

## Bill Track - Actions

### USI 2011 Legislation of Interest

Run Time: Friday, May-06-2011, 02:17 PM

**HB1002 Charter schools.** ([Bosma](#), [Kruse](#), [Buck](#))

#### Digest

Allows charter schools to opt in to the state health insurance plans. Establishes the charter school board as a statewide sponsor of charter schools. Provides that the department of education shall provide staff to the charter school board until the board begins receiving administrative fees from schools chartered by the board. Adds certain nonprofit private colleges and universities as eligible charter school sponsors. Establishes certain accountability criteria for charter school sponsors, and places charter schools under accountability standards for public schools. Adds: (1) student academic growth; (2) financial performance and stability; and (3) board performance and stewardship; to the list of items to be included in a charter school's charter. Requires uniform and consistent transfer of credits for students who transfer from a charter school to another public school. Stipulates that a teacher in a conversion charter school may be an employee of the charter school or the school corporation as determined in a charter school's charter. Provides that at least 90% of the full time teachers in a charter school must be licensed or in the process of obtaining a license. Ends the virtual charter school pilot program, and allows existing virtual charter schools to seek sponsors. Provides that a virtual charter school's funding is equal to the sum of: (1) the virtual charter school's ADM multiplied by 85% of the school's foundation amount (rather than 80% of the statewide average basic tuition support, under current law); plus (2) the total of any special education grants to which the virtual charter school is entitled. Provides that each school year, at least 60% of the students who are enrolled in virtual charter schools for the first time must have been included in the state's ADM count for the previous school year. Sets out the conditions, accounting process, and reporting procedures for a charter school sponsor concerning the collection of fees from its sponsored charter schools. Requires the department of education to establish a charter school page on the department's Internet web site. Establishes the charter school facilities assistance program and fund. Specifies the purposes for which grants and loans of money in the fund may be used. Provides that money in the fund may be used to match federal grants from the United States Department of Education for charter school facilities, and deletes current law that allows common school fund interest to provide these state matching funds. Changes the procedure for converting a public school into a charter school. Establishes a process by which charter schools may lease or purchase unused, closed, or unoccupied school buildings that are maintained by school corporations and are not being used for classroom instruction. Permits the state board of education to close a charter school, transfer sponsorship of a charter school, or reduce the administrative fees collected by the sponsor of the charter school, if the charter school remains in the lowest performance category or designation for five years. Permits the state board of education to suspend the authority of a sponsor if at least 25% of the sponsor's charter schools have been subject to an accountability action. Provides that a charter school that has received an advance for operational costs from the common school fund does not have to make principal or interest payments during the state fiscal years beginning July 1, 2011, and July 1, 2012. Makes conforming changes. Repeals provisions concerning the number of charter schools an executive of a consolidated city may sponsor and that include teachers in a conversion charter school in the school corporation's bargaining unit.

<u>Date</u>	<u>Action</u>
04/27/2011	<b>H: 1st House</b> Dissent Withdrawn

**HB1004 State and local administration.** ([Turner](#), [Kenley](#), [Hershman](#), [Holdman](#))

#### Digest

Raises the maximum amount of public funds that a nonprofit corporation may spend and be subject only to a limited audit of the expenditures of the public funds from \$100,000 to \$200,000. Requires the auditor of state to work with the office of technology and other state agencies to post on the Indiana transparency Internet web site a data base of state expenditures and fund balances and property owned by the state. Specifies that the state and state officers, officials, and employees are immune from liability for posting confidential information if the information was posted in reliance on a determination by a state agency. Requires the commission for higher education to establish a web site where members of the public may view financial and other reports to a state agency that are public records. Requires information concerning

