

2009 DIGESTS OF ENACTMENTS

DIGEST OF HB 1012 (Updated March 31, 2009 3:01 pm - DI 84)

1977 pension fund disability benefit. Provides that a member of the 1977 police officers' and firefighters' pension and disability fund who receives a disability benefit based on a determination that the fund member has a Class 1 impairment or, under certain circumstances, a Class 2 impairment (disabled member) is entitled to receive the disability benefit for the remainder of the disabled member's life. (Currently, a disabled member receives a disability benefit until age 52; at 52, the disabled member's benefit is recomputed as a retirement benefit.) Provides that, upon becoming 52, the disabled member is entitled to receive a monthly supplemental benefit equal to the greater of: (1) the monthly retirement benefit that the disabled member would have received had the disabled member remained in service until retirement upon becoming 52; or (2) the monthly retirement benefit earned by a fund member with 20 years of service; reduced by the amount of any disability benefit that the disabled member is entitled to receive for life. Provides that a fund member's retirement benefit is based on: (1) the member's years of active service; plus (2) if applicable, the period, not to exceed 20 years, during which the member received disability benefits. (The introduced version of this bill was prepared by the pension management oversight commission.)

DIGEST OF HB 1014 (Updated April 29, 2009 11:54 pm - DI 84)

Age discrimination. Increases from 70 years of age to 75 years of age the maximum age limit for age discrimination claims. Repeals a provision that prohibits the commissioner of labor from publicizing age discrimination proceedings.

DIGEST OF HB 1021 (Updated April 29, 2009 2:40 pm - DI 71)

School and church bus matters. Provides that a school bus that is used as a church bus may be equipped with red lamps or flashing lights, or both, and a stop arm if the red lamps, flashing lights, and stop arm are rendered inoperable. Increases the penalty for recklessly passing a stopped school bus displaying an extended arm signal device from a Class B to a Class A misdemeanor if the offense causes bodily injury to a person. Requires a court to recommend the driving license suspension of a person who recklessly commits certain offenses resulting in bodily injury.

DIGEST OF HB 1028 (Updated April 22, 2009 1:33 pm - DI 84)

Self-directed in-home care study. Requires the area agencies on aging to study and report certain information concerning self-directed in-home care to the division of aging and requires the division to report any recommendations needed to improve the delivery of consumer directed care to the legislative council and the health finance commission not later than July 1, 2010. (The introduced version of this bill was prepared by the health finance commission.)

DIGEST OF HB 1032 (Updated April 24, 2009 10:24 am - DI 84)

Wabash River heritage corridor commission. Removes the provision that money in the Wabash River heritage corridor commission fund does not revert to the state general fund at the end of a fiscal year. Establishes the Wabash River heritage corridor fund. Deposits proceeds paid for minerals taken from beneath the navigable waters of the Wabash River in the Wabash River heritage corridor fund. Appropriates money in the fund annually. Makes a technical change.

DIGEST OF HB 1033 (Updated April 29, 2009 4:31 pm - DI 103)

Renewable energy and energy savings contracts. Requires the state utility forecasting group, in formulating suggestions concerning renewable energy resources for inclusion in its annual report, to evaluate potential renewable energy generation opportunities from biomass and algae production systems. Requires the department of agriculture, in its administration of economic development efforts for agriculture, to facilitate the use of biomass and algae production systems to generate renewable energy. Provides that the maximum term of a guaranteed energy cost savings contract or utility efficiency program is 20 years. (Current law provides for maximum terms of 10 and 15 years, respectively.) Amends the statute governing local public works projects to provide that a political subdivision or its agencies may: (1) participate in a utility efficiency program; (2) enter into a guaranteed savings contract; and (3) enter into a design-build contract instead of awarding a public works contract. Provides that the term "conservation measure" includes the installation of insulation in a political subdivision's facility. (Under current law, installing insulation is a "conservation measure" only if the insulation is installed in a school facility.)

DIGEST OF HB 1037 (Updated March 17, 2009 2:55 pm - DI 84)

Product transfer between beer wholesalers. Provides that a primary source of supply that acquires brands of beer or flavored malt beverages: (1) shall reappoint the existing beer wholesaler to distribute the brands; and (2) is prohibited from transferring the brands to another beer wholesaler; if the brands represent at least 15% of the existing wholesaler's dollar sales in the 12 months preceding the acquisition. Requires a primary source of supply that acquires brands of beer or flavored malt beverages to give a beer wholesaler notice of the primary source of supply's intent not to reappoint the wholesaler not later than 60 days after acquisition of the brands.

DIGEST OF HB 1049 (Updated March 17, 2009 3:01 pm - DI 84)

Change the name of the MRDD Commission. Changes the name of the "commission on mental retardation and developmental disabilities" to the "commission on developmental disabilities". Makes conforming changes. (The introduced version of this bill was prepared by the commission on mental retardation and developmental disabilities.)

DIGEST OF HB 1063 (Updated April 24, 2009 10:27 am - DI 84)

Youth shelters. Provides that an emergency shelter, a shelter care facility, or a program that provides services to homeless or low income individuals may provide shelter and certain other related services or items to a child without the permission of the child's parent, guardian, or

custodian. Provides immunity from civil liability for a youth shelter and its director, employees, agents, and volunteers for any act or omission related to admitting, caring for, or releasing a runaway or homeless youth.

DIGEST OF HB 1071 (Updated April 29, 2009 11:08 pm - DI 69)

Homeowners associations and model home taxation. Applies the model home property tax assessed value deduction to 2008 assessments of model homes. Applies the following provisions to a homeowners association (association) established after June 30, 2009, and allows an association established before July 1, 2009, to elect to be governed by the provisions: (1) Requires an association to maintain a current roster of all members of the association (members). (2) Requires the board of directors of the association (board) to hold a special meeting of the members if at least 10% of the members submit a written demand to the board to hold the meeting. (3) Requires an association to prepare an annual budget that must be approved by the members or by the board under certain circumstances. (4) Prohibits a board from entering into certain contracts without the approval of the affected members. (5) Prohibits an association from borrowing certain amounts of money on behalf of the association unless borrowing the money is approved by the affirmative vote of a majority of the members. (6) Provides that the governing documents of an association must include grievance resolution procedures. (7) Prohibits an association from suspending the voting rights of a member for nonpayment of annual assessments unless the assessments are delinquent for more than six months. Provides also that an association may enforce an association lien by filing a complaint in the circuit or superior court of the county where the real estate that is the subject of the lien is located if the complaint is not filed: (1) earlier than one year; and (2) later than five years; after the date the statement and notice of intention to hold a lien were recorded. Provides that an association lien is void if: (1) the owner of the real estate subject to the lien or any person or corporation having an interest in the real estate, including a mortgagee or a lienholder, provides written notice to the owner or holder of the lien to file an action to foreclose the lien; and (2) the owner or holder of the lien fails to file an action to foreclose the lien in the county where the real estate is located within one year after the date the owner or holder of the lien received notice of the lien.

DIGEST OF HB 1077 (Updated April 24, 2009 10:30 am - DI 84)

Special tool and common law liens. Establishes possession and ownership rights in special tools used for the fabrication of certain parts. Specifies procedures that must be used to establish a lien on certain special tools, and provides that a lienholder is entitled to court costs and reasonable attorney's fees incurred while enforcing the lienholder's rights. Provides a filing deadline for a common law lien, and specifies that a common law lien is void under certain circumstances.

DIGEST OF HB 1089 (Updated March 31, 2009 3:13 pm - DI 84)

Heimlich maneuver and CPR continuing education. Requires the continuing education program of a city, town, and county law enforcement agency to include training in cardiopulmonary resuscitation (CPR) and the Heimlich maneuver.

DIGEST OF HB 1090 (Updated April 27, 2009 12:16 pm - DI 84)

Primary motor vehicle coverage. Specifies the motor vehicle insurance coverage that is primary for passengers in a motor vehicle.

DIGEST OF HB 1094 (Updated April 29, 2009 11:53 am - DI 84)

Property tax assessments and notices. Requires that real property be valued for property tax assessment purposes as of the assessment date. Eliminates: (1) the requirement for the county auditor to mail an annual information statement to each person liable for property taxes; and (2) the alternative property tax assessment appeal deadline based on the mailing date of the county auditor's statement. Provides that a notice of assessment or reassessment and a property tax bill must include certain information concerning assessment appeals, including a notice that an appeal requires evidence relevant to the true tax value of the taxpayer's property as of the assessment date that is the basis for the estimated taxes payable on that property. Voids rules and guidelines that require assessing officials to value real property on a date that is different from the assessment date to which the value applies. Provides an exemption to the deadlines specified by law for the adoption of certain rules and certain other actions in order to bring the rules and actions into conformity with the change in valuation date.

DIGEST OF HB 1096 (Updated April 28, 2009 11:31 am - DI 84)

Mortgage deduction application. Provides that a sales disclosure form properly filed by the purchaser of a residence constitutes an application for the property tax standard deduction. Provides two ways of applying for a mortgage deduction: (1) the person recording the mortgage, contract, or memorandum may file a statement with the county recorder for real property or with the county auditor for a mobile home not assessed as real property or a manufactured home not assessed as real property; or (2) the person claiming the mortgage deduction may file a statement with the county auditor. Provides that a real estate closing agent is not liable for any damages claimed by the property owner or contract purchaser because of any problem with the filing of a claim for the mortgage property tax deduction with a county recorder.

DIGEST OF HB 1097 (Updated April 29, 2009 9:01 pm - DI 69)

Various environmental matters. Provides that, beginning September 1, 2009, if a campground in a conservancy district is billed for sewage service at a flat rate, the campground may instead elect to be billed for the sewage service by installing, at the campground's expense, a meter to measure the actual amount of sewage discharged by the campground into the district's sewers. Requires the state department of health (SDOH) to adopt rules concerning indoor air quality in schools and state agencies. Provides that after the SDOH inspects a school or state agency for indoor air quality as the result of a complaint, the SDOH must report certain information. Provides that such a complaint must be in writing and may be made by electronic mail. Allows the SDOH to release the name of a complainant only if the complainant has authorized the release in writing. Requires the SDOH to post minutes of each meeting of the air quality panel on the SDOH web site not later than 45 days after the meeting. Requires the SDOH to: (1) distribute a manual of

best practices for managing indoor air quality at schools and allows SDOH to use a manual developed by other states and federal health and environmental agencies; and (2) review and revise the manual at least once every three years. Provides that, after June 30, 2009, if the SDOH amends the rules concerning health and safety requirements for school buildings and school sites, the SDOH must consider the effects of outdoor air quality when establishing criteria for school siting. Authorizes a board of sanitary commissioners or a board of public works to: (1) provide financial assistance for the installation of certain sewage works in private dwellings; and (2) establish a user fee to pay for the financial assistance.

DIGEST OF HB 1107 (Updated April 2, 2009 2:45 pm - DI 84)

Compact for education for military children. Enacts the Interstate Compact on Educational Opportunity for Military Children. Provides for the coordination of efforts among state agencies and other states to facilitate the transfer of students of military families between schools, including the transfer of educational and other records. Provides for the recognition of coursework to facilitate timely graduation of students of military families.

DIGEST OF HB 1116 (Updated March 31, 2009 3:15 pm - DI 84)

Report of missing persons to national data base. Provides that a law enforcement agency that receives a report of a missing person may notify and request assistance from the state police department. Requires a law enforcement agency that receives a report of a missing person to enter information that relates to the missing person into the National Crime Information Center's data base not later than two hours after the report of the missing person is received. Permits a law enforcement agency that receives a report of a missing person to notify law enforcement agencies in another state if the state police department believes that the notification will assist in locating the missing person. Makes other changes.

DIGEST OF HB 1121 (Updated April 28, 2009 11:27 am - DI 84)

Identity deception. Creates the identity theft unit (unit) in the office of the attorney general, and specifies that the unit shall: (1) investigate consumer complaints related to identity theft; (2) assist victims of identity theft; (3) cooperate with law enforcement investigations related to identity theft; (4) assist state and federal prosecuting attorneys in the investigation and prosecution of identity theft; and (5) promptly notify the appropriate law enforcement agency and prosecuting attorney if there is reasonable suspicion to believe that a person has committed identity theft. Authorizes certain agencies and persons to cooperate with the unit in investigating identity theft, and authorizes a prosecuting attorney to deputize the attorney general or a deputy attorney general to assist in the prosecution of an identity theft case. Provides that the unit may establish an educational program to inform consumers concerning identity theft. Requires the owner of a data base to notify the attorney general and the owner's regulator, if applicable, of a breach of the security of data. Requires a data base owner to take certain steps to safeguard data unless the data base owner has its own safeguards in accordance with certain federal laws. Provides certain rights to the victims of identity theft. Increases the penalty for identity deception committed against the person's child to a Class C felony. Provides that unlawfully using

identifying information that identifies a fictitious person or a person other than the person who is using the information but that does not belong in its entirety to any live or deceased person constitutes synthetic identity deception. Makes conforming amendments.

DIGEST OF HB 1123 (Updated April 29, 2009 11:08 pm - DI 84)

Traffic matters. Requires that, after June 30, 2011, there must be: (1) a sign at or as near as practical to the point where a school zone begins, indicating the reduced speed limit for the school zone; and (2) a sign at the end of the school zone indicating the end of the school zone. Provides that a privately owned emergency vehicle may display green light emitting diodes (LEDs) instead of a standard bulb with a green lens.

DIGEST OF HB 1130 (Updated April 29, 2009 11:07 pm - DI 84)

Drivers licenses. Adds provisions concerning licenses, permits, and identification cards for aliens lawfully admitted for temporary residence in the United States. Provides that if an individual is temporarily residing outside Indiana because of service in the armed forces of the United States, the individual's driver's license (which includes any type of license authorizing the operation of a motor vehicle on public streets and highways), despite expiring, remains valid for 90 days following the individual's discharge from service in the armed forces. (Current law similarly provides for a 90 day period of post-discharge validity, but it applies only to an individual's operator's license.) Allows the bureau of motor vehicles to adopt rules concerning the renewal of licenses by mail or electronic service. Makes a technical correction and corresponding changes in related sections.

DIGEST OF HB 1132 (Updated April 29, 2009 4:34 pm - DI 106)

Department of correction and police powers. Authorizes the commissioner of the department of correction to appoint certain individuals as correctional police officers. Requires a correctional police officer to complete a pre-basic training course approved by the law enforcement training board and any other training course established by the department of correction in conjunction with the law enforcement training board. Grants correctional police officers police powers, but only: (1) in connection with offenses committed on the property of the department of correction; (2) in connection with an offense involving an offender who is committed to the department; (3) in connection with an offense committed in the presence of an officer; or (4) while assisting another law enforcement officer who has requested the assistance of the correctional police officer. Establishes the correctional peace officer's fund to provide monetary assistance, including tuition assistance, to a correctional employee or to a member of the family of a correctional employee. Specifies that the fund consists of: (1) grants; (2) donations; (3) employee contributions; and (4) appropriations made to the fund; and that monetary assistance may be paid from the fund to a correctional employee or to a member of the family of a correctional employee if the employee or employee's family member attends a postsecondary educational institution, the employee suffers a loss as the result of a natural disaster, or the employee is killed or injured in the line of duty. Prohibits an owner or agent of a store from asking a person to make a statement that acknowledges that the person shoplifted in the store or waives any of the person's legal rights

if: (1) the person is less than 18 years of age; and (2) the person has not been afforded meaningful consultation with his or her parent, guardian, custodian, or guardian ad litem. Makes a technical correction. (The introduced version of this bill was prepared for the sentencing policy study committee.)

DIGEST OF HB 1133 (Updated April 23, 2009 1:20 pm - DI 84)

State employee job evaluation system. Urges the legislative council to assign to the pension management oversight commission the study of the feasibility of the state personnel department conducting an analysis of certain state employee job evaluation issues.

DIGEST OF HB 1135 (Updated April 22, 2009 1:35 pm - DI 84)

Veterans' benefits. Provides that the purpose of the military family relief fund is to provide short term financial assistance to certain service members or the families of certain service members for hardships resulting from the service members' active duty service. Adds a definition for a "dependent". Allows a qualified service member and the dependents of a qualified service member serving in active component of the armed forces to apply for grants from the military family relief fund. (Current law provides that assistance from the fund is available only to families of members of the armed forces reserves or the National Guard who are called to active duty.) Provides that the military family relief fund may be used to provide assistance for educational or workforce expenses. Provides that a member of the armed forces or National Guard must serve on active duty during a period of national conflict or war to be eligible for a grant from the military family relief fund. Provides that a qualified service member or the dependents of a qualified service member may be eligible to receive assistance from the military family relief fund for up to one year after the earlier of: (1) the end of the qualified service member's active duty; or (2) the cessation of the national conflict or war with respect to which the qualified service member is eligible for assistance. Requires the transfer of money in the military family relief fund that is not being used to provide assistance or meet other obligations to the veterans' affairs trust fund. Provides that the purpose of the veterans' affairs trust fund is to create a self-sustaining funding source for the military family relief fund. (Under current law, the purpose is to provide assistance to veterans and their families.) Makes related changes.

DIGEST OF HB 1162 (Updated April 29, 2009 11:12 pm - DI 52)

Environmental matters. Provides that: (1) if a person has been issued a permit by the department of environmental management (IDEM) to construct, install, or operate a facility, equipment, or a device, the person may not start the construction, installation, operation, or modification of the facility, equipment, or device until the person has obtained any approval required by any county, city, or town in which the facility, equipment, or device is located; and (2) the approval referred to is an approval required by ordinance, rule, or regulation in effect at the time of the permit application. Allows the board of a regional water, sewer, or solid waste district to adopt an ordinance allowing payment of certain claims in advance of board allowance. Amends the definition of "restrictive covenant". Amends the definitions of "owner" and "operator" for purposes of exceptions to liability for releases from underground storage tanks (UST) and of

"owner or operator" for purposes of exceptions to liability for releases of petroleum. Expands the application of remediation and closure goals, objectives, and standards. Eliminates the authority of IDEM to approve environmental restrictive covenants and delineates the authority of IDEM to enforce covenants. Requires IDEM to review and act on activities and land use restrictions proposed as part of certain actions to be included in a restrictive covenant. Provides that a covenant not to sue does not apply to future liability for a condition on property involved in a voluntary remediation work plan only if the condition was present on the property at the time IDEM issued the certificate of completion. Allows IDEM to include in a certificate of completion or a covenant not to sue conditions that must be performed or maintained after issuance of the certificate or covenant. With respect to local ordinances that establish certain land use restrictions, requires that a municipal corporation give notice to IDEM not later than 60 days before amendment or repeal and to IDEM not later than 30 days after passage, amendment, or repeal. Allows IDEM to waive the 60 days notice requirement. Requires IDEM to consider and give effect to environmental restrictive ordinances in evaluating risk based remediation proposals. Provides that the remediation and closure goals, objectives, and standards for all remediation projects conducted under hazardous waste management, UST, petroleum, and hazardous substances response trust fund statutes must be consistent with the remediation objectives applicable to voluntary remediation work plans. Adjusts the circumstances under which additional action is not necessary after creation of a voluntary remediation work plan and the factors on which risk based remediation objectives based on site specific risk assessments must be based. Requires IDEM to consider and give effect to environmental restrictive covenants in evaluating risk based remediation proposals. Requires IDEM in the establishment of the total maximum daily load (TMDL) for a surface water to make every reasonable effort, when IDEM identifies the surface water, to identify the pollutant under consideration for the establishment of the TMDL. Establishes procedures IDEM must follow if IDEM: (1) is unable to identify the pollutant and later identifies one or more pollutants; or (2) identifies the pollutant and later identifies one or more other pollutants. Provides that each exceptional use water designated by the WPCB before June 1, 2009, becomes an outstanding state resource water on June 1, 2009, by operation of law. Repeals the definition of exceptional use water, and eliminates all references to that term. Specifies the classifications of all waters of the state. For all waters of the state, requires IDEM to complete an antidegradation review of the rules of the WPCB that authorize National Pollutant Discharge Elimination System (NPDES) general permits. Permits the WPCB to modify those rules for purposes of antidegradation compliance. Provides that after an antidegradation review of a rule is conducted, activities covered by an NPDES general permit authorized by that rule are not required to undergo an additional antidegradation review. Provides that an NPDES general permit may not be used to authorize a discharge into an outstanding national resource water (ONRW) or an outstanding state resource water (OSRW), except that a short term, temporary storm water discharge to an ONRW or to an OSRW may be permitted under an NPDES general permit if the IDEM commissioner determines that the discharge will not significantly lower the water quality downstream of the discharge. Establishes the factors the IDEM commissioner must consider in antidegradation reviews for certain NPDES permits. Establishes a deadline for IDEM to complete the antidegradation review and to act on applications for approval of associated NPDES permits. Allows the IDEM commissioner to extend for cause for not more than 90 days the deadline for IDEM to adopt antidegradation standards and implementation procedures. Requires the IDEM commissioner to annually report

to the environmental quality service council (EQSC) plans for the use and implementation of the outstanding state resource water improvement fund and the balance in the fund. Requires the EQSC to study: (1) the advisability of establishing an institutional control registry an environmental trust fund; and (2) the feasibility of incorporating notice of restrictive covenants and environmental restrictive ordinances into the "One Call" system.

