

## **2008 DIGESTS OF ENACTMENTS**

### **DIGEST OF SB 10 (Updated March 10, 2008 2:38 pm - DI 84)**

Inmate fraud. Permits the department of correction to freeze all or a portion of an inmate's account while investigating whether the inmate has committed inmate fraud or while a criminal case involving inmate fraud is pending against the inmate. Requires the department to return money in the inmate's account to the rightful owner if the inmate is convicted, and specifies that the money will be deposited in the violent crime victims compensation fund if the rightful owner cannot be located. Provides that inmate fraud, a Class C felony, is committed by an inmate who, with the intent of obtaining money or other property from a person who is not an inmate, knowingly or intentionally: (1) makes a misrepresentation to a person who is not an inmate and obtains or attempts to obtain money or other property from the person who is not an inmate; or (2) obtains or attempts to obtain money or other property from the person who is not an inmate through a misrepresentation made by another person. Authorizes the disclosure of certain information to a person who is or may be the victim of inmate fraud.

### **DIGEST OF SB 22 (Updated March 6, 2008 2:27 pm - DI 84)**

Teacher licensing. Specifies that an applicant for a substitute teacher's license is not required to receive CPR and Heimlich maneuver training. Requires the department of education to grant an initial practitioner's license for a specific subject area in middle school or high school to an applicant who has earned a postgraduate degree from a regionally accredited postsecondary educational institution in the subject area, has experience teaching students in a middle school, high school, or college setting, and complies with certain requirements for licensure. Allows an individual licensed through the process to be hired to teach in high school, or in middle school in a shortage area designated by the state board of education. Requires the individual to comply with certain requirements to renew a license or to obtain a proficient practitioner's license.

### **DIGEST OF SB 26 (Updated February 19, 2008 2:03 pm - DI 84)**

Smoke detectors in rental properties. Makes it a Class B infraction if a landlord fails to: (1) properly install a smoke detector at the time a tenant moves in; or (2) repair an inoperative hard wired smoke detector within seven days of receiving notice of the need for repair. Increases the penalty to a Class A infraction for a subsequent offense. Provides that a landlord and a tenant may not waive the requirement that a smoke detector be installed in each rental unit. Requires a tenant to replace batteries as needed in a battery operated smoke detector and to provide written notice of any malfunctions of a hard wired smoke detector to the landlord. Permits a fire department to inspect a private dwelling upon the request of the owner or primary lessee who resides in the dwelling.

DIGEST OF SB 27 (Updated March 4, 2008 2:14 pm - DI 84)

Cooling off period for domestic battery. Requires a facility having custody of a person arrested for a crime of domestic violence to keep the person in custody for at least eight hours from the time of the arrest, and prohibits a person arrested for a crime of domestic violence from being released on bail during the eight hour period.

DIGEST OF SB 28 (Updated March 11, 2008 2:46 pm - DI 84)

Fire safe cigarettes. Establishes reduced ignition propensity standards for cigarettes. Authorizes the state fire marshal, the department of state revenue, and the alcohol and tobacco commission to monitor and enforce the standards. Provides for certification fees and penalties. Establishes: (1) the reduced ignition propensity standards for cigarettes fund; and (2) the fire prevention and public safety fund.

DIGEST OF SB 31 (Updated March 13, 2008 2:18 pm - DI 103)

State highway property acquisition. Establishes notice and hearing procedures applying to the establishment by the Indiana department of transportation (department) of rights-of-way for additions to the state highway system. Requires the department to comply with certain notification procedures relating to compensation to owners for damage done to real property by the department during the survey and investigation process.

DIGEST OF SB 33 (Updated February 12, 2008 1:46 pm - DI 84)

State police supplemental benefit. Revises the computation for the supplemental benefit provided to members of the state police pre-1987 benefit system to include in the amount paid in the first year the retired member is eligible for the benefit the salary increases paid to active members in the period after the member retired and before the member first qualified for the supplemental benefit. (The introduced version of this bill was prepared by the pension management oversight commission.)

DIGEST OF SB 41 (Updated February 12, 2008 1:48 pm - DI 84)

Public freshwater lakes. Defines "acquiescence" and "lake" for purposes of certain lake preservation laws. Establishes evidence that indicates the acquiescence of a riparian owner to allow the public use of a lake. Makes conforming changes. Requires the department of natural resources to prepare a list of public freshwater lakes. Allows the owners of a body of water to petition to have the body of water declared a public freshwater lake.

DIGEST OF SB 42 (Updated March 13, 2008 6:09 pm - DI 77)

Human services. Adds the determination of whether a managed care organization that has contracted with the state to provide Medicaid services has performed the terms of the contract to the duties of the select joint commission on Medicaid oversight (commission). Extends the

expiration of the office of the secretary of family and social services (office), certain divisions within the office, and the office of Medicaid policy and planning until January 1, 2010, and provides that actions taken after December 31, 2007, by the office, certain divisions within the office, and the office of Medicaid policy and planning are legalized and validated to the same extent that the actions would have been legal and valid if they had been taken before January 1, 2008. Requires certain managed care organizations participating in the Medicaid program to: (1) be accredited by the National Committee for Quality Assurance within certain timeframes; and (2) accept electronic claims for payment. Repeals a provision that provided for the expiration of the commission on December 31, 2008. (The introduced version of this bill was prepared by the select joint commission on Medicaid oversight.)

DIGEST OF SB 43 (Updated March 14, 2008 3:49 pm - DI 52)

Environmental matters. Requires, with respect to environmental rules subject to automatic expiration, the department of environmental management (IDEM) or the appropriate rulemaking board to publish a notice identifying which of the rules will be readopted. Requires IDEM or the board, on request of a person, to consider readoption of an environmental rule that IDEM or the board proposes to allow to expire. Establishes procedures to prevent a county department of storm water management and a municipal works board from imposing fees in the same area for storm water management. Provides that a solid waste management district has the power to pay a fee to a county that: (1) was part of a joint district; (2) has withdrawn from the joint district as of January 1, 2008; and (3) has established its own district in which a final disposal facility is located. Provides that a person must be qualified as a mediator under Indiana Supreme Court Rules to serve as a mediator in an administrative proceeding unless the parties and the administrative law judge agree to a mediator who is not qualified as such. Eliminates the requirement for IDEM to include a laboratory division. For a landfill that is not exempt from demonstration of need requirements in a county that does not zone, provides: (1) that an applicant that has an application pending on April 1, 2008, for an original permit for construction or operation and that meets certain other conditions must submit a new permit application and meet the requirements of all applicable environmental laws existing at the time the new permit is sought, that the applicant is not required to pay a new application fee, and that the county executive must approve the proposed facility location; and (2) that the county executive must approve the proposed facility location for an application for an original construction permit submitted to the department after March 31, 2008. Provides in a county that zones that a person holding a permit for construction of a landfill that has not accepted waste and for which zoning was approved before April 1, 1985, may begin or complete construction only if the zoning authority reviews and approves the appropriateness and legality of the zoning under current law. Eliminates the requirement for certain water and wastewater operators to display certificates. Provides that a wastewater management vehicle must have an identification number issued by IDEM instead of a license. Provides that IDEM may issue a wastewater management permit that incorporates issuance of a wastewater management vehicle identification number and approval of a land application site. Eliminates the requirement for an applicant for certain waste permits to include the applicant's Social Security number in the application disclosure statement. Allows IDEM to require additional information in the application. With respect to the mercury switch removal program: (1) states the purposes of the program; (2) requires IDEM to pay recyclers for

removed anti-lock braking system G-force sensors and other components containing more than 10 milligrams of mercury; and (3) provides that the mercury switch removal requirement does not apply if the removal would require dismantling of the vehicle. Allows IDEM to use money in the underground petroleum storage tank excess liability trust fund for the inspection of underground storage tanks, and limits the combined amount of payments from the fund in a year for tank inspection and administration of claims against the fund to 10% of the fund income in the immediately preceding year. Establishes standards for electronic submission of information to IDEM. Repeals certain environmental crimes statutes, and substitutes a statute that: (1) designates environmental violations as crimes; (2) establishes more severe penalties if the violation results in substantial harm to the environment or loss of human life; (3) establishes factors to be considered in sentencing; and (4) establishes maximum and minimum fines. Reduces from a Class D felony to a Class B misdemeanor the penalty for offenses concerning: (1) destruction, alteration, concealment, or false certification of a record; (2) rendering inaccurate or inoperative a recording device or a monitoring device; and (3) falsifying testing or monitoring data. Provides that criminal penalties apply regardless of whether a person uses electronic submissions or paper documents to accomplish the criminal actions. Extends the environmental crimes task force for one year.

DIGEST OF SB 45 (Updated February 12, 2008 1:56 pm - DI 84)

Great Lakes Compact. Implements the Great Lakes—St. Lawrence River Basin Water Resources Compact.

DIGEST OF SB 46 (Updated February 19, 2008 2:11 pm - DI 84)

Environmental restrictive covenants. Provides that marketable record title to real property is subject to all interests of the department of environmental management arising from the recording of a restrictive covenant under the environmental laws.

DIGEST OF SB 51 (Updated March 6, 2008 2:29 pm - DI 84)

Reemployment of retired public employees. Reduces from 90 days to 30 days the waiting period after which a retired member of the: (1) state teachers' retirement fund (TRF); or (2) public employees retirement fund (PERF); may be reemployed in a covered position and continue to receive a retirement benefit.

DIGEST OF SB 62 (Updated March 14, 2008 3:46 pm - DI 101)

Posting notice of foreclosure sale. Eliminates the requirement that a sheriff post notice of a foreclosure sale in at least three public places in each township where the real estate is located.

DIGEST OF SB 72 (Updated March 14, 2008 3:59 pm - DI 102)

State officers; public employee benefits. Authorizes a special death benefit for a chaplain who: (1) is appointed or officially designated to serve a state law enforcement agency, a sheriff's

department, a volunteer fire department, or a full-time police or fire department of a political subdivision; and (2) dies in the line of duty. Allows, after December 31, 2008, a member of the public employees' retirement fund (PERF) who: (1) is vested; (2) separates from employment; and (3) does not perform service in a covered position for at least 90 days; to elect to withdraw the entire amount in the member's annuity savings account. Provides that, unless the member has transferred the creditable service earned in PERF to another governmental retirement plan, a PERF member who elects to withdraw the entire amount in the member's annuity savings account is entitled to receive, when the member becomes eligible to receive a retirement benefit, a benefit equal to the pension provided by employer contributions. Provides that an individual elected treasurer of state takes office January 1 following the individual's election. Provides that the individual elected treasurer of state at the 2006 election vests as a member of PERF if the individual is reelected as treasurer of state at the 2010 election and serves in office until January 1, 2015. Establishes 65 years of age with at least eight years of creditable service as the normal retirement age for a state officer to whom Article 6, Section 1 of the Constitution of the State of Indiana applies. Deletes the July 1, 2007, expiration date of a provision that authorizes the treasurer of state to make investments in certain securities that have a maturity of more than two years and not more than five years. Legalizes any such investments made after June 30, 2007. Requires a member of the teachers' retirement fund or the PERF who retires with service in more than one retirement fund to choose when the member applies for retirement benefits which fund to retire from. (Current law requires a member with service in more than one retirement fund to retire from the last fund in which the member rendered service.) (The introduced version of this bill was prepared by the pension management oversight commission.)

DIGEST OF SB 78 (Updated March 13, 2008 5:06 pm - DI 92)

Probate and trust matters. Specifies that a qualified personal residence trust is entitled to certain property tax deductions and the homestead credit during the period in which the grantor of the trust is entitled to occupy the residence rent free under the terms of the trust and is otherwise eligible for the deduction or credit. Establishes procedures for obtaining access to a safe deposit box following the death of the individual leasing the safe deposit box. Extends to 12 months the period for which a parent of a minor or a guardian of a protected person can delegate by properly executing a power of attorney certain powers concerning the support, custody, or property of the minor or protected person. Removes the requirement that the parent or guardian be incapacitated or absent during the period in which the delegated powers are conferred upon the attorney in fact. Specifies the order in which beneficiary interests in a trust must be abated if the trust property is insufficient to fully satisfy the interests of all beneficiaries. Permits a power of attorney to be signed at the principal's direction. (Current law requires a power of attorney to be signed by the principal to be valid.) Provides that if a power of attorney is signed at the direction of the principal, the notary must state that the individual who signed the power of attorney did so at the principal's direction. Provides that if a parent was convicted of causing the death of the other parent by murder, voluntary manslaughter, or another criminal act, and the death does not result from the operation of a vehicle, the parent may not receive: (1) an intestate share of the child's estate; or (2) a refund of unused accident and sickness insurance premiums upon the death of the insured child, if the child paid the insurance premiums. (The introduced version of this bill was prepared by the probate code study commission.)

DIGEST OF SB 81 (Updated March 5, 2008 2:13 pm - DI 84)

Transfer on death conveyances and prohibition of certain fees. Authorizes an owner of a vehicle or a watercraft to transfer ownership of the vehicle or watercraft upon the death of the owner by designating a transfer on death beneficiary on the certificate of title for the vehicle or watercraft. Allows 60 days rather than 31 days for an individual acquiring a motor vehicle or a watercraft as a transfer on death beneficiary to fulfill certain duties. Prohibits political subdivisions or local law enforcement agencies of political subdivisions from imposing or collecting an accident response service fee on or from the driver of a motor vehicle or any other person involved in a motor vehicle accident. Prohibits a sheriff or an employee of a jail from charging an individual a fee for the individual to be incarcerated or held in a jail unless the individual has been convicted of a crime for which the individual was incarcerated or held in jail.

DIGEST OF SB 88 (Updated February 12, 2008 2:10 pm - DI 84)

Lake management work group. Changes the expiration date for the lake management work group from July 1, 2008, to July 1, 2010. Allows the work group to hold four meetings per year. Makes conforming changes.

DIGEST OF SB 104 (Updated March 5, 2008 2:14 pm - DI 84)

Reconstruction in floodway. Requires certain information be given to the department of natural resources before a person may reconstruct an abode or a residence that is located in a floodway and is substantially damaged. (Current law requires the substantial damage to be by means other than floodwater.) Requires the lowest level of the abode or residence to be at least two feet above the one hundred (100) year flood elevation. (Current law requires the elevation to be at or above the one hundred (100) year flood elevation.) Removes the state board of finance from the administration and approval procedures concerning the flood control revolving fund.

DIGEST OF SB 107 (Updated March 5, 2008 2:16 pm - DI 84)

Wine sales. Increases the limit on annual wine sales in Indiana from five hundred thousand (500,000) to one million (1,000,000) gallons for farm winery and direct wine seller permit holders. Provides that the alcohol and tobacco commission (commission) may issue a direct wine seller's permit to an applicant who: (1) has not distributed wine through a wine wholesaler within 120 days immediately preceding the applicant's application and does not distribute wine through a wine wholesaler during the term of the permit; or (2) has operated as a farm winery. (Current law provides that the commission may issue a permit to an applicant who has not distributed through a wine wholesaler within 120 days immediately preceding the applicant's initial application or has operated as a farm winery.) Allows an instructor teaching class on wine appreciation at an accredited college or university to purchase, acquire, possess, and dispense wine for educational purposes within the class without an alcoholic beverage permit.

DIGEST OF SB 111 (Updated March 4, 2008 2:18 pm - DI 84)

Graduation rate formula. Specifies that students graduating as members of a cohort include students from the cohort who graduate during the expected graduation year or during a previous reporting year. Provides that students may count as graduating members of only one cohort. Corrects an incorrect cross-reference.

DIGEST OF SB 117 (Updated February 28, 2008 11:13 am - DI 84)

Parole issues. Provides that a parolee may be responsible for the reasonable expenses of participating in a program required as a condition of parole, and removes a requirement that parole discharge papers be forwarded to the sentencing court. (The introduced version of this bill was prepared by the sentencing policy study committee.)

DIGEST OF SB 118 (Updated February 28, 2008 11:18 am - DI 84)

DOC superintendent qualifications. Allows a person who does not hold at least a bachelor's degree to serve as a superintendent in the department of correction (DOC) if the person has specified levels of experience. (The introduced version of this bill was prepared by the sentencing policy study committee.)

DIGEST OF SB 133 (Updated February 18, 2008 3:59 pm - DI 84)

Public employees' retirement fund (PERF). Provides for a cost of living adjustment for a retired member of PERF (or a survivor or beneficiary of a member). Provides that the pension portion of the monthly benefit payable to a retired PERF member, excluding elected officials, may not be less than \$180. Provides for a thirteenth check based on the complete years of service credited to a member at retirement. Repeals the current provision requiring the monthly benefit payable to a retired PERF member to be at least \$180. Allows a member or beneficiary of PERF to assign a benefit payment to pay insurance premiums to an association that proves to the PERF board's satisfaction that the association has as members at least 20% of the retired members of PERF.

DIGEST OF SB 134 (Updated February 28, 2008 11:20 am - DI 84)

Consolidation of certain environmental and natural resources proceedings. Allows a party to seek to consolidate multiple proceedings that are subject to the jurisdiction of both the office of environmental adjudication and the natural resources commission's division of hearings. Requires a panel that includes an environmental law judge and an administrative law judge to hear consolidated proceedings.

DIGEST OF SB 139 (Updated March 4, 2008 2:32 pm - DI 84)

Violation of probation and home detention. Specifies that a court may impose one or more sanctions on a probationer who violates the conditions of probation or home detention during the probationary period. Provides that an offender who is placed on home detention and who resides

in a county adjacent to the county in which the sentencing court is located may be supervised by a community corrections program or probation department located in the county in which the sentencing court is located. Specifies that a probation department or community corrections program that supervises an offender on home detention is responsible for the expenses of the supervision.

DIGEST OF SB 143 (Updated March 14, 2008 4:21 pm - DI 97)

Lead poisoning prevention. Specifies certain requirements for laboratories, the state department of health, local health departments, and retail establishments related to childhood lead poisoning prevention. Provides for certain actions by the state department of health for noncompliance with certain provisions. Establishes the childhood lead poisoning prevention fund for outreach and prevention activities. Establishes a lead-safe housing advisory council to make recommendations related to lead poisoning prevention. Requires an interim committee to study issues related to childhood lead poisoning prevention. (The introduced version of this bill was prepared by the health finance commission.)

DIGEST OF SB 153 (Updated February 28, 2008 11:22 am - DI 84)

Extension of dentist instructor license. Extends until June 30, 2013, the authority of the state board of dentistry to issue a dentist instructor's license for individuals not otherwise licensed to practice dentistry in Indiana. (Under current law, the authority expires June 30, 2008.) (The introduced version of this bill was prepared by the health finance commission.)