local governments and local schools to be on the web site. Specifies when a standard property tax deduction shall be granted for an individual's homestead when the individual's spouse maintains a separate principal place of residence in another state. Requires a county auditor who determines that a property is ineligible for the standard deduction to inform the property owner of the county auditor's determination in writing. Makes the following changes to economic development programs and tax provisions: (1) Makes the economic development study committee a four year committee that expires December 31, 2014, and provides for certain studies. (2) Requires the Indiana economic development corporation (IEDC) to collaborate with local economic development organizations and submit an annual report to the study committee regarding collaboration. (3) Requires the state board of education, the commission for higher education, and the department of workforce development to work together to develop entrepreneurship education programs for elementary and secondary education, higher education, and individuals in the work force. (4) Requires the IEDC to conduct a statewide study to determine specific economic sectors that should be emphasized by the state and by local economic development organizations within geographic regions in Indiana. (5) Provides that a claim for a sales tax refund must be filed within 18 months if the claim is based on the predominant use of electrical energy, natural or artificial gas, water, steam, and steam heat by certain businesses or based on the sales tax exemption for these services or commodities. (6) Decreases the corporate income tax rate from 8.5% to 6.5% over four years. (7) Provides that the adjusted gross income tax and financial institutions tax (for investment companies) apply to interest on state and local bonds that are issued by a state other than Indiana, or a political subdivision of such a state, and that are acquired by the taxpayer after December 31, 2011. (8) Revises the attribution rules applicable to business income and sales receipts from certain intangibles under the adjusted gross income tax. (9) Eliminates the carryback of net operating losses under the adjusted gross income tax. (10) Extends the time in which a person must file an amended Indiana adjusted gross income tax return to reflect modifications made in a federal income tax return. (11) Prohibits the department of state revenue from taking an action to collect a protested listed tax until the later of the time to file a tax appeal has expired or a final decision is made in a tax appeal. (12) Requires higher education institutions to expand technology and innovation commercialization programs. (13) Provides that in the case of a county that becomes a member of a regional development authority (other than the northwest Indiana regional development authority) after June 30, 2011, and before July 1, 2013, the county may impose an additional county economic development income tax at a rate of 0.025% (rather than 0.05%, under current law). (14) Removes outdated individual income tax adjustments. (15) Allows counties that are more than two years behind on issuing tax bills to petition the department of local government finance to postpone the deadline for paying the first installment on a 2011 provisional property tax statement. (16) Provides that the tobacco products tax on moist snuff is based on the weight of the moist snuff and calculated at the rate of \$0.40 per ounce. (17) Extends the time in which the city of Marion, a second class, or the city of Westfield may establish a professional sports development area. (18) Permits a person who received an overpayment of unemployment compensation to repay the excess over 36 months. (19) Removes and repeals restrictions on activating a third community revitalization enhancement district in Delaware County and claiming tax credits for investments in the third district. Provides new criteria for designating a community revitalization enhancement district after 2010. Increases the maximum amount of income tax credits available under the venture capital investment tax credit from \$500,000 to \$1,000,000. Extends from 2013 to 2015 the end date for investments eligible for the venture capital investment tax credit. Suspends, for two years, the application fee for applicants seeking certification for the venture capital investment tax credit. Eliminates an advanced earned income tax credit. Provides that the graduated slot machine wagering tax applies to 99% of the adjusted gross receipts received beginning July 1, 2012. Provides that when a tax warrant is filed in error, the warrant is to be removed from the judgment record. Permits local governments to pledge revenue from the county adjusted gross income tax and the county economic development income tax for redevelopment financing. Sets certain state credits to expire. Requires a nonprofit hospital to file its annual community benefits plan with the state department of health at the same time the nonprofit hospital files its annual information return with the Internal Revenue Service. Indicates that the delivery of services through a fire protection territory is not considered a municipal service for zoning outside the boundaries of the municipality. Specifies that a member of the legislative body of a unit may not vote on a proposed ordinance or resolution authorizing the unit to join or establish a fire protection territory if that member is also an employee of a participating unit or of another unit that is proposing to become a participating unit. Specifies that different tax rates may be levied for the participating units included within the territory. Specifies additional actions in order to become part of a fire protection territory and sets these additional requirements to expire on July 1, 2012. Requires the DLGF to review the tax rates and levies for each fire protection territory that is located in Hancock County and consider adjusting tax levies for participating units and whether different tax rates for fire protection services should be applied for the participating units included within the territory. Provides that a fire department, volunteer fire department, or emergency medical services provider may apply to the county to receive a distribution of the public safety local option income tax (LOIT) tax revenue before the remainder of the tax revenue is distributed to the county and to the

