.3-233):

8 (3) Section 2406.2:

9 (4) Section 2406.3:

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

15 (1) Section 2403.2:

16 (2) Section 2406.1 (675 IAC 22-2.3-233):

17 (3) Section 2406.2:

18 (4) Section 2406.3:

19 SECTION 122. IC 25-18-1 IS REPEALED [EFFECTIVE JULY 1,  
20 2014]. (Licensing of Retail Distress Sales).

21 SECTION 123. IC 27-1-17-4, AS AMENDED BY P.L.193-2006,  
22 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
23 JULY 1, 2014]: Sec. 4. Whenever a foreign or an alien insurance  
24 company desires to be admitted to do an insurance business in this  
25 state, it shall execute in the English language and present the following  
26 to the department, at its office, accompanied by the fees prescribed by  
27 law:

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

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

35 (A) the name of such company;

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

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

40 (D) the character of insurance business under its articles of  
41 incorporation or association which it intends to transact in this  
42 state, which must conform to the class or classes set forth in





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



1 secretary or similar officer of the insurance company.

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

42 (8) Proof which satisfies the department that it has complied with



1 the financial requirements imposed in this chapter upon foreign  
 2 and alien insurance companies which transact business in this  
 3 state and that it is entitled to public confidence and that its  
 4 admission to transact business in this state will not be prejudicial  
 5 to public interest.

6 SECTION 124. IC 32-21-11 IS REPEALED [EFFECTIVE JULY 1,  
 7 2014]. (Responsible Property Transfer Law).

8 SECTION 125. IC 33-32-5-2 IS REPEALED [EFFECTIVE JULY  
 9 1, 2014]. Sec. 2: For issuing a license to hold a distress sale under  
 10 IC 25-18-1-6, the clerk shall collect the following fee:

11 (1) Forty dollars (\$40) if the value of the inventory is not more  
 12 than twenty-five thousand dollars (\$25,000):

13 (2) Sixty-five dollars (\$65) if the value of the inventory is more  
 14 than twenty-five thousand dollars (\$25,000) but not more than  
 15 fifty thousand dollars (\$50,000):

16 (3) One hundred dollars (\$100) if the value of the inventory is  
 17 more than fifty thousand dollars (\$50,000) but not more than  
 18 seventy-five thousand dollars (\$75,000):

19 (4) One hundred fifty dollars (\$150) if the value of the inventory  
 20 is more than seventy-five thousand dollars (\$75,000):

21 SECTION 126. IC 34-6-2-52 IS AMENDED TO READ AS  
 22 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 52. "Hazardous  
 23 substance", for purposes of IC 34-30-6, means:

24 (1) a material or waste that has been determined to be hazardous  
 25 or potentially hazardous to any individual, to property, or to the  
 26 environment by the United States Environmental Protection  
 27 Agency, the federal Nuclear Regulatory Commission, the United  
 28 States Department of Transportation, the ~~solid waste management~~  
 29 **environmental rules** board, or the United States Occupational  
 30 Safety and Health Agency or any agent or designee of any of the  
 31 above mentioned boards, agencies, or commission; or

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

34 SECTION 127. IC 36-9-23-16 IS AMENDED TO READ AS  
 35 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. (a) A municipality  
 36 that does not have a sewage treatment plant, and wants to acquire,  
 37 construct, improve, operate, and maintain sewage works other than a  
 38 sewage treatment plant, may proceed under this chapter only if it first  
 39 contracts for the required treatment of the sewage emanating from its  
 40 works.

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



- 1 (1) any other municipality;  
 2 (2) any facility of the department of correction; or  
 3 (3) if a contract described in subdivision (2) is in effect, any  
 4 person or entity, a municipal corporation, a private corporation,  
 5 or a federal government facility that is located within five (5)  
 6 miles of the sewer line connecting the municipality to the facility  
 7 of the department of correction under the contract.

8 The contracts must be authorized by ordinance and are subject to  
 9 approval by the department of environmental management according  
 10 to rules adopted by the ~~water pollution control~~ **environmental rules**  
 11 board as to the sufficiency of the provision for sewage treatment.

12 (c) Unless otherwise provided in the authorizing ordinance or  
 13 governing indenture, the revenues received by the owner under the  
 14 contract are considered a part of the revenues of the owner's sewage  
 15 treatment facilities, and shall be applied in accordance with the  
 16 applicable statutes.

17 (d) The necessary intercepting and connecting sewers and  
 18 appurtenances to connect the sewage treatment facilities and sewage  
 19 works of the contracting parties may be constructed in part or in whole  
 20 by either of the contracting parties, as provided in the contract. For a  
 21 municipality, the money to pay for this construction may be provided  
 22 by the issuance of bonds under the applicable statutes, as part of the  
 23 cost of the facilities or works of the respective parties.

24 (e) All bonds issued under this section are payable before the  
 25 expiration date of the contract. The parties may contract for the terms  
 26 of the bonds, and for any term or terms beyond the last maturity of the  
 27 bonds.