DIGEST OF SB 156 (Updated February 14, 2008 10:46 am - DI 84)

Communicable disease rules. Specifies that the state department of health may adopt emergency rules concerning communicable diseases. (The introduced version of this bill was prepared by the health finance commission.)

DIGEST OF SB 157 (Updated March 13, 2008 2:45 pm - DI 77)

Opioid treatment programs. Changes the term "methadone treatment" to "opioid treatment" for purposes of the law concerning certification of opiate addiction treatment facilities. Requires approval and certification for each location that an opioid treatment program is operated. Requires an opioid treatment program to: (1) periodically and randomly test a patient for the use of specified drugs; and (2) take certain actions if the drug test is positive for an illegal drug other than the drug being used for the patient's treatment. Requires the division of mental health and addiction to adopt rules on: (1) standards for operation of an opioid treatment program; (2) a requirement that the opioid treatment facilities submit a current diversion control plan; and (3) fees to be paid by an opioid treatment facility. Requires the division to create a central registry and prepare a biennial report. Specifies violations and penalties. Repeals the expiration of current law requiring a methadone diversion control and oversight program. (The introduced version of this bill was prepared by the health finance commission.)



DIGEST OF SB 159 (Updated March 4, 2008 2:21 pm - DI 84)

Third party access to terms of health care contracts. Specifies terms under which a third party may obtain access to a contractor's rights and responsibilities related to a provider's delivery of health care services.

DIGEST OF SB 164 (Updated March 13, 2008 2:52 pm - DI 77)

Human services matters. Specifies that the office of Medicaid policy and planning (office), a managed care organization that has contracted with the office under the state's Medicaid program, and a person that has contracted with the managed care organization must meet certain requirements concerning payment and denial of claims. Specifies that eligibility for the children's health insurance program is limited to a child whose family annual income is not more than 300% of the federal income poverty level or the maximum percentage approved by the federal government if the approved percentage is less than 300%. Requires the health finance commission to study during the 2008 interim the feasibility and costs of allowing individuals who meet certain requirements to participate in the Indiana check-up plan without state funding for the coverage. (The introduced version of this bill was prepared by the select joint commission on Medicaid oversight.)

DIGEST OF SB 175 (Updated March 5, 2008 2:19 pm - DI 84)

Various INDOT matters. Changes the requirements for certain bids that the department of transportation (INDOT) may accept for state highway projects. Provides that INDOT may not require certain contractors to assume any liability or indemnify the state for any amount greater than the degree of fault of the contractor.

DIGEST OF SB 176 (Updated March 6, 2008 2:31 pm - DI 84)

Courthouse preservation advisory commission. Establishes the courthouse preservation advisory commission. Requires the commission to provide assistance for courthouse related projects. Establishes the courthouse preservation fund. Requires the commission to submit a report to the legislative council. Repeals and relocates the definition of "division" for purposes of the division of historic preservation and archeology.

DIGEST OF SB 189 (Updated March 5, 2008 2:20 pm - DI 84)

Various issues concerning agriculture and animals. Removes the restriction that only counties that contain more than \$20,000,000 in property tax value may make an allowance to an interstate fair corporation. Requires that the petition for an allowance for a tax levy to support county 4-H clubs be published in a newspaper in the county. (Current law requires that the petition be printed in a newspaper that is published and printed in the county.) Prohibits tampering or altering with an identification mark on goats and cervids that have reacted positively to a tuberculin test. Removes a conflicting provision that prohibits the state board of animal health from adopting rules to exempt certain testing requirements from animals that present little risk of spreading

disease. Provides that certain persons who are not the owner of an animal but have reason to suspect that the animal has a dangerous, contagious, or infectious disease are required to make a report to the state veterinarian or local health officer within 48 hours. Provides that the stockholders or members of an agricultural cooperative created before February 23, 1925, by majority vote, may elect to be governed by certain agricultural cooperative laws by limiting its stockholders or membership. (Current law provides for a vote limiting only membership.) (The introduced version of this bill was prepared by the code revision commission.)

DIGEST OF SB 190 (Updated February 18, 2008 4:05 pm - DI 84)

Title 15 recodification. Recodifies the law governing agriculture and animals. Changes references in provisions that cross-reference the law being recodified. Makes related changes. Repeals obsolete provisions. (The introduced version of this bill was prepared by the code revision commission.)

DIGEST OF SB 192 (Updated March 5, 2008 2:24 pm - DI 84)

Truth in music advertising. Prohibits a person, other than a media source, from advertising or conducting a live musical performance or production by falsely, deceptively, or misleadingly implying that there is an affiliation between a performing group and a recording group. Makes a violation of the provision a Class A infraction.

DIGEST OF SB 197 (Updated March 5, 2008 2:38 pm - DI 84)

Minority and women businesses. Excludes utilities, certain health care services, and rent from the definition of "goods and services" for purposes of contracting with minority and women's business enterprises. Provides that the commissioner of the Indiana department of transportation may designate the economic opportunity director of the department to attend meetings of the governor's commission on minority and women's business enterprises. Removes "other similar minority groups" from the definition of "minority group" for purposes of the governor's commission on minority and women's business enterprises. Amends the horse racing commission law to: (1) remove the commission's authority to establish and administer a unified certification procedure; and (2) require the commission to use the certifications of minority and women's business enterprises made by the department of administration.

DIGEST OF SB 207 (Updated February 28, 2008 11:55 am - DI 84)

Public records and criminal offenders. Provides that a public agency may deny public records requests made by a person incarcerated in a correctional facility if the requested public records: (1) contain personal information concerning a correctional officer, crime victim, or family member of a correctional officer or crime victim; or (2) relate to the security of a jail or correctional facility. (The introduced version of this bill was prepared by the sentencing policy study committee.)

DIGEST OF SB 208 (Updated March 13, 2008 5:00 pm - DI 84)

Tax payments. Allows a county after June 30, 2009, to authorize county taxpayers to pay property taxes by automatic deduction from a checking account. Provides that after June 30, 2009, a county council may authorize the payment of property taxes by a monthly installment plan (in addition to the option of authorizing payments by automatic deductions from a checking account). Specifies that in the case of a taxpayer that pays property taxes by automatic deductions, the payment is deducted from the taxpayer's checking account on a date chosen by the taxpayer. Specifies that if a taxpayer makes automatic monthly deductions or monthly installments of property taxes in the amount determined by the county treasurer, the taxpayer's property tax payments shall not be considered delinquent and the taxpayer is not subject to penalties.

DIGEST OF SB 210 (Updated February 12, 2008 2:24 pm - DI 84)

Teachers' retirement fund issues. Provides that a member of the state teachers' retirement fund may change the member's beneficiary designation if the member and the member's designated beneficiary are parties in any action for dissolution of marriage. (Under current law, the member may change the member's beneficiary designation only if the member and the member's designated beneficiary are parties in an Indiana action for dissolution of marriage.) (The introduced version of this bill was prepared by the pension management oversight commission.)

DIGEST OF SB 219 (Updated February 18, 2008 4:08 pm - DI 84)

Lactation support in the workplace. Provides that the state and political subdivisions: (1) shall provide for reasonable paid breaks for an employee to express breast milk for the employee's infant child; (2) must make reasonable efforts to provide a room or other location in close proximity to the work area where the employee can express the employee's breast milk in privacy; and (3) must make reasonable efforts to provide for a refrigerator or other cold storage for keeping breast milk that has been expressed. Provides that other employers that employ 25 or more individuals, to the extent reasonably possible, must provide: (1) a private location for an employee to express the employee's breast milk during any period away from the employee's assigned duties; and (2) a refrigerator or other cold storage space, or allow the employee to provide the employee's own portable storage device, for keeping the expressed milk until the end of the employee's work day. Provides that, except in case of willful misconduct, gross negligence, or bad faith, an employer is not liable for any harm caused by or arising from: (1) the expressing of an employee's breast milk; or (2) the storage of expressed milk; on the employer's premises.

DIGEST OF SB 223 (Updated February 28, 2008 12:02 pm - DI 84)

Coal gasification and substitute natural gas. Provides that a taxpayer awarded a coal gasification technology investment tax credit may agree to use less than 100% Indiana coal in the qualifying coal gasification project and qualify for the credit if the taxpayer: (1) wishes to assign the tax credit; and (2) certifies to the Indiana economic development corporation that partial use of other

coal is necessary to result in lower rates for Indiana retail utility customers. Changes the definition of "substitute natural gas" to include gas: (1) produced by a facility outside Indiana; and (2) converted from coal from a location other than the Illinois basin. Changes the definition of a "customer choice program" to include customers located in the service area of an electric utility. Provides that when substitute natural gas (SNG) purchase obligations are proportionally assigned due to a customer choice program, the assignee must meet the assignment requirements in the previously approved contract for purchase of the SNG.

DIGEST OF SB 226 (Updated March 13, 2008 5:02 pm - DI 84)

Municipal utilities; utility services provided by landlords. Provides that a municipality that seeks to sell or dispose of nonsurplus municipally owned utility property must adopt an ordinance appointing three Indiana residents to serve as appraisers, as follows: (1) One disinterested person who is a licensed engineer. (2) One disinterested persons who is a licensed appraiser. (3) One disinterested person who is either a licensed engineer or a licensed appraiser. (Current law provides for the appointment of one disinterested freeholder who is a resident of the municipality and two disinterested licensed appraisers). Eliminates the requirement that one of the licensed appraisers must reside not more than 50 miles from the property. Provides that if the municipality decides to proceed with the sale or disposition after the return of the appraisal, the municipality shall, not later than 45 days after the return of the appraisal, hold a public hearing to do the following: (1) Review and explain the appraisal. (2) Receive public comment on the proposed sale or disposition. (3) Adopt an ordinance for the sale or disposition. (Current law: (1) requires the municipality to publish notice of a hearing on the ordinance not later than 15 days after the return of the appraisal; and (2) prohibits the municipality from holding the hearing until 30 days after the notice is given.) Provides that the municipality is not required to adopt an ordinance if, after the hearing, the municipality determines it is not in the interest of the municipality to proceed with the sale or disposition. Allows a municipality to proceed to sell or dispose of the property if: (1) the municipality adopts an ordinance providing for the sale or disposition; and (2) a petition opposing the sale or disposition is not filed within 30 days after the notice of hearing. (Current law provides that a municipality shall proceed to sell or dispose of the property if a petition is not filed within the 30 day period.) Provides that a municipal utility may not issue bonds, notes, or other obligations without the approval of the utility regulatory commission (IURC) if the bonds, notes, or other obligations are payable more than 12 months after their execution. (Current law requires the IURC to approve any bond issue of a municipal utility.) Provides that a landlord that distributes water or sewage disposal service from a public or municipally owned utility to one or more dwelling units is not a public utility solely by reason of engaging in such activity if: (1) the landlord bills tenants separately from rent for the services distributed; (2) the total charge for the services is not more than what the landlord paid the utility for the same services, less the landlord's own use; and (3) the landlord provides the tenant with a written disclosure that meets specified requirements. Provides that a complaint may be filed with the IURC alleging that a landlord is acting as a public utility. Requires the IURC to: (1) consider the complaint; and (2) if the IURC considers it to be necessary, enter an order requiring a billing adjustment.

DIGEST OF SB 227 (Updated March 13, 2008 6:19 pm - DI 107)

Domestic violence issues and invasion of privacy. Renames the "sexual assault standards and certification board" as the "sexual assault victims advocate standards and certification board" (board) and moves control of the board to the criminal justice institute from the department of workforce development. Moves the sexual assault victims assistance account and all balances and encumbrances to the criminal justice institute from the department of workforce development. Removes the executive director of the commission for women from membership on the board and adds representatives of the office of family and social services and state department of health as members. Provides that victim advocates and victim services providers may not give testimony, produce records, or disclose certain confidential communications and confidential information without the victim's consent. Provides that a victim may not be forced to consent to the disclosure of confidential information in order to receive services. Requires a victim to be notified if confidential information is disclosed. Makes certain information obtained as part of an application for certain gaming licenses confidential. Allows a court: (1) to prohibit a defendant who has not been released from lawful detention from contacting a particular individual; and (2) to require, as a part of a person's executed sentence, that the person refrain from contact with a particular individual. Makes it a Class A misdemeanor to contact a particular individual in violation of: (1) a prohibition imposed on a defendant while in lawful detention; or (2) a requirement imposed as a condition of an executed sentence. Makes conforming changes. Repeals provisions being superseded by this bill.

DIGEST OF SB 233 (Updated February 18, 2008 4:10 pm - DI 84)

Streamlined sales tax conformity. Adds definitions of the following terms from the Streamlined Sales and Use Tax Agreement (SSUTA) to the sales and use tax statutes: (1) "digital audiovisual works"; (2) "digital audio works"; (3) "digital books"; and (4) "specified digital products". Amends the definition of "durable medical equipment" to conform with SSUTA. Extends until January 1, 2010, the date when sales of floral products will be sourced to the location of the floral business that takes a floral order from a purchaser, to conform with SSUTA. Provides that a person who transfers specified digital products to an end user with a grant of permanent use is a retail merchant making a retail transaction.

DIGEST OF SB 241 (Updated March 4, 2008 2:23 pm - DI 84)

Department of homeland security. Provides that revenue in the emergency planning and right to know fund may be used to maintain, repair, and calibrate equipment purchased for a hazardous materials response team. Specifies the purposes for which money in the state disaster relief fund may be spent. Deletes existing law providing that interest accruing from investments in the state disaster relief fund is deposited into that fund. Provides that money in the regional public safety training fund that remains unencumbered at the end of a state fiscal year shall be transferred to the fire training infrastructure fund. (Current law provides that money in the regional public safety training fund that is not appropriated to the fund is transferred to the fire training infrastructure fund.) Permits the department of homeland security to adopt emergency rules to implement changes to the state disaster relief fund. Provides that an amusement and

entertainment permit issued by the division of fire and building safety to a school expires one year after the date the permit is issued, rather than on December 31 of the year in which the permit is issued. Makes technical corrections.

DIGEST OF SB 249 (Updated February 25, 2008 1:28 pm - DI 84)

Emergency medical services commission. Requires the emergency medical services commission to adopt rules concerning the triage and transportation protocols for the transportation of trauma patients.

DIGEST OF SB 250 (Updated February 19, 2008 2:33 pm - DI 84)

Indiana Veterans' Home. Transfers responsibility for the Indiana Veterans' Home from the state health commissioner to the department of veterans' affairs. Makes conforming amendments and removes obsolete references.

DIGEST OF SB 257 (Updated March 5, 2008 2:34 pm - DI 84)

Technology. Requires the legislative council to assign to an interim or a statutory committee the topic of modernizing the system for filing mechanic's liens through incorporation of a statewide online registry for mechanic's liens. Requires the state budget agency in conjunction with the office of technology to review and make recommendations to the legislative council concerning state agency use of legacy high-volume, transaction processing systems.

DIGEST OF SB 258 (Updated March 14, 2008 4:27 pm - DI 106)

Discharge of long term inmates, electronic copies of sentencing information, and Internet access for inmate employment searches. Requires the parole board to review the sentence of a long term inmate who has not been convicted of a violent offense to determine whether the inmate has been rehabilitated and has suitable plans that would warrant discharge from custody, and requires the department of correction to assist the parole board by identifying certain long term inmates to the parole board and providing certain other information. Specifies that an inmate whose review is denied by the parole board may seek a later review. Requires such an inmate released by the parole board to be placed on parole. Allows a court to: (1) send copies of certain reports relating to the conviction of an individual to the department; and (2) certify copies of judgments of conviction and sentences to receiving authorities; through any electronic means approved by the department. Requires the department to allow certain inmates to have Internet access to web sites that contain employment information in the 90 day period before an inmate is discharged, released on parole, released on probation, or assigned to a community transition program, and requires the department to provide Internet training and employment counseling. Provides that GPS monitoring for certain sex offenders is mandatory after June 30, 2009, and authorizes the parole board to require GPS monitoring before July 1, 2009. Requires a sex or violent offender to report the offender's electronic mail address and certain Internet usernames. Makes it a Class A misdemeanor for a sex offender to use a social networking Internet web site or an instant messaging or chat room program that the offender knows is frequented by children. Makes

committing an offense against a person with a disability an aggravating circumstance for sentencing purposes if the defendant knew or should have known that the victim was a person with a disability. Provides that, as a condition of probation or parole, a sex offender: (1) must consent to the search of the sex offender's personal computer at any time; (2) must permit installation on the sex offender's personal computer or device with Internet capability of hardware or software to monitor the sex offender's Internet usage; (3) must be prohibited by a probation or parole officer from using or accessing certain web sites, chat rooms, or instant messaging programs frequented by children; and (4) may not delete, erase, or tamper with information on the sex offender's personal computer that relates to prohibited Internet usage. Requires a school corporation to include a mandatory instructional unit on safely using the Internet for grades 3 and above. Specifically provides that law enforcement officials may seize computers, cellular telephones, and other equipment used to commit or facilitate, or intended to be used to commit or facilitate, sex crimes. Makes it a Class B misdemeanor for certain persons at least 21 years of age to knowingly or intentionally communicate concerning sexual activity with a child less than 14 years of age with the intent to gratify the sexual desires of the person or the child. Enhances the offense to a Class A misdemeanor if it is committed by means of a computer network. Specifies that the sex or violent offender registration period is not restarted based on the offender's commission of a subsequent offense.

DIGEST OF SB 281 (Updated February 28, 2008 3:45 pm - DI 84)

Convictions and elections. Reconciles certain inconsistent provisions in current law regarding: (1) the definition of "felony"; and (2) when a certified copy of the sentencing order issued in connection with the removal of a public officer must be filed.