municipalities in the county. Specifies that a municipality is entitled to receive a distribution of public safety LOIT revenue only if the municipality is providing public safety services. Increases the cost of projects that may be performed without awarding a public works contract. Requires certain public works contract provisions for a public works project of more than \$1,000,000. Specifies notice and public meeting requirements that must be satisfied in certain circumstances before a public work project may be performed by the workforce of a municipality, county, state agency, or state educational institution. Adds requirements for examination reports prepared by the state board of accounts concerning certain public work projects. Increases the cost threshold at which bids and quotes are required under the local public works statute. Extends the time for amending a personal property tax return and provides for a reduction in a refund or credit based on the time of filing. Provides that the circuit breaker credit and certain property tax deductions are to be allowed in the year of a property transfer if the property is determined to be exempt in the year following the transfer year. Allows the DLGF to cancel any property taxes assessed against real property owned by a local port authority. Prohibits the DLGF from approving a budget until a taxing unit files a financial report with the state board of accounts in the immediately preceding year. Corrects a reference to the date of the 2015 general reassessment. Establishes a procedure for a taxpayer to appeal an error in a circuit breaker or other property tax credit. Changes the methodology for certain property tax levy and rate determinations after a reassessment. Allows a county treasurer to include a statement of delinquent taxes and special assessments, interest, and penalties on a provisional statement or reconciling statement. Specifies that the full amount of property taxes imposed after being approved in a referendum shall be deposited in the fund for which the property taxes were imposed without reduction for the circuit breaker credits granted to taxpayers. Provides that when assessed value is increased by more than 5% over the assessed value for the immediately preceding assessment date, the county assessor or township assessor making the assessment has the burden of proving that the assessment is correct. Repeals certain provisions concerning civil government property tax controls. Provides an exception to the confidential nature of information regarding an oil or gas interest for tax sale purposes. Requires an assessing official to make available certain information necessary to properly identify and determine the value of an oil or gas interest that is eligible for tax sale. Allows adjustments to the levies of certain local units. Provides that property taxes on property consisting primarily of onsite regulated amusement devices and related improvements may be allocated for purposes of tax increment financing (TIF). Removes the requirement that the IEDC approve enlargements of tax increment financing districts. Amends a provision added by SEA 1-2011 and amended by HEA 1001-2011. Amends a provision added by HEA 1003-2011 and amended by HEA 1001- 2011. Deletes the prohibition for the Wabash River Enhancement Corporation from using any of its Tippecanoe County innkeeper's tax distributions for employee salaries or other ongoing administrative or operating costs. Changes the Lake County innkeepers tax to add members to the convention and visitor bureau in Lake County, to specify that the tax applies to the renting or furnishing of rooms for periods of less than 30 days and by the same party in the same room, to authorize the deposit of innkeepers' tax revenue into funds established by the convention and visitor bureau, and to change the budget and financial reporting deadline. Changes the membership of the Clark County and Floyd County special funds board of managers, specifies that the open door and public record laws apply to the board of managers, and requires the publication of financial information and an annual report. Provides that recipients of Clark County and Floyd County innkeeper's tax revenues are required to submit a report to the board of managers when requested by the board of managers. Authorizes the county council of White County to increase the county's innkeeper's tax rate to not more than 5% to be used to promote conventions, tourism, and economic development in the county. Extends the Nashville food and beverage tax to 2022. Provides that a school corporation's capital projects plan and school bus replacement plan must be adopted before November 1. Provides that for purposes of determining state minimum cigarette prices, the cost of doing business is presumed to be 10% of the basic cost of cigarettes. Legalizes an ordinance of a county adopted after December 31, 2006, and before February 1, 2007, that implemented a licensing system for dogs despite the fact that the county did not first adopt the county option dog tax. Allows certain nonprofit taxpayers that failed to timely file for property tax exemptions to file for the exemptions if certain conditions are satisfied. Provides a price preference to local Indiana businesses bidding on purchasing and public works contracts awarded by political subdivisions. Specifies a maximum levy for the school bus replacement fund. Makes other changes related to taxation. Requires the office of management and budget and the commission on state tax and financing policy to study certain topics. Requires the legislative council to assign an interim study committee to study which state agency should control dangerous alcohol products.