DIGEST OF HB 1165 (Updated April 22, 2009 1:37 pm - DI 84)

Public safety survivors tuition and fee exemption. Exempts the children of a public safety officer who is killed in the line of duty from the payment of tuition and regularly assessed fees for up to eight semesters at a state educational institution or technical school. Provides that the exemption applies to a child who is younger than 24 years of age on the date of the public safety officer's death, and limits the amount of the exemption to the cost of an undergraduate credit hour at the state educational institution or technical school where the child enrolls. (Currently, the children must be younger than 23 years of age to use the benefit.)

DIGEST OF HB 1175 (Updated April 28, 2009 11:35 am - DI 84)

Victims' rights. Provides that if a motion is made to postpone a trial or other court proceeding involving certain offenses, the court shall consider whether a postponement will have an adverse impact on certain victims. Provides that a victim has the right to be free from intimidation, harassment, and abuse throughout the criminal justice process. Specifies that "defense counsel" includes an agent for defense counsel or for a defendant. Provides that, if defense counsel would like to interview a child less than 16 years of age who is a victim or alleged victim of a sex offense, defense counsel must contact the prosecuting attorney. Specifies that the prosecuting attorney may not instruct the child not to speak with defense counsel. Authorizes a court to impose reasonable conditions on an interview if the parties are unable to reach an agreement on the conditions of the interview without the intervention of the court.

DIGEST OF HB 1176 (Updated April 22, 2009 1:39 pm - DI 84)

Residential mortgage lending practices. Provides that in the case of a first lien mortgage transaction or a home loan that: (1) is closed after June 30, 2009; and (2) has an interest rate that is subject to change during the term of the loan; the creditor may not contract for and may not charge the debtor or borrower a prepayment fee or penalty. Provides that a person shall not corrupt or improperly influence, or attempt to corrupt or improperly influence, a real estate appraiser or an appraisal. Provides that a proposed new notice that is to be: (1) prescribed by the attorney general's homeowner protection unit; and (2) provided by a creditor to a prospective borrower not later than three business days after the creditor's receipt of the borrower's mortgage loan application; must include a statement of a borrower's right under the federal Real Estate Settlement Procedures Act to inspect the HUD-1 or HUD-1A settlement statement during the business day immediately preceding settlement. Provides that the annual report provided by the mortgage lending and fraud prevention task force to the legislative council must include the following information for the most recent state fiscal year: (1) The number of complaints or reports received by the unit concerning suspected violations of the prohibition against corrupting

or improperly influencing a real estate appraiser or an appraisal. (2) A breakdown of the sources of the complaints or reports, based on the complainants' interest in or relationship to the real estate transactions upon which the complaints or reports are based. (3) A description of any disciplinary or enforcement actions taken, or criminal prosecutions pursued, in connection with the complaints or reports received. Sets forth certain penalties and enforcement procedures for violations of the provisions concerning real estate appraisals. Requires a foreclosure consultant to retain all records related to services performed on behalf of a homeowner for at least three years after the termination or conclusion of the foreclosure consultant contract. Prohibits a person from engaging in, or soliciting to engage in, a real estate or mortgage transaction without a permit or license required by law. Prohibits a person from making certain representations with respect to: (1) a mortgage or real estate transaction; or (2) the property that is the subject of the transaction; if the representation is not true and the person knows or reasonably should know that the representation is not true. Provides that a practitioner of a licensed profession who has been subjected to disciplinary sanctions by the board that regulates the profession may be required to pay the costs of any real estate review appraisal obtained in connection with the disciplinary proceedings. Provides that a violation of the statutes concerning: (1) credit service organizations; and (2) mortgage rescue protection fraud; by a person licensed or required to be licensed as a real estate salesperson or broker is a violation of the statute governing the regulation of real estate salespersons and brokers and is subject to certain specified enforcement procedures and sanctions. Specifies that the board that regulates a licensed profession may not approve the surrender of a practitioner's license if the attorney general's office: (1) has filed an administrative complaint concerning the practitioner's license; and (2) opposes the surrender.

DIGEST OF HB 1180 (Updated April 28, 2009 11:46 am - DI 84)

Computer merchandise hoarding. Makes it is a Class A misdemeanor to purchase, use, or distribute software designed to bypass an access control system used by the owner of a computer system to limit the amount of merchandise that one person may purchase over a computer network. Establishes a defense if the software is used with the permission of the owner of the computer system or if the software is used for educational or scientific purposes.

DIGEST OF HB 1182 (Updated April 23, 2009 1:23 pm - DI 84)

Health care services for county prisoners. Specifies reimbursement and other requirements related to the provision of health care services to certain county prisoners.

DIGEST OF HB 1191 (Updated April 24, 2009 10:36 am - DI 84)

Fertilizer law matters. Provides that the state chemist may allow the use of technologies or methods that are not specified in rules to handle or use ammonia and ammonia solutions. Makes the violation of certain agriculture ammonia laws a Class C misdemeanor (current law imposes a Class C infraction) and provides that the penalty applies for a knowing or intentional violation. Amends various definitions to specify that the terms apply to commercial fertilizer or fertilizer material. Provides that fertilizer material must have nutrient value. Requires containers that contain commercial fertilizer to have certain information on or affixed to the package. Provides

that the members of the fertilizer advisory board who are not state employees are reimbursed for expenses under the travel policies of Purdue University. Allows the state chemist to adopt rules concerning the distribution of fertilizer material. Requires the state chemist to adopt rules to: (1) establish certification and educational programs for persons who apply fertilizer material, transport fertilizer material, or both, to the extent that the activity is for hire or the fertilizer material is from a confined feeding operation (CFO) or from an operation outside Indiana that would be a CFO if it were located in Indiana; and (2) establish fees for the certification and educational programs. Provides that the state chemist may waive all or part of the certification requirements on a reciprocal basis with any state agency or federal agency that has substantially the same certification standards. Amends the definition of CFO to be consistent with the federal definition of "concentrated animal feeding operation" (CAFO) and eliminates the separate CAFO references in the requirement that the department of environmental management approve construction of a CFO. Provides for certification and educational program fees to be deposited with the treasurer of Purdue University. Requires an annual financial report to be submitted to the governor. Allows the state chemist to impose civil penalties for violations of the commercial fertilizer laws. Authorizes the state chemist, on recommendation of the fertilizer advisory board, to adopt rules establishing a schedule of civil penalties that may be imposed. Makes technical and conforming changes. Repeals penalties for certain violations.

DIGEST OF HB 1193 (Updated March 17, 2009 3:30 pm - DI 84)

E85 fueling station grant program. Adds school corporations, colleges, and universities to the list of entities that are eligible to apply for a grant under the E85 fueling station grant program.

DIGEST OF HB 1194 (Updated April 14, 2009 6:46 pm - DI 84)

Disproportionate share payments program study. Requires the office of Medicaid policy and planning to develop, maintain, and use a computer system to store specified documents concerning the disproportionate share hospital payment program. Establishes the interim study committee on Medicaid supplemental programs to study specified issues. Requires the legislative evaluation and oversight policy subcommittee to study specified programs relating to the disproportionate share hospital payment program in 2009 and 2010 and to report its findings by July 1, 2010. (The introduced version of this bill was prepared by the select joint commission on Medicaid oversight.)

DIGEST OF HB 1198 (Updated April 22, 2009 1:41 pm - DI 84)

Technical corrections. Technical corrections bill. Resolves: (1) conflicts between differing 2008 amendments to Indiana Code sections; and (2) numerous other technical problems in the Indiana Code. (The introduced version of this bill was prepared by the code revision commission.)

DIGEST OF HB 1200 (Updated April 24, 2009 10:39 am - DI 84)

Physical examinations of bus drivers. Allows a physician who is licensed in Indiana or a state bordering Indiana to certify that an individual is physically able to drive a school bus. (Under

current law, the certifying physician must be licensed in Indiana.)

DIGEST OF HB 1203 (Updated April 2, 2009 2:55 pm - DI 84)

Invasive species council. Establishes the invasive species council within the Purdue University School of Agriculture. Staggers the initial terms of the appointed council members. (The introduced version of this bill was prepared by the natural resources study committee.)

DIGEST OF HB 1204 (Updated March 31, 2009 3:26 pm - DI 84)

Clean water Indiana fund. Provides that money in the clean water Indiana fund does not revert to any fund at the end of a fiscal year but remains available for use for the purposes of the fund.

DIGEST OF HB 1205 (Updated April 22, 2009 1:43 pm - DI 84)

Injured volunteer firefighters. Provides that the state, a political subdivision, or a private employer may not discipline an employee who is a member of a volunteer fire department and who is injured or absent from work because of an injury that occurs while the employee is engaged in emergency firefighting or emergency response activities. Provides that the period in which the employee may not be disciplined for an absence because of an injury may not exceed six months from the date of the injury. Provides that the employer may require the injured employee to provide evidence from a physician or other medical authority showing: (1) treatment for the injury at the time of the absence; and (2) a connection between the injury and the employee's emergency firefighting or emergency response activities. Requires the employer, to the extent required by federal or state law, to retain information about the injury in a separate medical file and to treat the information as a confidential medical record. Allows an injured employee to use sick leave when the employee is absent from work because of an injury that occurs while the employee is engaged in emergency firefighting or emergency response activities. Requires an employer to administer the absence in a manner consistent with the federal Family and Medical Leave Act.

DIGEST OF HB 1210 (Updated April 29, 2009 5:47 pm - DI 14)

Mental health and health. Creates the mental health services development program to provide incentives to attract psychiatrists, psychologists, psychiatric nurses, and public sector psychiatrists to practice in Indiana. Creates the mental health services development programs board (board) to administer the programs. Creates the mental health services loan forgiveness account and the public sector psychiatry development program account within the state general fund to provide funding for the programs. Requires the board to develop a public sector psychiatry residency tracking program. Establishes the mental health corrections quality advisory committee. Creates a multiagency task force on workforce development issues relating to individuals with mental health and addictions issues. Provides for the closing of a juvenile proceeding during the testimony of health care providers and certain other providers. Establishes the primary care physician loan forgiveness program and the primary care physician loan forgiveness fund. Specifies qualifications to receive a student loan forgiveness payment from the

fund.

DIGEST OF HB 1218 (Updated March 24, 2009 3:46 pm - DI 84)

Grain indemnity fund. Makes a change to the grain indemnity board. Increases by \$5,000,000 the amount of money that must be in the grain indemnity fund: (1) before expenses of administering the fund may be taken from the fund; (2) before funds cease to be collected and then collection is reinstated; and (3) before the board may not require the collection of a producer premium.

DIGEST OF HB 1219 (Updated April 22, 2009 1:46 pm - DI 84)

Grain buyers and warehouse licensing. Makes various changes regarding the grain buyers and licensing warehouse agency. Makes changes to the definition of "warehouse". Provides procedures for an annual renewal of an application. Authorizes the grain buyers and warehouse licensing agency to assess penalties for late application renewals. Allows the director of the grain buyers and warehouse licensing agency to prorate certain annual licensing fees. Provides that the grain buyers and warehouse licensing agency may disclose the names of grain buyers or warehouses and the county where they are located. Allows the grain buyers and warehouse licensing agency to accept other forms of surety to show a grain buyer's or warehouse's net worth that are permitted under the rules of the agency.

DIGEST OF HB 1224 (Updated April 24, 2009 10:41 am - DI 84)

Water resources task force. Creates a ten member water resources task force (task force) to study and make recommendations concerning water availability as an economic and environmental necessity. Provides that appointments to the task force are made by the director of the department of natural resources (DNR), provides that the director of DNR is a nonvoting member, and requires DNR to staff the task force. Provides that a member must attend a minimum of 50% of the meetings of the task force or be replaced. Requires certain state agencies to designate a representative to advise the task force. Permits invitation of representatives of other state and federal agencies to advise the task force. Requires the task force to make an annual report of its activities to the water resources study committee and the legislative council. Requires the water resources study committee to study the regulation of residential irrigation system installations and ground water preservation and protection.

DIGEST OF HB 1230 (Updated April 29, 2009 4:39 pm - DI 87)

Publication of notices. Requires a notice published in a newspaper to also be posted on the newspaper's Internet web site, if the newspaper maintains an Internet web site. Prohibits a newspaper from charging a fee for posting of the Internet notice. Eliminates the requirement that a city publish the ordinance setting the salaries of elected city officers. Requires all political subdivisions with a budget of at least \$300,000 and the power to levy a tax to publish an annual report (if not required under any other statute to publish an annual report). Allows the officers of a political subdivision publishing notice to publish in only one newspaper in the political subdivision (instead of two newspapers), if only one newspaper is published in the political

subdivision. After December 31, 2009, allows a newspaper or qualified publication to annually increase the basic publication charges that were in effect during the previous year by not more than 2.75%. Requires public notice advertisements to be in at least 7 point type. Eliminates the requirement that counties publish claims (except for court allowances) before payment. (Current law does not require municipalities to follow this procedure.) Allows the board of public works and safety of a third class city to consist of three or five members (as determined by the mayor). Requires a second class city and a third class city to publish notice that the total number of board members has been increased or decreased.

DIGEST OF HB 1243 (Updated April 27, 2009 11:45 am - DI 84)

Requires an individual elected to the office of county surveyor after June 30, 2009, to complete at least 24 hours of training related to land surveying within two years after taking office. Requires an individual elected to the office of the county recorder after June 30, 2009, to complete at least: (1) 15 hours of training courses within one year; and (2) 40 hours of training courses within three years after beginning the county recorder's term. Provides that the county surveyor and county recorder training will be developed by the Indiana Association of Counties and approved by the state board of accounts.

DIGEST OF HB 1246 (Updated April 23, 2009 1:38 pm - DI 84)

Use of credit information by insurance companies. Removes a requirement that certain insurers recalculate an insurance score or obtain updated credit information every 36 months. Prohibits use of late medical payments as a negative factor in insurance underwriting or rating.

DIGEST OF HB 1258 (Updated March 24, 2009 3:51 pm - DI 84)

Parking with former prisoner of war or disabled veteran plates. Provides that a person issued a former prisoner of war license plate may not be charged: (1) a fee for parking the vehicle displaying the license plate in a metered space; or (2) a penalty for parking the vehicle displaying the license plate in a metered space for longer than the time permitted. Amends a similar provision relating to parking with disabled veteran plates to make the statutes consistent.

DIGEST OF HB 1271 (Updated April 29, 2009 11:09 pm - DI 84)

Retail consignment sales. Provides that if a person delivers an item with a value of at least \$50 to a retail merchant for exhibition or sale on commission, the item is considered to be for sale on consignment unless the person is paid in full upon delivery. Provides that the item and the proceeds due the consignor from the sale of the item are property held in trust for the consignor by the retail merchant and are not subject to seizure or encumbrance by a creditor of the retail merchant. Permits a retail merchant to accept an item for consignment only if a written contract containing certain provisions is executed. Specifically exempts items sold at auction from the non-tax provisions of this act, and specifies that if a provision of this act conflicts with the Uniform Commercial Code (UCC), the UCC controls. Requires a retail merchant that is a consignee to collect and remit the state gross retail tax on the gross retail income received in a

consignment sale. Requires the retail merchant to provide a consignor customer an invoice that shows that the state gross retail tax was paid to the consignee retail merchant with a clear notation on the invoice that the item was a consignment sale by the retail merchant on behalf of the seller to the purchaser.

DIGEST OF HB 1278 (Updated April 29, 2009 10:36 pm - DI 103)

Water and utilities. Specifies the procedures by which a municipality may exercise the power of eminent domain to acquire the property of a public utility. Provides that a municipality: (1) may recover costs associated with acquiring utility property through reasonable rates and charges; and (2) may not impose additional rates or charges to pay for costs associated with acquiring the property by condemnation. Repeals provisions that: (1) permit a public utility to seek judicial review of the public convenience and necessity of the acquisition of the public utility's property by a municipality; and (2) require voter approval of the acquisition by purchase or condemnation of the property of a public utility. Urges the legislative council to assign to a study committee the topic of water rights, drainage, and utilities.

DIGEST OF HB 1285 (Updated April 23, 2009 1:40 pm - DI 84)

Various gaming matters. Specifies that the gaming commission may require an individual to submit the individual's Social Security number in the course of an investigation. Requires licensed owners, operating agents, permit holders, and applicants to submit a proposed power of attorney to the gaming commission. Provides that the power of attorney must designate a trustee to operate the principal's riverboat or slot machine facility on behalf of the principal if certain events occur. Provides that the gaming commission must approve the trustee and the powers delegated to the trustee in the power of attorney. Specifies the conditions under which the trustee may conduct gambling operations on a riverboat or at a racetrack. Consolidates licensing requirements for riverboat and slot machine facility suppliers. Increases the suppliers' initial license fees and annual renewal fees from \$5,000 to \$7,500. Authorizes the gaming commission to issue an occupational license that is valid for one, two, or three years after the date of issuance. Transfers duties concerning the gaming integrity fund from the gaming commission to the horse racing commission. Provides that a unit that receives county slot machine wagering fee revenue shall establish a fund, separate from the unit's general fund, into which the revenue shall be deposited. Provides that county slot machine wagering fee revenue (as well as riverboat gaming revenue, under current law), may be donated to a public school endowment corporation or a charitable nonprofit community foundation under certain conditions.

DIGEST OF HB 1286 (Updated April 28, 2009 3:06 pm - DI 92)

Gaming. Extends the period in which an instant prize may be claimed from 60 to 180 days after the end of the lottery game. Requires the lottery commission to deduct from a lottery prize the amounts intercepted by law for payment to the state and to pay the balance of the prize to the prize winner. (Current law requires the lottery commission to transfer the prize to the auditor of state, who makes the deduction and pays the balance to the prize winner.) Provides that the right to a prize in the state lottery is not considered an account for purposes of the Uniform

Commercial Code. (This provision eliminates a conflict between the lottery law, which does not permit the right to a prize to be assigned, and the Uniform Commercial Code, which does.) Specifies the manner in which qualified drawings may be conducted. Amends the definition of "qualified organization" to enable an organization that reorganizes or changes its name to obtain, if certain conditions are met, a charity gaming license under the new name. Specifies when a festival worker may participate as a player in gaming activity offered at the festival. Provides that identifying information of an operator or a worker submitted to the gaming commission on an application for a license is confidential. Provides that only fraternal and veteran organizations may apply for an annual charity game night license. Specifies that a facility or location may not be used or rented for purposes of conducting an annual charity game night event on more than three calendar days per calendar week. Provides for a new retailer's endorsement renewal fee schedule and requires that the fee be submitted with the renewal form.