DIGEST OF SB 302 (Updated March 13, 2008 5:12 pm - DI 14)

Health professions and occupations. Allows members of certain licensing boards to participate in emergency meetings to suspend the licenses of practitioners who represent a clear and immediate danger to the public health and safety, if a means of communication is used that allows all board members and the public to simultaneously communicate with each other. Allows members of the state boxing commission to participate in meetings to consider final approval of a permit for a particular boxing or sparring match or exhibition, if a means of communication is used that allows all commission members and the public to simultaneously communicate with each other. Makes changes in the procedures for renewal of expired certificates and licenses, and provides that the professional licensing agency is to set the times for license renewals for: (1) accountants; (2) acupuncturists; (3) architects; (4) landscape architects; (5) athletic trainers; (6) auctioneers; (7) auction houses; (8) auction companies; (9) barbers; (10) cosmetologists; (11) tanning facilities; (12) chiropractors; (13) dental hygienists; (14) dentists; (15) dietitians; (16) embalmers, funeral directors, and funeral homes; (17) health facility administrators; (18) hearing aid dealers; (19) home inspectors; (20) hypnotists; (21) land surveyors; (22) physicians; (23) nurses; (24) manufactured home installers; (25) optometrists; (26) pharmacists, pharmacies, drug stores, and home medical equipment service providers; (27) plumbers; (28) podiatrists; (29) private investigator firms, security guards, and polygraph examiners; (30) professional engineers; (31) environmental health specialists; (32) psychologists; (33) real estate brokers and sales persons;

and (34) speech pathologists and audiologists. Makes changes to the qualifications for licensing of out-of-state architects, accountants, and acupuncturists. Makes changes to the qualification criteria for approval to sit for the licensing examination for architects. Prohibits advanced practice nurses from entering into collaborative practice agreements with physician assistants. Reduces membership on the state board of health facility administrators from 14 to 13 and makes conforming changes. Establishes qualifications for a provisional license for physicians. Adds a definition of "dispense" to the law concerning controlled substances. Provides that advanced practice nurses with prescriptive authority are subject to certain restrictions regarding drug samples. Makes changes to the membership of the board of accountancy. Provides that a physician assistant who renders care in response to an emergency under the state emergency management law is not required to comply with the law requiring supervision by a physician. Repeals a provision allowing real estate brokers and salespersons to use a notice of passing the required licensing examination as a temporary permit to practice. Requires a nonresident pharmacy that dispenses more than 25% of the pharmacy's total prescription volume through the Internet to have certain accreditations and display the accreditation in advertisements. Allows the board of pharmacy to take certain action against a nonresident pharmacy for not being accredited or for failing to display the accreditation. Removes specified home medical equipment from the definition of "home medical equipment" and redefines the term as equipment that is prescribed by a health care provider and either: (1) sustains, restores, or supplants a vital bodily function; or (2) is technologically sophisticated and requires individualized adjustment or maintenance. Defines "home medical services" to require both the: (1) sale, rental, delivery, or installation of home medical equipment; and (2) installation, maintenance, and instruction in the use of the equipment. Repeals superseded sections in the licensing laws and a definition of "dispenser" in the controlled substances law. Amends a statutory reference to resolve a technical conflict with SB 190 (the agriculture and animals recodification bill). Makes other changes relating to the law concerning occupations and professions.

DIGEST OF SB 305 (Updated February 19, 2008 2:39 pm - DI 84)

Controlled substances. Adds certain controlled substances to the list of schedule I, schedule II, schedule III, schedule IV, and schedule V controlled substances. Corrects the spelling of certain other controlled substances.

DIGEST OF SB 307 (Updated March 4, 2008 2:25 pm - DI 84)

Various business matters. Permits the disclosure of Social Security numbers for purposes of administration of the Uniform Commercial Code by the secretary of state. Codifies a memorandum of understanding between the secretary of state and the bureau of motor vehicles (BMV) to transfer responsibilities under: (1) IC 9-18-26 (dealer license plates); (2) IC 9-22-4 (licensing of vehicle salvaging); and (3) IC 9-31-4 (boat dealer licenses); from the BMV to the secretary of state. Amends the review procedures for a person denied a license to engage in: (1) vehicle salvaging; (2) the business of buying or selling motor vehicles; or (3) the business of selling boats. Establishes the dealer compliance account and deposits certain license and permit fees collected by the secretary of state in the account. Appropriates money in the account to the secretary of state for the purposes of the account. Provides that the secretary of state (rather than



the BMV) retains fees for: (1) boat dealers licenses; and (2) changes of business names or locations for boat dealers. Provides that a boat dealer license is valid for one year. (Current law provides that the license is valid for two years.) Eliminates the filing fee for designation or change of resident agent. Reduces fees for electronic filings with the secretary of state. Makes conforming amendments.

DIGEST OF SB 314 (Updated March 14, 2008 4:32 pm - DI 77)

Agriculture matters. Changes the name of the department of agriculture to the Indiana state department of agriculture (department). Adds specific economic development efforts to be administered by the department. Requires the department to assist agricultural businesses in obtaining and preparing permits and serving as a liaison between the business and state and local government. Provides for the confidentiality of financial and application information obtained by the department that relates to economic development or promotion of agriculture and certain voluntary certification programs. Establishes duties for the director of the department concerning agricultural promotion, research, and international agricultural trade. Establishes duties for the director of the department concerning diversified farming. Makes changes to the commercial fertilizer law, including changing the definition of "blending" for fertilizers and adding a definition of "ammonium nitrate". Makes it a Class A misdemeanor to knowingly or intentionally violate the commercial fertilizer law. Changes the membership of the fertilizer advisory board. Amends certain definitions concerning pesticide laws. Removes the specific volume requirement for exempted bulk pesticide containers. Removes certain pesticides from the list of restricted pesticides. Requires pesticide product applicants to comply with the pesticide product laws. Allows the state chemist to deny a pesticide product registration. Amends a pesticide product applicant's and registrant's right to a review of a state chemist's action. Changes the membership of the pesticide review board (board). Allows the members to continue to serve until a successor is appointed and qualified. Provides that the board's travel reimbursement must meet Purdue University's travel policies. Allows the state chemist to have access to production records of pesticide products. Provides that the state chemist may refer violations to the prosecuting attorney. (Current law requires referral.) Amends the definition of "property" under pesticide use and application laws to include vehicles. Includes diagnostic inspections and determining infestations of wood destroying pests as qualifications to obtain a pesticide business license. Adds technician registrations to the licenses that are invalid if the business does not maintain financial responsibility. Prohibits: (1) verbal misrepresentations concerning the effect of pesticides; (2) using known ineffective amounts of pesticides; (3) refusing to supply the state chemist information during an investigation or inspection; (4) intentionally altering a license; (5) failing to provide proof of financial responsibility; and (6) impeding duties of the state chemist. Allows the state chemist to specify the time period certain pesticide records must be kept. Removes the 60 day time limit to file a claim from a pesticide accident and the seven day notification of licensees after an accident claim is filed. Authorizes the state board of animal health to provide voluntary grading and certification relating to meat and meat products. Provides that a person who knowingly or intentionally forges a grade or certification commits a Class D felony. Increases the battery penalty to a Class A misdemeanor if committed against the state chemist or the chemist's agent while performing their duties. Repeals provisions concerning: (1) operation of livestock export inspection facilities; (2) livestock inspection fees; (3) livestock

export facilities; (4) the livestock export facility administration fund; (5) the center for value added research; and (6) adoption of federal fruit grades, domestic grading of certain fruits, inspections, and penalties. Makes conforming and technical changes.

DIGEST OF SB 315 (Updated March 14, 2008 4:39 pm - DI 107)

Aging and long term care services. Provides that a person who has made certain asset transfers is not eligible for residential care assistance. Requires the adoption of rules to implement: (1) a screening and counseling program for individuals seeking long term care services; (2) a process of prior approval for certain individuals seeking admission to a nursing facility; and (3) the annual review of Medicaid rates. Prohibits the state department of health from approving the certification of new or converted comprehensive care beds for participation in the Medicaid program until July 1, 2011, unless the state comprehensive care bed occupancy rate in health facilities is more than 95%. Allows for an exception for replacement beds and continuing care retirement communities under development if specified requirements are met. Makes conforming and technical changes.

DIGEST OF SB 316 (Updated March 4, 2008 2:28 pm - DI 84)

Practice of veterinary medicine. Provides that the veterinary drug restrictions do not apply to veterinary drugs that are not restricted by federal law. Transfers the licensure of veterinarians and the registration of veterinary technicians to the article governing professions and occupations. Adds definitions of the terms "client", "consultation", "contract operator", "direct supervision", "indirect supervision", "registered veterinary technician", "supervisor", "veterinary assistant", and "veterinarian-client relationship". Amends the definition of "practice of veterinary medicine" to include the following acts done for compensation: (1) dispensing medicines to treat an animal; (2) performing complementary or alternative therapy upon an animal; and (3) certifying the health or fitness of an animal. Removes the definition of "veterinary technician". Adds a registered veterinary technician to the board of veterinary medical examiners (board). Establishes the veterinary investigative fund, and allows a \$10 fee to be placed in the fund. Amends the provisions regulating who may practice veterinary medicine without a license by: (1) removing veterinary technology instructors; (2) adding veterinary medical officers; (3) specifying that college instructors must be faculty at the School of Veterinary Medicine at Purdue University (Purdue); (4) specifies that scientific research must comply with federal animal welfare regulations; (5) specifies that foreign graduates and postgraduates must be under the supervision of Purdue faculty instead of a licensed veterinarian; and (6) providing assistance requested by a veterinarian by certain regulated professions. Prohibits issuing a veterinarian license to a person who has a conviction that would have a bearing on the person's ability to practice ethically or would have violated certain standards of practice. Allows the board to require continuing education as a condition of renewal of a license if the license has been expired for not more than five years. Prohibits a person from using the title "veterinary technician" unless the person is registered. Prohibits a veterinary assistant from diagnosing, prescribing, or performing surgery. Allows a registered veterinary technician to perform certain procedures under indirect supervision. Specifies supervision and delegation responsibilities. Removes the requirement to display licenses, registrations, and permits. Requires a veterinary-client relationship to exist

before dispensing or prescribing a prescription. Prohibits prescription products from being transferred to a person if a veterinarian-client-patient relationship does not exist. Allows a client to obtain the animal's prescription if certain conditions are met. Makes veterinary medical records confidential. Requires the records to be maintained for three years. Establishes exceptions to the confidentiality of records. Requires that written notice concerning an abandoned animal be sent by certified mail. Allows a registered veterinary technician to be disciplined for intoxication. (Current law requires discipline for chronic intoxication.) Provides immunity for veterinarians and registered veterinary technicians who in good faith report a suspected incident of animal cruelty. Provides that a person who: (1) practices as a veterinarian or registered veterinary technician without a license, permit, or registration; or (2) supplies false information on an application; commits a Class A misdemeanor. (The current penalty is a Class B misdemeanor.) Provides that other violations of the article are a Class A infraction. Establishes an impaired veterinary health care provider program. Establishes an impaired veterinary health care provider fund. Requires that part of an application fee be deposited into the fund. Requires the board to amend certain administrative rules. Makes technical and related changes. Makes an appropriation.

DIGEST OF SB 329 (Updated March 13, 2008 5:20 pm - DI 102)

Judges' pensions. Allows a person serving as a full-time magistrate on July 1, 2010, and requires a person who begins serving as a full-time magistrate after that date, to become a participant in the judges' 1985 benefit system (1985 system). Allows under certain conditions a judge who is a participant in the 1985 system to transfer to the 1985 system service credit earned as a full-time referee, commissioner, or magistrate after leaving a position covered by the 1985 system. Allows under certain conditions a magistrate who is a participant in the 1985 system to purchase, at full actuarial cost, service credit for service earned in the public employees' retirement fund as a full-time magistrate, referee, or commissioner. For certain participants in the 1985 system who apply for a retirement benefit after December 31, 2009, bases the computation of the annual retirement benefit on the salary being paid for the office that the participant held at the time of the participant's separation from service. (Currently, the computation is based on the salary being paid to the participant at the time of the participant's separation from service.) Provides that benefit increases paid after December 31, 2009, to a participant in the 1985 system who applies for a retirement benefit before January 1, 2010, or to certain terminated vested participants, are equal to the percentage by which the salary being paid for the office that the participant held at the time of the participant's separation from service increases. Increases the court administration fee from \$3 to \$5, and directs that the additional amount be paid into the judges' retirement fund, except for the additional amount collected by the Marion County small claims courts, which must be used to fund the small claims courts' operations. Assigns to the commission on courts the study of the selection process for St. Joseph County judges. (The introduced version of this bill was prepared by the pension management oversight commission.)

DIGEST OF SB 334 (Updated March 10, 2008 2:40 pm - DI 84)

Severe weather warning sirens. Requires the department of homeland security (department) to adopt rules before January 1, 2010 to establish: (1) minimum technical standards for severe

weather warning sirens; (2) the circumstances under which a severe weather warning siren (siren) may be activated; (3) information required in a siren coverage report or siren coverage plan; and (4) other rules necessary to assess coverage of sirens in Indiana and determine the need for additional sirens. Requires the department, at the request of a county legislative body, to assist the county in development of a siren coverage plan. Permits the department to require a county that requests assistance in development of a siren coverage plan to develop a siren coverage report. Specifies the content of a siren coverage report and a siren coverage plan. Requires the department to assist a county that adopts a siren coverage plan to implementation of the plan and obtain federal and other grants to enable the county in implementation of the plan. Requires the department to adopt certain rules not later than January 1, 2010.

DIGEST OF SB 336 (Updated March 4, 2008 2:28 pm - DI 84)

Stroke prevention task force. Adds three members to the stroke prevention task force. Requires one of the physician members to be a physician with cerebrovascular accident expertise instead of a neuroradiologist. Redefines the duties of the task force. Extends the expiration date for the task force from July 1, 2008, to July 1, 2012.

DIGEST OF SB 339 (Updated March 14, 2008 4:34 pm - DI 96)

Various motor vehicle matters. Repeals and relocates provisions concerning the licensing of commercial driver training schools and instructors, and transfers responsibility and funding from the bureau of motor vehicles (bureau) to the Indiana criminal justice institute (ICJI). Transfers rules of the bureau concerning commercial driver training schools and instructors from the bureau to the ICJI, with certain specifications. Removes the requirement that the daily deposit of motor vehicle excise taxes collected by the bureau be deposited in a separate account. Authorizes the bureau to determine the registration schedule for various categories of vehicles. Repeals outdated language concerning registration schedules for certain vehicles. Provides that a person who engages in the business of selling at least 12 off-road vehicles to the general public each year for delivery in Indiana must secure a dealer's license from the secretary of state. Repeals language exempting a seller of off-road vehicles from the requirements of a motor vehicle dealer's license. Provides that under certain circumstances, certain motor vehicles titled outside of Indiana do not need an inspection for an Indiana title to be issued. Makes conforming amendments. Makes technical corrections.

DIGEST OF SB 343 (Updated March 4, 2008 2:30 pm - DI 84)

Theft of copper and other valuable metals. Requires the sentencing policy study committee to study issues related to the theft of copper, including the effectiveness of recent statutory changes and the need to educate valuable metal dealers about new requirements for purchasing copper and other valuable metals.

DIGEST OF SB 350 (Updated March 13, 2008 5:54 pm - DI 77)

Funding for community mental health centers. Requires a county (other than Marion County) to transfer money to the division of mental health and addiction (division) to satisfy the non-federal share of medical assistance payments to community mental health centers for: (1) certain administrative services; and (2) community mental health rehabilitation services; in a specified time frame. Permits the health and hospital corporation of Marion County to make payments to the division for the operation of a community mental health center. Requires the division to ensure that the non-federal share of funding received from a county is applied only for a county's designated community mental health center. Specifies the manner in which the division may distribute certain excess state funds. Provides that the county levy for community mental health services is allocated to: (1) the division of mental health and addiction for operational expenses of community mental health centers; and (2) the community mental health centers. Provides that the provisions of the bill are applicable only to the extent that: (1) the congressional moratorium on the implementation of certain rules by the U.S. Secretary of Health and Human Services is not extended; and (2) the restricted rules are implemented. Makes conforming changes.

DIGEST OF SB 352 (Updated March 11, 2008 2:53 pm - DI 84)

Various financial institutions matters. Makes various changes to the laws concerning: (1) financial institutions; and (2) persons licensed under the Uniform Consumer Credit Code. Repeals certain provisions concerning the regulation of money transmitters.

DIGEST OF SB 360 (Updated March 5, 2008 2:37 pm - DI 84)

E85 fueling station grants. Provides that only one E85 fueling station grant may be made per fueling station location, and that the amount of a grant may not exceed the lesser of the amount of the qualified investment or \$20,000. Provides that the amount of a grant may be less than the amount of the qualified investment. Provides that local units of government are eligible to receive E85 fueling station grants for qualified investment in E85 fueling stations. Corrects state agency references.

DIGEST OF SJR 1 (Updated March 14, 2008 1:09 pm - DI 73)

Circuit breakers and other property tax matters. For property taxes first due and payable in 2012 and thereafter, requires the general assembly to limit a taxpayer's property tax liability as follows: (1) A taxpayer's property tax liability on homestead property may not exceed 1% of the gross assessed value of the homestead property. (2) A taxpayer's property tax liability on other residential property may not exceed 2% of the gross assessed value of the other residential property. (3) A taxpayer's property tax liability on agricultural land may not exceed 2% of the gross assessed value of the property that is the basis for the determination of the agricultural land. (4) A taxpayer's property tax liability on other real property may not exceed 3% of the gross assessed value of the other real property. (5) A taxpayer's property tax liability on personal property may not exceed 3% of the gross assessed value of the taxpayer's personal property that is the basis for the determination of property taxes within a particular taxing district. Specifies

that property taxes imposed after being approved by the voters in a referendum shall not be considered for purposes of calculating the limits to property tax liability under these provisions. Provides that in the case of a county for which the general assembly determines in 2008 that limits to property tax liability are expected to reduce in 2010 the aggregate property tax revenue that would otherwise be collected by all units and school corporations in the county by at least 20%, the general assembly may provide that property taxes imposed in the county to pay debt service or make lease payments for bonds or leases issued or entered into before July 1, 2008, shall not be considered for purposes of calculating the limits to property tax liability. Specifies that such a law may not apply after December 31, 2019. Permits the general assembly to exempt a mobile home used as a homestead to the same extent as real property. Specifies that an exemption may be granted in the form of a deduction or credit. Specifies that the general assembly may impose reasonable filing requirements to obtain an exemption, deduction, or credit. This proposed amendment has not been previously agreed to by a general assembly.