<u>Date</u>	<u>Action</u>
-------------	---------------

04/29/2011	H: Conf Report <a href="#">Adopted(66-32)</a> H
------------	---

**HB1006 Entrepreneurial know-how.** ([Crouch](#), [Hershman](#), [Arnold](#))

## Digest

Requires the secretary of state, in collaboration with other state agencies, to develop and maintain a web site that would allow a person to submit information concerning the person's business to the secretary of state and other state agencies, as applicable, for the purpose of complying with the requirements of state law, including establishing the new business, registering with states agencies, and obtaining necessary licenses and permits. Allows money in the electronic and enhanced access fund to be used to develop and maintain the Internet web site. Requires the Indiana economic development corporation (IEDC) to work with local economic development organizations within geographic regions in Indiana and with the various state economic development organizations within the states contiguous to Indiana. Requires the IEDC to include, in its annual report to the general assembly, recommendations for strategies and plans for collaboration with local economic development organizations and with the various state economic development organizations of neighboring states. Requires the department of education, in cooperation with the commission for higher education and the IEDC, to develop curriculum guides based on best practices for entrepreneurship instruction in high schools. Requires the commission for higher education (commission) to make an inventory of entrepreneurship programs conducted by colleges and universities in Indiana and to display the inventory on the commission's web site for the use of students, after consulting with the department of workforce development and the Indiana economic development corporation.

Date	Action
------	--------

05/04/2011	<b>S: Signed</b> By the President of the Senate
------------	---

**HB1177 *Board of trustees for universities.* ([Foley](#), [Bray](#), [Simpson](#), [Wyss](#))**

## Digest

Modifies the manner in which alumni members of the Indiana University board of trustees are elected. Requires all of the members of the board of trustees for Indiana University to be citizens of the United States. Requires a majority of the members of the board of trustees for Indiana University to be residents of Indiana. Allows the board of trustees to hold meetings at the dates, times, and places the board of trustees agrees upon. Repeals a provision concerning emergency appointments to the board of trustees of Indiana University. Requires a majority of the members of the board of trustees of Ball State University to be residents of Indiana.

Date	Action
------	--------

05/02/2011	<b>S: Signed</b> By the President of the Senate
------------	---

**HB1216 *Public works projects.* ([Davis](#), [Kruse](#), [Boots](#), [Walker](#))**

## Digest

Provides that the state president of the Associated Builders and Contractors of Indiana appoints a member of a common construction wage committee currently appointed by the governor. Raises the threshold for the application of the common construction wage statute from \$150,000 to \$250,000 for contracts awarded after December 31, 2011, and before January 1, 2013, and to \$350,000 for contracts awarded after December 31, 2012. Provides that a committee must consider any written reports with respect to wage scales submitted by the Indiana State Building and Construction Trades Council or the Associated Builders and Contractors of Indiana when making a determination of the common construction wage for a public works project. Provides that a public works project may not be artificially divided to avoid application of the common construction wage statute. Urges the legislative council to assign the following topics to a study committee during the 2011 legislative interim: (1) The use of an agreement with a labor organization on public works projects covered by a public works statute. (2) Job classifications used in a common construction wage determination. Makes technical changes.