28 SECTION 128. IC 36-9-23-35 IS AMENDED TO READ AS  
 29 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 35. No proceedings  
 30 other than those prescribed by this chapter are required for:

- 31 (1) the construction or acquisition of sewage works;  
 32 (2) the issuance or sale of bonds; or  
 33 (3) the establishment of fees;

34 under this chapter. However, the functions, powers, and duties of the  
 35 department of environmental management, the ~~water pollution control~~  
 36 **environmental rules** board, and the state department of health are not  
 37 affected by this chapter.

38 SECTION 129. IC 36-9-24-10 IS AMENDED TO READ AS  
 39 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. A lease under this  
 40 chapter does not become effective until its provisions for sewage  
 41 treatment have been found sufficient by the department of  
 42 environmental management according to rules adopted by the state



1 ~~water pollution control~~ **environmental rules** board.

2 SECTION 130. IC 36-9-30-4 IS AMENDED TO READ AS  
 3 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. A unit acting under  
 4 this chapter must obtain approval from the department of  
 5 environmental management, according to rules adopted by the ~~solid~~  
 6 ~~waste management~~ **environmental rules** board, for any method or  
 7 methods used for the disposal of solid waste before obtaining land or  
 8 facilities. One (1) or more of the methods listed below may be used:

9 (1) A unit may use a sanitary landfill. If a sanitary landfill is to be  
 10 used, information necessary to evaluate the project shall be  
 11 submitted to the department of environmental management for  
 12 review and approval before the purchase of land or equipment.

13 (2) A unit may use incineration. If incineration is to be used, the  
 14 plans and specifications of each incinerating plant or other  
 15 facility, along with other information necessary to evaluate the  
 16 project, shall be submitted to the department of environmental  
 17 management for review and approval before construction of the  
 18 facilities. The plans must include an approved method for the  
 19 disposal of noncombustible solid waste and incinerator residue.

20 (3) A unit may use composting. If composting is to be used, the  
 21 plans and specifications of composting facilities, along with other  
 22 information necessary to evaluate the project, shall be submitted  
 23 to the department of environmental management for review and  
 24 approval before construction of the facilities. The plans must  
 25 provide for the proper disposal of all solid waste that is not  
 26 suitable for composting.

27 (4) A unit may use a garbage grinding system involving the  
 28 separate collection and disposal of garbage into a community  
 29 sewerage system through commercial-type grinders or  
 30 community-wide installation of individual grinders. As used in  
 31 this subdivision, "garbage" means all decayable solid and  
 32 semisolid wastes resulting from the processing, preparation,  
 33 cooking, serving, or consumption of food or food materials. The  
 34 plans and specifications for the garbage grinding facilities, along  
 35 with other information necessary to evaluate the project, shall be  
 36 submitted to the department of environmental management for  
 37 review and approval before construction or installation of the  
 38 facilities. The plans must provide for the proper disposal of all  
 39 solid waste that is not suitable for grinding.

40 (5) A unit may use any other suitable methods or facilities for the  
 41 disposal of solid waste, if the plans and specifications, along with  
 42 other information necessary to evaluate the project, are submitted



- 1 to the department of environmental management for review and  
 2 approval before the acquisition, construction, installation, or  
 3 operation of the method or facility.
- 4 SECTION 131. IC 36-9-30-33 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 33. The ~~solid waste~~  
 6 ~~management environmental rules~~ board may adopt rules under  
 7 IC 4-22-2 to carry out this chapter.
- 8 SECTION 132. IC 36-9-30-35 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 35. (a) Solid waste may  
 10 be disposed of on land only through use of sanitary landfills,  
 11 incineration, composting, garbage grinding, or other acceptable  
 12 methods approved by the department of environmental management in  
 13 accordance with rules adopted by the ~~solid waste management~~  
 14 ~~environmental rules~~ board. A person may not operate or maintain an  
 15 open dump.
- 16 (b) A person may not operate or maintain facilities for the collection  
 17 and disposal of solid waste, except as set out in section 4 of this chapter  
 18 or under rules adopted by the ~~solid waste management environmental~~  
 19 ~~rules~~ board.
- 20 (c) Failure to comply with this section constitutes the operation of  
 21 a nuisance inimical to human health. A prosecuting attorney who  
 22 receives a report of such a failure from the department of  
 23 environmental management, a solid waste management district, or a  
 24 local health officer shall cause appropriate court proceedings to be  
 25 instituted.
- 26 (d) A person who fails to comply with this section commits a Class  
 27 C infraction. If the violation is of a continuing nature, each day of  
 28 failure to comply constitutes a separate infraction.
- 29 (e) The department of environmental management may bring  
 30 proceedings for injunctive or mandatory relief through the attorney  
 31 general against any person (including any agency of the state or federal  
 32 government) for failure to comply with this section.
- 33 SECTION 133. **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



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 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