DIGEST OF HB 1287 (Updated April 24, 2009 10:46 am - DI 84)

Various probate and trust issues. Provides that a person who knowingly or intentionally uses or disburses funds in certain trust or escrow accounts for purposes other than the accounts' lawful purposes commits a Class C felony. Provides that the violation, a similar violation involving cemetery perpetual care funds, and violations of similar provisions in the funeral trust laws constitute racketeering activity. Provides that property involved with the violations may be seized under the civil forfeiture law. Specifies that damages paid to a plaintiff's estate in a personal injury case maintained by the personal representative of a plaintiff who dies from causes other than the personal injury are subject to the statutes governing the inheritance tax, the Indiana estate tax, and the generation skipping transfer tax. Requires a person paying the damages to notify the department of state revenue of the payment within ten days. Requires the department to notify the county assessor of the county in which the plaintiff was domiciled at the time of the plaintiff's death. Specifies the methods of satisfying the survivors' allowance. Provides separate procedures for the petitioned removal of a corporate personal representative following a change in the control of the corporate personal representative. Changes the mailing requirements for opening an estate or guardianship from certified mail to first class postage prepaid mail. Provides the method for determining the amount a joint owner or beneficiary of a protected person's multiple party account is entitled to receive from the protected person's estate when a guardian has used assets of the multiple party account. Makes numerous changes and additions to the power of attorney statutes. Specifies mailing address requirements for recording conveyances. Specifies that the statute of limitations period for the criminal offenses of misusing funeral trust or preneed escrow accounts is five years after the date of the death of the settlor or purchaser. Specifies that the statute of limitations period for the criminal offense of misusing a cemetery perpetual care fund is five years after the earlier of: (1) the date the state discovers evidence of the offense; or (2) the date the state could have discovered evidence of the offense through due diligence. Provides the method for determining the amount a joint owner or beneficiary of a protected person's multiple party account is entitled to receive from the protected person's estate when a guardian has used assets of the multiple party account. Authorizes individuals to designate beneficiaries to receive certain forms of property, including real property, upon the death of the individual. Establishes a statutory form for a funeral planning declaration that allows a person to provide instructions concerning the person's funeral arrangements. Provides that the

declaration may be used to designate an individual who will make arrangements after the person's death. Provides that a person designated in a funeral planning declaration is first in the priority and that a person designated in a health care power of attorney is second in the priority of individuals who can authorize the cremation of another person's remains and who may authorize the owner of a cemetery to inter, entomb, or inurn the body or cremated remains of a deceased human. Specifies that a person acting as the attorney in fact under a health care power of attorney has the power to execute a funeral planning declaration on behalf of the principal. Provides that a person who relies in good faith on a funeral planning declaration is immune from liability to the same extent as if the person had dealt directly with the declarant and the declarant had been a competent and living person. Revises the law governing trusts to: (1) provide separate allocation procedures for payments made to a marital trust; and (2) permit the charging of tax payments to principal to the extent that receipts are allocated to principal. Specifies the transitional provisions. Provides that the chairman and vice chairman of the probate code study commission are appointed to serve two year terms. Makes a technical correction. (Repeals obsolete provisions). (The introduced version of this bill was prepared by the probate code study commission.)

DIGEST OF HB 1289 (Updated April 21, 2009 1:42 pm - DI 84)

Coordination of programs for vulnerable individuals and high ability students. Creates the board for the coordination of programs serving vulnerable individuals to coordinate the delivery of services to vulnerable individuals in need of services. Requires the board to oversee the implementation of the recommendations made by the commission on disproportionality in youth services. Requires a school corporation, in its local plan to provide appropriate educational experiences to high ability students, to include best practices to increase the number of participants in high ability student programs who are from racial and ethnic groups that have been underrepresented in those programs.

DIGEST OF HB 1292 (Updated March 24, 2009 4:00 pm - DI 84)

Pharmacy record audits. Specifies requirements for the conduct of a pharmacy audit and the appeal of the results of a pharmacy audit. Specifies exceptions for the Medicaid program.

DIGEST OF HB 1300 (Updated April 29, 2009 10:41 pm - DI 97)

Health plan requirements and study. Requires certain insurers and health maintenance organizations to submit certain data and information to the insurance commissioner. Requires the insurance commissioner to study the submissions and make certain actuarial determinations and report to the health finance commission. Requires certain insurer and health maintenance organization notice to covered individuals concerning claim payments. Requires the health finance commission to study certain issues during the 2009 interim and report to the legislative council.

DIGEST OF HB 1309 (Updated April 28, 2009 11:49 am - DI 84)

Farmer markets and roadside stands. Exempts an individual vendor of a farmer's market or roadside stand from the definition of food establishment if the food product: (1) is made by the individual at the individual's primary residence; (2) is not a potentially hazardous food product; (3) includes a label setting forth specified information; (4) is prepared by an individual who practices proper sanitary procedures; and (5) is not resold. Allows the state department of health to inspect an individual vendor under certain conditions. Allows the state health commissioner to develop guidelines for individual vendors.

DIGEST OF HB 1311 (Updated April 29, 2009 4:45 pm - DI 97)

Hearing aid assistance. Establishes the hearing aid assistance fund and hearing aid assistance program to be administered by the state department of health to assist certain children with payment for hearing aids. Annually appropriates the money in the fund. Allows the state department of health to create a hearing aid refurbishing program.

DIGEST OF HB 1323 (Updated April 29, 2009 11:10 pm - DI 84)

Various motor vehicle matters. Allows a person who drives an authorized emergency vehicle to execute a lawful intervention technique involving a fleeing motor vehicle if the person has completed a training course that instructs participants in the proper execution of lawful intervention techniques. Requires the driver of a school bus to stop the school bus before crossing certain railroad tracks. (Current law requires the driver to stop only when carrying a passenger.) Authorizes an individual less than 18 years of age to operate a motor vehicle in which there are passengers if the licensed operator is accompanied by a parent, guardian, or stepparent of the operator.

DIGEST OF HB 1326 (Updated April 15, 2009 11:24 am - DI 84)

Precinct election officers. Provides that any precinct election officer may ask a voter to show proof of identification.

DIGEST OF HB 1331 (Updated March 24, 2009 4:02 pm - DI 84)

Body armor for police officers. Provides that a city, county, or town (unit) shall provide an active member of the police department of the unit with body armor for the torso (armor). Requires a unit to replace armor according to the replacement period recommended by the manufacturer of the armor. Makes technical corrections. Makes a conforming amendment. Provides that a unit cumulative capital improvement fund may be used to purchase body armor for active members of a police department.

DIGEST OF HB 1339 (Updated April 29, 2009 5:06 pm - DI 71)

Child restraint systems; special purpose buses. Repeals and revises the child restraint system law to eliminate certain exceptions for drivers from outside Indiana. Revises the definition of antique motor vehicle for purposes of the child restraint system law to include only motor vehicles that

were manufactured without a safety belt as a part of the original manufacturer's equipment. Revises the definition of school bus for purposes of the child restraint system law. Specifies that a person may not be found to have violated the child restraint system law if the person presents a certificate issued by a physician, physician's assistant, or advanced practice nurse stating that it would be impractical to require that a child be fastened and restrained by a child restraint system because of a physical condition, including physical deformity, or a medical condition. Requires the department of education by September 1, 2009, to develop and implement a plan to promote safe driving practices for drivers of special purpose buses. Requires the operator of a special purpose bus with a capacity of less than 16 passengers to: (1) hold a valid operator's, chauffeur's, public passenger chauffeur's, or commercial driver's license; and (2) meet certain requirements for a school bus driver.

DIGEST OF HB 1343 (Updated April 21, 2009 1:46 pm - DI 84)

School dropout prevention. Creates the dropout prevention fund, to be administered by the department of education, to: (1) provide money for school corporation programs that identify students who are at risk of dropping out of school; and (2) provide appropriate interventions for those students.

DIGEST OF HB 1344 (Updated April 23, 2009 1:49 pm - DI 84)

Property tax administration. Requires sales disclosure forms and property tax bills to include information concerning the consequences of claiming more than one standard deduction and the procedures and deadlines for terminating a standard deduction. Establishes other filing requirements for a standard deduction that are similar to the filing requirements that applied to homestead credit applications. Specifies that tax statements must in 2010, 2011, and 2012 include a form for taxpayers to use to verify certain deductions and credits to which the taxpayers are entitled. Provides that the county auditor may, in the county auditor's discretion, terminate the deductions or credits for assessment dates after January 15, 2012, if an individual does not verify the deductions and credits before January 1, 2013. Requires the county auditor to provide notice of a proposed termination of a deduction or credit before the auditor terminates a taxpayer's deduction or credit because the taxpayer did not comply with the requirement to return the form to verify the taxpayer's deductions and credits. Provides that an applicant for a standard deduction must include either the last five digits of the applicant's Social Security number or, if the individual does not have a Social Security number, the last five digits of the individual's driver's license number or state identification card number, or of a control number that is on a document issued to the individual by the federal government and determined by the department of local government finance to be acceptable. Provides that if a county auditor terminates a deduction because the taxpayer claiming the deduction did not comply with the verification requirements before January 1, 2013, the county auditor shall reinstate the deduction if the taxpayer provides proof that the taxpayer is eligible for the deduction and is not claiming the deduction for any other property. Imposes a civil penalty of 10% of the tax due for a person who wrongly takes a standard deduction or credit. Provides that the county auditor shall prepare and send a notice of taxes due when a standard deduction is wrongly claimed. Permits a county auditor to use delinquent taxes, interest, and penalties collected in response to the termination of

a standard deduction to pay for the costs of discovering erroneously granted standard deductions and for other expenses of the office of the county auditor, including the cost of verification notices on tax statements. Specifies that 1% of the total amount of the civil penalty collected from taxpayers that improperly claim the standard deduction and homestead credit shall be transferred by the county to the department of local government finance (DLGF) for use by the department in establishing and maintaining the homestead property database and, to the extent there is money remaining, for any other purposes of the department. Specifies that the adjustment in tax due (and any interest and penalties on that amount) after the termination of a standard deduction or homestead credit shall be deposited in the nonreverting fund only in the first year in which that amount is collected. Provides that money in the nonreverting fund may be spent only after appropriation by the county fiscal body. Specifies that beginning with property taxes first due and payable for assessment dates after January 15, 2009, a county may apply a standard deduction, supplemental standard deduction, or homestead credit calculated by the county's property system on a provisional bill. Specifies that if a provisional bill has been used for property tax billings for two consecutive years, the county shall apply a standard deduction, supplemental standard deduction, or homestead credit calculated by the county's property system on the provisional bill. Requires the DLGF to work with county auditors to develop procedures to determine whether a property owner that is claiming a standard deduction or homestead credit is not ineligible because the property owner's principal place of residence is outside of Indiana. Requires the commission on state tax and financing policy to study in 2011 issues related to the form for taxpayers to use to verify the deductions or credits to which taxpayers are entitled and the termination of deductions or credits under that form. Makes other changes to reconcile differences in the law related to the enactment of HEA 1001-2008 and HEA 1293-2008. Permits a county legislative body to authorize the transmission by electronic mail of property tax statements and related information. Charges the county treasurer and county auditor with the administration of the program. Requires the designation of a single electronic mail address for joint owners and entities other than individuals. If the electronic mail is not received, requires the county treasurer to mail a hard copy of the statement. Allows for automatic deductions of payments for property taxes and special assessments from any account held by a financial institution, not just from a checking account. Requires a county to distribute revenue from monthly installment property tax collections to political subdivisions in the county at the normal semiannual distribution date.

DIGEST OF HB 1346 (Updated April 29, 2009 10:41 pm - DI 75)

Various election matters. Provides that a member of the military or public safety officer may vote an absentee ballot by mail. Provides that a member of the military or public safety officer who has signed the poll list and is called from the polls before voting to respond to an emergency in the voter's capacity as a member of the military or public safety officer is entitled to return to the polls and vote upon execution of an affidavit. Restates county reimbursement procedures for attending the annual election administrators' conference. Permits, after June 30, 2010, an individual who possesses a current and valid Indiana driver's license or identification card to submit a voter registration application or update information in the individual's existing voter registration record online by use of a secure Internet web site. Establishes procedures for the bureau of motor vehicles and a county voter registration office to process an application or

information submitted to the web site. Provides that an eligible applicant who submits a complete application online not later than midnight on the twenty-ninth day before an election shall be registered to vote in the election. Allows an overseas voter to transmit an absentee ballot application by electronic mail. Requires the office of the circuit court clerk (or the office of the board of elections and registration) to provide an automatic electronic mail receipt acknowledging receipt of the voter's application. Requires fees collected for application for certification of a voting system and money received in accordance with a settlement agreement relating to a voting system be deposited in the voting system technical oversight program account. Provides that the account is nonreverting. Provides that a county may continue to use an optical scan ballot card voting system or an electronic voting system whose approval or certification expired on or before October 1, 2009, if the voting system meets certain requirements. Provides that the Indiana election commission may approve a voting system for use in Indiana if the voting system meets the Voluntary Voting System Guidelines adopted by the United States Election Assistance Commission on December 13, 2005.

DIGEST OF HB 1348 (Updated April 27, 2009 12:19 pm - DI 84)

Energy conservation codes and standards. Requires the fire prevention and building safety commission to adopt the most recent edition of the: (1) International Energy Conservation Code as published by the International Code Council; or (2) American Society of Heating, Refrigerating, or Air-Conditioning Engineers Standard 90.1; for Class 1 structures before July 1, 2010.

DIGEST OF HB 1358 (Updated April 29, 2009 10:58 pm - DI 52)

Local government. Applies restrictions on purchasing real property at a tax sale to a person who owns a fee interest, a life estate interest, or the equitable interest of a contract purchaser in a vacant or abandoned structure subject to an enforcement order concerning a nuisance or an unsafe building. Provides that a person not having a contractual interest in a vacant or abandoned property commits criminal trespass if: (1) a law enforcement officer who has a reasonable suspicion that criminal activity has occurred or is occurring prohibits the person from entering or asks the person to leave the property; and (2) the person knowingly or intentionally enters or refuses to leave the property. Provides that a person commits criminal trespass if the person knowingly or intentionally enters a vacant or abandoned property subject to an abatement order after being denied entry by a court order issued to the person or issued to the general public by posting on or around the premises. Defines a "continuous enforcement order" as an order that: (1) is issued for compliance or abatement and remains in full force and effect without further compliance and abatement authority orders for the same or similar violations; (2) authorizes specific ongoing compliance and enforcement activities if a property requires reinspection or additional periodic abatement; (3) can be enforced without additional notice or hearing; and (4) authorizes the enforcement authority to assess and collect ongoing costs for continuous enforcement order activities from any party that is subject to the enforcement authority's order. Allows a municipal corporation to enforce a continuous enforcement order requiring compliance with an ordinance without issuing additional notice. In a civil proceeding to enforce an ordinance of a municipal corporation, allows a court to: (1) issue a continuous enforcement order; (2) order

the suspension or revocation of a license; and (3) order demolition of a structure. Directs a hearing authority under the unsafe building law that affirms or modifies an order to issue a continuous enforcement order. Provides that if a second or subsequent civil judgment is entered against a property owner (relating to the same or a different property) a court may order the owner to pay treble damages based on the costs of the ordered action. Adds provisions regarding abatement of vacant and abandoned structures that a municipality or county may adopt by ordinance. Provides that an owner of a vacant structure or an abandoned structure may be liable for civil penalties if the owner fails to act to change the status of the property as vacant or abandoned. Requires the mayor to appoint five members and the city-county council to appoint four members of the Indianapolis Historic Preservation Commission. (Current law requires the mayor to appoint all nine members.) Requires the city-county council to appoint one member who is a resident of a historic district. (Current law requires the mayor to appoint at least one member who is a resident of a historic district.) Allows the city-county council to appoint one member and the mayor to appoint two members from lists of names submitted by the Historic Landmarks Foundation of Indiana and the historical society of Marion County. Allows the mayor to appoint one member who is a member of the metropolitan development commission. Allows the mayor and the city-county council to each appoint a member from a list of names submitted by the local chapter of the American Institute of Architects. (Current law provides that the mayor makes the discretionary appointments.) Provides that a member appointed before July 1, 2009, continues to serve as a member of the commission after June 30, 2009, until the member's term expires or the executive removes the member for cause. Provides that if the executive removes the member for cause, the executive shall appoint a successor to serve for the remainder of the vacated term. Amends the provisions authorizing political subdivisions to borrow the money necessary to finance a public work project from a financial institution to allow political subdivisions to also borrow to finance an eligible efficiency project that costs not more than \$3,000,000. Defines "eligible efficiency project" as a project that is necessary or useful to: (1) carrying out an interlocal cooperation agreement entered into by two or more political subdivisions or governmental entities; or (2) the consolidation of local government services. Authorizes a municipality to borrow money from a municipally owned utility to carry out an eligible efficiency project within the municipality. Provides that property tax proceeds allocated under tax increment financing may be used to carry out an eligible efficiency project only if those property tax proceeds are in excess of the amount necessary to make certain other payments (including payments of principal and interest on bonds and other obligations, payments of premiums on the redemption before maturity of bonds, and payments on leases).

DIGEST OF HB 1362 (Updated April 22, 2009 1:49 pm - DI 84)

Benefits for volunteer firefighters and emergency medical services personnel. Increases the weekly indemnity for volunteer firefighters or emergency medical services personnel who become totally disabled as a result of the member's volunteer firefighting or emergency response duties to at least \$262, after June 30, 2009, and at least the Indiana minimum wage computed on the basis of a forty (40) hour week, after July 23, 2009, for up to a maximum of 260 weeks. Provides for certain benefits, including a line of duty death benefit and the medical treatment and burial expense provisions of the worker's compensation law, for emergency medical services personnel who are certified by the emergency medical services commission and are members of a

volunteer fire department. Allows units to procure certain insurance benefits for emergency medical services personnel who are members of a volunteer fire department. Provides for certain limited civil liability for emergency medical services personnel. Makes technical corrections.

DIGEST OF HB 1363 (Updated April 28, 2009 11:52 am - DI 84)

Waiver of certain court fees and court costs. Provides that if a person brings a civil action or petition for the appointment of a guardian, a clerk of a court shall waive the payment of required fees or other court costs by the person without court approval if: (1) the person is represented by an attorney who is employed by a civil legal aid program or who is serving as a pro bono attorney; and (2) the attorney files a statement with the clerk that seeks relief from paying the required fees or other court costs and is accompanied by an approved affidavit of indigency.

DIGEST OF HB 1365 (Updated April 24, 2009 10:50 am - DI 84)

Tax assessment of land affected by flooding. Upon the filing of a petition in a calendar year by the owner of real property that: (1) is permanently flooded or rendered inaccessible by flooding; and (2) is not being used for agricultural purposes; requires adjustment of property taxes payable in the calendar year and reassessment of the property for future years in which the flooding continues. Applies the reassessment provision to flooding that occurs after March 1, 2008. Authorizes a refund if property taxes are paid based on the assessment that applied before the reassessment for flooding. Requires the county auditor and the county treasure to publish notice of the availability of a reassessment for flooding. Allows the county auditor to reduce the assessed value used to set property tax rates based on expected reassessments for flooding.

DIGEST OF HB 1372 (Updated April 24, 2009 10:53 am - DI 84)

Library services authorities; library cards. Allows a library services authority to merge with another authority or a nonprofit corporation, or both, to create a nonprofit corporation. Provides for a free or reduced fee library card for a student who is not a resident of a library district but is enrolled in a nonpublic school located at least in part in the library district. (Current law allows a free or reduced fee library card for a student who is not a resident of a library district only if the student is enrolled in public school corporation located at least in part in the library district.)

DIGEST OF HB 1374 (Updated April 28, 2009 11:57 am - DI 84)

Escrow transactions. Provides that funds received in connection with an escrow transaction in a real estate transaction must be deposited in an escrow account unless the parties to the escrow transaction agree in writing to another arrangement. Prohibits a closing agent from making disbursements from an escrow account in connection with a real estate transaction unless any funds that: (1) are received from a single party to the transaction; and (2) in the aggregate are at least \$10,000; are wired funds that are unconditionally held by and irrevocably credited to the closing agent's escrow account. Sets forth certain types of instruments and other forms of money that constitute "good funds" for purposes of an escrow transaction. Prohibits a closing agent from making disbursements from an escrow account in connection with a real estate transaction unless

any funds that: (1) are received from a single party to the transaction; and (2) in the aggregate are less than \$10,000; are good funds. Provides that if: (1) the closing agent in a real estate transaction receives wired funds unconditionally held and irrevocably credited to the closing agent's escrow account; and (2) a holder of a mortgage lien so requests; the lien holder is entitled to receive its proceeds from the real estate transaction through funds electronically transferred to an account specified by the holder. Provides that a closing agent may advance up to \$500 from an escrow account on behalf of a party to an escrow transaction for the purpose of paying certain incidental fees in connection with the real property that is the subject of the escrow transaction.

DIGEST OF HB 1376 (Updated April 27, 2009 11:47 am - DI 84)

Automotive mobility dealers. Provides that automotive mobility dealers must be licensed with the secretary of state in order to sell, service, or install adapted vehicles. Requires the secretary of state to establish requirements by rule for an initial application for and renewal of an automotive mobility dealer's license. Requires an applicant for a license to be: (1) an automobile auctioneer; (2) a converter manufacturer; (3) a dealer; (4) a distributor; (5) a distributor branch; (6) a distributor representative; (7) a factory branch; (8) a factory representative; (9) a manufacturer; (10) a transfer dealer; (11) a wholesale dealer; or (12) an automotive mobility dealer; to maintain a bond satisfactory to the secretary of state as a condition of licensing and requires that the money received from licenses and permits from certain of these professions be divided among the dealer compliance account, the motor vehicle highway account, and the state police and the attorney general for use in enforcing odometer laws. Makes corresponding changes.