DIGEST OF HB 1001 (Updated March 14, 2008 3:23 pm - DI 73)

State and local finance. Eliminates: (1) medical assistance to wards fund levies; (2) family and children's fund levies; (3) children's psychiatric residential treatment services fund levies; and (4) children with special health care needs county fund levies. Eliminates the hospital care for the indigent fund levy and a portion of the health and hospital corporation levy. Eliminates the statewide property tax levies imposed for the state forestry fund, the state fair, and department of local government finance (DLGF) data base management. Provides for the assumption by the state of the costs of child welfare services and incarcerating delinquent children in a department of correction facility. Makes related changes to procedures governing the adjudication of children as children in need of services or as a delinquent child. Provides that payment for child services shall be made not later than 60 days after the date the department of child services receives the service provider's invoice together with a properly prepared claim voucher and documentation. Provides for the assumption by the state of the amount previously raised by the hospital care for the indigent fund levy and a portion of the health and hospital corporation levy. Eliminates school corporation tuition support levies. Increases the state tuition distribution by the amount of the terminated tuition support levy. Creates the state tuition reserve fund. Abolishes the tuition support account in the state general fund. Requires a transfer of money from the state general fund to the state tuition reserve fund. Provides an additional supplemental standard deduction for homesteads. Provides additional homestead credits in 2008 of \$620,000,000. Provides that in a county that adopted a local option income tax (LOIT) in 2007, the county auditor, with the approval of the county fiscal body may petition the DLGF to permit a portion of the additional 2008 homestead credit to be used instead to increase the additional state funded homestead credit provided for 2009 or in both 2009 and 2010. Provides \$140,000,000 in homestead credits in 2009 and \$80,000,000 in homestead credits in 2010. Provides that a school corporation may not impose a special education preschool property tax levy after December 31, 2008. Requires the department of education to make distributions equal to the product of \$2,750 multiplied by the number of special education preschool children who are students in the school corporation. Increases the maximum amount of the state income tax deduction for renters from \$2,500 to \$3,000. Provides that an individual who owns a homestead with a gross assessed value of less than \$160,000 and who has adjusted gross income of \$30,000 (in the case of a single return) or

\$40,000 (in the case of a joint return) is entitled to a property tax credit to the extent that property taxes on the individual's homestead increase by more than 2% from the prior year. Repeals the expiration date for the state earned income tax credit. Provides that the maximum amount of the standard deduction is the lesser of \$45,000 or 60% of assessed value for 2009 and thereafter. Requires the DLGF to adopt rules or guidelines concerning the application for the standard deduction. Increases the sales and use tax rates from 6% to 7%. Adjusts distributions of sales tax and use tax so that new revenue from the rate increase is deposited in the state general fund. Reduces sales tax collection allowances for retail merchants. Beginning in 2009, abolishes property tax replacement credits, state homestead credits (except for the temporary homestead credits in 2009 and 2010), the property tax replacement fund, and the property tax reduction trust fund. Provides that revenues from sales tax, income tax, and certain wagering taxes formerly deposited in those funds are to be deposited in the state general fund. Provides that a county council may adopt an ordinance to allow a taxpayer to make installment payments of taxes due under a reconciling statement. Provides that for property taxes first due and payable in 2009, the circuit breaker credit is equal to the amount by which a person's property tax liability attributable to the person's: (1) homestead exceeds 1.5%; (2) residential property exceeds 2.5%; (3) agricultural land exceeds 2.5%; (4) long term care property exceeds 2.5%; (5) nonresidential real property exceeds 3.5%; or (6) personal property exceeds 3.5%; of the gross assessed value of the property that is the basis for determination of the property taxes. Provides that for property taxes first due and payable in 2010 and thereafter, the circuit breaker credit is equal to the amount by which a person's property tax liability attributable to the person's: (1) homestead exceeds 1%; (2) residential property exceeds 2%; (3) agricultural land exceeds 2%; (4) long term care property exceeds 2%; (5) nonresidential real property exceeds 3%; or (6) personal property exceeds 3%; of the gross assessed value of the property that is the basis for determination of the property taxes. Specifies that property taxes imposed after being approved by the voters in a referendum or local public question shall not be considered for purposes of calculating the circuit breaker credit. Provides that for certain eligible counties, property taxes imposed to pay debt service or make lease payments for bonds or leases issued or entered into before July 1, 2008, shall not be considered for purposes of calculating the circuit breaker credit. Changes the membership of the distressed unit appeal board. Makes changes to the relief available from the distressed unit appeal board. Provides that the distressed unit appeal board may provide that some or all of the property taxes that are being imposed to pay debt and that would otherwise be included in the calculation of the circuit breaker credit shall not be included for purposes of calculating the credit. Authorizes a distressed political subdivision to petition the tax court for judicial review of a final determination of the distressed unit appeal board. Provides that political subdivisions are required to fully fund the payment of their debt obligations, regardless of any reduction in property tax collections due to the circuit breaker credit. Provides for a grant in 2009 and 2010 to replace a portion of the revenue lost to a school corporation from the application of the circuit breaker credit. Specifies that a school corporation is entitled to such a grant in a particular year only if it expects to lose more than 2% of its property tax revenue because of application of the circuit-breaker credits. Provides that a school bus replacement plan must apply to at least 12 years (rather than 10 years). Requires the state board of education to adopt administrative rules setting forth guidelines for the selection of school sites and the construction, alteration, and repair of school buildings, athletic facilities, and other categories of facilities related to the operation and administration of school corporations. Requires a school corporation to consider the

guidelines and to submit proposed plans and specifications to the department of education. Requires the department of education to provide written recommendations to the school corporation, including findings as to any material differences between the plans and specifications and the guidelines. Requires the school corporation to have a public hearing on the plans and specifications. Requires the department of education to establish a central clearinghouse containing prototype designs for school facilities. Permits a school corporation to appeal to the department of local government finance to impose a shortfall levy to replace a shortfall in a tuition support levy imposed before 2009. Provides that beginning in 2010, the budget year for all school corporations shall be from July 1 of the year through June 30 of the following year. Effective July 1, 2008, transfers to the county assessor property assessment duties of township assessors in all townships in which the number of real property parcels is less than 15,000 and in townships in which there is a trustee-assessor. Requires a referendum to be held at the general election in 2008 in each township in which the number of parcels of real property on January 1, 2008, is at least 15,000. Provides that the referendum shall determine whether to transfer to the county assessor the assessment duties that would otherwise be performed by the elected township assessor of the township. Provides that a person who runs in an election after January 1, 2012, for the office of township assessor must have attained the certification of a level three assessor-appraiser before taking office. Establishes a procedure for removal from office of county assessors and township assessors who fail to adequately perform the duties of office. Amends the procedure to obtain a review by the county property tax assessment board of appeals. Provides that each appraiser that performs assessments on behalf of a county property assessment contractor must have a level two assessor-appraiser certification, and requires the DLGF to consider before approving the contract the contractor's experience, training, and number of employees. Provides that the DLGF must be a party to appraisal and reassessment contracts. Specifies that after June 30, 2009, an employee of a county assessor who performs real property assessing duties must have attained the level of certification that the assessor is required to attain. Repeals the county land valuation commission and obsolete provisions. Provides that in 2009 and each year thereafter, the state pension relief fund shall pay to each unit of local government the total amount of pension, disability, and survivor benefit payments from the old police and firefighter funds by the unit. Provides that for property taxes first due and payable after December 31, 2008, the DLGF shall reduce the maximum permissible property tax levy of any civil taxing unit and special service district by the amount of the payment to be made in 2009 by the state for benefits to members (and survivors and beneficiaries of members) of the 1925 police pension fund, the 1937 firefighters' fund, or the 1953 police pension fund. Makes an appropriation to the pension relief fund. Provides that certain interest earned by the public deposit insurance fund continues to be used to pay local police and firefighter pensions through 2022. (Under current law, the interest would be used for this purpose through 2012.) Provides that for purposes of computing and distributing excise taxes or local option income taxes, the computation and distribution of the excise tax or local option income tax shall be based on the taxing unit's property tax levy as calculated before any reduction due to circuit breaker credits. Provides that the local government tax control board is not abolished. Provides that a capital project is a controlled project if it will cost the political subdivision more than the lesser of \$2,000,000 or an amount equal to 1% of the total gross assessed value of property within the political subdivision on the last assessment date (if that amount is at least \$1,000,000). Provides that a project that is in response to a natural disaster, emergency, or accident that makes a



building or facility unavailable for its intended use and that is approved by the county council is not a controlled project for purposes of the referendum process. Provides that a controlled project for a school building for kindergarten through grade 8 is subject to a referendum if the cost is more than \$10,000,000. Provides that a controlled project for a school building for grade 9 through grade 12 is subject to a referendum if the cost is more than \$20,000,000. Provides that other controlled project with a cost that exceeds the lesser of \$12,000,000 or 1% of assessed value (but at least \$1,000,000) are also subject to a referendum. Specifies that it takes 100 persons who are either owners of real property within the political subdivision or registered voters residing within the political subdivision or 5% of the registered voters residing within the political subdivision to initiate such a referendum. Provides that controlled projects that are not subject to a referendum are subject to the petition and remonstrance process. Repeals provisions concerning: (1) the procedures for amending a resolution previously adopted by a redevelopment commission; and (2) locally funded property tax replacement credits in tax increment financing (TIF) allocation areas. Provides that certain property tax levy appeals are eliminated beginning in 2009. Provides that the levy appeal for increased costs to a civil taxing unit resulting from annexation, consolidation, or other extensions of governmental services is not eliminated. Allows such an appeal in the first year increased costs are incurred and the immediately succeeding four years, and makes the excessive levy for a year a permanent part of the unit's maximum permissible levy for succeeding years. Eliminates certain exceptions to the property tax levy limits. Provides that the exemptions from the property tax levy limits for certain taxes to fund a community mental health center or community mental retardation and other developmental disabilities center do not apply to a civil taxing unit that did not fund a community mental health center or community mental retardation and other developmental disabilities center in 2008. Specifies the method for determining the assessed value of certain agricultural land that has been strip mined. Makes other changes related to property tax assessment. Repeals the county boards of tax and capital projects review. Provides that review and approval by the DLGF are not required before a civil taxing unit may issue or enter into bonds, a lease, or any other obligation if the civil taxing unit's determination to issue or enter into the bonds, lease, or other obligation is made after June 30, 2008. Provides that after June 30, 2008, review and approval by the DLGF are not required before a civil taxing unit may construct, alter, or repair a capital project. Provides that in counties without a county board of tax adjustment, each civil taxing unit that imposes property taxes shall file with the fiscal body of the county in which the civil taxing is located: (1) a statement of the proposed or estimated tax rate and tax levy for the civil taxing unit for the ensuing budget year; and (2) a copy of the civil taxing unit's proposed budget for the ensuing budget year. Provides that a county fiscal body shall issue a nonbinding recommendation to a civil taxing unit regarding the civil taxing unit's tax rate or levy or proposed budget. Provides that in the case of a taxing unit's governing body that does not consist of a majority of officials who are elected, the governing body may not issue bonds or enter into a lease payable in whole or in part from property taxes unless it obtains the approval of the city or town fiscal body or the county fiscal body (as applicable). Provides that review by the DLGF and approval by the DLGF are not required before a school corporation may issue or enter into bonds, a lease, or any other obligation if the school corporation's determination to issue or enter into the bonds, lease, or other obligation is made after June 30, 2008. Provides that after June 30, 2008, review by the DLGF and approval by the DLGF are not required before a school corporation may construct, alter, or repair a capital project. Prohibits, with respect to bonds payable from property taxes,

special benefit taxes, or tax increment revenues, a local issuing body from: (1) issuing refunding bonds that have a repayment date that is beyond the maximum term of the bonds being refunded; or (2) using savings resulting from refunding bonds or surplus proceeds for any purpose other than to maintain a debt service reserve fund, repay bonds, or reduce levies. Requires the local issuing body to pay interest and principal on bonds on a schedule that provides for substantially equal installment amounts and regular payment intervals, with certain exceptions. Provides that (with certain exceptions) the maximum terms for property tax based obligations are: (1) the maximum applicable period under federal law for obligations issued to evidence loans under a federal program; (2) 25 years for TIF obligations; and (3) 20 years for other property tax based obligations. Specifies that the need for level principal payments over the term of the obligations, in order to reduce total interest costs, is an exception to the requirement that an agreement for the issuance of obligations must provide for the payment of principal and interest on the obligations in nearly equal payment amounts and at regular designated intervals over the maximum term of the obligations. Provides that certain decisions with respect to TIF allocation areas are to be made by the legislative or fiscal body of the city, town, or county instead of the redevelopment commission or are subject to the approval of the legislative or fiscal body. Provides that if TIF revenues of an allocation area have been decreased by a law enacted by the general assembly or by an action of the DLGF below the amount needed to make all payments on obligations payable from tax increment revenues, the governing body of the TIF district may: (1) impose a special assessment on the owners of property in an allocation area; (2) impose a tax on all taxable property in the TIF district; or (3) reduce the base assessed value of property in the allocation area to an amount that is sufficient to increase the tax increment revenues. Requires review of these actions by the legislative body of the unit that established the TIF district. Makes other changes related to TIF. Provides three additional options for the distribution of local option income tax for property tax replacement in Lake County. Provides that an individual may claim a deduction for state income tax purposes for property taxes that: (1) were imposed on the individual's principal place of residence for the March 1, 2006, assessment date or the January 15, 2007, assessment date; (2) are due after December 31, 2007; and (3) are paid in 2008 on or before the due date for the property taxes. Converts the 100% property tax deduction for inventory to an exemption by excluding inventory from the definition of personal property subject to property tax. Repeals property tax credits and exemptions applicable to inventory. Provides that counties receive CAGIT, COIT, and CEDIT distributions that would otherwise be lost as a result of the termination of certain levies. Provides that a check issued by a county for a refund of the additional 2007 homestead credit is void if the check is: (1) outstanding and unpaid for 180 days after it is issued; and (2) for an amount that is not more than \$10. Allows the county council or county income tax council to adopt before October 1 of a year an ordinance changing the purposes for which revenue attributable to the LOIT for property tax relief shall be used in the following year. Provides that a county auditor may not grant an individual or a married couple a standard deduction if the individual or married couple, for the same year, claims the deduction on two or more different applications for the deduction and the applications claim the deduction for different property. Provides that a co-op is considered a homestead for purposes of the standard deduction and homestead credit. Provides that a civil taxing unit's levy appeal in a case where the civil taxing unit cannot carry out its governmental functions may be granted only if the civil taxing unit's inability to carry out its governmental functions is due to a natural disaster, an accident, or another unanticipated emergency. Provides that the local property tax

replacement credit percentage for a particular year that is funded by a LOIT shall be based on the amount of tax revenue that will be used under the LOIT to provide local property tax replacement credits. Provides that a taxpayer that owns an industrial plant located in Jasper County is ineligible for a local property tax replacement credit against the property taxes due on the industrial plant if the assessed value of the industrial plant as of March 1, 2006, exceeds 20% of the total assessed value of all taxable property in the county on that date. Allows a school corporation to appeal to the DLGF for a new facility adjustment to increase the school corporation's tuition support distribution for the following year to pay increased costs to open: (1) a new school facility; or (2) an existing facility that has not been used for at least three years. Deletes the expiration date in the provision authorizing a school corporation to use money in its capital projects fund for utility services and insurance. Appropriates to the department of education from the state general fund \$10,000,000 for the state fiscal year beginning July 1, 2008, and ending June 30, 2009, to make new facility adjustment distributions that are approved by the department of local government finance. Provides that a school corporation does not need the approval of the school property tax control board or the DLGF before holding a referendum concerning a referendum tax levy. Provides that a school corporation may hold a referendum on whether a referendum tax levy should be imposed to replace property tax revenue that the school corporation will not receive because of the application of the circuit breaker credit. Provides that in counties other than Marion County, if the percentage increase in the proposed budget for a civil taxing unit with an unelected governing body for the ensuing calendar year is greater than the growth allowed under the assessed value growth quotient, the governing body of the civil taxing unit must submit its proposed budget and property tax levy for approval by the county fiscal body or municipal fiscal body. Provides that budgets, levies, and bond issues for taxing units in Marion County with an unelected board must be approved by the city-county council. Provides that if a township assessor determines that the township assessor has made an error concerning: (1) the assessed valuation of property; (2) the name of a taxpayer; or (3) the description of property; in an assessment, the township assessor shall on the township assessor's own initiative correct the error. Provides that if such a correction results in a reduction in an assessment, the taxpayer is entitled to a credit on the taxpayer's next tax installment. Requires a township board to consider certain factors when determining whether a fire and emergency services need exists requiring the expenditure of money not included in the township's budget estimates and levy. Requires the DLGF to report to the commission on state tax and financing policy (CSTFP) regarding: (1) the possibility of eliminating the existing method of assessing and valuing property for the purpose of property taxation; and (2) the use of alternative methods of valuing property for the purpose of property taxation. Requires the CSTFP to study those issues and report to the legislative council. Requires the CSTFP to study the following issues and report to the legislative council: (1) Whether it is reasonable and appropriate to require all counties to use the state-designed software system. (2) Alternative methods for distribution of local option income taxes. (3) The possible elimination of property taxation of homestead property. Provides that a taxpayer that receives a tax statement or a provisional tax statement for the first installment of property taxes based on the assessment date in 2007 and first due and payable in 2008 may appeal the assessment by filing a notice in writing with the proper assessing official not later than the later of 45 days after the tax statement (or reconciling statement) is given to the taxpayer or July 1, 2008. Provides that the county auditor's annual statement to political subdivisions and the DLGF for counties with taxing units that cross into or intersect with other counties must include

the assessed valuation as shown on the most current abstract of property. Adjusts the maximum property tax rates for county cumulative capital development funds and for municipal cumulative capital development funds to reflect the change from 33.33% to 100% of true tax value. Provides that a county council or county income tax council may in 2008 adopt or increase a LOIT for property tax relief or public safety at any time before January 1, 2009. Provides that a county council or county income tax council may not adopt an ordinance determining that LOIT revenue shall be used to provide local property tax replacement credits at a uniform rate to all taxpayers in the county unless the county council or county income tax council has: (a) made available the county council's best estimate of the amount of property tax replacement credits to be provided to various classes of property; and (b) adopted a resolution or other statement acknowledging that some taxpayers in the county that do not pay the LOIT will receive a property tax replacement credit that is funded with LOIT revenue. Requires a county council or county income tax council to hold at least one public meeting each year at which the county council or county income tax council discusses whether the LOIT for levy replacement should be imposed or increased. Provides that a copy of a completed case plan concerning a child in need of services or a child adjudicated as a delinquent shall be sent to an agency having the legal responsibility or authorization to care for, treat, or supervise the child. Indicates that the certain assessment system software and hardware standards apply to all assessment system software and hardware rules and standards adopted by the DLGF. Provides for the distribution to the legislative services agency of policy documents provided to local taxing officials. Requires written standards for the operation and management of a property tax data base system. Authorizes the DLGF to adopt temporary rules to revise its rules establishing standards for computer systems used by Indiana counties for the administration of the property tax assessment, billing, and settlement processes. Requires employers to report to the department of state revenue the amount of withholdings attributable to local income taxes each time the employer remits to the department the tax that is withheld. Requires an individual filing an estimated tax return to designate the portion of the estimated tax payment that represents state income tax liability and the portion of the estimated tax payment that represents local income tax liability. Provides that if an individual requests the payor of a distribution to withhold taxes from the distribution, the individual must designate the portion of the withheld amount that represents state income tax liability and the portion of the withheld amount that represents local income tax liability. Requires the department of state revenue and the office of management and budget to develop certain reports related to local option income taxes. Requires the department of revenue to develop a system of crosschecks between annual withholding tax reports and individual taxpayer W-2 forms. Requires the office of management and budget to submit an informative summary of certain calculations related to the certified distribution of local income taxes to the county council and requires certain information to be included in the informative summary. Makes other changes. Makes appropriations.