Date	Action
------	--------

04/29/2011	<b>H: Conf Report</b> <a href="#">Adopted(52-47)</a> H
------------	--

**HB1251 *Young entrepreneur program.* ([Ellspermann](#), [R. Young](#), [M. Young](#), [Tomes](#))**

## Digest

Requires the Indiana economic development corporation (IEDC) to establish a young entrepreneurs program to promote the business proposals of students in entrepreneurial programs at state educational institutions. Provides that the program

must include at least one auction per year in which communities bid for the opportunity to locate a young entrepreneur's start-up business in their community. Requires the office of community and rural affairs to assist rural communities in preparing for an auction.

<u>Date</u>	<u>Action</u>
05/01/2011	<b>Public Law</b> P.L. 4

**HB1260 *School corporation health insurance.*** ([Dermody](#), [Hershman](#), [Arnold](#), [Charbonneau](#))

### Digest

Specifies certain requirements and recommendations for school corporation employee health coverage programs.

<u>Date</u>	<u>Action</u>
05/02/2011	<b>S: Signed</b> By the President of the Senate

**HB1340 *Adult education.*** ([Behning](#), [Kruse](#), [Yoder](#))

### Digest

Requires the state board of education (state board) to receive, distribute, and account for funds received for career and technical education under federal law. Assigns to the state board responsibility for the planning and implementation of secondary career and technical education. Requires the state board to develop and coordinate career and technical education on a regional and statewide basis and to prepare budget requests for state and federal funds for career and technical education. Creates the advisory committee on career and technical education. Allows the state workforce innovation council (council) to make recommendations concerning the budget requests for the state board's review. Adds an individual recognized by an adult education organization to the membership of the council. Assigns to the council responsibility for the general educational development (GED) diploma program and the planning and implementation of postsecondary career and technical education. Assigns responsibility for adult education to the council and the department of workforce development (DWD). Allows an adult education program to include a pathway to obtain a high school diploma. Repeals statutes: (1) establishing the commission for career and technical education; (2) assigning responsibility for the GED diploma program and adult education to the state board; (3) assigning responsibility for postsecondary career and technical education to the commission for higher education; and (4) assigning secondary career and technical education to the council and DWD. Makes conforming changes.

<u>Date</u>	<u>Action</u>
05/01/2011	<b>Public Law</b> P.L. 7

**HB1402 *Prohibiting resident tuition for illegal aliens.*** ([Karickhoff](#), [Buck](#))

### Digest

Provides that an individual who is not lawfully in the United States is not eligible to pay the resident tuition rate that is determined by the state educational institution.

<u>Date</u>	<u>Action</u>
05/02/2011	<b>S: Signed</b> By the President of the Senate

**HB1406 *Jurisdiction of university and college police.*** ([Truitt](#), [Arnold](#), [Head](#))

### Digest

Provides that a police officer employed by a college or university may exercise the officer's police power in any part of Indiana if: (1) the college or university adopts a resolution specifically describing the territorial jurisdiction of a police officer employed by the college or university; and (2) the board of trustees sends notice to the superintendent of state police and the sheriff (or in the case of a consolidated city, the chief of police) of the county in which the institution is primarily located. Requires a police officer employed by a college or university to meet the certain training requirements in order to exercise the officer's police powers. Requires a police officer employed by a college or university that exercises the officer's police powers outside of the county in which the institution is primarily located to notify the sheriff (or in a consolidated city, the chief of police) as soon as practicable.