DIGEST OF HB 1379 (Updated April 29, 2009 9:44 pm - DI 102)

Unemployment compensation and labor issues. Establishes the unemployment insurance oversight committee to: (1) oversee the department of workforce development's (department) administration of the unemployment insurance system; (2) recommend improvements in the collection of contributions and reimbursements and in the determination of eligibility for and the payment of unemployment benefits; (3) monitor the unemployment insurance benefit fund (fund); and (4) make recommendations to improve the solvency of the fund. Provides that reimbursable employers pay only the portion of extended benefits not reimbursed by the federal government. Requires that extended benefits be paid for at least 13 weeks after a determination that the state "on" indicator is in effect. Changes the "off" indicator to the maximum allowable under federal law. Provides an additional "on indicator" under which extended benefit periods may be triggered. Increases the total extended benefit amount payable to an individual for extended benefit periods beginning in a "high unemployment period". Specifies that the additional "on" indicator expires on the later of December 5, 2009, or the week ending four weeks before the last week for which federal sharing is authorized by the federal American Recovery and Reinvestment Act of 2009 (Act). Provides that for any weeks of unemployment beginning after February 17, 2009, and before January 1, 2010, an individual's eligibility period for extended benefits is considered to include any week that begins: (1) after the date as of which the individual exhausts all rights to emergency unemployment compensation; and (2) during an extended benefit period that began on or before that date. Increases the taxable wage base from \$7,000 to \$9,500. Expands the definition of an "employing unit" to include all forms of legal

entities. Adds restrictions on an employer's ability to create a new experience account (account) for purposes of reducing the employer's contribution rate. Phases out the current tax rate schedule, and provides a new tax rate schedule effective in 2010. Provides that for calendar year 2010 new Schedule B applies in determining and assigning each employer's contribution rate. Permits an employer with a debit reserve ratio to elect once, after December 31, 2009, and before January 1, 2012, to make a voluntary contribution to the fund and receive a credit to the employer's account equal to 250% of the amount of the voluntary contribution. Limits the credit to the amount necessary for the employer to attain the next lower contribution rate. Permits an employer to pay the voluntary contribution in equal periodic payments over a period not to exceed five years. Provides that the term "effort to secure full-time work" includes submitting at least one application for work each week that the individual is claiming benefits. Provides that submitting an online application satisfies this condition. Permits the department to waive the job search requirement when an individual is: (1) attending training; (2) a job-attached worker with a specific recall date that is not more than 60 days after separation; or (3) using a hiring service, referral service, or other job placement service. Also permits a waiver when requiring compliance with the requirement is inconsistent with the purposes of unemployment insurance law. Provides that as conditions precedent to the payment of benefits to an individual for benefit periods established on and after January 1, 2010: (1) the individual must have established, after the last day of the individual's last base period wage credits equal to at least 1.5 times the wages paid to the individual in the calendar quarter in which the individual's wages were highest; and (2) the individual must have established wage credits in the last two calendar quarters of the individual's base period in a total amount of not less than \$2,500 and an aggregate in the four calendar quarters of the individual's base period of not less than \$4,200. Provides that the definition of "discharge for just cause" includes the violation of a rule regarding attendance. Reduces the maximum benefit amount of an individual's current claim by 25% as a penalty for an individual's first separation from employment under disqualifying conditions or first failure to apply for or accept suitable work. Provides for additional reductions in an individual's maximum benefit amount of 15% for the second separation or failure and 10% for the third and each subsequent separation or failure. Provides that work is not considered unsuitable during the fifth through the eighth consecutive week of claiming benefits if the work pays not less than 90% of the individual's prior weekly wage work. Provides that work is not considered unsuitable after eight consecutive weeks of claiming benefits if the work pays not less than 80% of the individual's prior weekly wage. Expands the definition of "gross misconduct" for which an individual's wage credits are canceled. Provides that the employer has the burden of proof that a discharged employee's conduct was gross misconduct, and allows evidence that the employer filled or maintained the position or job held by a discharged employee after the employee's discharge. Permits evidence that a discharged employee has not been prosecuted or convicted for the conduct. Provides that if evidence is presented that an action or requirement of the employer may have caused the conduct that is the basis for the employee's discharge, the conduct is not gross misconduct. Provides that lawful conduct not otherwise prohibited by an employer is not gross misconduct. Deletes the requirement that a felony or a Class A misdemeanor may constitute gross misconduct only if the felony or misdemeanor is admitted by the individual or has resulted in a conviction. Expands the types of information a notice of a claim for unemployment benefits (claim) must provide. Requires the department to establish an unemployment claims compliance center to investigate instances in which information provided

by an individual who files a claim does not match information provided by the individual's base period employers. Charges half of the benefits paid to an employer's account if the employer fails to respond to a request by the department for information necessary to make a determination concerning a claim and the employer eventually prevails in the appeal. Provides for a credit to the employer's account equal to the amount of any overpayment recovered. Requires the department to provide annually certain training to all administrative law judges, review board members, and other individuals who adjudicate claims. Requires the department to regularly monitor the hearings and decisions of individuals who adjudicate claims to ensure that the hearings and decisions strictly comply with the law, and provides for department disciplinary action up to and including termination for an individual's failure to do so. Authorizes the department to charge a reasonable processing fee not to exceed \$2 for records concerning an individual's last known employer that must be disclosed by court order. Requires the unemployment insurance board to transfer from the special employment and training services fund (special fund) to the fund amounts in the special fund that exceed \$8.5 million. Establishes the Hoosier workers first training program to allocate to employers or consortiums money for incumbent worker training grants that enable workers who reside in Indiana to obtain recognizable credentials or certifications and transferable employment skills that improve employer competitiveness. Requires the commissioner of the department to: (1) examine the annual cost of implementing changes to eligibility and other requirements of the state's existing unemployment insurance system in order to qualify for the maximum amount available to a state under the Act; (2) compare the annual cost of implementing changes with the maximum amount available to the state under the Act as a result of making the changes; (3) initiate the changes examined, unless the commissioner determines that the negative fiscal impact to the fund outweighs the benefits of the amounts available to the state under the Act and the expansion of eligibility and other requirements of the state's existing unemployment insurance system; and (4) submit to the legislative council, the unemployment insurance oversight committee, the speaker of the house of representatives, and the president pro tempore of the senate a report that: (A) details the commissioner's actions, or the commissioner's decision not to initiate changes; (B) recommends any legislation necessary to modify the state's unemployment insurance system in order for the state to qualify for amounts available under the Act; and (C) analyzes the fiscal impact to the fund of the commissioner's actions, or decision not to initiate changes, and recommended legislation. Repeals: (1) expired employer rate schedules; (2) expired provisions concerning the skills 2016 training program; (3) an expired definition of "dependent"; and (4) a provision concerning witness fees.

DIGEST OF HB 1381 (Updated March 31, 2009 3:56 pm - DI 84)

Shoreline permits and enforcement of judgments. Allows the natural resources commission to adopt rules under which certain permits will expire more than two years after they are issued. Allows the determination made in the mediation by the department of natural resources of a dispute among persons with competing riparian interests to be enforced in a civil proceeding.

DIGEST OF HB 1382 (Updated April 29, 2009 4:47 pm - DI 97)

Coverage related to clinical trials. Requires coverage for certain services related to cancer clinical

trials under a state employee health plan, the state Medicaid program, a policy of accident and sickness insurance, and a health maintenance organization contract.

DIGEST OF HB 1389 (Updated March 17, 2009 3:32 pm - DI 84)

Twenty-first century scholars. Requires each school corporation to provide each student who applies for free or reduced lunches under the national school lunch program with an enrollment form for the twenty-first century scholars program. Requires each school to give assistance in reading the instructions and completing the enrollment forms for the twenty-first century scholars program.

DIGEST OF HB 1398 (Updated April 23, 2009 1:54 pm - DI 84)

Ethanol incentives. Requires state educational institutions to purchase mid-level blends of gasoline and ethanol, E85, and blended biodiesel fuel to the extent possible. Provides that the E85 sales tax deduction applies only to reporting periods beginning on January 1 and ending before April 1. Specifies procedures for administering the deduction. Transfers administration of the deduction from the department of revenue to the state budget agency. Provides that the amount of money expended on administering Indiana corn market development statutes in a state fiscal year may not exceed 10% of the total amount of assessments, grants, and gifts received by the corn marketing council in that year. Establishes the retail merchant E85 deduction reimbursement fund. Requires the Indiana corn marketing council's annual transfers to the retail merchant E85 deduction reimbursement fund to be in amounts calculated to restore a balance of \$500,000. Adjusts corn checkoff refund and audit requirements. Adds school corporations and state educational institutions to the list of governmental entities that are eligible to apply to the department of agriculture for a grant under the E85 fueling station grant program.

DIGEST OF HB 1419 (Updated April 21, 2009 1:51 pm - DI 84)

Student discipline. Requires the governing body of a school corporation to develop an evidence based plan for improving behavior and discipline in the school corporation, and a school within the school corporation to comply with the plan in developing the school's plan. Requires school corporation discipline rules to incorporate a graduated system of discipline, which includes actions that may be taken in lieu of suspension or expulsion. Requires the department of education to develop a master evidence based plan for improving student behavior and discipline upon which school corporations may base plans.

DIGEST OF HB 1428 (Updated April 29, 2009 10:56 pm - DI 116)

Reduces from 11 to nine the number of members required for a quorum for the law enforcement training board. Requires at least nine affirmative votes for the passage of any matter put to a vote of the board. (Current law requires at least 11 affirmative votes for the passage of any subject matter put to a vote by the board.) Specifies the manner of approval for allocations from the emergency management contingency fund. Makes certain changes relating to who is eligible to receive financial assistance from the disaster relief fund. Allows certain members of the

homeland security foundation to appoint certain designees for a specified meeting. Provides that all amusement and entertainment permits expire one year after the date of issuance. Requires the division of state court administration to establish and administer an electronic system for: (1) receiving information that relates to certain individuals who may be prohibited from possessing a firearm; and (2) transmitting this information to the Federal Bureau of Investigation for inclusion in the federal National Instant Criminal Background Check System (NICS). Provides that, if a court makes an adjudication or a finding concerning a person's mental health that may disqualify the person from possessing a firearm, the court shall transmit certain information concerning the finding or adjudication to the division of state court administration for transmittal to NICS. Establishes a procedure by which a person who has been released from commitment or who has completed treatment may have the person's disqualification to possess a firearm removed. Provides that it is a Class A misdemeanor for a person to knowingly or intentionally manufacture and sell or offer for sale: (1) an official badge or a replica of an official badge that is used by a law enforcement agency or fire department of the state or a political subdivision of the state; or (2) a document that purports to be an official employment identification that is used by a law enforcement agency or fire department of the state or a political subdivision of the state; without the written permission of the chief executive officer of the law enforcement agency or fire department. Makes the offense: (1) a Class D felony if the person commits the offense with the knowledge or intent that the badge or employment identification will be used to commit the offense of impersonation of a public servant; and (2) a Class B felony if the person commits the offense with the knowledge or intent that the badge or employment identification will be used to commit an offense involving weapons of mass destruction. Provides that a full-time firefighter employed after December 31, 2009, must complete the training for Firefighter I and Firefighter II during the firefighter's first year of employment as a full-time firefighter. Allows the education board of the division of preparedness and training of the department of homeland security (board) to grant six month extensions of time to complete the training requirements for any reason. Requires a fire department to request the extension on behalf of a firefighter employed by the department. Requires a fire department to report to the board when a firefighter employed by the department has completed the training requirements.

DIGEST OF HB 1432 (Updated March 31, 2009 3:58 pm - DI 84)

County auditor income tax distributions to units. Requires the county auditor to distribute local income tax revenue to other taxing units not later than ten working days after the county treasurer receives the distribution from the state.

DIGEST OF HB 1434 (Updated April 7, 2009 2:48 pm - DI 84)

Job recruitment grant. Establishes the new business recruitment grant program for local economic development organizations serving counties where the unemployment rate exceeds the state unemployment rate by at least 2%.

DIGEST OF HB 1455 (Updated April 23, 2009 1:58 pm - DI 84)

Autism training. Requires certain firefighter and law enforcement personnel to be trained in

interacting with individuals with autism. Requires the department of education to create and distribute to school corporations for noncertificated employees a document that explains the aspects of autism including behaviors students with autism exhibit.

DIGEST OF HB 1460 (Updated April 23, 2009 1:59 pm - DI 84)

Compliance reports of broker-dealers. Provides that a broker-dealer may not be selected for completion of a compliance report in consecutive years unless certain circumstances apply. Prohibits the securities commissioner from selecting certain offices for completion of compliance reports.

DIGEST OF HB 1462 (Updated April 21, 2009 1:53 pm - DI 84)

Various education matters. Requires the attorney general and the state superintendent of public instruction to publicize annually to teachers that the attorney general may defend suits against teachers and that teachers have qualified immunity for reasonable acts of discipline. Requires a school corporation, a charter school, and an accredited nonpublic school to conduct an expanded criminal history background check before employing a potential employee in any position within the school corporation. Adds possession of child pornography to the list of felonies for which a teacher may lose the teacher's license. Gives qualified immunity for certain school employees for reasonable acts of discipline. Establishes an administrative procedure for a student who has been removed from a classroom.

DIGEST OF HB 1468 (Updated April 29, 2009 10:55 pm - DI 106)

Commercial dog breeders and animal cruelty. Authorizes the board of animal health to establish a registry of commercial dog brokers and commercial dog breeders in Indiana. Exempts animal shelters, humane societies, certain animal rescue operations, hobby breeders, certain people who breed hunting dogs for sport, and certain people who breed service or dogs for use by police or the military from the requirements imposed on commercial dog breeders. Defines "hobby breeder" as a person who maintains 20 or fewer unaltered female dogs at least 12 months of age, and defines "commercial dog breeder" as a person who maintains more than 20 unaltered female dogs at least 12 months of age. Defines "commercial dog broker" as a person who is licensed under federal law and sells at least 500 dogs in a calendar year. Requires commercial breeders and brokers to register with the board of animal health, and specifies that failure to register is a Class A misdemeanor. Provides that a commercial dog breeder must register annually with the board and pay a fee based on the number of unaltered female dogs the breeder owns. Specifies that a person who fails to register is liable for double the amount of unpaid fees, which the attorney general may collect. Requires a commercial dog broker to register and pay a \$1,000 annual fee. Provides that a breeder or broker who knowingly or intentionally makes a material misstatement in registering commits a Class A misdemeanor. Requires a commercial breeder to comply with the standards of care established by the United States Department of Agriculture (USDA) and certain other standards of care. Authorizes the board of animal health to enforce the USDA and other standards when sufficient fees have been deposited in the breeder and broker fund to permit enforcement, and grants the board of animal health the authority to enforce the

commercial breeder provisions by seeking injunctive relief or a civil penalty of \$500 for a knowing violation, \$1,000 for an intentional violation, and \$5,000 for the knowing or intentional violation of an injunction. Prohibits a unit from adopting an ordinance imposing more stringent requirements on commercial dog breeders after December 31, 2009, but permits a unit to enforce a more stringent ordinance if the ordinance was adopted before January 1, 2010. Permits the board to seek an injunction to prohibit a commercial dog breeder from registering for not more than 3 years. Requires a commercial breeder to provide a consumer with certain veterinary records, and to keep its own records for at least five years. Authorizes a court, as a condition of bail or parole, or the parole board, as a condition of parole, to prohibit a person charged with or convicted of an animal cruelty offense from owning, harboring, or training an animal, and, if the person is prohibited from having direct or indirect contact with an individual, from having direct or indirect contact with any animal belonging to the individual. Provides that a person neglects an animal if the person fails to: (1) provide reasonable care for; or (2) seek veterinary care for; an injury or illness to a dog or cat that seriously endangers the life or health of the dog or cat. Broadens the definition of torturing an animal by administering poison by applying the definition to domestic animals. (Current law applies only to dogs or cats.) Provides that, for purposes of committing animal cruelty by abandoning or neglecting an animal in a person's custody, a feral animal is not considered to be in a person's custody. Makes abandoning or neglecting an animal a Class A misdemeanor, and enhances the penalty to a Class D felony if the person has a prior conviction. Provides that a second or subsequent conviction for attending an animal fighting contest is a Class D felony. Makes it killing a domestic animal, a Class D felony, for a person to knowingly or intentionally kill a domestic animal without the consent of the owner of the domestic animal. Exempts from the animal cruelty statutes: (1) the destruction of an animal by an animal control program; (2) the destruction of an injured or ill animal by an individual to prevent the animal from prolonged suffering; (3) conduct not resulting in severe injury or illness to an animal that is incidental to exhibiting an animal for show, competition, or display; (4) the humane destruction of an animal by its owner; and (5) parking an animal.

DIGEST OF HB 1473 (Updated March 31, 2009 4:11 pm - DI 84)

Rental property in a flood plain. Requires that residential, agricultural, and commercial rental agreements entered into or renewed after June 30, 2009, must disclose if a structure on the property is located in a flood plain.

DIGEST OF HB 1479 (Updated March 17, 2009 3:37 pm - DI 84)

Recruitment of educators from underrepresented populations. Requires the department of education to collaborate with nonprofit entities, the commission for higher education, and state educational institutions to develop initiatives focusing on the recruitment and retention of qualified educators from underrepresented populations and teacher shortage areas.

DIGEST OF HB 1483 (Updated April 27, 2009 11:53 am - DI 84)

Off-road vehicles, farm wagons, and golf carts. Defines "farm wagon" as including three, four, and six wheeled motor vehicles with a folding hitch that is used for certain purposes. Prohibits a

certain type of farm wagon from operation on an interstate highway, or a state highway, except under specific circumstances. Authorizes an individual at least 15 years of age to operate a motorized farm wagon on a highway. Prohibits the use of a motorized farm wagon operated on a highway to tow another vehicle. Prohibits an individual from operating a golf cart on a highway, except when a city or town has adopted an ordinance (ordinance) authorizing the use of golf carts on the city's or town's highways. Specifies that an ordinance: (1) may require that a golf cart display a slow moving vehicle sign or a red or amber flashing lamp; and (2) must require an individual operating a golf cart in the city or the town to hold a driver's license. Requires financial responsibility for golf carts operated pursuant to an ordinance. Requires a person removing a wrecked or damaged golf cart from a highway to remove any glass or other foreign material dropped upon the highway from the golf cart. Makes conforming amendments.

DIGEST OF HB 1487 (Updated April 23, 2009 2:01 pm - DI 84)

The rights of owners in coal lands. Establishes court procedures to establish terms under which a person with a partial ownership or leasehold interest may secure a lease on the uncontrolled remaining coal interest in order to mine the coal.

DIGEST OF HB 1491 (Updated April 29, 2009 5:03 pm - DI 69)

Courts and court officers. Establishes the Sixth District of the court of appeals of Indiana as of July 1, 2011. Provides that the entire state constitutes the Sixth District. Requires the nonpartisan election of superior court judges in St. Joseph County. Continues the terms of the St. Joseph superior court judges in office on June 30, 2009, until the date the judges' terms will end under the law in effect on June 30, 2009. Provides that a candidate for judge of the St. Joseph superior court may not accept certain political contributions. Repeals provisions concerning judicial retention elections in St. Joseph County. Allows a city or town that has not established a city or town court or an ordinance violations bureau to enter into an interlocal agreement with a city, town, or other municipal corporation that has established: (1) a city or town court; or (2) an ordinance violations bureau; to hear and dispose of ordinance violations that would otherwise come under the jurisdiction of a city or town court or an ordinance violations bureau established by the city or town.

DIGEST OF HB 1494 (Updated April 15, 2009 12:54 pm - DI 84)

Switzerland County deputy prosecuting attorney. Removes a provision that prohibits the state from paying any amount of the annual salary of a chief deputy prosecuting attorney appointed by the prosecuting attorney of the ninety-first judicial circuit (Switzerland County).

DIGEST OF HB 1498 (Updated April 28, 2009 11:59 am - DI 84)

Public pensions. Reduces from 15 to ten the number of years of creditable service that an active member of the public employees' retirement fund must earn for a surviving spouse or surviving dependent to receive a survivor benefit. Makes the change retroactive to January 1, 2007. Requires the fund to make a reasonable effort to notify certain surviving spouses or surviving

dependents of changes made by this act. Provides a "thirteenth check" amount for TRF members, survivors, and beneficiaries.

DIGEST OF HB 1511 (Updated April 28, 2009 12:01 pm - DI 84)

Joint legal custody in paternity determinations. Allows a court to award joint legal custody of a child following a determination of paternity. Provides that an award of joint legal custody does not require an equal division of physical custody of the child. Establishes factors for the court to consider in determining whether to grant joint legal custody. Creates a rebuttable presumption that a noncustodial parent convicted of child molesting or child exploitation is not entitled to parenting time rights. Establishes a rebuttable presumption that, if parenting time is granted to a person who has been convicted of child molesting or child exploitation, the parenting time shall be supervised.