DIGEST OF HB1010 (Updated November 20, 2007 2:45 pm - DI 84)

Tax procedures. Authorizes the department of local government finance (DLGF) and local governments to take certain actions related to property taxes first due and payable in 2007. Extends to October 15, 2007, the deadline for filing for the homestead credit and various deductions for taxes first due and payable in 2008. Provides that a taxpayer is not required to have an appraisal of tangible property in order to initiate and prosecute an administrative review

of the assessment of the property. Extends to December 31, 2007, the deadline applicable in 2007 for adopting the local option income taxes for freezing levy growth, for public safety, and for property tax relief. Provides that an ordinance to impose such a local option income tax that was adopted after the August 1 deadline for adoption is legalized and validated. Deletes the requirement that, for purposes of calculating a local option income tax rate to freeze levy growth, the DLGF shall round up to the nearest 0.1%. Provides that the additional 2008 homestead credit shall be applied before the application of any local property tax replacement credits or increases in the homestead credit percentage that are funded by the local option income tax for property tax relief. Allows a county legislative body to adopt an ordinance providing that the refund of a taxpayer's additional 2007 homestead credit must be applied first against any delinquent property taxes owed in the county by the taxpayer. (Current law requires the refund to be applied against delinquent property taxes.) Makes a technical correction to the assessed value growth quotient statute. Provides that if the balance available in the property tax reduction trust fund is insufficient to pay the spring installment of the additional 2008 homestead credit, the auditor of state shall transfer the amount necessary from the state general fund. Requires the amount of the transfers to be repaid from the property tax reduction trust fund to the state general fund according to a schedule determined by the budget agency.

DIGEST OF HB 1016 (Updated February 21, 2008 3:01 pm - DI 84)

Unclaimed money. Requires the treasurer of state to return certain unclaimed money directly to the claimant instead of returning the money to a court clerk to present the unclaimed money to the claimant. Removes a requirement that a claimant give notice to the attorney general of proceedings on a claim.

DIGEST OF HB 1017 (Updated February 12, 2008 1:57 pm - DI 84)

Arts and cultural districts. Requires the Indiana arts commission to establish an arts and cultural district certification program.

DIGEST OF HB 1019 (Updated March 14, 2008 2:58 pm - DI 102)

Public employee retirement. Allows amounts in a retired participant's retirement medical benefits account (account) to be used to pay premiums for individual or group health coverage. Allows: (1) a retired state employee who was eligible to participate in the state group health insurance program (program) but did not file a written request to do so within 90 days after the retired state employee's retirement date; or (2) a retired state employee who is eligible to participate in the program, and on April 1, 2008, had fewer than sixty (60) days after the retired state employee's retirement date to make the written request; sixty (60) days after April 1, 2008, to file a written request to participate in the program and use the balance in the retired state employee's account to pay the premiums for the coverage. Provides a cost of living adjustment (COLA) in 2009 for certain members (or survivors or beneficiaries of members) of the state teachers' retirement fund (TRF). Increases the minimum monthly disability retirement benefit paid to certain members of the public employees' retirement fund (PERF) and TRF from \$100 to \$180. Provides that a distribution of a thirteenth check by PERF or TRF must include distribution to members eligible

for disability benefits. (The introduced version of this bill was prepared by the pension management oversight commission.)

DIGEST OF HB 1026 (Updated March 4, 2008 1:58 pm - DI 84)

Funerals and cemeteries. Requires the owner of a cemetery to pay to a perpetual care fund or an endowment care fund any amount necessary to maintain the principal in the fund. Provides that a person who: (1) sells or otherwise furnishes a vault that will be used to encase the remains of a deceased individual and that is not airtight and watertight to another person; and (2) does not inform the other person in writing that the vault is not airtight and watertight before the person sells or otherwise furnishes the vault to the other person; commits a Class B infraction. Provides that a person who knowingly or intentionally disburses funds in a funeral trust for purposes other than the intended purposes of the trust commits a Class C felony. Provides that a trustee that disburses funds in a funeral trust without verifying the death of the person for whose funeral or burial the funds were paid commits a Class A infraction. Requires the state board of funeral and cemetery service to adopt rules specifying the types of documentation that may be used to verify certain events have occurred before funds may be disbursed from certain funeral trusts and escrow accounts. Provides that the seller of a funeral trust established after June 30, 2008, may not be an affiliate, a parent, or a subsidiary organization of the trustee of the funeral trust. Specifies that a trust for a benevolent public purpose includes a perpetual care fund or endowment care fund, a prepaid funeral plan or funeral trust, and a trust or an escrow account created from payments of funeral, burial services, or merchandise in advance of need. Specifies the actions the attorney general may take against a trustee of a benevolent trust, a prepaid funeral trust or escrow account, a cemetery owner, a funeral home, and certain other persons for committing a breach of trust, violating the mandate of a charitable trust, or failing to comply with a requirement or prohibition set forth in certain laws concerning cemeteries and trusts. Requires the probate code study commission to study and make findings and recommendations concerning certain issues related to cemetery perpetual care trusts and preneed funeral trusts. Makes other changes and conforming amendments.

DIGEST OF HB 1036 (Updated March 6, 2008 2:05 pm - DI 84)

Uninsured motorists. Requires the bureau of motor vehicles to establish a registry of previously uninsured motorists for random, periodic verification by the bureau of financial responsibility compliance. Requires the bureau to adopt rules. Makes a failure of a previously uninsured motorist to respond to a bureau request for verification prima facie evidence of a financial responsibility violation. Provides for removal of names from the registry.

DIGEST OF HB 1042 (Updated March 6, 2008 2:08 pm - DI 84)

Intent to sell sexually explicit materials. Requires a person that intends to offer for sale or sell sexually explicit materials to register and file a statement with the secretary of state. Imposes a \$250 filing fee and requires the secretary of state to notify certain local officials of the county in which the person locates the business. Provides that a person that offers for sale or sells sexually explicit materials without registering and filing the statement commits a Class B misdemeanor.

DIGEST OF HB 1046 (Updated February 18, 2008 3:09 pm - DI 84)

Apprentice hunting licenses. Establishes an apprentice hunting license that allows an individual to hunt when accompanied by a hunter who is at least 18 years of age. Provides that an apprentice hunter is not required to take the hunter education course and may not obtain more than three apprentice licenses in the individual's lifetime. (The introduced version of this bill was prepared by the natural resources study committee.)

DIGEST OF HB 1049 (Updated March 14, 2008 2:41 pm - DI 84)

Time limit for use of higher education grants. Removes the time limit that provides that a student is eligible to receive financial aid grants for not more than ten years from the date a student first receives a grant. Makes corresponding changes to related statutes. Repeals a section concerning a time limit for the use of financial aid awards made to part-time students. Voids a portion of a rule concerning the time limit for the use of financial aid awards. (The introduced version of this bill was prepared by the interim committee on education matters.)

DIGEST OF HB 1051 (Updated February 12, 2008 2:03 pm - DI 84)

School corporation donations to foundations. Permits a school corporation to annually donate not more than \$25,000 to a community foundation if the donation is matched by a private donor. (Current law permits school corporations to make matched donations only to public school endowment corporations.)

DIGEST OF HB 1052 (Updated March 14, 2008 3:17 pm - DI 107)

Motorist duties at accident scenes and operating while intoxicated offenses. Requires an examination for a learner's permit to test the applicant's knowledge of the duty to stop and provide assistance. Provides that the law requiring a driver involved in an accident to stop at the accident scene, notify the appropriate law enforcement agency, and render reasonable assistance applies if the accident results in the entrapment of a person in a vehicle. (Under current law, the law applies only if the accident results in the injury or death of a person.) Provides that if the driver is physically incapable of notifying the appropriate law enforcement agency or rendering reasonable assistance, the duty to notify or to render reasonable assistance is imposed on a passenger in the driver's vehicle who is capable of discharging the duty if the passenger is: (1) at least 15 years of age and holds a learner's permit or driver's license; or (2) at least 18 years of age. Provides that a passenger commits a Class C misdemeanor if the passenger fails to notify or to render reasonable assistance when the duty is imposed upon the passenger. Provides that a person who knowingly, intentionally, or recklessly violates the law requiring a driver or a passenger to take certain actions at the scene of an accident commits a Class C misdemeanor, and provides that a passenger is immune from civil liability for providing emergency care. Specifies that felony resisting law enforcement and operating while intoxicated (OWI) causing serious bodily injury are crimes of violence. Makes OWI committed by a person with a previous conviction for OWI causing death, serious bodily injury, or with a minor in the vehicle a Class C felony. Permits a court to require a license suspension imposed as the result of a conviction for operating

while intoxicated to be imposed before or after, or both before and after, any period of incarceration. Makes leaving the scene of an accident after committing operating while intoxicated causing serious bodily injury a Class B felony.

DIGEST OF HB 1061 (Updated March 4, 2008 1:59 pm - DI 84)

Application of landlord-tenant statutes. Provides that the residential landlord-tenant statutes apply to a rental agreement that gives the tenant an option to purchase and that is entered into after June 30, 2008.

DIGEST OF HB 1062 (Updated March 4, 2008 2:03 pm - DI 84)

Architectural salvage material and valuable metal dealers. Prohibits an architectural salvage material dealer (dealer) from purchasing or otherwise obtaining architectural salvage material: (1) from a person who is less than 18 years of age; or (2) that the dealer believes or should have reason to believe is stolen property acquired as a result of a crime. Requires a dealer to keep a record book that contains certain information concerning architectural salvage material received by the dealer. Requires a dealer to hold the material for at least five business days if the dealer receives written notice from a law enforcement agency to hold the material. Allows law enforcement officers to inspect and obtain records from a dealer. Makes it a Class A infraction for a person to violate a provision of the architectural salvage material dealers law. Provides that the valuable metal dealers law applies to all ferrous metals and nonferrous metals. Specifies that a sheriff or deputy authorized by the sheriff in writing may supervise and inspect pawnbrokers, vendors, and certain other merchants who may sell secondhand material, and requires the legislative council to assign to the sentencing policy study committee the topic of the theft of salvaged material.

DIGEST OF HB 1065 (Updated March 4, 2008 2:05 pm - DI 84)

PERF retirement matters. Provides that a member of the public employees' retirement fund (PERF) who is receiving a benefit and who is a party in an action for dissolution of marriage may elect to change the member's beneficiary or form of benefit. (Current law allows only members of the Indiana state teachers' retirement fund to make such a change.) Provides that this change of beneficiary or form of benefit is also allowed if the dissolution of marriage occurs outside Indiana. Provides that a member of the Indiana state teachers' retirement fund (TRF) who serves in an elected position while eligible to begin receiving retirement benefits has up to 30 days after the member's elected term of office ends to choose whether to retire from TRF or PERF. Authorizes under certain circumstances, until September 1, 2008, the surviving spouse of a deceased PERF or TRF member to be designated as the member's designated beneficiary and to receive benefits as a designated beneficiary to the extent that the surviving spouse otherwise qualifies for the benefits.



DIGEST OF HB 1067 (Updated February 19, 2008 2:23 pm - DI 84)

United States flag protocol for Indiana soldiers. Requires the governor to issue a proclamation, not more than 24 hours after receiving notice that an Indiana resident who is a member of the armed forces of the United States or the Indiana National Guard has died in action or as a result of wounds received in action, ordering that the United States flag be flown at half-staff on state property on the day of the member's funeral or memorial service.

DIGEST OF HB 1071 (Updated March 14, 2008 3:00 pm - DI 75)

Funding for voting system replacement; vote center pilot counties. Provides for the reimbursement of a county that has purchased or will purchase a new voting system to replace a voting system that the county cannot use because the county is unable to obtain technical or other operating support for its current voting system, if the purchase is eligible for reimbursement under the federal Help America Vote Act (HAVA). Requires that any HAVA money received after December 31, 2007, must be allocated to reimburse Boone, Cass, Parke, and Randolph counties. Requires the secretary of state (secretary) to petition the federal Election Assistance Commission for authority to use HAVA money to reimburse the counties listed above. Extends the vote center pilot program through 2010. Allows the secretary to designate not later than April 1, 2008, one additional county as a vote center pilot county. Redesignates automatically as a vote center pilot county a county designated before April 1, 2008, as a vote center pilot county. Appropriates \$125,200 from the state general fund to match any HAVA money received by the state after December 31, 2007.

DIGEST OF HB 1074 (Updated March 4, 2008 4:01 pm - DI 84)

Disarming a law enforcement officer. Makes it a Class C felony if a person knows that another person is a law enforcement officer or other officer required to carry a firearm and the person knowingly or intentionally takes or attempts to take a firearm or weapon from the officer or from the immediate proximity of the officer without the consent of the officer and while the officer is engaged in the performance of his or her official duties. Enhances this crime to a Class B felony if the officer is injured and a Class A felony if the officer dies or if the officer is injured and a firearm was taken. Allows a court to suspend only that part of a sentence that is in excess of the minimum sentence imposed on a person convicted of disarming a law enforcement officer.

DIGEST OF HB 1077 (Updated February 18, 2008 3:57 pm - DI 84)

Funding for local Memorial Day celebrations. Removes the limit on the amount a township, city, town, or county may appropriate to certain veterans' organizations to aid in defraying Memorial Day expenses.

DIGEST OF HB 1096 (Updated March 13, 2008 5:24 pm - DI 69)

Various provisions concerning courts. Allows a petition for a hardship driving license to be filed in the superior court of the county in which the petitioner resides. (Under current law the petition

can be filed only in the circuit court of the county in which the petitioner resides.) Provides, however, that if at the time a petition for a hardship driving license is filed: (1) the petitioner is a defendant in a pending case concerning the operation of a vehicle while intoxicated; (2) the petitioner is on probation after being convicted of operating a vehicle while intoxicated; or (3) the petitioner's driving privileges have been suspended after the petitioner was convicted of committing a controlled substance offense; the petition may be filed only in the circuit court or superior court in which the case is pending or the petitioner was convicted. Removes references to the clerk of the supreme court from statutes concerning: (1) compensation of elected officials; and (2) annual economic interest statements filed by judicial officers or candidates for judicial office who are subject to election or a retention vote. (As of January 1, 2007, the clerk of the supreme court ceased being a statewide elected office and is now appointed by the chief justice.) Provides that the powers of a magistrate include the power to enter a final order or judgment: (1) in a proceeding involving the small claims docket of the court; and (2) concerning protective orders to prevent domestic or family violence. Adds a second judge to the Franklin circuit court as of January 1, 2009. Abolishes the Franklin circuit court magistrate as of January 1, 2009. Abolishes the Madison county court on January 1, 2009. Increases the number of judges serving on the Madison superior court from three judges to five judges on January 1, 2009. Makes the two persons elected Madison county court judges on November 4, 2008, the fourth and fifth judges of the Madison superior court. Adds a second judge to the Miami superior court as of January 1, 2009. Provides that as of January 1, 2009: (1) the Ohio County and Switzerland County joint superior court is abolished; (2) the Jefferson County and Switzerland County joint fifth judicial circuit is abolished; and (3) Jefferson County constitutes and continues in the fifth judicial circuit and Switzerland County constitutes a new ninety-first judicial circuit. Makes transitional and conforming amendments. Allows the judge of the Dearborn and Ohio circuit court to appoint one full-time magistrate. Prohibits the state from paying any amount of the salary of a chief deputy prosecuting attorney appointed by the prosecuting attorney for the Switzerland County ninety-first judicial circuit. Allows the judge of the St. Joseph probate court to appoint three full-time magistrates instead of one.

DIGEST OF HB 1105 (Updated March 14, 2008 3:04 pm - DI 87)

Various public safety matters. Increases to 65 years of age (from 60 years of age) the mandatory retirement age for a participant in the excise police, gaming agent, and conservation enforcement officers' retirement plan (plan). Caps the plan's annual retirement allowance at 75% of the participant's average annual salary. Establishes a deferred retirement option plan (DROP) for plan participants. Requires a law enforcement officer who: (1) has less than 25 years experience as a law enforcement officer; and (2) has not been employed as a law enforcement officer in the 10 years before being hired as a law enforcement officer or is hired in an upper level policymaking position; to repeat the full basic training course in order to regain law enforcement powers. Provides that a law enforcement officer who has at least 25 years experience as a law enforcement officer is not required to repeat the full basic training course but is required to attend a refresher course and a pre-basic training course to regain law enforcement powers. Provides that a refresher course for an officer who has not been employed as a law enforcement officer more than six years but less than ten years and is hired in an upper level policymaking position: (1) may not exceed 120 hours of course work; and (2) must include any credit hours received for

completion of the police chief executive training program. Provides that a governmental body may transfer property to the board of fire trustees of a fire protection district or the provider unit of a fire protection territory under the same circumstances that property may be transferred to a volunteer fire department. Provides that a participating unit in a fire protection territory may transfer any money belonging to the participating unit to the fire protection territory fund, the fire protection territory equipment replacement fund, or both funds. Legalizes any transfer of money from a participating unit to a fire protection territory before July 1, 2008. Provides that when a fire protection territory dissolves, title to any real property transferred to the provider unit reverts to the participating unit that transferred the real property to the provider unit. Requires the Indiana criminal justice institute to prepare a yearly report concerning: (1) probationary and restricted driving privileges for persons holding a commercial driver's license; (2) prosecuting attorney diversion and deferral limitations and the computer system established by the prosecuting attorneys council of Indiana; (3) e-citations; (4) ignition interlock programs and other alcohol monitoring systems and other alcohol abuse deterrent programs; and (5) procedures and practices regarding license suspensions or granting of restricted or probationary licenses for persons holding a commercial driver's license or for the arrest or conviction of persons concerning a violation of certain alcohol related offenses. Provides that the reporting ends January 1, 2014.

DIGEST OF HB 1108 (Updated February 27, 2008 12:25 pm - DI 84)

Sheriff's compensation. Provides that the maximum annual compensation for a county sheriff is the sum of: (1) the annual minimum salary that would be paid by the state to a full-time prosecuting attorney in the county; and (2) the amount of any additional annual salary paid by the county from county sources to a full-time prosecuting attorney in the county. Provides that the compensation limit applies to a sheriff elected or reelected to office after November 1, 2010. Requires the sheriff to deposit into the county general fund any tax warrant collection fees that would, if retained by the sheriff, result in the sheriff's annual compensation exceeding the allowed amount. Requires amounts deposited in a county's general fund under this provision to be used to reduce any unfunded liability of a sheriff's pension trust plan established for the county's sheriff's department. Provides that any amounts remaining after applying money to the unfunded liability must be applied to the costs of operating the county's sheriff's department.