<u>Date</u>	<u>Action</u>
-------------	---------------

04/15/2011 **Governor** Signed

**SB0001 *Teacher evaluations and licensing.* ([Kruse](#), [Behning](#))**

**Digest**

Eliminates the advisory board of the division of professional standards of the department of education. Requires the department of education to revoke the license of a licensed school employee if the employee is convicted in another state or under federal statutes of an offense that is comparable to the felonies for which the employee's license would be revoked if committed in Indiana. Establishes an annual staff performance evaluation that categorizes teachers as highly effective, effective, improvement necessary, or ineffective. Specifies that a teacher rated ineffective or improvement necessary may not receive a raise or increment for the following year. Provides that a student may not be instructed two years in a row by two different teachers who have been rated as ineffective in the year preceding the student's placement in that class if avoidable. Requires notice of cancellation of a teacher's contract not earlier than May 1 and not later than July 1. Changes the process concerning how teacher contracts are canceled. Specifies that current teacher salaries cannot be reduced due to a new salary scale adopted to meet the requirements of this act. Allows school corporations to consider additional content area degrees and credit hours in salary scale. Modifies language concerning supplemental services contracts to allow administrators to select and pay summer school teachers. Provides for the department of education to develop a program to provide training and evaluations for school corporations in operational efficiency. Defines "attend" for purposes of the compulsory school attendance law. Indicates that attendance is excused only if it is in accordance with the governing body's excused absence policy. Specifies additional methods for the service of a notice of violation to a parent. Requires a superintendent or attendance officer to report a habitually absent child to the juvenile court or the department of child services. Repeals references to the advisory board and the existing staff performance evaluation provisions, and makes corresponding changes to related sections.

<u>Date</u>	<u>Action</u>
-------------	---------------

04/25/2011	<b>S: Ret 1st House</b> <a href="#">Concur(36-13)</a>
------------	---

**SB0327 *Dental practice matters.* ([Mishler](#), [Crouch](#))**

**Digest**

Requires that the holder of an inactive dentist license meet competency standards determined by the state board of dentistry (board) before obtaining an active license. Specifies that an entity approved by the board is to conduct the examination of an applicant for a dentist or dental hygiene license. Limits the number of times a dental license applicant may take any portion of the examination to three times. Allows the board to require remediation before an applicant may take the examination for a third time. Eliminates the dental intern permit, and establishes a limited dental residency permit and a limited dental faculty permit. Changes the percentage from 5% to 10% on the number of instructors that can teach full time at a dental school under an instructor's license and removes the 2013 expiration of the instructor's license. Requires that at least half of a dentist's continuing education hours during each license period be from a live presentation or live workshop. Establishes a fund for use in administering and enforcing the law concerning dentists and dental hygienists. Makes changes to definitions concerning sedation.

<u>Date</u>	<u>Action</u>
-------------	---------------

05/02/2011	<b>S: Signed</b> By the President of the Senate
------------	---

**SB0366 *State department of health matters.* ([Miller](#), [Simpson](#), [T. Brown](#))**

**Digest**

Transfers responsibilities from administering specified federal food and nutrition program funds from the office of the lieutenant governor to the state department of health (state department). Requires the state department to annually inspect certain department of corrections facilities only if the facility is not accredited by a national accrediting organization. Creates the health care facility advisory council within the state department. Requires, beginning October 1, 2013, hospitals to record external cause-of-injury code for each individual who receives care in the emergency department of the hospital. Requires certain certified nurse aides to be certified by the state department, and requires the state department to: (1) establish a program; (2) prescribe education and training programs; (3) determine specified standards; and (4) establish annual certification fees; for certified nurse aides who work in health facilities. Requires the state department to maintain a registry for certified nurse aides and registered home health aides. Removes the requirements that a candidate must meet

to be appointed director of the program for children with special health care needs. Authorizes a physician last in attendance of a deceased to initiate the document process for the death record and defines physician to include individuals with specified physician permits. Specifies that certain licensed professionals are subject to discipline under the person's license instead of committing a Class B misdemeanor for violating the statutes concerning vital statistics and specifies that the state department may not start sanctioning providers for certain violations until January 1, 2012. Requires the health finance commission to study whether hospitals should be required to report hospital employee influenza immunization rates to the state department. Repeals: (1) provisions establishing the hospital council, the home health care services and hospice services council, and the Indiana health facilities council; and (2) the requirement that the state department design, promote, and sell heirloom birth certificates.