DIGEST OF HB 1514 (Updated April 29, 2009 11:45 pm - DI 58)

Increases the required surety bond for certain officials, and provides that the state board of accounts may require a higher surety bond for officials who have engaged in malfeasance, misfeasance, or nonfeasance that resulted in the misappropriation of, diversion of, or inability to account for public funds. Requires a deputy examiner, field examiner, or private examiner to make a preliminary report to the state examiner if: (1) a substantial amount of public funds has been misappropriated or diverted or is unaccounted for; (2) there is a reasonable likelihood that the final examination report will include a finding that the entity that is the subject of the report failed to observe a uniform compliance guideline or failed to comply with a specific law; or (3) the malfeasance, misfeasance, or nonfeasance that resulted in the misappropriation of, diversion of, or inability to account for the public funds was committed by the officer or employee who is primarily responsible for ensuring compliance with laws regarding maintaining and accounting for the funds. Requires the state examiner to provide a copy of the report to the attorney general, and authorizes the attorney general to bring a civil action against the delinquent employee or the official bond to recover misappropriated funds. Authorizes the attorney general to attach the assets of the delinquent employee. Specifies that the state board of accounts may require the use of an electronic, automated, or computerized system of accounting or reporting. Provides that a political subdivision may award a contract for public work under the procurement law for the routine operation, routine repair, or routine maintenance of existing structures, buildings, or real property if the cost is estimated to be less than \$150,000. Changes the name of the Fort Wayne-Allen county convention and tourism authority to the Allen County-Fort Wayne capital improvement board of managers (Allen County-Fort Wayne CIB). Removes the limitation on county appointments to the Allen County-Fort Wayne CIB having to live in the unincorporated area of the county. Provides that any food and beverage tax revenue in Allen County that is received after December 31, 2009, and is not needed for debt payments on the coliseum is to be transferred to the Allen County-Fort Wayne CIB and provides that the excess revenue may not be used to provide funding for improvements initiated before January 1, 2009, as part of the Harrison Square project or for operational expenses. Adds the facilities at the Indiana University-Purdue University at Fort Wayne campus to the Allen County professional sports development area. Removes the \$5 per person state revenue cap for the Allen County professional sports

development areas. Provides that the maximum amount of covered local and state taxes that may be captured in Allen County is \$3,000,000. Provides that Allen County receives the first \$2,600,000 of captured tax revenue each year for deposit in the supplemental coliseum expansion fund and the Allen County-Fort Wayne capital improvement board receives the remainder. Changes the allocation of excess Allen County food and beverage tax revenue so that the Allen County-Fort Wayne capital improvement board receives all the excess revenue. Provides that, after June 30, 2009, the Allen County-Fort Wayne CIB must approve any food and beverage tax pledge for bonds, loans, or leases. Requires the executive director of the Allen County Memorial Coliseum to file an annual report of operations with the Allen County-Fort Wayne CIB. Requires the executive manager of the Allen County-Fort Wayne CIB to file an annual report of operations with the Allen County-Fort Wayne CIB. Provides that the part of the Vanderburgh County innkeeper's tax rate that is dedicated to pay the operating expenses of a convention center is reduced from 2% to 1% after December 31, 2014 (rather than after December 31, 2009, under current law). Provides for a corresponding delay in the increase in the part of the Vanderburgh County innkeeper's tax rate that is deposited in the tourism capital improvement fund. Specifies that if the Vanderburgh County council adopts a resolution providing that the Vanderburgh County food and beverage tax should be continued to finance the acquisition, construction, and equipping of an arena and other facilities that serve or support the arena activities, any excess food and beverage tax revenue that is not needed to pay any bonds, leases, or other obligations for a convention center shall be transferred to the fiscal officer of Evansville for deposit in an Evansville arena fund. Provides that money in the Evansville arena fund shall be used for financing the acquisition, construction, and equipping of an arena and other facilities that serve or support the arena activities. Specifies that if the Vanderburgh County council adopts a resolution providing that the Vanderburgh County food and beverage tax should be continued to finance the acquisition, construction, and equipping of an arena and other facilities that serve or support the arena activities, the food and beverage tax: (1) does not terminate after the last of the bonds issued to finance improvements to the Vanderburgh County auditorium or auditorium renovations, and the last of any bonds issued to refund those bonds, have been completely paid; and (2) continues until the last of the bonds issued to finance the acquisition, construction, and equipping of the Evansville arena and other facilities that serve or support the arena activities, and the last of any bonds issued to refund those bonds, have been completely paid. Repeals superseded provisions of the Allen County food and beverage tax. Repeals provisions specifying that the amounts received from the Vanderburgh County food and beverage tax shall be used to pay bonds issued to finance the construction of an airport terminal. Permits Monroe County to impose a county food and beverage tax of 1% of the gross retail income received by a food and beverage merchant. Establishes a local advisory commission to assist and coordinate efforts of the county and city fiscal bodies regarding the utilization of food and beverage tax revenue. Eliminates the expiration date in the Martinsville food and beverage tax by which the city of Martinsville may initiate projects funded by food and beverage tax revenues. Permits Martinsville to fund sewer improvements with the Martinsville food and beverage tax. Makes conforming amendments.

DIGEST OF HB 1524 (Updated March 31, 2009 4:18 pm - DI 84)

State egg board. Makes various changes to the law relating to the sale of eggs and the state egg

board (board). Makes changes to definitions used with regard to the sale of eggs. Makes changes to the appointment process for members of the board. Allows the board to establish requirements and procedures to obtain a permit or registration. Allows the board to adopt rules to set fees. Requires certain egg producers who sell eggs at a farmers market to have a permit. Requires an out-of-state permit holder to reimburse the board for certain expenses relating to an audit. Requires a wholesaler to remit a permit fee penalty of the greater of ten percent of the fee or \$20 if the wholesaler does not remit a report fee within ten days. (Current law provides that the wholesaler must remit a fee of 10% of the report fee if the wholesaler does not remit a report fee within ten days.) Makes related changes. Repeals certain provisions containing definitions.

DIGEST OF HB 1535 (Updated April 27, 2009 11:50 am - DI 84)

Food stamps and TANF at farmers' markets. Requires that before January 1, 2010, the division of family resources (division) must provide farmer's market administrators or retailers who sell food at a farmers' market with wired or wireless point of sale terminals that are connected to the electronic benefits transfer (EBT) system. Provides that before July 1, 2010, the director of the division may set a limit of not less than 20 point of sale terminals that are issued.

DIGEST OF HB 1536 (Updated April 22, 2009 1:53 pm - DI 84)

Suspension of Medicaid for delinquent children. Requires the division of family resources to suspend a child's Medicaid eligibility for up to six months before terminating the child's eligibility if the child has been adjudicated to be a delinquent child and has been placed in specified facilities. Requires the division to take action necessary to ensure that a delinquent child is eligible to participate in Medicaid if the division receives notice of the child's release from detention. Requires a probation officer to include a statement in the predispositional report whether a child receives Medicaid. Requires a court to provide a copy of a dispositional decree of a child who receives Medicaid and is found to be delinquent to the division.

DIGEST OF HB 1546 (Updated April 29, 2009 5:05 pm - DI 102)

PERF and TRF administrative matters; PERF 13th check. Allows a vested member of teachers' retirement fund (TRF) who terminates covered employment to elect to withdraw the entire amount in the member's annuity savings account before the member is eligible to do so at retirement and receive a pension at retirement. Requires the public employees' retirement fund (PERF) and TRF to adopt a policy to require direct deposit or another approved method as the preferred way for a member or beneficiary to receive benefits. Allows the PERF or TRF board (or a board designee) to waive the direct deposit requirement in certain circumstances. Requires that payment of an estimated retirement benefit be at least 85% of the actual benefit. (Currently, the payment must be 85% of the actual benefit.) Allows the annual payment of a PERF or TRF monthly retirement benefit that does not exceed \$5. Provides that a PERF or TRF member's application for retirement benefits is void, if, on or before the date the member files the application, the member has an agreement with a covered employer to become reemployed in a covered position. Eliminates the treasurer of state as the treasurer of PERF and reassigns the treasurer's duties to the PERF board and executive director. Provides that liability for a PERF

member's unfunded service credit is charged against the employer's account. Specifies the date a TRF member returns to active teaching service or teacher education for purpose of earning military service credit. Repeals provisions concerning the treasurer of state's role as PERF treasurer. Provides for a thirteenth check for members, survivors, and beneficiaries of PERF.

DIGEST OF HB 1547 (Updated April 15, 2009 1:03 pm - DI 84)

Divestment of public pension investments. Requires the public employees' retirement fund (PERF) and the state teachers' retirement fund (TRF), in the capacity of shareholders, to contact companies with certain business activities in a state that sponsors terror and request that the companies cease those business activities or convert the business activities to inactive business operations. Requires PERF and TRF to sell, redeem, divest, or withdraw investments in a company that is unresponsive to the requests. Prohibits PERF and TRF from acquiring securities of certain companies that have active business operations in a state that sponsors terror. Provides for certain exceptions for social development companies operating in a state that sponsors terror. Requires PERF and TRF to report to the general assembly any investments with a company with business operations in a state that sponsors terror. (The introduced version of this bill was prepared by the pension management oversight commission.)

DIGEST OF HB 1554 (Updated April 29, 2009 11:04 pm - DI 52)

Energy matters. Allows the Indiana office of energy development (IOED) to award grants to certain businesses and local government units that make qualified investments after June 30, 2009, to install and place into service in Indiana fueling stations that dispense alternative fuel (defined as liquefied petroleum gas, a compressed natural gas product, or a combination of liquefied petroleum gas and a compressed natural gas product). Provides that not more than one grant may be awarded for a single location. Provides that the amount of a grant awarded for a location may not exceed the lesser of: (1) the amount of the grant recipient's qualified investment for the location; or (2) \$20,000. Provides that the amount of a grant awarded for a location may be less than the amount of the grant recipient's qualified investment for the location. Provides that the total amount of grants awarded for all state fiscal years may not exceed \$1,000,000. Establishes the alternative fuel fueling station grant fund to award the grants, and provides that the IOED shall administer the fund. Allows the IOED to award grants to certain local government units that make qualified purchases after June 30, 2009, of: (1) one or more alternative fuel vehicles; or (2) one or more alternative fuel conversion kits. Provides that not more than one grant may be awarded to any one unit. Provides that the amount of a grant that may be awarded to a unit is the sum of: (1) \$2,000 multiplied by the number of alternative fuel vehicles purchased; plus (2) for each alternative fuel conversion kit purchased, an amount equal to the lesser of \$2,000 or the actual cost of the conversion kit. Provides that the IOED may limit the number of alternative fuel vehicles or alternative fuel conversion kits for which a unit may receive a grant. Provides that the total amount of grants awarded for all units may not exceed \$1,000,000. Establishes the local unit alternative fuel vehicle grant fund to award the grants, and requires the IOED to administer the fund. Provides that if a state entity (which excludes a state educational institution) purchases or leases a vehicle after December 31, 2009, it must purchase or lease a clean energy vehicle unless the department of administration determines that the

purchase or lease of a clean energy vehicle: (1) is inappropriate because of the purposes for which the vehicle will be used; or (2) would cost at least 10% more than the purchase or lease of a vehicle that is not a clean energy vehicle and is designed and equipped comparably to the clean energy vehicle. Specifies that these requirements do not apply to the: (1) purchase or lease of vehicles by or for the state police department; and (2) short term or temporary lease of vehicles. Requires the department of administration to adopt rules or guidelines to provide a preference for the purchase or lease by state entities of clean energy vehicles manufactured wholly or partially in Indiana or containing parts manufactured in Indiana. Provides that before August 1 of 2010 and each year thereafter, each state entity shall submit to the department of administration information regarding the use of clean energy vehicles and alternative fuels by the state entity. Requires the department of administration to submit a report to the general assembly and to the governor before September 1 of 2010 and each year thereafter that lists the information for each state entity and for all state agencies in the aggregate. Establishes the office of alternative energy incentives (office) within the IOED to administer a program to provide incentives for rural electric membership corporations (corporations) and their cooperatively owned power suppliers to develop alternative energy projects. Provides that: (1) the director of the IOED; or (2) the designee of the director of the IOED; shall serve as the office's director. Establishes the alternative energy incentive fund (incentive fund) to provide funds to corporations for use in developing alternative energy projects. Requires the office to administer the incentive fund and to establish an account within the incentive fund for each corporation. Provides that not later than August 1 of each year, beginning in 2009, a corporation may apply to the office to have access to a certain percentage of the total funds in the corporation's account as of July 1 of the year, based on the percentage of the corporation's total sales from the provision of retail energy service during the preceding calendar year that was attributable to alternative energy projects. Allows two or more corporations that are members of the same cooperatively owned power supplier to develop alternative energy projects jointly. Sets forth limitations on how money drawn from a corporation's account may be used. Gives the office authority to adopt rules to implement the program. Provides that any money that may become available to a corporation in connection with federal economic stimulus programs may not become part of the incentive fund or an account within the incentive fund without the consent of the corporation. Provides that a corporation shall have access to federal economic stimulus funds: (1) for the same uses; and (2) in accordance with the same processes; as any other energy utility may have access to or use federal economic stimulus money. Amends the definition of "renewable energy resources" for purposes of utility generation and clean coal technology statutes to: (1) provide that energy from waste to energy facilities, to fall within the definition, is not limited to facilities producing steam not used for the production of electricity; and (2) include energy storage systems. Makes appropriations.

DIGEST OF HB 1561 (Updated April 24, 2009 10:57 am - DI 84)

High speed Internet service initiative. Requires the economic development corporation to: (1) develop a high speed Internet service deployment and adoption initiative; and (2) create a statewide geographic information system of telecommunications and information technology services.

DIGEST OF HB 1572 (Updated April 29, 2009 10:59 pm - DI 104)

Medicaid matters. Requires the health policy advisory committee to submit an annual report to the health finance commission on the committee's findings and recommendations. Revises the definition of "continuing care agreement". Specifies when a person providing continuing care has to register the continuing care retirement community with the securities commissioner. Eliminates payments to the Indiana retirement home guaranty fund after June 30, 2009. Requires that certain contractors for: (1) the division of family resources; (2) the office of Medicaid policy and planning; and (3) the office of the secretary of family and social services; that process eligibility intake information for the federal supplemental nutrition assistance program (SNAP), the temporary assistance to needy families (TANF) program, and the Medicaid program review certain intake statistics and provide certain information to the select joint commission on Medicaid oversight (commission). Establishes the Medicaid managed care quality strategy committee to study issues related to Medicaid managed care. Requires the office of the secretary of family and social services to report certain information to the commission and requires the commission to determine whether legislation is needed on the issues.

DIGEST OF HB 1573 (Updated April 27, 2009 3:24 pm - DI 84)

Various professions matters. Specifies requirements for new home health agency and personal service agency employees to provide a limited criminal history or a national criminal history to the agency. Allows board approved activities to meet certain professional's continuing education requirements. Exempts a health care provider from liability for health records destroyed in a disaster. Specifies the service of notices and time computations for disciplinary actions. Requires the professional licensing agency to create an electronic registry for interior designers. Establishes registration criteria for interior designers and sets fees. Provides that the professional licensing agency is not liable for misrepresentations, fraud, or omissions caused by an individual who is registered on the registry. Specifies education requirements for school psychologists. Specifies examination requirements for people seeking to dispense hearing aids. Allows a board to require restitution as part of a disciplinary sanction. Allows a board that regulates certain health professionals to establish the requirements to manage health records when a practice has been discontinued. Exempts certain sports team healthcare practitioners who provide treatment for their team members from state license requirements. Allows a barber shop and barber school to be inspected before an initial license is issued. Removes staggered license barber renewal system. Provides that a barber instructor's license and barber's license expire at the same time. Allows the board to issue a provisional license to a barber who comes from a jurisdiction that does not provide licensure if certain requirements are met. Allows a person to take the barbers examination not more than five times without additional study. Requires 100 hours of additional study before taking a barber exam for the sixth time. Allows cosmetology schools and certain salons to be inspected before an initial license is issued. Amends the education and practice experience requirements for reciprocity for certain professionals. Allows the board to issue a provisional license to a cosmetologist, electrologist, manicurist, or a esthetician who comes from a jurisdiction that does not provide licensure if certain requirements are met. Provides that a beauty culture practitioner's license and beauty culture instructor's license expire at the same time. Allows an esthetician with a temporary permit to work under the supervision of a cosmetologist. Allows the board to inspect a tanning facility before issuing a license. Establishes a program to provide grants to recruit dental hygienists and dentists to underserved areas and to

increase the number of minority dentists and dental hygienists in Indiana. Requires the licensure of genetic counselors. Allows a certified registered nurse anesthetist to administer anesthesia under certain circumstances. Requires a massage therapist to have liability insurance and to provide proof of the therapist's certification. Reestablishes the allowance of temporary fellowship permits. Allows a nursing education program to employ a registered nurse who meets certain requirements to provide clinical instruction. Allows certain persons who are in a doctoral program to either apply for a marriage and family therapist associate license or accrue clinical experience. Provides the means that marriage and family therapist post degree experience is accumulated. Specifies requirements for a license as a clinical social worker. Amends the list of physician assistant (PA) approved programs. Amends PA licensure requirements. Amends PA temporary licensure requirements and removes the requirement that a PA with a temporary license must practice onsite with the supervising physician. Amends the PA inactive license requirements. Requires a supervising physician to not have certain disciplinary restrictions and to maintain an agreement with the PA. Allows a health service provider in psychology to have two years of sequential and organized professional experience in a supervised health service setting as a requirement of endorsement when "sequential and organized" is defined. Removes the requirement that the health service provider in psychology must obtain one year of experience after obtaining a doctorate in psychology. Allows a veterinarian to directly supervise certain graduates of a foreign college of veterinary medicine. Allows the real estate commission to use an emergency rule to adopt the Uniform Standards of Professional Appraisal Practice. Allows the board of funeral and cemetery service to designate a successor seller when the initial seller does not comply with certain requirements. Establishes the professional licensing study committee. Repeals laws concerning: (1) cosmetology license renewal; (2) esthetician reciprocity requirements; (3) inspection of the funeral director examination; (4) PA's definition of "accrediting agency"; (5) use of a PA testing company, and (6) an expired statute concerning temporary fellowship permits. Makes conforming changes.

DIGEST OF HB 1578 (Updated April 24, 2009 11:05 am - DI 84)

GPS monitoring and restraining orders. Permits a court to require a person who is subject to an order of protection to wear a GPS tracking device if the court finds that the person violated an order for protection. Provides that if a court orders GPS tracking, the court shall require the use of a GPS tracking device with certain notification capabilities. Requires the division of state court administration to provide reports to the general assembly concerning GPS tracking. Requires the division of state court administration to create, manage and maintain an Internet based registry of protective orders. Makes conforming amendments.

DIGEST OF HB 1581 (Updated April 28, 2009 12:05 pm - DI 84)

Financial responsibility curriculum. Requires public schools, charter schools, and accredited nonpublic schools to provide instruction in personal financial responsibility to students in grades 6 through 12 under standards adopted by the state board of education.