DIGEST OF HB 1111 (Updated March 13, 2008 2:24 pm - DI 87)

Requirements for recording documents and copies. Requires (rather than allows) a recorder to record a document or a copy of a document if: (1) the document complies with other statutory recording requirements; and (2) the document or copy will produce a clear and unobstructed copy. Provides that a recorded copy has the same effect as if the original document had been recorded. Requires a copy of an instrument presented for recording to be marked as a copy in order for the recorder to receive the instrument for recording. (Current law requires the recorder to mark the instrument as a copy.) Specifies that a provision in current law, which states that a recorded mortgage not meeting certain statutory requirements constitutes constructive notice, applies regardless of when the mortgage was recorded.

DIGEST OF HB 1112 (Updated February 19, 2008 2:38 pm - DI 84)

Learner's permits and graduated driver's licenses. Establishes the interim study committee on learners' permits and graduated drivers' licenses to study: (1) the minimum age at which learner's permits and probationary driver's licenses can be issued by the bureau of motor vehicles; (2) requirements for practice driving before a probationary driver's license can be issued; (3) the use of handheld devices by probationary drivers; (4) conditions to which the probationary driver is subject while driving; (5) whether a penalty should be given to a minor who accompanies a probationary driver without an accompanying adult driver of a certain age; and (6) the adoption of rules concerning driver education instruction.

DIGEST OF HB 1113 (Updated February 27, 2008 12:26 pm - DI 84)

Birth certificate fraud. Increases from a Class A misdemeanor to a Class D felony the penalty for: (1) making a false or fraudulent statement when applying for a birth certificate or when applying for permission to inspect birth records; (2) altering, counterfeiting, or mutilating a certified copy of a birth certificate; or (3) using an altered, counterfeit, or mutilated copy of a birth certificate.

DIGEST OF HB 1114 (Updated March 4, 2008 2:07 pm - DI 84)

Police officer and firefighter residency. Establishes separate statutes that define general residency requirements for each of the following: (1) Members of city police and fire departments. (2) Members of town police and fire departments (excluding volunteer fire departments or members who are volunteer firefighters). (3) Members of township fire departments (excluding volunteer fire departments or members who are volunteer firefighters). Provides that a town legislative body may adopt an ordinance or a township legislative body may adopt a resolution requiring a member of a police or fire department to live within the county in which the town or township is located or within a certain distance from the township or town. Provides that such an ordinance or resolution may not apply to a member who does not comply with the requirements of the ordinance or resolution on the date the ordinance or resolution is adopted. Provides that a member appointed to a town metropolitan police department or town marshal system before July 1, 2008, may not be required to reside within: (1) the county in which the town is located; or (2) a county that is contiguous to the county in which the town is located; if the member resided within a noncontiguous county on July 1, 2008. Provides that members of town police and fire departments may not use vehicles owned or maintained by their department outside the county except during the performance of official duties or as provided for by department regulation.

DIGEST OF HB 1118 (Updated March 4, 2008 2:14 pm - DI 84)

Alcoholic beverages. Defines "grocery store". Allows the alcohol and tobacco commission (commission) to renew or transfer ownership of a beer dealer's permit for a beer dealer who: (1) held a permit before July 1, 2008; and (2) has retail property that does not qualify for a permit as a grocery store. Requires the commission to: (1) conduct random unannounced inspections of locations where alcoholic beverages are sold or distributed; and (2) provide notice of a pending investigation at least 15 days before the investigation. (Current law requires 30 days.) Allows a

person at least 18 years of age and less than 21 years of age to receive or purchase alcoholic beverages as part of an enforcement action. Changes the quota provision for liquor dealers and beer dealers. Provides for graduated civil penalties against a permittee for repeat violations of furnishing alcohol to a minor on the licensed premises and for the collected penalties to be deposited in the enforcement and administration fund. Provides that civil penalties for violations of tobacco laws concerning sales to minors and allowing minors to enter into certain tobacco retail establishments are the same as penalties for selling alcohol to minors. Requires a member of a local alcoholic beverage board (local board) to complete a training program to educate the member on alcoholic beverage law and the operation of the local board and the commission. Requires a local board member to be removed if the member does not complete the training within six months after the member is appointed. Provides that members appointed before January 1, 2009, have until July 1, 2009, to receive training. Requires a local board to allow all individuals attending a public local board meeting or hearing to make oral comments at the meeting or hearing regarding the subject of the meeting or hearing. Allows a local board to give greater weight to oral comments provided by a person who owns or operates a business, owns real property, or resides within 1,000 feet of the requested location of an alcoholic beverage permit. Removes the limits on the number of guests and duration of an event where an excursion and adjacent landsite permit holder provides alcoholic beverages to guests without charge. Requires the commission to give notice: (1) by mail to the local board if an objection has been filed and of the date of any appeal hearing set by the commission; and (2) by publication of the date of any appeal hearing set by the commission. Allows a small brewery to sell and deliver beer to a consumer. Removes a provision that allows a large brewery to sell and deliver beer to a consumer. Prohibits a beer wholesaler from selling beer to a consumer other than an employee. Allows liquor retailers and liquor dealers to provide six ounce samples of flavored malt beverages and hard cider. Allows a liquor wholesaler to sell liquor in an amount not to exceed 18 liters to an employee of the liquor wholesaler. Establishes requirements for a wine wholesaler to resell wine purchased at an estate sale. Provides a wholesaler with immunity from product liability for wine that was purchased at an estate sale. Prohibits a permittee from knowingly or intentionally coercing another permittee to enter into an agreement or take an action that violates the alcoholic beverage statutes and rules. (Current law prohibits only a primary source of supply or a beer wholesaler from coercing a beer wholesaler.) Provides that if a beer wholesaler's warehouse is transferred, the warehouse does not have to be transferred to a location within an incorporated area. Requires criteria, established jointly by the Indiana department of transportation and the office of tourism development, for tourist attraction signage to include a category for a tourist attraction that is a small brewery. Requires alcoholic beverage sales in a drug store or grocery store to be rung up by a sales clerk who is at least 19 years of age. Allows the sale of alcoholic beverages on New Year's day for off premises consumption. Allows an outdoor place of public entertainment used primarily in connection with live music concerts to allow a person to enter its establishment with alcoholic beverages and consume the alcoholic beverages on the premises. Provides that the commission has certain powers regarding enforcement of the tobacco laws. Removes a provision that enforcement officers of the commission must be employed so that not more than ½ are members of the same political party. Allows the commission to approve trainer programs (to educate individuals on training alcohol servers) by third parties that meet certain requirements. Changes: (1) the term of an employee's permit from two to three years; and (2) the fee to correspond with the term change. Increases the

penalty for furnishing an alcoholic beverage to a minor to: (1) a Class B misdemeanor for the first offense; (2) a Class A misdemeanor for a subsequent offense; and (3) a Class D felony if the illegal furnishing of the alcoholic beverage results in serious bodily injury to or the death of any person. Provides that a violation occurs if a person recklessly, knowingly, or intentionally furnishes an alcoholic beverage to a minor. (Current law provides that a violation occurs if a person recklessly furnishes an alcoholic beverage to a minor.) Requires tobacco vending machines and establishments that sell tobacco to post a notice that: (1) states that smoking by pregnant women may result in fetal injury, premature birth, and low birth weight; and (2) provides a phone number for assistance to quit smoking. Makes it a Class C misdemeanor for a minor to make a false statement of the minor's age or to present or offer false or fraudulent evidence of majority or identity to an alcoholic beverage permittee for the purpose of procuring an alcoholic beverage. (Under current law, the offense is a Class C infraction.) Establishes a two year study committee to study certain alcoholic beverage issues. Extends the implementation of the alcohol server training requirements to January 2010. Makes conforming changes.

DIGEST OF HB 1119 (Updated March 14, 2008 3:03 pm - DI 96)

Public safety leaves of absence; retiree reemployment. Removes the \$35,000 salary exemption for retired members of the public employees' retirement fund (PERF) and the teachers' retirement fund who are reemployed in a covered position. Allows an appointing authority to grant a leave of absence to a police officer or firefighter for service in an elected office. Establishes certain rights concerning retirement or pension funds, salaries, promotions, and seniority for a police officer or firefighter who is on a leave of absence. Requires a police officer or firefighter who is an officeholder to pay the assessment or contribution to the officeholder's pension fund for the period of the leave in order to receive service credit for the leave. Authorizes the officeholder's employer to pay all or a part of the assessment or contribution for the officeholder. Allows a retired member of the 1925 police pension fund (1925 fund), the 1937 firefighters' pension fund (1937 fund), the 1953 police pension fund (1953 fund), or the 1977 police officers' and firefighters' pension and disability fund (1977 fund) to: (1) be rehired, not less than 30 days after retirement, by the same unit that employed the member as a police officer or firefighter for a position other than that of a full-time, fully paid police officer or firefighter; and (2) continue to receive a retirement benefit from the 1925 fund, 1937 fund, 1953 fund, or 1977 fund. Allows the reemployment provision to be implemented unless the local board (for the 1925, 1937, and 1953 funds) or the PERF board (for the 1977 fund) receives from the Internal Revenue Service a determination that prohibits the implementation.

DIGEST OF HB 1120 (Updated February 19, 2008 2:44 pm - DI 84)

Prohibitions on certain detergents. Eliminates the exemption of detergents for use in household dishwashing machine equipment from the restrictions on use, sale, and disposition of certain detergents after June 30, 2010.

DIGEST OF HB 1121 (Updated March 4, 2008 2:19 pm - DI 84)

Natural resources matters. Changes the membership of the board of trustees for the division of state museums and historic sites. Removes the Hungarian partridge from the list of game birds that may be hunted after obtaining a game bird habitat restoration stamp. Allows rifles to be used with certain yearly deer hunting licenses. Removes the condition that a fall turkey hunting season must be established before a license to take an extra turkey is issued. Allows the department of natural resources to issue a duplicate license to any person who has lost a license. (Current law allows only residents to obtain a duplicate license.) Provides that the department of natural resources may contract with the museum foundation or a similar organization interested in promoting the state museum for administration of the state museum, the museum development fund, and the historic sites. Creates the sportsmen's benevolence account within the revolving fund for the fish and wildlife division to be used to encourage citizen participation in feeding the state's hungry through donations of lawfully hunted wild game.

DIGEST OF HB 1122 (Updated March 4, 2008 2:20 pm - DI 84)

Juvenile offenders and detention facilities. Provides that the juvenile law does not apply to a child who: (1) is alleged to have committed a crime that would be a felony if committed by an adult; and (2) has previously been waived to a court having felony jurisdiction. (Under current law, the juvenile law does not apply to felonies and misdemeanors committed under these circumstances.) Provides that the juvenile law applies to a child who allegedly committed a violation of certain traffic laws. Provides that a juvenile court does not have jurisdiction over an alleged violation by a child charged with carrying a handgun without a license or dangerous possession of a firearm as a felony. Provides that a juvenile court may waive jurisdiction if a child is charged with certain acts that are felonies (rather than felonies and misdemeanors). Provides that any facility that is used or has been used to house or hold juveniles shall give the Indiana criminal justice institute access to inspect and monitor the facility.

DIGEST OF HB 1124 (Updated February 27, 2008 12:42 pm - DI 84)

Sheriffs' and deputies' surviving spouse pension. Authorizes a county to provide a cost of living adjustment (COLA) to a surviving spouse of an employee beneficiary of a sheriff's department's pension trust.

DIGEST OF HB 1125 (Updated March 14, 2008 5:46 pm - DI 92)

Various government matters. Provides that for taxable years beginning after December 31, 2007, references in Indiana law to the Internal Revenue Code and related regulations refer to the law and regulations in effect on January 1, 2008. Excludes from state adjusted gross income any amount of the credit (including an advance refund of the credit) that is provided to an individual under the federal Economic Stimulus Act of 2008 and included in the individual's federal adjusted gross income. Provides that recreational vehicles and truck campers are subject to an excise tax instead of the property tax on personal property beginning January 1, 2010. Excludes other nonbusiness personal property (other than mobile homes) from the definition of taxable

personal property. Provides that property, revenues, certain expenditures, and transactions of the NFL or the NCAA in connection with a Super Bowl or a men's or women's Final Four conducted after December 31, 2011, are exempt from taxation in Indiana for all purposes and that those events are exempt from the Marion County admissions tax. (Current law applies only to the Super Bowl that was described in a bid specification document dated October 2006.) Extends until December 31, 2011 (instead of December 31, 2008) the sales tax exemption for property directly used in qualified media productions. Provides additional bonding authority for the Indiana University - Purdue University at Fort Wayne student services and library complex. Changes the due date for the report of the commission on disproportionality in youth services to the governor and the legislative council to October 15, 2008. Allows certain nonprofit limited liability companies to claim property tax exemptions for prior years. Provides that a person taking flying lessons pays sales tax on the rental of the plane but not for the flight instructor's costs. Requires the budget agency to allot and otherwise take the steps necessary to make available for expenditure and distribute to area health education centers before May 2, 2008, at least 75% of the amount appropriated by P.L.234-2007 for area health education centers for the state fiscal year beginning July 1, 2007, and ending June 30, 2008. Provides that the minimum monthly retirement disability benefit under PERF is \$180. Provides that under certain circumstances, all information concerning the purchase of a vehicle must be completed on the certificate of title, and that the knowing or intentional failure to complete the information on the certificate is a Class A misdemeanor for the first violation and a Class D felony for the second or any subsequent violation. Requires the commission on state tax and financing policy to study the feasibility of establishing a sales tax increment financing district in Warrick County to facilitate the establishment of a museum and education complex. For property taxes first due and payable in 2007, allows a civil taxing unit or school corporation to file a late excessive levy appeal based on a revenue shortfall that resulted from erroneous assessed valuation figures. Provides that the following do not apply in the county if an appeal is allowed: (A) The deadline for the department of local government finance to certify budgets, tax rates, and tax levies. (B) The deadline for mailing tax statements. (C) The standard tax due dates. Authorizes a property tax levy appeal to the department of local government finance by the Honey Creek fire protection district in Vigo County. Requires the department of natural resources to equalize the salaries of district foresters and natural science managers. Corrects language in a 2007 appropriation to Indiana State University. Allows a church or religious society that meets certain requirements and that failed to timely file an application for property tax exemption for the 2003, 2004, and 2005 assessment dates to file retroactively for and be granted the exemption. Provides that under certain circumstances, certain motor vehicles titled outside of Indiana do not need an inspection for an Indiana title to be issued. Provides that a person who engages in the business of selling at least 12 off-road vehicles to the general public each year for delivery in Indiana must secure a dealer's license from the secretary of state. Repeals provisions exempting a seller of off-road vehicles from the requirements for a motor vehicle dealer's license. Permits the department of local government finance to adjust levies in 2010 to adjust for the effect of the elimination of property taxes on recreational vehicles and truck campers. Permits taxing units to apply for an excessive levy in 2010 to mitigate the effect of the elimination of property taxes on other nonbusiness personal property. Permits the department of local government finance to adjust levies in 2011 to adjust for the effect of the elimination of property taxes on other nonbusiness personal property. Delays the imposition of penalties upon professional preparers who fail to comply with the



requirement to file returns electronically. Provides that certain motor carrier employers may provide an advance of wages and then take certain deductions from subsequent wages under certain circumstances. Provides that a police officer who finds or is notified of a vehicle or parts that are believed to be abandoned shall attach a notice tag stating that the vehicle or parts will be removed after thirty-six hours, if the vehicle is located on or within the right-of-way of an interstate highway or any highway that is designated as part of the state highway system under IC 8-23-4. Allows certain towns to designate municipal riverfront development project areas. Allows certain taxpayers to claim interstate commerce exemptions for certain inventory for the 2004, 2005, and 2006 assessment dates by filing amended returns before March 1, 2008. Provides that the amended returns are considered to have been timely filed. Removes a provision in the motor vehicle excise tax law requiring excise taxes to be deposited in a separate account within a depository. Adds a provision describing the legislative intent with regard to the 2003 enactment of certain personal property assessment procedures affecting integrated steel mills and the oil refining and petrochemical industry. Authorizes certain common school fund and rainy day fund loans. Caps the amount of media production expenditure income tax credits that may be awarded to all taxpayers for a state fiscal year at \$5,000,000. Authorizes the use of revenue bonds and other methods to finance economic improvement projects. Includes common areas shared by the manufactured homes or mobile homes within mobile home parks in the definition of residential property. Requires wage withholding payments and estimated tax payments for nonresident aliens to be computed based on the application of not more than one personal exclusion. Increases the sales tax filing threshold so that if the annual liability is less than \$1,000, the taxpayer files only an annual return (instead of a monthly, quarterly, or semiannual return). Provides that if a taxpayer makes a nonqualified withdrawal from a college choice education plan and is a nonresident who has no current tax liability, the department of state revenue shall bill the taxpayer for the amount of any tax credit to be recaptured. Amends the definition of "qualified withdrawal" for purposes of the tax credit for contributions to Indiana's college choice 529 education savings plan. Reduces the state earned income tax credit for partial year nonresidents who have taxable income in other states. Requires a cigarette distributor to be current in all listed taxes before a distributor's license may be issued or renewed. Requires cigarette tax payments via electronic funds transfer if the distributor purchases the stamps on credit. Permits the department to disclose information concerning taxpayers to state and local law enforcement officials in Indiana when used for official purposes and requested by the proper authorities. Imposes a penalty on certain individuals for failure to file an income tax return. Provides that the penalties for bad checks issued to pay listed taxes also apply to payments made by credit card and electronic payments. Provides that for purposes of the utility receipts tax, a sale of utility services is considered a wholesale sale if the utility services are natural gas and the buyer consumes the natural gas in the direct production of electricity to be sold by the buyer. Authorizes the auditor or treasurer of Marion County to mail refunds and reconciling statements for property taxes first due and payable in 2007 in the same envelope. Extends the deadline for state board of finance action on a loan from the rainy day fund for qualified taxing units. Makes an appropriation.

DIGEST OF HB 1129 (Updated February 19, 2008 2:54 pm - DI 84)

Archeology. Redefines "artifact", and changes the date used in determining whether an object or feature is an artifact. Redefines "burial ground" to include certain historic sites. Redefines "plan"

to include a plan for excavation of ground related to construction. Exempts qualified professional archeologists who conduct phase 1a archeological surveys from certain archeological restrictions. Establishes criminal penalties for certain actions that disturb human remains. Requires the department of natural resources (department) to take action on archeology and development plans within 60 days. Requires a person disturbing ground to use reasonable care and diligence to determine if the ground that may be disturbed is within 100 feet of a burial ground. Requires a person who disturbs buried human remains or artifacts to cease disturbing the remains or artifacts and the surrounding area within 100 feet, and makes it a Class A infraction to fail to do so. Includes excavating or covering over the ground as a prohibited activity within 100 feet of the limits of a burial ground. Establishes certain requirements for development plans and archeological plans. Applies certain notice requirements to a person who disturbs burial grounds. Requires the department to respond within ten business days after receiving notice of a discovered artifact or burial object. Makes reports concerning the location of historical or archeological sites confidential under some circumstances. Allows certain persons to accompany a conservation officer to investigate a violation of historic preservation and archeology law. Establishes a fund to assist private homeowners who accidentally discover an artifact, a burial object, or human remains and need assistance to comply with an approved archeological or development plan. Allows a court to order restitution for certain costs related to the violation of historic preservation and archeology law. Makes it a Class D felony to possess looted property and a Class C felony if the cost of carrying out an archeological investigation on the site that was damaged to obtain the looted property is more than \$100,000. Provides that a disinterment under a plan approved by the department is exempt from other disinterment procedures. Repeals and relocates the definition of "conservation officer". Makes conforming changes. Makes an appropriation.

DIGEST OF HB 1137 (Updated March 4, 2008 2:22 pm - DI 84)

Technical corrections bill. Corrects various technical problems in the Indiana Code. (The introduced version of this bill was prepared by the code revision commission.)

DIGEST OF HB 1140 (Updated March 14, 2008 3:15 pm - DI 97)

Coverage for prosthetic devices. Specifies requirements related to coverage and reimbursement for medically necessary prosthetic devices under a state employee health plan, a policy of accident and sickness insurance, and a health maintenance organization contract.

DIGEST OF HB 1144 (Updated March 4, 2008 2:24 pm - DI 84)

Failure to report a dead body. Provides that a person who discovers or has custody of the body of a deceased person and who knowingly or intentionally fails to report the dead body to a public safety officer, coroner, physician, or 911 telephone call center within three hours of finding the body, when it appears the deceased person died by violence, suicide, accident, or under certain other suspicious or unusual circumstances, commits failure to report a dead body, a Class A misdemeanor. Provides that the reporting requirement does not supersede any law governing the reporting of a death by a hospital, health care facility, or provider.

DIGEST OF HB 1145 (Updated February 19, 2008 2:56 pm - DI 84)

Tax delinquent properties. Provides that a county may transfer real property for which the county holds a tax deed to an abutting landowner for no consideration or nominal consideration. Provides that a political subdivision that acquires real property from a county at a time when the county holds a tax deed for the real property may also transfer the real property to an abutting landowner for no consideration or nominal consideration. Provides for notice to all abutting landowners before a county or other political subdivision initiates negotiations for sale or transfer of the real property.

DIGEST OF HB 1153 (Updated March 4, 2008 4:35 pm - DI 84)

Gaming. Specifies that type II gaming may be conducted by taverns that are issued a retailer's endorsement that is affixed to the tavern owner's alcoholic beverage permit. Specifies that the alcohol and tobacco commission administers type II gaming. Provides that the authorized sale of pull tabs, punchboards, and tip boards is exempt from the state gross retail tax. Provides that fees and civil penalties must be deposited into the excise enforcement and administration fund. Provides that excise taxes must be deposited into the state general fund. Requires the Indiana gaming commission to adopt rules to establish the manner in which a qualified organization may supervise certain euchre games. Provides that a patron who deals the cards in a euchre game is not considered to be a worker or an operator for purposes of the charity gaming law. Requires a qualified organization to designate an individual to serve as the operator of a charity gaming event. Provides that a qualified organization holding an annual raffle license may conduct raffles at any time during a period of one year. Authorizes certain qualified organizations to conduct winner take all drawings under a PPT license. Specifies that certain slot machine revenues paid to horsemen's associations may not be used for political contributions or lobbying.

DIGEST OF HB 1156 (Updated February 19, 2008 3:00 pm - DI 84)

Police and firefighter death benefits. Increases from \$9,000 to \$12,000 the death benefit payable to the heirs or estates of active and retired members of the 1925 police pension fund, the 1937 firefighters' pension fund, the 1953 police pension fund, and the 1977 police officers' and firefighters' pension and disability fund.

DIGEST OF HB 1159 (Updated March 13, 2008 2:09 pm - DI 84)

211 services. Requires the regulatory flexibility committee (committee) to study certain issues concerning human service information and referral services in Indiana. Requires the committee to submit a report on its recommendations to the legislative council not later than December 1, 2008.

DIGEST OF HB 1162 (Updated March 4, 2008 4:41 pm - DI 84)

Legislative body youth advisers. Allows the presiding officer of the legislative body of a municipality to appoint an individual not more than 18 years of age to serve as an adviser to the

municipal legislative body on matters affecting youth in the community. Establishes a youth advisory council to advise the general assembly concerning issues of importance to youth.

DIGEST OF HB 1164 (Updated March 4, 2008 2:27 pm - DI 84)

Property tax deduction for model residences. Subject to certain restrictions, allows a 50% property tax deduction for property taxes first due and payable after 2009 for a model residence for not more than: (1) an assessment date for which the residence is partially assessed; and (2) the first three years for which the residence is fully assessed. Specifies procedures for obtaining a deduction. Provides that not more than three model residences in Indiana owned by the same owner or an affiliated group of owners may qualify for the deduction for an assessment date.

DIGEST OF HB 1165 (Updated March 13, 2008 2:52 pm - DI 107)

Homelessness, foster youth, and education. Requires the Indiana housing and community development authority (authority) to: (1) oversee and encourage a regional homeless delivery system; (2) facilitate the dissemination of information to assist individuals and families in accessing local resources, programs, and services related to homelessness, housing, and community development; and (3) determine the number of homeless individuals, including homeless children, in Indiana, and the number of homeless in Indiana who are not residents of Indiana. Extends the authority's power to coordinate and establish linkages between governmental and social services programs to include individuals or families facing or experiencing homelessness. Requires the department of education (department) to establish an office of coordinator for education of homeless children. Requires each school corporation to: (1) appoint a liaison for homeless children (liaison); and (2) report to the department the contact information for the liaison. Requires the department to train new liaisons. Requires each school corporation that has an Internet web site to publish on the web site the contact information for the liaison. Requires certain school corporations to transport a student in foster care to and from the school in which the student was enrolled before receiving foster care. Requires, after June 30, 2009, each school corporation to provide tutoring for a child who is in foster care or who is homeless if the school corporation determines a child has a demonstrated need for tutoring. Requires the department of child services (DCS) to promote sibling visitation for every child who receives foster care. Allows a sibling or certain other individuals to request sibling visitation if one of the siblings is receiving foster care. Requires DCS to allow sibling visitation if it is in the best interests of the child receiving foster care. Provides that if DCS denies a request for sibling visitation, a child's guardian ad litem or court appointed special advocate may petition a juvenile court for sibling visitation. Requires a court to grant sibling visitation if the court determines sibling visitation is in the best interests of the child who receives foster care. Permits a court to appoint a guardian ad litem or court appointed special advocate if a child requesting sibling visitation is receiving foster care. Provides that a child may receive shelter and services or items directly related to providing shelter for homeless or low income individuals without the approval of a parent, guardian, or custodian. Requires an emergency shelter or shelter care facility to notify DCS not later than 24 hours after a child enters the shelter or facility unless the child is an emancipated minor. Requires DCS to: (1) conduct an investigation concerning the child not later than 48 hours after DCS receives notification; and (2) notify the child's parent,

guardian, or custodian not later than 72 hours after the child enters the shelter or facility. Prohibits DCS from notifying the child's parent, guardian, or custodian as to the specific shelter or facility the child has entered if DCS has reason to believe the child is a victim of child abuse or neglect. Allows a student who has resided in a school corporation for at least two consecutive years immediately before moving to an adjacent school corporation to attend school in the former school corporation without transfer tuition being charged if the principal and superintendent in both school corporations agree. Prohibits a student to enroll primarily for athletic reasons in a school in a school corporation where the student does not have legal settlement. (The introduced version of this bill was prepared by the interim study committee on missing children.)

DIGEST OF HB 1169 (Updated March 6, 2008 2:14 pm - DI 84)

Cosmetology and estheticians. Changes the term "cosmetology professional" in the law concerning beauty culture to "beauty culture professional". Defines "threading". Exempts threading from cosmetology licensing laws. Makes conforming changes. Repeals the definitions of "cosmetology professional" and "continuing education course".

DIGEST OF HB 1171 (Updated March 4, 2008 2:29 pm - DI 84)

Autism training for EMS personnel. Requires certified emergency medical services (EMS) personnel to successfully complete a course of education and training on autism beginning January 1, 2009. (The introduced version of this bill was prepared by the Indiana commission on autism.)

DIGEST OF HB 1172 (Updated March 13, 2008 8:00 pm - DI 77)

Various professions and occupations. Codifies the uniform emergency volunteer health practitioners act to provide a procedure for recognizing other states' licenses for health practitioners who volunteer to provide assistance during an emergency requiring significant health care assistance. Requires the office of the secretary of family and social services to form a nonprofit corporation to establish and operate an umbilical cord blood bank. Requires the nonprofit corporation to establish an umbilical cord blood donation initiative to promote public awareness concerning the medical benefits of umbilical cord blood. Beginning July 1, 2008, and until June 30, 2009, requires a home health agency and a personal services agency to obtain an employee's limited criminal history not more than three business days after the date that an employee begins to provide services. Specifies the circumstances in which a nursing home is not required to provide cardiopulmonary resuscitation or other intervention on a patient who has died. Makes certain changes to the law concerning defibrillators in health clubs. Amends the definition of "regulated occupation". Removes physician referral requirements to receive acupuncture and specifies training and testing requirements. Amends the locations in which a dental hygienist may practice under direct supervision, prescriptive supervision, and without supervision of a dentist. Establishes requirements for a dental hygienist to administer local dental anesthesia. Requires a dental assistant to work under the direct supervision of a dentist. Specifies certain procedures that may and may not be delegated to a dental assistant. Exempts licensed mental health counselors from the licensed hypnotist requirements. Establishes the interstate

nurse licensure compact beginning July 1, 2009. Allows the state board of nursing to issue a registered nurse license to certain applicants. Requires specified examination and registration fees to be used for the rehabilitation of impaired registered nurses and impaired licensed practical nurses. Allows an optometrist to refer patients to an occupational therapist. Establishes licensing and continuing education requirements for marriage and family therapist associates, and requires emergency rules for the implementation of the licensure. Requires the office of Medicaid policy and planning to receive approval to cover umbilical cord transplants under the Medicaid program. Makes conforming changes. Requires the health finance commission to address domestic violence programs. Repeals a provision that abolishes and transfers the rights, powers, and duties of the state board of examination and registration of nurses.

DIGEST OF HB 1179 (Updated March 14, 2008 2:30 pm - DI 84)

Recovery for restraint of trade. Authorizes the attorney general to bring suit on behalf of the state or a political subdivision to recover direct or indirect damages suffered by the state as the result of certain unlawful acts in restraint of trade. Provides that a prevailing plaintiff is also entitled to treble damages and reasonable costs and attorney's fees.

DIGEST OF HB 1185 (Updated March 6, 2008 10:43 am - DI 84)

Indoor air quality. Expands the program providing for indoor air quality inspections in schools to include state agencies, and specifies that the program does not apply to colleges and universities. Specifies certain qualifications for persons conducting indoor air quality inspection programs. Provides that a representative from the department of administration shall serve on the air quality panel. Provides a 10% procurement price preference to Indiana businesses that offer to conduct indoor air quality inspection and evaluation programs.

DIGEST OF HB 1187 (Updated March 13, 2008 5:28 pm - DI 106)

Nonprofit corporations. Provides that notice given by a nonprofit corporation (corporation) is fair and reasonable if the corporation provides notice by: (1) communicating in person; (2) mail or other method of delivery; or (3) other electronic means capable of verification. Requires a corporation to maintain a notice in a record unless the notice was given orally. Establishes when notice is effective. Requires a corporation to retain ballots for a certain period. Establishes circumstances under which contracts or transactions that involve conflicting interests of members, directors, members of a designated body, or officers are not void or voidable. (Current law establishes the circumstances under which contracts or transactions that involve conflicting interests of directors are not void or voidable.) Amends provisions that restrict certain actions by committees of directors. Allows: (1) boards of directors; and (2) members present at a committee meeting; to appoint alternate members of a committee. Allows corporations to create or authorize the creation of advisory committees. Provides that a constituent of a business entity and the business entity are presumed to have agreed to conduct certain actions electronically unless conducting the actions electronically is prohibited by the governing documents of the business entity or an express statement by the business entity. Establishes certain guidelines for the use of electronic records or electronic signatures. Makes other changes and conforming amendments.

Repeals a provision that is replaced concerning conflicting interest contracts or transactions.

DIGEST OF HB 1193 (Updated February 19, 2008 3:10 pm - DI 84)

Adult education. Creates an interim study committee on adult education.

DIGEST OF HB 1197 (Updated March 13, 2008 2:11 pm - DI 84)

Data breaches. Authorizes the attorney general to initiate a program to educate consumers of risks posed by a security breach. Provides, for purposes of the law requiring the disclosure of a breach of the security of a system, that the unauthorized acquisition of a portable electronic device on which personal information is stored does not constitute a breach of the security of a system if the contents of the portable electronic device are encrypted and if the encryption key is not compromised.

DIGEST OF HB 1202 (Updated February 19, 2008 3:12 pm - DI 84)

Abraham Lincoln license plate. Requires the bureau of motor vehicles to design and issue an Abraham Lincoln bicentennial license plate to be issued in 2008 and 2009. Specifies that an Abraham Lincoln bicentennial license plate is not a special group recognition license plate.

DIGEST OF HB 1203 (Updated February 19, 2008 3:14 pm - DI 84)

Registration of certain school buses. Modifies the registration cycle for school buses not owned by a school corporation. Requires that a school bus not owned by a school corporation must be registered before July 29 of each year. Provides that a school bus that is not owned by a school corporation and is registered after January 31 for the prior calendar year may be registered at 1/2 the regular rate. Provides that a license plate issued before March 1, 2008, for a school bus not owned by a school corporation may be displayed through July 28, 2009. Makes conforming amendments and technical corrections.

DIGEST OF HB 1204 (Updated March 14, 2008 3:36 pm - DI 101)

Public safety. Establishes the emergency alert system advisory committee to: (1) develop, update, and monitor the effectiveness of the state emergency alert system plan; (2) make recommendations concerning the acquisition of appropriate technology and equipment to make the emergency notification system effective on a timely basis in all parts of Indiana; and (3) through the state police department, purchase appropriate technology and equipment to equip local primary relaying stations with monitoring equipment. Provides that the wireline enhanced emergency telephone system fee applies to interconnected voice over Internet protocol (VoIP) service. Requires the state board of accounts to audit, not later than November 1, 2008, the expenditures of wireline and wireless enhanced 911 fees made by local units and public safety answering points (PSAPs) during the 2005, 2006, and 2007 calendar years. Beginning with the 2008 calendar year, requires the state board of accounts to annually audit the expenditures of wireline and wireless enhanced 911 fees made during the immediately preceding calendar year by

local units and PSAPs. Provides that after December 31, 2014, a county may not contain more than two PSAPs. Provides that a county may have more than two PSAPs if any additional PSAPs are operated by a state educational institution or by an airport authority established for a county having a consolidated city. Provides that if, on March 15, 2008, a county does not contain more than one PSAP, an additional PSAP may not be established or operated in the county on or after that date unless the additional PSAP is established and operated by: (1) a state educational institution; (2) an airport authority established for a county having a consolidated city; or (3) the municipality having the largest population in the county or an agency of that municipality. Requires each PSAP operator in a county containing more than the authorized number of PSAPs to enter, not later than January 1, 2015, into an interlocal agreement with every other PSAP operator in the county to ensure that the county does not contain more than the authorized number of PSAPs after December 31, 2014. Provides that a unit may not adopt an ordinance to increase a wireline enhanced emergency telephone system fee during the period beginning March 15, 2008, and ending at such time that the applicable county has complied with the requirement limiting the number of PSAPs in each county. Requires the regulatory flexibility committee (committee) to study the appropriate mechanisms for funding both wireline and wireless enhanced emergency telephone systems in Indiana. Requires the wireless enhanced 911 advisory board to submit the three most recent audits of the wireless emergency telephone system fund to the committee not later than September 1, 2008. Requires the committee to submit a report on any recommendations to the legislative council not later than December 1, 2008.

#### DIGEST OF HB 1210 (Updated February 27, 2008 1:23 pm - DI 84) VETOED

Teacher certification. Allows an individual who has failed the teacher licensing examination at least two times to demonstrate proficiency by submitting to the department of education: (1) proof of successful completion of all other requirements of a teacher education program; (2) proof of having attained certain grade point averages; (3) proof of having demonstrated a successful student teaching experience; and (4) letters of recommendation from certain faculty members.

#### DIGEST OF HB 1213 (Updated February 19, 2008 3:20 pm - DI 84)

Occupational health and safety training. Changes the name of a division of the department of labor from the safety education and training bureau (bureau) to INSafe, and makes corresponding changes. Transfers the unencumbered and unallocated part of the appropriation made for the state fiscal year beginning July 1, 2008, from the bureau to INSafe.

#### DIGEST OF HB 1219 (Updated March 14, 2008 3:33 pm - DI 102)

Unemployment insurance. Excludes from remuneration of services, for the purpose of determining income that is deductible from unemployment insurance benefits, compensation made by a valid negotiated contract or agreement in connection with a layoff or plant closure, without regard to how the compensation is characterized by the contract or agreement. Excludes from deductible income a supplemental unemployment insurance benefit made under a valid negotiated contract or agreement. Includes in deductible income, for the purpose of determining



an individual's unemployment insurance benefits, for a week in which a payment is actually received by an individual, payments made by an employer to an individual who accepts an offer from the employer in connection with a layoff or a plant closure. Includes in deductible income a portion of certain payments made by an employer to an individual in connection with a layoff or a plant closure, if the portion is attributable to a week and the week: (1) occurs after an individual receives the payment; and (2) was used under the terms of a written agreement to compute the payment. Specifies that a person, excluding a person who elects to retire in connection with a layoff or plant closure and receive pension, retirement, or annuity payments, who: (1) accepts an offer of payment or other compensation offered by an employer to avert or lessen the effect of a layoff or plant closure; and (2) otherwise meets the eligibility requirements; is entitled to receive unemployment insurance benefits in the same amounts, under the same terms, and subject to the same conditions as any other unemployed person. Authorizes payment to certain state educational institutions for specific training programs from the special employment and training services fund. Allows the department of workforce development to operate a data match system with financial institutions doing business in Indiana for use only in the collection of unpaid final assessments of employer contributions for the state's unemployment insurance system. Makes conforming amendments.

DIGEST OF HB 1220 (Updated March 14, 2008 4:31 pm - DI 84)

Regional development. Requires the commission on state tax and financing policy to study state and local funding alternatives for the South Shore West Lake extension.