DIGEST OF HB 1589 (Updated April 23, 2009 2:04 pm - DI 84)

Electronic waste. Requires manufacturers of video display devices (VDDs) to recycle covered electronic devices (CEDs) from households, public schools, and small businesses (covered entities) in the amount of at least 60% of the total weight of VDDs sold by the manufacturer to households during the most recent twelve month period for which national sales data is available. Provides that VDDs generally include televisions and computer monitors that are marketed to covered entities, but establishes various exceptions. Provides that a program year for the electronic waste recycling program begins April 1 and ends the following March 31, and that the first program year begins April 1, 2010. Requires registration with the department of environmental management (IDEM) for each program year by: (1) manufacturers of VDDs; and (2) collectors and recyclers of CEDs. Requires manufacturers to submit to IDEM a compliance plan at the time of registration. Excludes from the definition of "collector" a service that accepts packages and delivers them to collectors or recyclers under a manufacturer's mailback program. To operate as a collector or as a recycler, requires that a person must submit to IDEM the registration currently required under rules of the solid waste management board and must otherwise comply with those rules. Allows IDEM to revoke the registration of a collector or recycler that violates those rules. Requires a recycler to annually certify that the recycler has complied with those rules and to annually report to IDEM the total weight in pounds of CEDs taken for final disposal during the immediately preceding year. Provides that a manufacturer must pay to IDEM a registration fee of \$5,000 for the initial program year and \$2,500 for each program year thereafter. For program years ending in 2013 or later imposes a variable recycling fee (VRF) on manufacturers that fail to meet the 60% goal. In the determination of the amount of the VRF: (1) allows the application of recycling credits in the amount of 25% of the amount by which a manufacturer exceeded the recycling goal in the preceding three years; (2) applies favorable weighting for CEDs recycled in Indiana or recycled from covered entities not located in a metropolitan statistical area; (3) adjusts for higher fees for manufacturers with lower recycling performance; (4) requires IDEM to bill the fee to a manufacturer not later than September 1; and (5) permits a manufacturer to petition the Indiana recycling market development board for relief from the fee upon showing of good cause. Establishes reporting requirements for IDEM, manufacturers, recyclers, and collectors. Prohibits governmental entities from requiring covered entities to use public facilities to recycle CEDs to the exclusion of other available recycling programs. Requires the department of administration to ensure that acquisitions of VDDs by state agencies comply with the electronic waste recycling program, and allows the department to void state contracts that violate the program in certain circumstances. Requires retailers to provide certain recycling information to households. Provides that the registration fee does not apply to a manufacturer that produces fewer than 100 VDDs for sale to households during a year. Requires the deposit of: (1) registration fee revenue in the electronic waste fund, which is established to implement the electronic waste recycling program; and (2) VRF revenue in the Indiana recycling promotion and assistance fund. Requires IDEM to provide refunds to manufacturers to the extent that registration fee revenue exceeds the amount needed to administer the program. Prohibits mixing by covered entities of certain electronic devices with municipal waste that is intended for disposal after 2010 at a landfill or by burning or incineration. Removes a definition that is never used. Provides that a covered entity that violates the electronic waste recycling law is not subject to criminal or civil action or penalty or any other sanction under state law. Requires the environmental quality service council to study in 2012 certain issues concerning the electronic waste recycling program.

DIGEST OF HB 1592 (Updated April 7, 2009 3:53 pm - DI 84)

Long term care employee flu vaccinations. Requires health facilities that are licensed as comprehensive care facilities to provide or make available to employees who have direct contact with patients immunizations against the influenza virus. Provides that immunizations are not required if there is an inadequate supply of the vaccine. Provides specific reasons that prohibit a health facility from requiring an employee to receive an immunization. Allows the department of health to adopt rules to administer the immunization requirements. Repeals and relocates a definition.

DIGEST OF HB 1593 (Updated April 24, 2009 11:08 am - DI 84)

Practicing as a surgical technologist. Specifies individuals who may perform surgical technology functions in a health care facility setting. Places responsibility on an employee who wishes to perform surgical technology functions in a health care facility to provide the individual's health care facility employer with evidence that the employee meets specified conditions. Specifies qualifications for an operating room circulator.

DIGEST OF HB 1598 (Updated April 29, 2009 11:01 pm - DI 14)

Interim plates for motor vehicle dealers. Defines "records" for purposes of the provision in current law that requires all records related to the use of interim dealer plates by a motor vehicle dealer to be made available to an investigating employee of the secretary of state upon demand.

DIGEST OF HB 1603 (Updated April 27, 2009 11:55 am - DI 84)

Service animals. Provides that it is the policy of the state that individuals with a mental disability: (1) are encouraged to participate fully in the social and economic life of the state and engage in remunerative employment; and (2) shall be employed in positions with state and local government, public schools, and other entities supported by public funds (current law is limited to individuals who are blind or have another visual or physical disability). Provides that a person with a disability is entitled to be accompanied by a service animal (instead of a guide dog) in certain public accommodations (including various educational entities) without an extra charge. Provides that an employer, employment agency, labor organization, or joint labor-management committee must allow an employee with a disability to keep a service animal with the employee at all times.

DIGEST OF HB 1610 (Updated April 28, 2009 12:08 pm - DI 84)

Sheriff's pension and prior fund contributions. Allows an employee beneficiary of a sheriff's retirement plan (plan) to transfer certain amounts from a prior public retirement fund to purchase service credit. Provides that a transfer cannot exceed the amount necessary to fund the service purchase and that any amounts in the prior public retirement fund after the transfer shall remain subject to the prior public retirement fund's provisions. Requires an employee beneficiary to earn the years of credited service in the plan necessary to receive an unreduced pension benefit before

the employee beneficiary may receive a benefit based on the service purchased by the amount transferred. Provides that, if an employee beneficiary withdraws the transferred amount from the plan, an adjustment of the pension benefit payable to an employee beneficiary is required to ensure that the plan remains actuarially cost neutral to the county. Allows an employee beneficiary who purchases permissive service credit in the plan to roll over a distribution from certain retirement accounts in order to fund the employee beneficiary's purchase. Allows the plan to accept, on behalf of an employee beneficiary who purchases permissive service credit in the plan, a trustee to trustee transfer from certain retirement accounts in order to fund the employee beneficiary's purchase.

DIGEST OF HB 1625 (Updated March 31, 2009 4:32 pm - DI 84)

Stable value fund investment option. Establishes a stable value fund investment option for members of the legislators' defined contribution plan.

DIGEST OF HB 1646 (Updated April 27, 2009 11:57 am - DI 84)

Business and other associations. Amends the statute concerning the regulation of loan brokers to specify that the law applies to residential mortgage loans. Amends the statute to bring it into compliance with the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (S.A.F.E. Act). Provides that mortgage loan originators and principal managers must be licensed, rather than registered, by the securities commissioner (commissioner). Reduces the application fees for licensure as a loan broker, mortgage loan originator, or principal manager. Specifies that a unique identifier obtained by an individual from the Nationwide Mortgage Licensing System and Registry (NMLSR) may not be used for purposes other than those set forth in the S.A.F.E. Act. Changes the amount of the bond that a loan broker licensee must maintain. Requires: (1) licensed mortgage loan originators; (2) licensed principal managers; and (3) certain individuals associated with licensed loan brokers; to submit fingerprints to the commissioner every three years for use in criminal history background checks. Requires an applicant for licensure as a mortgage loan originator or as a principal manager to authorize the commissioner to obtain a consumer report concerning the applicant. Sets forth requirements for the written examination that each applicant for licensure as a mortgage loan originator or as a principal manager is required to take. Requires a licensee to renew the licensee's license annually, instead of biennially. Requires, rather than allows, the commissioner to deny, suspend, or revoke a license under certain circumstances. Increases the criminal penalty for violation of the loan broker statute from a Class D to a Class C felony. Provides that a violation is a Class B felony if the person damaged by the violation is at least 60 years of age. Requires a loan broker licensee to maintain a report of all residential mortgage loans originated by the licensee, including pending loans and loans that were not closed. Prohibits a person, in connection with a contract for loan brokerage services, from violating certain federal laws and regulations concerning residential mortgage lending. Provides that an individual who acts solely as a loan processor or underwriter shall not represent to the public that the individual may or will perform mortgage loan origination activities. Provides that the academic instruction that a person must complete to obtain or maintain a license must include specified hours of instruction in certain courses. Specifies that the written examination and academic instruction required for licensure as a mortgage loan originator or a principal manager

must be approved by the NMLSR. Requires each loan broker licensee to submit periodic reports of condition to: (1) the commissioner; and (2) the NMLSR. Amends the uniform securities act to provide that: (1) a registered broker-dealer office that is selected to complete a compliance report shall file its report not later than 45 days (instead of 90 days under current law) after being notified of its selection; (2) a person who knowingly violates the act while using or taking advantage of a relationship based on religious affiliation or worship commits a Class B felony; and (3) a person who commits a fraud in connection with the offer, sale, or purchase of a security commits a Class B felony if the person damaged by the fraud is at least 60 years of age. Repeals a provision exempting certain persons from the loan broker statute.

DIGEST OF HB 1650 (Updated April 15, 2009 2:25 pm - DI 84)

Motor vehicle matters. Requires the department of administration to enter into quantity purchase agreements with vendors for the purchase of road salt. Provides that these quantity purchase agreements must require the vendors to offer the road salt to political subdivisions. Provides that political subdivisions: (1) may participate in the solicitation of purchase of road salt by submitting the estimated volume of salt use to the department; and (2) shall be committed to purchasing the minimum fill percentage submitted for solicitation. Provides that certain substances approved by the federal Environmental Protection Agency are acceptable alternatives for use as refrigerants in motor vehicle air conditioning systems. Updates an obsolete reference to a federal statute in the Indiana statute governing recovery of civil penalties by the attorney general for violation of state or federal laws concerning tampering with or resetting odometers. Establishes certain defenses for vehicle weight limit violations. Deletes certain references in vehicle law regarding criminal liability for purposes of weight limitations to bring those references into conformance with vehicle law and current case law. Reduces the length of time that a vehicle must sit under certain circumstances before being considered abandoned. Provides that agents of certain persons are not liable for loss or damage to a vehicle or parts occurring during the removal or storage of certain vehicles or parts. Provides that a vehicle covered by a tarpaulin or other plastic, vinyl, rubber, cloth, or textile covering is considered to be visible for purposes of determining whether a vehicle is considered abandoned. Specifies the responsibilities of a driver involved in a nonfatal accident.

DIGEST OF HB 1669 (Updated April 29, 2009 5:13 pm - DI 113)

Geothermal conversion loans and energy efficiency. Establishes the geothermal conversion revolving fund (revolving fund) for the purpose of making loans to school corporations that: (1) install a geothermal heating and cooling system in a new facility; or (2) install a geothermal heating and cooling system that replaces a conventional heating and cooling system. Provides that the revolving fund is administered by the Indiana bond bank (bank). Requires the bank to establish a written procedure for providing loans from the revolving fund to school corporations. Specifies that a loan from the revolving fund may not exceed the difference between: (1) the cost of installing a geothermal heating and cooling system; and (2) the cost of installing a conventional heating and cooling system. Requires a school corporation to enter into a loan agreement with the bank before receiving a loan from the revolving fund. Requires the bank to report annually to the budget committee concerning the projects funded with loans from the

revolving fund. Provides that the maximum term of a guaranteed energy cost savings contract or utility efficiency program is 20 years. (Current law provides for maximum terms of 10 and 15 years.) Amends the statute governing local public works projects to state that a political subdivision or its agencies may: (1) participate in a utility efficiency program or may enter into a guaranteed savings contract as provided by law; and (2) enter into a design-build contract as permitted by law instead of awarding a public works contract. Provides that a "conservation measure" includes installation of insulation in a political subdivision's facility.

DIGEST OF HB 1671 (Updated April 22, 2009 2:04 pm - DI 84)

Nursing scholarships. Requires a recipient of a nursing scholarship to agree in writing to work as a practicing nurse providing direct patient care for: (1) an acute care or speciality hospital; (2) a long term care facility; (3) a rehabilitation care facility; (4) a home health care entity; (5) a hospice program; (6) a mental health facility; or (7) a facility located in a shortage area. Allows for continued nursing scholarship program eligibility of nursing students who have not agreed to work in specified facilities or programs until June 30, 2011.

DIGEST OF HB 1681 (Updated April 27, 2009 3:43 pm - DI 84)

Educational assistance for foster care youth. Requires the state student scholarship commission to annually report to the legislative council concerning data on the individuals who received certain assistance. Establishes eligibility requirements for the twenty-first century scholars program for foster care youth. Requires a caseworker of a foster child to provide certain information to the child concerning specified scholarship programs. Requires the department of education, the department of child services, the state student assistance commission, and the commission for higher education to: (1) jointly study whether there is a need for a foster care educational assistance program; and (2) submit a report containing recommendations to the legislative council by October 1, 2009 concerning whether legislation is needed to establish a program and the best agency to administer the program.

DIGEST OF HB 1686 (Updated April 27, 2009 12:00 pm - DI 84)

Senior citizen jury exemption. Provides that an individual at least 75 years of age may be exempted from jury duty if the individual requests an exemption from jury duty.

DIGEST OF HB 1697 (Updated April 21, 2009 2:02 pm - DI 84)

Office of small business advancement. Requires the economic development corporation (corporation) to maintain a small business division to carry out the corporation's duties concerning the development of small businesses. Specifies information that must be contained in the corporation's annual report. Requires the corporation to assist small businesses in obtaining state and federal tax incentives. Requires the corporation to maintain a statewide network of public, private, and educational resources to inform small businesses of the state and federal programs under which they may obtain financial assistance or realize reduced costs.

DIGEST OF HB 1701 (Updated April 27, 2009 12:03 pm - DI 84)

Corporate officers and worker's compensation. Provides that for purposes of worker's compensation, an officer of a corporation who is the sole officer of the corporation: (1) is an employee of the corporation; but (2) may elect not to be an employee of the corporation. Makes technical corrections.

DIGEST OF HB 1716 (Updated April 28, 2009 4:49 pm - DI 77)

Little Calumet River basin development commission. Changes the membership of and the qualifications for membership on the Little Calumet River basin development commission (commission). Requires record keeping and audits of the commission's accounts. Requires the commission to prepare reports annually, or more frequently as required by the governor. Staggers the initial terms of the members. Requires the commission to provide or provide for the training and instruction of persons who are responsible for maintaining levees or other improvements related to flood control. Makes conforming changes.

DIGEST OF SB 16 (Updated April 29, 2009 5:31 pm - DI 96)

Learner's permits and graduated licenses. Raises the minimum age for the issuance of a learner's permit under certain circumstances and a probationary operator's license. Sets requirements for practice driving before a probationary operator's license can be issued. Prohibits an operator under the age of 18 from operating a motor vehicle while using a telecommunications device except for making a 911 emergency call. Revises the period during which certain passengers may not accompany a probationary operator. Revises the hours when nighttime driving is prohibited by certain probationary operators. Specifies the period of validity of a learner's permit. Requires the state board of education and the criminal justice institute to adopt rules specifying that the classroom portion of driver education may not be provided to a child less than 15 years and 180 days of age. Makes the holder of a probationary license ineligible for pretrial diversion or deferral with respect to certain alleged offenses and infractions involving motor vehicles. Establishes the interim study committee on driver education. Makes corresponding changes and conforming amendments. Removes outdated language. (The introduced version of this bill was prepared by the interim study committee on learner's permits and graduated driver's licenses.)

DIGEST OF SB 21 (Updated April 27, 2009 2:48 pm - DI 84)

Theft of metal. Expands the definition of "valuable metal", and removes the provision exempting valuable metal transactions under \$100 from reporting requirements. Specifies that the term "valuable metal" does not apply to a beverage can. Requires a valuable metal dealer to photograph the person from whom the dealer purchases valuable metal and the valuable metal being purchased and to record the source of the valuable metal. Requires the superintendent of the state police to notify valuable metal dealers of valuable metals that are particularly susceptible to theft. Defines "key facility" and makes trespassing a Class D felony if it is committed on a facility belonging to a key facility or public utility. Raises theft and receiving stolen property to a Class C felony if the stolen property is a valuable metal taken from a key

facility, public utility, railroad, or highway department and the absence of the metal creates a substantial risk of bodily injury to a person. Requires the law enforcement training board to adopt rules to provide, as part of the inservice training program for police officers, training concerning the theft of valuable metals and the regulation of valuable metal dealers. Makes a technical correction. Repeals obsolete provisions relating to the definition of valuable metals. (The introduced version of this bill was prepared by the sentencing policy study committee.)

DIGEST OF SB 25 (Updated March 30, 2009 1:57 pm - DI 84)

1977 pension fund military service credit. Authorizes under certain conditions a member of the 1977 police officers' and firefighters' pension and disability fund to purchase up to two years of service credit for active duty military service. (The introduced version of this bill was prepared by the pension management oversight commission.)

DIGEST OF SB 27 (Updated March 26, 2009 11:13 am - DI 84)

David Ford educational technology fund. Renames the educational technology fund as the Senator David C. Ford educational technology fund. (The introduced version of this bill was prepared by the interim study committee on education matters.)

DIGEST OF SB 34 (Updated April 29, 2009 12:44 pm - DI 69)

Assisting a criminal. Provides, for purposes of the crime of assisting a criminal, that it is not a defense that the person assisted has not been prosecuted, has not been convicted, or has been acquitted by reason of insanity.

DIGEST OF SB 39 (Updated April 21, 2009 4:13 pm - DI 84)

Veterans' benefits. Removes the requirement that a Purple Heart recipient must enter active duty service in the armed forces of the United States or the Indiana National Guard after September 10, 2001, to be eligible for an exemption from tuition and fees at a state educational institution. Repeals a provision that excludes a county having a consolidated city from the veterans' vending and peddling licensing fee exemption.

DIGEST OF SB 57 (Updated March 17, 2009 2:19 pm - DI 84)

Sign language interpreters in schools. Requires the advisory board of the division of professional standards of the department of education, before July 1, 2010, to adopt rules setting standards for sign language interpreters working in an educational setting.

DIGEST OF SB 96 (Updated April 29, 2009 9:23 pm - DI 77)

Addiction counselors. Provides for a license for addiction counselors. Changes the name of the "social worker, marriage and family therapist, and mental health counselor board" to the "behavioral health and human services licensing board" (board) and adds members. Requires

addiction counselors and clinical addiction counselors to be licensed. Establishes requirements and procedures for an individual to be licensed as an addiction counselor or clinical addiction counselor. Prohibits a person who is not licensed as an addiction counselor from using certain titles or certain words in a title. Establishes interim qualifications and procedures according to which persons already acting as addiction counselors may obtain initial licensure. Makes conforming changes. (The introduced version of this bill was prepared by the commission on mental health.)

DIGEST OF SB 98 (Updated April 20, 2009 2:13 pm - DI 84)

Mental health Medicaid quality advisory committee. Establishes the mental health Medicaid quality advisory committee as a permanent committee to advise the drug utilization review board. (Under current law, the mental health quality advisory committee expires June 30, 2009.)

DIGEST OF SB 102 (Updated April 20, 2009 2:14 pm - DI 84)

Coverage of mental health services in CHIP. Specifies mental health services that must be covered under the children's health insurance program (CHIP). (The introduced version of this bill was prepared by the commission on mental health.)

DIGEST OF SB 136 (Updated April 28, 2009 4:37 pm - DI 75)

Purchasing. Removes the expiration date of a provision concerning certain purchasing preferences for certain businesses.

DIGEST OF SB 142 (Updated April 29, 2009 5:27 pm - DI 97)

Commercial vehicle policies. Repeals a provision exempting commercial vehicle policies from requirements for an insurer to make available uninsured and underinsured motorist coverage. Maintains the exemption for commercial umbrella and excess liability policies, including certain motor carriers' policies. Amends provisions concerning rejection of the coverage.

DIGEST OF SB 160 (Updated April 27, 2009 2:50 pm - DI 84)

Regulation of boxing, sparring, and unarmed combat. Changes the "state boxing commission" to the "state athletic commission." Requires the Indiana gaming commission to oversee the state athletic commission. (Current provisions require the professional licensing agency to oversee the state boxing commission.) Requires the state athletic commission to regulate unarmed combat matches and exhibitions. Allows the state athletic commission to adopt rules to regulate the conduct of mixed martial arts, martial arts, and professional wrestling. Allows the athletic commission to adopt emergency rules. Creates the athletic commission fund for fees and penalties. Requires that balances over \$100,000 in the athletic commission fund at the end of a fiscal year revert to the state general fund. Provides for licensing for promoters and sanctioning bodies for amateur mixed martial arts matches and exhibitions. Makes various other conforming changes. Appropriates money to the athletic commission fund.

DIGEST OF SB 164 (Updated April 15, 2009 2:23 pm - DI 84)

Definition of relevant market area. Defines "relevant market area" for purposes of IC 9-23-3.

DIGEST OF SB 174 (Updated April 20, 2009 2:17 pm - DI 84)

Repossession of motor vehicles. Provides that a person who repossesses a motor vehicle or watercraft must, either before repossessing the motor vehicle or watercraft or not later than two hours after repossessing the motor vehicle or watercraft, provide the appropriate sheriff's department with: (1) the identity of the repossession company; (2) a description of the motor vehicle or watercraft; (3) the name and address of the person believed to be in possession of the motor vehicle or watercraft (or believed to have been in possession of the motor vehicle or watercraft); and (4) the address where the motor vehicle repossession agent found the motor vehicle or watercraft, or believes that the motor vehicle or watercraft will be found. Makes failure to notify a Class C infraction.