DIGEST OF HB 1227 (Updated February 14, 2008 3:16 pm - DI 84)

Shoreline development commission. Adds the following two members to the shoreline development commission: (1) A representative of a public utility that owns real property that is located in counties contiguous to Lake Michigan and that has a total assessed value that exceeds the total assessed value of the real property owned by any other public utility owning real property in the counties contiguous to Lake Michigan. (2) The port director of the Port of Indiana-Burns Harbor. States a preference for the member of the commission appointed by the lieutenant governor being from a visitor and tourism business. Makes a technical correction.

DIGEST OF HB 1234 (Updated February 19, 2008 3:25 pm - DI 84)

School attendance records and enforcement. Allows certain law enforcement officers to inspect student attendance records and enforce the attendance laws. Requires an affidavit against a parent to enforce the compulsory school attendance law to be filed in a court with jurisdiction in the county in which the student resides.

DIGEST OF HB 1243 (Updated February 19, 2008 3:27 pm - DI 84)

Retractable tire studs. Provides that a vehicle may be equipped on a year-round basis with tires that have retractable tire studs if the retractable tire studs remain retracted from May 2 to the following September 30.

DIGEST OF HB 1244 (Updated February 19, 2008 3:30 pm - DI 84)

Local government finance. Allows for the transfer of congressional township school funds held by various counties to the treasurer of state. Provides that the certification fee charged for parcels of real property on which municipal sewage fees are delinquent is due when the next installment of real property taxes is billed. (Current law provides that the certification fee is due when the next May installment of real property taxes is billed.)

DIGEST OF HB 1246 (Updated March 14, 2008 3:32 pm - DI 71)

Dual credit programs, student graduation plan, and virtual learning. Establishes the concurrent enrollment partnership to coordinate dual credit programs among Indiana high schools and state educational institutions. Changes the name of the student career plan to the student graduation plan. Provides methods of certifying the income of a student who is eligible for the waiver of tuition and fees at a state educational institution in the double up for college dual credit program. Creates an interim study committee on K-12 virtual learning.

DIGEST OF HB 1249 (Updated March 13, 2008 7:45 pm - DI 103)

Tuition exemption for Purple Heart recipients. Provides that an Indiana resident who: (1) enters active duty service in the armed forces of the United States or the Indiana National Guard after September 10, 2001; (2) receives the Purple Heart decoration; and (3) satisfies other criteria; is exempt from tuition and fees at a state educational institution. Provides that the tuition and fee exemption for: (1) certain children of veterans; (2) spouses and children of National Guard members; and (3) Purple Heart recipients; for a credit hour is equal to the cost of an undergraduate credit hour. Provides that the tuition and fee exemptions for Purple Heart recipients are not eligible for reimbursement by the state for the 2009 fiscal year. Requires the legislative council to assign to a study committee the study of tuition and fee exemptions awarded by state educational institutions under reciprocity agreements with other postsecondary institutions.

DIGEST OF HB 1250 (Updated March 4, 2008 4:40 pm - DI 84)

Local government finance. Changes the distribution of the Tippecanoe County innkeeper's tax. Establishes an advisory commission to make recommendations concerning the use of any proceeds of bonds issued to finance the development of Prophetstown State Park. Specifies that the Indiana finance authority, in its capacity as the recreational development commission, may issue bonds for the development of Prophetstown State Park. Requires the bureau of motor vehicles to design the Indiana Native American trust license plate with the advice of the Native American Indian affairs commission (NAIAC). Provides that money in the Indiana Native American trust fund must be paid to Historic Prophetstown through 2008 and to the NAIAC beginning in 2009. Authorizes Steuben County to impose a 1% food and beverage tax. Provides that: (1) half of the tax revenue is retained by the county; and (2) the other half of the revenue is distributed to the city of Angola.

DIGEST OF HB 1253 (Updated February 19, 2008 3:33 pm - DI 84)

Manual on uniform traffic control devices. Provides that the Indiana department of transportation shall adopt the Indiana Manual on Uniform Traffic Control Devices for Streets and Highways by order of the commissioner of the department of transportation with a letter of concurrence from the Federal Highway Administration rather than by adopting rules.

DIGEST OF HB 1259 (Updated March 4, 2008 2:31 pm - DI 84)

Child safety and CHINS. Requires certain above ground swimming pools to be sold with an access ladder or steps that may be: (1) secured and locked; or (2) removed. Requires the department of child services to provide notice to certain individuals seven days before a periodic case review for a child in need of services. (Current law requires the department to send notice ten days before the periodic case review.)

DIGEST OF HB 1266 (Updated March 4, 2008 2:33 pm - DI 84)

Priority for receiving services under Medicaid waivers. Requires the office of Medicaid policy and planning to apply to the United States Department of Health and Human Services to amend certain waivers to allow specified individuals to be given priority in receiving services under the waiver.

DIGEST OF HB 1271 (Updated March 6, 2008 2:16 pm - DI 84)

Inmate credit time. Prohibits an offender from earning credit time for a high school diploma if the offender has previously obtained a general educational development (GED) diploma. Prohibits an offender from earning credit time for a GED diploma if the offender has previously obtained a high school diploma. Creates department of correction credit Class IV for felons convicted of certain serious child molesting offenses and certain murders involving sex offenses. Specifies that persons in credit Class IV earn one day of credit for each six days of incarceration. Provides that persons in credit Class IV may be placed in a credit class where they earn no credit, but may not be placed in a credit class where they earn more credit.

DIGEST OF HB 1275 (Updated February 19, 2008 3:35 pm - DI 84)

Local government copying fees. Defines the "actual cost" to a local government agency of copying a public record.

DIGEST OF HB 1276 (Updated March 4, 2008 2:36 pm - DI 84)

Bail. Defines "sexually violent predator defendant" as a person charged with the commission of a sex or violent offense who is a sexually violent predator. Allows a: (1) sexually violent predator defendant; (2) person charged with child molesting; and (3) person charged with child solicitation; to be released on bail only after a hearing in open court, and requires a court releasing one of these persons on bail to consider whether certain statutory factors warrant exceeding applicable court or county bail guidelines. Requires a bail hearing to be held within 48

hours unless exigent circumstances prevent the hearing from being held within 48 hours.

DIGEST OF HB 1280 (Updated March 14, 2008 2:28 pm - DI 84)

Energy efficient buildings. Requires the environmental quality service council to study: (1) whether public entities should be required or encouraged to seek to achieve energy and environmental design ratings in the construction and renovation of buildings and structures; and (2) related issues.

DIGEST OF HB 1284 (Updated March 14, 2008 3:38 pm - DI 97)

Insurance. Exempts a commissioner of insurance request for certain information from the requirement to issue an examination warrant. Permits a group life insurance policy to cover a spouse or dependent child for more than 50% of the amount provided for the insured. Revises the accident and sickness insurance form filing requirements concerning commissioner actions. Prohibits an accident and sickness insurer and a health maintenance organization from requiring a patient to travel a certain distance for dialysis treatment as a condition of coverage or reimbursement. Establishes a study committee on dialysis coverage.

DIGEST OF HB 1288 (Updated February 27, 2008 2:38 pm - DI 84)

Behavior analysts. Provides that an individual commits a Class B misdemeanor if the individual professes to be a certified behavior analyst and the individual does not hold and maintain the certified behavior analyst credentials administered by the Behavior Analyst Certification Board, Inc.

DIGEST OF HB 1290 (Updated March 13, 2008 5:44 pm - DI 107)

Foster care, child services and placement of children. Provides that an individual who received foster care a month before the individual became 18 years of age may request the department of child services (department) to petition a court to receive older youth foster care until the individual reaches 21 years of age if the individual is: (1) employed; (2) attending a vocational program; (3) attending an educational program; or (4) planning on attending a vocational or educational program within six months of the individual's eighteenth birthday. Requires the department to implement a transitional services plan for an individual who: (1) is receiving older youth foster care; or (2) becomes 18 years of age or emancipated while receiving foster care. Amends the definition of certain foster care terms to include an individual receiving older youth foster care. Provides that restrictions on the number of individuals that can be supervised and cared for in a foster family home, a special needs foster family home, or a therapeutic foster family home, exclude individuals receiving older youth foster care. Adopts the interstate compact for the placement of children. Changes the date by which the report of the commission on disproportionality in youth services: (1) must be presented to the governor and the legislative council from August 15, 2008, to November 15, 2008; (2) shall be made available to the public upon request from December 1, 2008 to December 15, 2008.

Taxation. Provides, for purposes of the sales disclosure form process for real estate transactions, that: (1) a conveyance includes a transfer to a charity; (2) exceptions are eliminated from the definition of "conveyance document" for documents for certain compulsory transactions or the partition of land; (3) the sales disclosure form is considered to be accurate and complete if it includes information other than additional information required by the department of local government finance; (4) the \$10 filing fee is permanent, but does not apply to a transfer to a charity or if the transfer is under a conveyance document for certain compulsory transactions or the partition of land; (5) the fee revenue is split evenly between the county sales disclosure fund and the state assessment training fund; (6) a separate sales disclosure form is required for each parcel conveyed, except that only one form (with a single combined sales price) is required for the conveyance under a single conveyance document of two or more contiguous parcels in a single taxing district; (7) the sales disclosure form must include the key number of each parcel subject to the conveyance, whether the entirety of each parcel is being conveyed, the address if the parcel is improved, a legal description for each parcel, and an estimate of the value of any personal property included in the transfer; (8) one party to a transaction may sign a sales disclosure form on behalf of multiple parties; (9) the county recorder may record a conveyance document only if a sales disclosure form approved by the county assessor has been filed; (10) the criminal penalty for knowingly and intentionally falsifying or omitting information on a sales disclosure form is increased; (11) the penalty for filing an incomplete or inaccurate sales disclosure form applies only if the filer fails to correct a deficiency within 30 days of notice; and (12) a paper or electronic sales disclosure form may be used with respect to a homestead assessed as real property to also apply for the homestead credit and certain property tax deductions. Allows for filing of statements to claim the homestead credit and property tax deductions any time during a calendar year with respect to real property, or any time during the designated 12 month filing period with respect to mobile homes and manufactured homes not assessed as real property. Provides that a taxpayer that files for the homestead credit or a property tax deduction must be the owner or contract buyer only on the filing date, and not on the assessment date to which the credit or deduction applies. Provides that regardless of a change of ownership, the homestead credit or a property tax deduction applies automatically in a year if: (1) the credit or deduction applied in the immediately preceding year; and (2) the current title holder or contract buyer is eligible for the credit or deduction. Allows a county auditor to reduce the assessed value used to set tax rates to take into account deductions resulting from applications filed late in the year. Provides that changes in information reported by the county auditor to political subdivisions resulting from applications filed late in the year do not result in withholding of property tax replacement revenue by the state. Requires the department of local government finance to adopt rules to establish guidelines to enforce the application of the homestead credit only to an individual's principal place of residence. Provides that a municipality may adopt an ordinance establishing a property maintenance area (PMA) and provide grants to individuals that receive a certification from the municipality for property maintenance performed within the PMA. Allows certain taxpayers to claim interstate commerce exemptions for certain inventory for the 2004, 2005, and 2006 assessment dates by filing amended returns before March 1, 2008. Provides that the amended returns are considered to have been timely filed.

DIGEST OF HB 1318 (Updated March 4, 2008 2:40 pm - DI 84)

Funding for spinal cord and brain injury fund and law enforcement continuing education program court fee. Eliminates the \$10 registration fee on motorcycles that is designated for deposit in the spinal cord and brain injury fund. Provides for a fee of thirty cents to be collected after December 31, 2008, for registration of certain vehicles, to be deposited in the spinal cord and brain injury fund. Resolves a technical conflict. Increases the law enforcement continuing education program fee from \$3 to \$4. Makes an appropriation.

DIGEST OF HB 1341 (Updated February 27, 2008 3:01 pm - DI 84)

Ports of Indiana. Changes the name of the Indiana port commission to the ports of Indiana (the "POI"). Provides that the POI is governed by a commission and authorizes the commission to perform certain administrative functions. Provides that interviews and negotiations between the POI and industrial or commercial prospects may be held in executive session. Provides that certain records concerning negotiations between the POI and industrial, research, or commercial prospects may be exempted from disclosure at the discretion of the POI. Requires the POI to make the terms of its final offer of public financial resources available for inspection and copying after negotiations with a prospect have terminated. Deletes a provision stating that the current port commission is not immune from liability. Renames the executive director or manager of the POI as its chief executive. Provides that the POI may limit or halt public fishing within certain areas if required to maintain port security. Makes conforming changes. Deletes obsolete language.

DIGEST OF HB 1359 (Updated March 14, 2008 3:45 pm - DI 101)

Mortgage lending. Requires the homeowner protection unit (unit) in the attorney general's office to: (1) establish a new toll free telephone number; or (2) designate an existing toll free telephone number; to receive calls from persons having information about suspected fraudulent residential real estate transactions. Unless otherwise prohibited by law, requires the unit to share information reported by callers with appropriate law enforcement and regulatory agencies not later than 15 business days after the unit determines the appropriate entity to which the information should be referred. Allows the Indiana housing and community development authority (authority) to make or participate in the making of: (1) construction loans; and (2) mortgage loans; for multiple family residential housing under terms approved by the authority. Requires the authority to ensure that a mortgage loan: (1) acquired by the authority; or (2) made by a mortgage lender with funds provided by the authority; may not knowingly be made to a person whose adjusted family income exceeds 125% of the median income for the geographic area involved. For purposes of allocating federal low income housing credits, provides that a "qualified building" is a building that is used or will be used to provide residential housing for special needs populations. (Current law provides that a "qualified building" is a building that is used or will be used to provide residential housing for persons with disabilities.) Provides that the issuance of bonds by the authority is subject to the approval of the public finance director. (Current law provides that the authority's bonding authority is subject to governor's approval.) Repeals provisions concerning job and contract awarding preferences for the authority's program for making or participating in

the making of mortgage loans for multiple family residential housing. Repeals provisions concerning the articles of incorporation of sponsors, builders, or developers of multiple family residential housing. Eliminates the exemption from the loan broker statute for: (1) persons authorized to make loans on behalf of, or insured by, certain federal agencies; and (2) licensed real estate brokers and salespersons who render loan related services in a real estate transaction. Specifies that evidence of compliance with the licensing and registration requirements for loan brokers, originators, and principal managers may include a national criminal history background check by the Federal Bureau of Investigation (FBI). Specifies that the securities commissioner (commissioner) shall require each: (1) equitable owner of a loan brokerage business; and (2) applicant for registration as an originator or a principal manager; to submit fingerprints for a national criminal history background check by the FBI. Prohibits the commissioner from releasing the results of a national criminal history background check to a private entity. Removes a provision in existing law allowing the commissioner to check the qualifications and background of each: (1) equitable owner of a loan brokerage business; and (2) applicant for registration as an originator or a principal manager; by accessing a multistate automated licensing system for mortgage brokers and originators. Allows the commissioner to designate a multistate automated licensing system and repository as the sole entity responsible for processing applications for: (1) licenses for loan brokers; and (2) certificates of registration for originators and principal managers. Specifies that a loan broker is subject to the state statute requiring disclosure of a breach of the security of any records: (1) maintained by the broker; and (2) containing the personal information of a borrower or prospective borrower. Prohibits loan brokers, originators, and principal managers from disposing of unencrypted, unredacted personal information with respect to borrowers or prospective borrowers without first taking certain actions to render the personal information illegible or unusable. Prohibits a person from performing specified acts in connection with a contract for the services of a loan broker. Provides that: (1) first lien mortgage transactions are subject to regulation by; and (2) creditors making first lien mortgage transactions must be licensed by; the department of financial institutions. Requires a creditor, a mortgage servicer, or an agent of a creditor to acknowledge a written offer made in connection with a proposed short sale of property that is subject to a mortgage transaction that is at least 60 days delinquent. Provides that the acknowledgment must be provided not later than 10 business days after the date of the offer. Requires the creditor, servicer, or agent to accept or reject the short sale offer not later than 30 business days after receipt of the offer. Requires the real estate appraiser licensure and certification board to require each initial applicant for licensure or certification as a real estate appraiser to submit fingerprints for a national criminal history background check by the FBI. Prohibits the board from releasing the results of a national criminal history background check to a private entity. Requires the department of insurance to establish an electronic system for the collection and storage of the following information concerning residential mortgage transactions: (1) An identification of the property involved in the transaction. (2) The names and license, registration, or certificate numbers of certain professionals participating in or assisting with the transaction. (3) The date on which the closing agent received the closing instructions from the creditor. (4) The date of the closing. Provides that the system must allow closing agents to: (1) input the required information; and (2) submit the form electronically to a data base maintained by the department of insurance. Requires the professionals involved in the transaction to submit their names and license, registration, or certificate numbers to the closing agent in the transaction not later than

the time of the closing. Requires the department of insurance to make the data base accessible to: (1) the state agencies responsible for regulating the specified professionals; and (2) the homeowner protection unit in the attorney general's office. Allows the department of insurance to adopt rules to: (1) implement the system; and (2) establish an administrative fee to cover the department's expenses in establishing and maintaining the system. Specifies permissible uses by the department of insurance of funds in the title insurance enforcement fund. Provides that, with respect to a debtor domiciled in Indiana, money in a health savings account established under the Internal Revenue Code is exempt in a bankruptcy proceeding. Requires various state agencies to form the mortgage lending and fraud prevention task force to coordinate the state's efforts to: (1) regulate the various participants involved in originating, issuing, and closing home loans; (2) enforce state laws and rules concerning mortgage lending practices and mortgage fraud; and (3) prevent fraudulent practices in the home loan industry. Requires the Indiana housing and community development authority to provide, not later than November 1, 2008, a report to the legislative council that includes the following: (1) An identification of new and existing funding sources that can be used to assist Indiana homeowners in refinancing their existing mortgage transactions, in order to prevent the foreclosure of the homes secured by the mortgages. (2) A plan for the rehabilitation of areas in Indiana that have been adversely or disproportionately affected by mortgage foreclosures. Requires the securities commissioner and the director of the department of financial institutions to cooperate to determine the appropriate state agency or department to regulate a person subject to regulation, licensure, or registration under both: (1) the loan broker statute; and (2) the provisions of this act providing that first lien mortgage transactions are subject to regulation by the department of financial institutions.

DIGEST OF HB 1379 (Updated March 13, 2008 8:09 pm - DI 97)

Stranger originated life insurance. Defines "stranger originated life insurance". Prohibits: (1) an insurer from alleging stranger originated life insurance as a basis for denial of payment of life insurance policy proceeds; and (2) the promotion of the purchase of a life insurance policy in connection with stranger originated life insurance. Specifies that an insurer may seek to void a life insurance policy at any time for lack of insurable interest at the time the policy was issued.