DIGEST OF SB 181 (Updated April 29, 2009 5:42 pm - DI 106)

Sex crimes. Expands the range of possible offenders for the crime of child seduction by adding persons employed by a charter school or special education cooperative and persons otherwise affiliated with a school corporation, charter school, nonpublic school, or special education cooperative if the person affiliated with the school or cooperative: (1) has a position of trust with respect to a child who attends the school or cooperative; (2) is engaged in the provision of care to or supervision of a child who attends the school or cooperative; and (3) is at least four years older than the child. Provides that a military recruiter whose primary job is recruiting individuals to enlist with the armed forces commits child seduction if the military recruiter is attempting to enlist a child at least 16 years of age but less than 18 years of age and: (1) engages in sexual intercourse with the child; (2) engages in deviate sexual conduct with the child; or (3) fondles the child. Provides that an attempted sex offense may be used to establish that a person is a repeat sex offender. Establishes a procedure for the release of medical information relevant to the prosecution or defense of a person who has been charged with a potentially disease transmitting offense. Allows a prosecuting attorney to petition a court to order a defendant charged with the commission of: (1) a potentially disease transmitting offense; or (2) an offense involving the transmission of a bodily fluid; to submit to a screening test to determine whether the defendant is infected with a dangerous disease. Makes conforming amendments. Repeals a similar provision in current law that applies only to screening tests for HIV.

DIGEST OF SB 188 (Updated March 31, 2009 2:46 pm - DI 84)

1977 fund disability benefit. Provides that a member of the 1977 police officers' and firefighters' pension and disability fund who receives a disability benefit based on a determination that the fund member has a Class 1 impairment or, under certain circumstances, a Class 2 impairment (disabled member) is entitled to receive the disability benefit for the remainder of the disabled member's life. (Currently, a disabled member receives a disability benefit until age 52; at 52, the disabled member's benefit is recomputed as a retirement benefit.) Provides that, upon becoming

52, the disabled member is entitled to receive a monthly supplemental benefit equal to the greater of: (1) the monthly retirement benefit that the disabled member would have received had the disabled member remained in service until retirement upon becoming 52; or (2) the monthly retirement benefit earned by a fund member with 20 years of service; reduced by the amount of any disability benefit that the disabled member is entitled to receive for life. Provides that a fund member's retirement benefit is based on: (1) the member's years of active service; plus (2) if applicable, the period, not to exceed 20 years, during which the member received disability benefits. (The introduced version of this bill was prepared by the pension management oversight commission.)

DIGEST OF SB 202 (Updated April 20, 2009 2:21 pm - DI 84)

Lead-based paint activities. Transfers administration of the lead-based paint activities program from the department of environmental management (IDEM) to the state department of health (state department) and amends the definition of "elevated blood lead level" for purposes of the program. Provides that lead-based paint activities rules adopted before July 1, 2009, by the air pollution control board are considered rules of the state department after December 31, 2009, and requires the state department to adopt rules to replace the rules of the control board. Specifies that the requirements for retail establishments that sell paint do not apply to paint and paint products that are used solely for crafts or hobbies. Sets forth circumstances under which the state department may investigate lead-based paint abatement activities. Repeals current provisions governing the IDEM lead-based paint activities program.

DIGEST OF SB 209 (Updated April 29, 2009 9:49 pm - DI 103)

Various election law matters. Requires that election material related to provisional ballots (excluding the provisional ballots themselves) be made available for copying and inspection under the access to public records law in the same manner as other election material, except in the case of a recount or contest, when material related to provisional ballots remains confidential for six months after the completion of the recount or contest. Provides that information in material related to provisional ballots that identifies an individual, except for the individual's name, address, and birth date, remains confidential. Requires a precinct election officer, in the case of a voter who casts a provisional ballot, or an absentee voter board, in the case of a voter who casts an absentee ballot that is treated as a provisional ballot, to provide both orally and in writing an explanation of the steps the voter must take in order to have the voter's ballot counted. Requires the election commission to prescribe the form of the explanation. Requires the circuit court clerk of a county that conducts an election in which a voter casts a provisional ballot or an absentee ballot that is treated as a provisional ballot to notify the voter not later than three days after election day concerning: (1) the reasons that the voter's ballot is being treated as a provisional ballot; (2) what actions, if any, that the voter must take in order to have the voter's ballot counted; (3) the deadline by which the voter must act to have the voter's ballot counted; and (4) certain contact information that the provisional voter may use to find out about the provisional voter's ballot. Requires that the notice be sent by first class United States mail or given by another method that the circuit court clerk determines will provide actual notice to the voter. Requires the notice to be in a form prescribed by the election commission. Requires the

county election board to provide a list of the name and addresses of all voters who cast a provisional ballot at an election to a candidate whose name was on the ballot or the county chairman of a political party in the county not later than 72 hours after the request. Provides that a person required to give notice to a voter relating to the voter's provisional ballot who knowingly or intentionally fails to do so commits a Class C infraction. Requires the circuit court clerk and the secretary of state to compile and make public certain information about provisional voting. Provides that a voter who is a resident of a vote center county is entitled to cast an absentee ballot by mail. Removes the requirement that a county election board may establish satellite offices only by the unanimous vote of the board's members. Designates Johnson County as a vote center pilot county if it meets all the other requirements to be a vote center county. Requires a vote center pilot county to establish at least one satellite office for absentee voting. Repeals P.L.108-2008, SECTION 4, which authorizes the secretary of state to designate an additional vote center county.

DIGEST OF SB 218 (Updated April 29, 2009 11:02 pm - DI 104)

Eligible institutions for anatomical education programs. Provides that an "eligible institution", for purposes of the anatomical education program, must be an educational institution located in the United States. (Current law requires the institution be located in Indiana.)

DIGEST OF SB 219 (Updated April 29, 2009 5:35 pm - DI 104)

Immunizations and student vision tests. Includes a physician's designee and a pharmacist's designee as persons who may provide immunization data to the immunization data registry. Adds: (1) a provider's designee; (2) a child placing agency; and (3) a college or university; as persons to whom the state department of health may release information from the immunization data registry. Requires the state department of health to establish a panel to study expanding access to the registry. Requires the state department of health to adopt rules to require school age children to receive immunizations against: (1) meningitis; (2) varicella; and (3) pertussis. Requires a school corporation's governing body and superintendent to receive certain information about vision tests performed in the schools. Requires school corporations to provide to the department of education certain information concerning vision tests conducted by each school. Requires school corporations to make and maintain records of requested waivers of the requirement to conduct certain vision tests. Requires the state superintendent to make and maintain records of all actions taken by the state superintendent concerning all requested waivers of the requirement to conduct certain vision tests.

DIGEST OF SB 221 (Updated April 20, 2009 2:22 pm - DI 84)

Confined animal feeding. Amends the definitions of "applicant" and "responsible party" for purposes of confined feeding statutes. Amends the definition of "confined feeding operation" (CFO) to be consistent with the federal definition of "concentrated animal feeding operation" (CAFO) and eliminates separate CFO and CAFO references. Makes the confined feeding control statute part of the defined term "environmental management laws". Eliminates the exception from the requirement for department of environmental management (IDEM) construction

approval for a CAFO that obtains an NPDES permit. Requires IDEM approval of confined feeding operation expansion that increases animal capacity or manure containment capacity. Establishes good character disclosure requirements for CFOs, applicable to both new construction and certain expansions. Provides that disclosure of acts and omissions in violation of foreign law applies only if the acts and omissions would have violated state or federal environmental law if the act or omission had occurred in the United States. Provides that disclosure requirements do not apply to a renewal of an IDEM approval and apply only if alleged acts and omissions subject to disclosure presented a substantial endangerment to human health or the environment. Requires an applicant for the construction or expansion of a CFO to inform land owners and occupants whose land is within 1/2 mile of certain parts of the CFO within 10 days after submitting the application. Allows the department of environmental management to review and act on disclosed good character information. Applies good character disclosure requirements to pending confined feeding projects.

DIGEST OF SB 223 (Updated April 29, 2009 5:35 pm - DI 14)

Various corrections and criminal matters. Provides that an offender who has filed at least three civil actions that have been dismissed as frivolous may not file a new complaint or petition as an indigent person unless the offender is in immediate danger of serious bodily injury. Makes trafficking with an inmate (which is, without enhancement, a Class A misdemeanor) a Class C felony if the item trafficked is a cellular telephone. Makes it a Class A misdemeanor if a person possesses in or carries into a penal facility or a juvenile facility a controlled substance or a deadly weapon. Requires the sentencing policy study committee to evaluate whether the state should pay all costs of trial in a prosecution for an offense committed at a state correctional facility

DIGEST OF SB 228 (Updated April 20, 2009 2:24 pm - DI 84)

End of route inspection by bus drivers. Requires the operator of a school bus or special purpose bus to visually inspect each seat within the bus at the end of each trip during which passengers are transported to determine that no passengers remain on the bus. Requires the owner of a school bus or special purpose bus to report each incident in which a passenger is left on the bus to the superintendent or superintendent's designee. Requires the superintendent or superintendent's designee to report each incident in which a passenger is left on the bus to the department of education. Makes a violation of these provisions a Class C infraction.

DIGEST OF SB 236 (Updated April 21, 2009 4:21 pm - DI 84)

Sentence enhancement for feticide. Provides that a person who, while committing or attempting to commit murder or felony murder, causes the termination of a human pregnancy may be sentenced to an additional term of imprisonment of six to 20 years. Increases the penalty for feticide from a Class C felony to a Class B felony.

DIGEST OF SB 244 (Updated April 29, 2009 5:39 pm - DI 14)

Offender reentry administrative account. Requires the department of correction (DOC) to provide

certain inmates who earn income in the DOC with an offender reentry administrative account (OEAA). Requires that between 10% and 20% of an eligible inmate's earnings be deposited in an OEAA. Requires the DOC to issue an inmate a check for the balance in the inmate's OEAA when the inmate is released or discharged from incarceration by the DOC

DIGEST OF SB 263 (Updated April 21, 2009 4:30 pm - DI 84)

Public school compensation payment schedules. Allows a public school corporation, the school for the blind and visually impaired, the school for the deaf, certain correctional institutions, certain state institutions, and the soldiers' and sailors' childrens' home to enter into a 13 month compensation payment schedule for work performed during a normal nine or ten month school year. Makes technical changes.

DIGEST OF SB 270 (Updated April 29, 2009 5:42 pm - DI 116)

Occupational certification requirements. Adds: (1) a program director for an advanced life support training institution; and (2) the deputy executive director who manages the division of preparedness and training of the department of homeland security, as members of the emergency medical services commission. Amends various provisions concerning certification and licensing requirements for: (1) emergency medical dispatchers and dispatch agencies; (2) regulated amusement device inspectors; and (3) boiler and pressure vessel inspectors. Deletes obsolete provisions. Repeals provisions concerning certification requirements for emergency medical dispatchers and dispatch agencies.

DIGEST OF SB 271 (Updated March 23, 2009 4:23 pm - DI 84)

Animal disease diagnostic laboratory. Provides that a request for an increase in funds for the animal disease diagnostic laboratory at Purdue University must originate from the Indiana state board of animal health, subject to the written approval of the treasurer of Purdue (instead of the board of trustees). Provides that proceeds from fees may be used for any purpose except for faculty salaries.

DIGEST OF SB 280 (Updated April 21, 2009 4:32 pm - DI 84)

Adoption. Expands the definition of "pre-adoptive sibling". Requires the clerk of courts to file a notice with the state department of health (department) concerning filings of petitions to establish paternity. Requires the department to provide: (1) certain information regarding filings of petitions to establish paternity; and (2) certain information not later than five days. (Current law requires the information be provided not later than 10 days.) Requires a court in which a paternity action is pending to stay all proceedings in the paternity action upon notice that a court in which an adoption is pending has assumed jurisdiction of the paternity action. Allows the department to release information concerning putative father registrations to: (1) attorneys who represent mothers, putative fathers, and child placing agencies; and (2) child placing agencies that represent mothers and putative fathers. Allows an attorney, a licensed child placing agency, or a county office of family and children that contacts an adoptee or a birth parent upon a request

to release identifying information if an adoptee who is at least 21 years of age and a birth parent consent. Makes clarifying and conforming changes to correspond with current law. Provides that a biological father's consent to the termination of the parent-child relationship is not required if the father consents to the termination in a certain manner before the birth of the child. Prohibits a child's mother from executing a consent to the termination of the parent-child relationship before the birth of the child.

DIGEST OF SB 301 (Updated March 26, 2009 1:02 pm - DI 84)

Medicaid transfer of assets and trusts. Specifies that beginning October 1, 2009, the office of Medicaid policy and planning (office), in determining eligibility, may not consider a total of \$1,200 per year in contributions by an individual to a family member or nonprofit organization as an improper transfer and may disregard certain contributions. States that the office may not apply certain penalties to noninstitutionalized individuals for the disposal of assets. Specifies that rules adopted by the office of the secretary concerning transfer of assets may not: (1) apply to a transfer of property that occurred before the effective date of the rule; and (2) require an individual to return all assets in order to reduce a penalty period for the transfer of assets. Specifies that, beginning October 1, 2009, a trustee of certain trusts may not distribute trust property except for state and federal taxes to any person entitled to a payment from the trust until the office has been fully reimbursed for rendered assistance.

DIGEST OF SB 303 (Updated April 15, 2009 3:47 pm - DI 84)

Adoption records. Requires a person that is required to store, maintain, or release certain adoption records or other adoption information to store and maintain the records or other information for at least 99 years from the date the adoption is filed, unless the records or other information are transferred to the state registrar. Specifies that certain records may be automatically transferred to the state registrar. Provides that the adoption records or other adoption information may be stored and maintained in an electronic or other format. Requires the department of child services to consider a child who is two years of age or older a hard to place child for determining eligibility for state adoption subsidies.

DIGEST OF SB 304 (Updated March 26, 2009 12:59 pm - DI 84)

Communication of Medicaid notices and bulletins. Specifies that a notice or bulletin from the office of Medicaid policy and planning (office) or a contractor of the office may be communicated instead of mailed to a party affected by the notice or bulletin, and requires written notice to be provided within a specified time frame.

DIGEST OF SB 307 (Updated April 20, 2009 2:26 pm - DI 84)

Silver alert for missing endangered adults. Requires the law enforcement training board to provide training in interacting with missing endangered adults. Creates the silver alert program to alert the public regarding missing endangered adults. Renames the Indiana clearinghouse for information on missing children as the Indiana clearinghouse for information on missing children

and missing endangered adults (clearinghouse). Requires the clearinghouse to operate the silver alert program in addition to operating the Amber alert program. Makes conforming changes.

DIGEST OF SB 342 (Updated April 29, 2009 5:46 pm - DI 75)

Compensation for victims of violent crimes and wrongful death or injury of a child. Allows the Indiana criminal justice institute (CJI) to pay funeral, burial, or cremation expenses from the violent crime victims compensation fund (fund) for the victims of certain crimes involving motor vehicle accidents. Allows the CJI to pay funeral, burial, or cremation expenses from the fund regardless of whether the victim was married. (Current law allows the payment only if the victim was unmarried.) Increases from \$4,000 to \$5,000 the maximum amount of expenses for which the CJI may compensate a claimant from the fund for the funeral, burial, or cremation of a victim. Provides that the CJI may award compensation from the fund in connection with a violent crime if the violent crime was reported to a law enforcement officer not more than 72 hours after the occurrence of the crime. (Under current law, the time limit is 48 hours.) Provides that expenses for necessary medical and hospital services and prescription drugs must be incurred within 180 days after the crime to be compensable from the fund, but that an extension of the 180 day period may be granted under certain circumstances. Allows the CJI to compensate a crime victim for up to \$3,000 of the cost of outpatient mental health counseling related to the crime. Removes provisions requiring a sex crime victim to cooperate with law enforcement. Relocates a definition. Specifies that the law concerning the wrongful death or injury of a child: (1) does not apply to a legally performed abortion; and (2) applies to a fetus that has attained viability. Provides that the law concerning the wrongful death or injury of a child does not affect or supersede any other right, remedy, or defense provided by any other law.

DIGEST OF SB 344 (Updated March 23, 2009 4:26 pm - DI 84)

Restoration of county offices of family resources. Eliminates authority of the division of family resources to replace county offices with regional offices. Replaces references to "local office" and "local director" with "county office" and "county director". Repeals definitions of "local office" and "local director".

DIGEST OF SB 345 (Updated April 28, 2009 4:40 pm - DI 107)

Domestic violence programs and Indiana protective order registry. Transfers the administration of sexual offense services, domestic violence programs, the assistance to victims of human and sexual trafficking, the domestic violence prevention and treatment council, the domestic violence prevention and treatment fund, and the family violence and victim assistance fund to the criminal justice institute. Establishes the Indiana protective order registry (registry) and requires the division of state court administration to create, manage, and maintain the registry. Requires the division of state court administration to: (1) make the protective order registry available so that county case management systems may interface with the protective order registry by not later than December 31, 2009; (2) submit information concerning a standard protocol for county case management systems to each prosecuting attorney and court; and (3) develop standard protocols for the exchange of information by not later than December 31, 2009, between the protective

order registry and county court case management systems, for certain case management systems to interface with electronic traffic tickets, and between county case management systems and the case management system developed and operated by the division of state court administration. Requires a law enforcement agency that perfects service of a protective order to enter certain information into the registry. Requires a clerk of the circuit court to enter: (1) a case concerning a petition for an order for protection; and (2) a foreign protective order that is registered; into the registry. Makes conforming changes. Repeals the current law concerning the domestic violence prevention and treatment council, the domestic violence prevention and treatment fund, and the family violence and victim assistance fund.

DIGEST OF SB 346 (Updated March 23, 2009 4:27 pm - DI 84)

Noncode statutes. Provides that the expiration of a statute has the same effect as the repeal of a statute. Codifies several noncode sections. Repeals the corresponding noncode sections. (The introduced version of this bill was prepared by the code revision commission.)

DIGEST OF SB 356 (Updated April 20, 2009 2:27 pm - DI 84)

Military family leave. Adds a biological child, an adopted child, a foster child, or a stepchild of a person who is ordered to active duty as eligible for military family leave. Makes conforming changes to definitions of grandparent, parent, and sibling, for purposes of military family leave.

DIGEST OF SB 365 (Updated April 29, 2009 5:52 pm - DI 75)

Various department of child services matters. Repeals provisions concerning local coordinating committees. Removes a provision stating that certain information may be included in a petition for adoption. Requires a petition for adoption that is in proper form to be forwarded to the department of child services (department). Specifies certain supervision that is a prerequisite to adoption. Provides that the department shall: (1) publish or post on its web site; and (2) furnish to public libraries; a list of supervising adoption agencies. Removes the requirement that the department provide each clerk of the courts having probate jurisdiction with the list of supervising adoption agencies. Provides that licensed child placing agencies or county offices of family and children shall ensure that certain criminal history checks are conducted (Current law requires the department to conduct the criminal history checks). Removes classifications of when a child is hard to place and requires the department to define "hard to place". Requires a court to refer to the department a petitioner for adoption who requests financial assistance. Changes how frequently the department is required to report information regarding caseloads of child protection caseworkers. Provides that the case plan for a child in need of services must include ensuring the educational stability of the child while in foster care. Provides that under certain circumstances the refusal of a parent, guardian, or custodian to submit to a drug or alcohol screen test after the death of a child may be used to determine that the parent was intoxicated or under the influence of drugs or alcohol at the time of the child's death. Gives the department additional emergency rule making authority. Requires the department to initiate an assessment upon receiving a report of a child who lives with a parent who is married to or lives with a person who has been convicted of a battery offense or neglect of a dependent. Provides that the department of

child services (DCS) is responsible for the cost of treatment or maintenance of a child under DCS's supervision only if the costs are reimbursable under the state Medicaid program. Changes references from the family and social services administration to the department of child services. Changes references from caseworkers to family case managers. Changes references from child abuse "investigations" to child abuse "assessments". Provides that if DCS believes that a child is in imminent danger of serious bodily harm, DCS shall initiate an immediate assessment. Removes a requirement that the probation department complete a child's case plan not more than 60 days after the date of the dispositional decree. Requires the probation department to create a case plan if a decree is modified. Removes a requirement for a probation officer to include certain information in a predispositional report for DCS to determine if a child is eligible for certain government assistance. Removes the requirement that the bureau of child support demonstrate that all previous enforcement actions have been unsuccessful before sending an obligor a notice that the obligor is delinquent. Provides that a petition alleging that a child taken into custody is a child in need of services (CHINS) shall be filed before the detention hearing. Requires the initial hearing on the CHINS petition to be held at the same time as the detention hearing. Enhances battery to a Class D felony if the victim suffers bodily injury and is a DCS employee. Adds employees of DCS to the list of persons covered by the statute making battery by bodily waste a Class D felony. Requires a coroner to: (1) immediately notify the county office of DCS of; and (2) consult with a child death pathologist to determine whether an autopsy is needed regarding; the death of a person less than 18 years of age who died in an apparently suspicious, unexpected, or unexplained manner. Requires DCS, in cooperation with the state department of education, to develop and coordinate the education advocates for children in foster care plan. Authorizes a probation department and the county office of family and children and the department of child services to exchange information for use in preparing certain reports concerning a child. Prohibits a court from appointing a person to serve as a guardian or to continue to serve as a guardian if the person has committed certain sex offenses. Prohibits a court or juvenile court from permitting a person to serve as a guardian or custodian if the person was convicted as an adult of certain sex offenses that the person committed when the person was less than 18 years of age. Provides that a court may: (1) order a party who is alleged to be in contempt of court regarding violation of a child support order to show cause as to why the party should not be held in contempt; and (2) if the party fails to respond to the order to show cause, issue a bench warrant and require the party to deposit an escrow amount before the hearing to show cause. Provides that if a child is removed from the child's parents, the department of child services shall identify and provide notice of the removal to certain adult relatives, including the child's siblings who are at least 18 years of age. Specifies the data and information that must be disclosed in records of cases of a child fatality or near fatality that may have been a result of abuse, abandonment, or neglect. Removes the option for the department of child services to classify an assessment of suspected child abuse or neglect as "indicated". Adds references to probation departments' duties concerning legal settlement of a student. Removes the requirement under which a report based on the investigation concerning an adoption petition must state whether the child is classified as hard to place. Requires a court to incorporate certain department of child services records into an order. Creates the commission on childhood poverty in Indiana and sets forth duties of the commission.

Line of duty disability from Parkinson's disease. Creates a presumption that a police officer, firefighter, or emergency medical services provider who is diagnosed with Parkinson's disease after being exposed to certain toxins or trauma has incurred a line-of-duty disability. (Current law provides that certain cancers or heart or lung disease is presumed to have been incurred in the line of duty.)

DIGEST OF SB 391 (Updated April 29, 2009 11:16 pm - DI 96)

Driver's licenses and identification cards. Allows the bureau of motor vehicles to adopt rules concerning the renewal of certain driver's licenses by mail or by electronic service. Adds provisions concerning driver's licenses, driver's permits, and identification cards for aliens lawfully admitted for temporary residence in the United States. Makes corresponding changes in related sections.

DIGEST OF SB 414 (Updated April 21, 2009 4:39 pm - DI 84)

Charity gaming. Provides that a charity gaming patron is not required to submit and a qualified organization is not required to obtain certain information unless the patron wins at least \$250 on a pull tab, punchboard, or tip board game or the qualified organization is required to report the patron's winnings to the Internal Revenue Service for federal income tax purposes. Provides that an administrative rule that requires a patron to submit or a qualified organization to obtain, record, or report information that is inconsistent with these provisions is void. Specifies that certain reusable licensed supplies are not subject to the requirement that licensed supplies be obtained from licensed manufacturers or distributors. Allows an individual to be an operator for three qualified organizations in a calendar month. (Current law limits an individual to serving one qualified organization per month.) Specifies when a worker at a festival event may participate in gaming activity offered at the festival. Permits an individual who is a member of a qualified organization to participate as a worker at allowable events held by other qualified organizations.

DIGEST OF SB 423 (Updated March 16, 2009 2:30 pm - DI 84)

Substitute natural gas contracts. Permits the Indiana finance authority (authority) to enter into contracts for the purchase and sale of substitute natural gas (SNG) from coal gasification facilities to regulated energy utilities for delivery to retail end use customers. Requires the authority to establish the substitute natural gas account to provide funding for SNG related business.

DIGEST OF SB 424 (Updated March 26, 2009 12:38 pm - DI 84)

Pests and pathogens. Includes pests and pathogens that are injurious to natural resources in the definition of "pest or pathogen" for purposes of certain laws concerning entomology and plant pathology. Allows the director of the department of natural resources to prescribe the boundaries of an area where a pest or pathogen is located and to declare the area to be an infested area. (The introduced version of this bill was prepared by the natural resources study committee.)

DIGEST OF SB 437 (Updated April 20, 2009 2:29 pm - DI 84)

Coverage for cancer chemotherapy. Prohibits application to coverage for oral cancer chemotherapy of dollar limits, copayments, deductibles, or coinsurance that are less favorable to a covered individual than the dollar limits, copayments, deductibles, or coinsurance that apply to coverage for injected or intravenous chemotherapy.

DIGEST OF SB 438 (Updated March 23, 2009 4:31 pm - DI 84)

Self-directed care. Requires self-directed care options and services to be available for: (1) Medicaid waiver recipients; and (2) community and home options to institutional care for the elderly and disabled (CHOICE) program recipients. Requires certain Medicaid funds to follow a Medicaid recipient transferring from institutional care to Medicaid home and community based care. Specifies services available to a Medicaid waiver recipient. (The introduced version of this draft was prepared by the health finance commission.)

DIGEST OF SB 440 (Updated April 27, 2009 2:55 pm - DI 84)

Air quality. Requires the state department of health (SDOH) to adopt rules concerning indoor air quality in schools and state agencies. Provides that after the SDOH inspects a school or state agency for indoor air quality as the result of a complaint, the SDOH must report certain information. Provides that such a complaint must be in writing and may be made by electronic mail. Allows the SDOH to release the name of a complainant only if the complainant has authorized the release in writing. Requires the SDOH to post minutes of each meeting of the air quality panel on the SDOH web site not later than 45 days after the meeting. Requires the SDOH to: (1) distribute a manual of best practices for managing indoor air quality at schools and allows SDOH to use a manual developed by other states and federal health and environmental agencies; and (2) review and revise the manual at least once every three years. Provides that, after June 30, 2009, if the SDOH amends the rules concerning health and safety requirements for school buildings and school sites, the SDOH must consider the effects of outdoor air quality when establishing criteria for school siting.

DIGEST OF SB 448 (Updated April 29, 2009 5:57 pm - DI 92)

Property taxes. Provides that enterprise information technology equipment purchased after June 30, 2009, by an eligible business is exempt from personal property taxation for a period agreed to by a designating body (a county council or municipal fiscal body). Provides that before January 1, 2013, a designating body may adopt a resolution providing the exemption to a particular business. Requires that the designating body and the eligible business enter into an agreement concerning the property tax exemption. Provides that the agreement must specify the duration of the property tax exemption and may specify that a transferee is entitled to the exemption on the same terms as the transferor. Specifies that the exemption continues for the period specified in the agreement, notwithstanding the January 1, 2013, deadline to adopt a resolution granting an exemption. Defines enterprise information technology equipment as: (1) hardware supporting computing, networking, or data storage function, including servers and routers; (2) networking

systems having an industry designation as equipment within the "enterprise" or "data center" class of networking systems that support the computing, networking, or data storage functions; and (3) generators and other equipment used to ensure an uninterrupted power supply to such hardware and networking systems. Provides that enterprise information technology equipment does not include computer hardware designed for single user, workstation, or departmental level use. Defines an eligible business as an entity that meets the following requirements: (1) the entity is engaged in a business that operates one or more facilities dedicated to computing, networking, or data storage activities; (2) the entity is located in a facility or data center in Indiana; (3) the entity invests in the aggregate at least \$10,000,000 in personal property and real property in Indiana after June 30, 2009; and (4) the average employee wage of the entity is at least 125% of the county average wage for each county in which the entity conducts business operations.

DIGEST OF SB 450 (Updated April 29, 2009 1:15 pm - DI 84)

Business corporation law. Makes changes and additions to business corporation law provisions concerning: (1) requirements for, effective dates of, and corrections of documents; (2) appealing a refusal of a filing of a document; (3) definitions; (4) notice requirements; (5) corporate names; (6) terms and conditions of rights, options, and warrants for the purchase of shares or other securities; (7) meetings of shareholders; (8) record dates for determining shareholders entitled to demand a special meeting; (9) terms of office of directors; (10) effective date of a notice of resignation; (11) actions taken by boards of directors without a meeting; (12) standards of conduct for directors; (13) conversion; (14) bylaws; (15) merger or share exchange; (16) disposition of assets; (17) dissenters' rights; and (18) actions taken by consent. Defines: (1) "beneficial owner"; (2) "delivery"; (3) "derivative instrument"; (4) "electronic transmission"; and (4) "sign". Establishes a presumption that the terms of members of a board of directors will be staggered. Repeals a provision that requires a corporation to report to shareholders an indemnification or advance of expenses to a director and the issuance of shares for promissory notes or for promises to render services. Makes changes to the law concerning businesses operating under an assumed name.

DIGEST OF SB 465 (Updated April 20, 2009 2:31 pm - DI 84)

Department of labor administrative matters. Specifies that an employer is required to post a single page poster to notify employees about Indiana's minimum wage law. Authorizes the commissioner to determine the reasonable compensation of an attorney serving as an administrative law judge in occupational safety and health cases.

DIGEST OF SB 469 (Updated April 28, 2009 3:17 pm - DI 107)

Limited liability for certain asbestos claims. Limits civil liability arising from asbestos claims for certain corporations.

DIGEST OF SB 478 (Updated March 30, 2009 2:11 pm - DI 84)

Improper classification of workers. Provides for the sharing of information concerning the

classification of individuals as independent contractors in the construction industry among the department of labor, the department of state revenue, the department of workforce development, and the worker's compensation board of Indiana. Provides that certain information pertaining to employee classification shared among the state agencies is confidential and may not be published or open to public inspection. Provides that an officer or employee of a state agency who knowingly or intentionally discloses confidential information concerning any suspected improper classification of an individual commits a Class A misdemeanor.

DIGEST OF SB 480 (Updated April 22, 2009 2:06 pm - DI 84)

Contact lens dispensing. Provides that a person who dispenses a contact lens, including a contact lens without corrective power, to an individual who does not have a prescription for the contact lens being dispensed commits a Class A infraction.

DIGEST OF SB 481 (Updated April 23, 2009 2:20 pm - DI 84)

Electronic birth and death registration. Requires the state department of health to develop and implement on January 1, 2011, electronic birth and death registration systems to be used to record birth and death information. Specifies the time frames for submitting the records.

DIGEST OF SB 487 (Updated April 20, 2009 2:33 pm - DI 84)

Underground plant protection. Requires the operator of an underground facility to join the Indiana Underground Plant Protection Service (IUPPS) or its successor organization. Imposes a civil penalty if an operator fails to maintain IUPPS membership. Requires an operator to provide information concerning the locations of its underground facilities to the IUPPS. Provides that the operator of a pipeline facility that provides incorrect facility locate markings may be subject to a civil penalty under certain circumstances. Establishes the underground plant protection advisory committee (advisory committee). Authorizes the advisory committee to recommend penalties to the Indiana utility regulatory commission (IURC) for persons that violate the underground plant protection statute. Establishes the underground plant protection account to receive deposits of civil penalties. Deletes obsolete provisions requiring operators to record underground facility locations with county recorders. Beginning July 1, 2010, requires the IURC to report to the regulatory flexibility committee on best practices concerning vertical location of underground facilities. Requires a person responsible for excavation or demolition to perform white lining if the person is unable to identify the physical location of the excavation or demolition to the IUPPS. Requires the IURC to adopt rules to implement the underground plant protection statute. Makes conforming amendments. Repeals an obsolete provision concerning the responsibilities of IUPPS.

DIGEST OF SB 492 (Updated April 29, 2009 5:57 pm - DI 101)

Residential mortgage foreclosures. Requires a foreclosure consultant to retain all records and documents related to services performed on behalf of a homeowner for at least three years after the termination or conclusion of the foreclosure consultant contract. Prohibits a person from

engaging in, or soliciting to engage in, a real estate or mortgage transaction without a permit or license required by law. Prohibits a person from making certain representations with respect to: (1) a mortgage or real estate transaction; or (2) the property that is the subject of the transaction; if the representation is not true and the person knows or reasonably should know that the representation is not true. Specifies that the board that regulates a licensed profession may not approve the surrender of a practitioner's license if the attorney general's office: (1) has filed an administrative complaint concerning the practitioner's license; and (2) opposes the surrender. Provides that a practitioner of a licensed profession who has been subjected to disciplinary sanctions by the board that regulates the profession may be required to pay the costs of any real estate review appraisal obtained in connection with the disciplinary proceedings. Provides that a violation of the statutes concerning: (1) credit service organizations; and (2) mortgage rescue protection fraud; by a person licensed or required to be licensed as a real estate salesperson or broker is a violation of the statute governing the regulation of real estate salespersons and brokers and is subject to certain specified enforcement procedures and sanctions. Provides that the electronic system to be established by the department of insurance not later than September 1, 2009, for the collection and storage of certain information concerning persons participating in or assisting with single family residential mortgage transactions must include the names of the buyer and the seller in a first lien purchase money mortgage transaction. Provides that in a foreclosure action that is filed after June 30, 2009, with respect to a first lien residential mortgage transaction, the creditor shall, not later than 30 days before the creditor files the action, send to the debtor a presuit notice, on a form prescribed by the housing and community development authority (authority), that: (1) informs the debtor that the debtor is in default; (2) informs the debtor that the debtor is encouraged to obtain assistance from a mortgage foreclosure counselor; and (3) provides contact information for the Indiana Foreclosure Prevention Network. Provides that in prescribing the form for the presuit notice, the authority must include the statement concerning mortgage foreclosure consultants that mortgagees are required to provide under existing law upon filing a foreclosure action. Provides that if the creditor proceeds to file an action to foreclose the mortgage, the creditor shall include with the complaint served on the debtor a notice that informs the debtor that the debtor: (1) has a right to participate in a settlement conference; and (2) may schedule a settlement conference by notifying the court, not later than 30 days after the notice is served, of the debtor's intent to participate in a settlement conference. Specifies certain circumstances under which a creditor is not required to provide: (1) the presuit notice; and (2) the notice of the debtor's right to a settlement conference. Provides that after June 30, 2009, a court may not issue a judgment of foreclosure with respect to a first lien residential mortgage transaction unless the following apply: (1) The creditor has given the required notice to the debtor of the availability of a settlement conference. (2) The debtor either: (A) does not contact the court within 30 days to schedule a settlement conference; or (B) contacts the court within the required 30 day period to schedule a settlement conference and, upon conclusion of the settlement conference, the parties are unable agree to a foreclosure prevention agreement. (3) At least 60 days have elapsed since the date the presuit notice was sent, unless the mortgaged property is abandoned. Provides an exception to these conditions and to the need for a settlement conference if the court finds that a settlement conference would be of limited value based on the result of a prior loss mitigation effort between the creditor and the debtor. Provides that if the debtor contacts the court to schedule a settlement conference, the court shall issue a notice of a settlement conference to the parties. Provides that the court's notice of a settlement conference

must do the following: (1) Order the creditor and the debtor to conduct a settlement conference on or before a date and time specified in the notice. (2) Encourage the debtor to contact a mortgage foreclosure counselor before the settlement conference. (3) Require the debtor to bring to the settlement conference certain documents needed to engage in good faith negotiations. (4) Require the creditor to bring to the settlement conference a transaction history for the mortgage. (5) Inform the parties that each has the right to be represented by an attorney or assisted by a mortgage foreclosure counselor. (6) Inform the parties that the settlement conference will be conducted at the county courthouse, or at another place designated by the court, on the date and at the time specified by the court, unless the parties stipulate otherwise. Requires the creditor to ensure that any person representing the creditor: (1) at a settlement conference; or (2) in any other negotiations with the debtor designed to reach agreement on a foreclosure prevention agreement; has authority to represent the creditor. Provides that if, as a result of a settlement conference, the debtor and the creditor agree to enter into a foreclosure prevention agreement, the agreement shall be reduced to writing and signed by both parties. Provides that at the election of the creditor, the foreclosure shall be dismissed or stayed for as long as the debtor complies with the terms of the foreclosure prevention agreement. After a settlement conference has occurred, requires the creditor to notify the court as to whether a foreclosure prevention agreement has been reached. Provides that participation in a settlement conference satisfies any mediation or alternative dispute resolution requirement established by court rule. Provides that immediately after a foreclosure sale, the sheriff that conducted the sale shall: (1) execute and deliver to the purchaser; and (2) except in a foreclosure action involving a mortgage insured by the United States Department of Housing and Urban Development, record with the recorder of the county in which the premises are located; a deed of conveyance for the premises. Establishes a \$50 court fee for mortgage foreclosure actions that are filed after June 30, 2009, and before January 1, 2013. Provides that the fees are to be deposited in the home ownership education account administered by the authority.

DIGEST OF SB 501 (Updated April 30, 2009 9:12 am - DI 84)

Uniform commercial code revisions. Defines "record" and amends the definitions of "bank" for purposes of the Uniform Commercial Code (UCC). Amends the definition of "good faith" as it applies to certain provisions of the UCC. (Adopts the most recent revisions to the parts of the UCC concerning negotiable instruments and bank deposits and collections, including the following: (1) Provides that a person who has lost possession of an instrument but acquired ownership of the instrument directly or indirectly from a person entitled to enforce it may enforce the lost instrument. (2) Specifies the conditions under which payment of an instrument is discharged, if the instrument has been transferred to another person. (3) Adds provisions concerning telephonically generated checks, in which a consumer authorizes a check to be issued in his or her name over the telephone to pay an obligation. (4) Adds provisions concerning the rights of principal and secondary obligors. (5) Provides that the omission of certain disclosure statements in an instrument used in a consumer transaction is not a defense against enforcement of the instrument. Makes conforming amendments.

DIGEST OF SB 530 (Updated April 15, 2009 1:29 pm - DI 84)

Indiana-Michigan boundary line commission. Establishes the Indiana-Michigan boundary line commission to direct a retracement survey of the original 1827 Indiana-Michigan boundary. Provides that the law establishing the commission expires July 1, 2015.

DIGEST OF SB 533 (Updated March 30, 2009 2:13 pm - DI 84)

IOSHA and labor administrative matters. Allows the department of labor (department) to collect a penalty assessment assessed under the Indiana occupational safety and health act (IOSHA) by obtaining a judgment lien against an employer's real or personal property or levying upon an employer's property held by a financial institution. Urges the legislative council to assign to the pension management oversight commission the study of certain wage payment issues.

DIGEST OF SB 536 (Updated April 15, 2009 1:06 pm - DI 84)

PERF/TRF annuity savings accounts. Allows the board of trustees of the public employees' retirement fund (PERF) to establish by rule the valuation date for a member's annuity savings account (ASA) and the frequency, allocation, and timing of changes in a member's investment selections for the legislators' retirement system. Allows the PERF board of trustees and the board of trustees of the state teachers' retirement fund (TRF) to establish a single composite interest or earnings rate in order to compute the interest or earnings credits on a member's omitted contributions in the guaranteed program or an alternate investment program. Allows the PERF and TRF boards to establish by rule due dates for employer contributions and reports. Requires employers to submit contributions and reports to PERF and TRF electronically after December 31, 2009, unless the employer obtains a waiver of the requirement for a period not to exceed two years. Increases from \$200 to \$1,000 the maximum amount in a member's ASA for purposes of suspending the member's fund membership and paying the ASA in a lump sum.

DIGEST OF SB 545 (Updated March 26, 2009 12:28 pm - DI 84)

Fish and wildlife matters. Eliminates the provision under which a controlled hunt in a state park can be established only through the adoption of an emergency rule. Provides that a person less than 18 years of age does not need a license to fish. (To fish without a license under current law, a person must be less than 17 years of age.) Provides that a resident who is less than 18 years of age may participate in free hunting days for young hunters. (To participate under current law, a person must be less than 16 years of age.) Adds trapping to the activities allowed under a yearly resident youth consolidated license. Eliminates the requirement that DNR rules regulating commercial fishing in the Ohio River conform to the laws of Kentucky.

DIGEST OF SB 546 (Updated April 29, 2009 6:17 pm - DI 77)

Natural resources matters. Establishes navigation rules for sailboats and nonmotorized boats. Removes the element of endangering others from the definition of "intoxicated" in the boating law. Amends the evidence requirements for blood alcohol content. Transfers the responsibility for the governors' portraits collection and governors' portraits fund from the historical bureau to the division of state museums and historic sites. Removes the authority of a person with a federal

permit to take or possess a migratory bird or the nest, eggs, or increase of a migratory bird during the closed season. Adds mourning doves to the list of game birds that require a habitat restoration stamp to hunt. Establishes nonresident youth hunting and trapping licenses. Establishes a voluntary resident senior license to fish. Allows certain transfers for money dedicated for fish and game purposes to be transferred to the nongame fund. Provides that fumigation with methyl bromide of nursery seedling beds is an official pest control treatment. Repeals and relocates governors' portraits laws. Makes technical corrections.

DIGEST OF SB 554 (Updated April 9, 2009 12:01 pm - DI 84)

Breast cancer screening and Medicaid eligibility. Adds additional providers to those who are authorized in the screening for breast or cervical cancer for individuals in determining the individual's eligibility for participation in Medicaid. Requires the state department of health to change the state department's Breast and Cervical Cancer Screening Program plan to designate Indiana as an option three state for the program.