<u>Date</u>	<u>Action</u>
04/29/2011	<b>S: Conf Report</b> <a href="#">Adopted(49-0) S</a>

**SB0411 *Disclosure of firearm or ammunition information.* ([Nugent](#), [Tomes](#), [Eberhart](#))**

### Digest

Provides that a civil action may be brought against a public or private employer that has: (1) required an applicant for employment or an employee to disclose information under certain circumstances about whether the applicant or employee owns, possesses, uses, or transports a firearm or ammunition; or (2) conditioned employment, or any rights, benefits, privileges, or opportunities offered by the employment, upon an agreement that the applicant for employment or the employee forgo the otherwise lawful ownership, possession, storage, transportation, or use of a firearm or ammunition. Provides that a governmental entity may not restrict the possession of a firearm at a person's residence during a declared emergency.

<u>Date</u>	<u>Action</u>
04/15/2011	<b>Governor</b> Signed

**SB0433 *Environmental issues.* ([Gard](#), [Buck](#), [Wolkins](#))**

### Digest

Expands the duties of solid waste management districts to include the implementation of educational programs for the public concerning reuse and recycling of electronic waste, collection programs, and proper disposal of electronic waste. Provides that the electronic digital signature act does not apply to the department of environmental management (IDEM). Amends definitions of "owner" and "operator" and defines "foreclosure" to delineate exceptions from potential liability for cleanup that: (1) are consistent with federal law under underground storage tank, petroleum facility, and hazardous substance facility statutes; and (2) apply to lenders that foreclose on sites at which they did not participate in management before foreclosure and that undertake certain enumerated activities after foreclosure. Replaces the undefined term "sanitary landfill" with "solid waste landfill". Establishes deadlines for action by IDEM on various permit applications with respect to certain solid waste processing facilities. Expands the grounds on which the commissioner of IDEM may suspend or revoke a drinking water or wastewater operator certification. For purposes of wastewater management statutes, replaces the term "wastewater" with "septage". Provides that wastewater management statutes apply to land application of septage. Removes the limitation on the number of landfill inspectors IDEM may designate. Provides that an environmental restrictive ordinance (ERO) is an ordinance adopted by a municipal corporation that seeks to control the use of groundwater in a manner and to a degree that protects human health and the environment against unacceptable exposure to a release of hazardous substances, petroleum, or both. Requires IDEM to give written notice to a municipal corporation that the department is relying on an ERO adopted by the municipal corporation as part of a risk based remediation proposal. Requires a municipal corporation to notify IDEM of adoption, repeal, or amendment of an ERO only if the municipal corporation received that written notice. Allows, in streamlined rulemaking processes, the adoption of a proposed rule with amendments at the public hearing, and requires that the amendments meet logical outgrowth requirements. Modifies the deductible for claims against the underground petroleum storage tank excess liability trust fund by certain underground storage tank owners. Requires disclosure in the residential real estate sales disclosure form of known contamination caused by the manufacture of a controlled substance on the property that has not been certified as decontaminated by an approved environmental inspector. Provides that an owner or agent is required to disclose to a transferee any knowledge of a psychologically affected property in a real estate transaction if the transferred property is listed on the Indiana criminal justice institute's methamphetamine registry web site. Requires the environmental quality service council to study in 2011 each program administered by IDEM for which the annual revenue generated by the program exceeds IDEM's annual cost

to administer the program. Authorizes IDEM to administer certain federal programs. Repeals a provision concerning air pollution control board permit or registration exemptions. Eliminates the northwest Indiana advisory board. Provides that for purposes of rules adopted by the air pollution control board, until April 1, 2012, a reference to "chemical process plants" does not include an ethanol production operation that: (1) produces ethanol by natural fermentation after July 2, 2007; and (2) is included in the North American Industry Classification System (NAICS) code 325193 (Ethyl Alcohol Manufacturing) or 312140 (Distilleries), as described in 72 FR 24059 (May 1, 2007). Provides that certain environmental rulemaking procedures do not apply to a proposed rule that constitutes an amendment to an existing Indiana rule if the primary and intended purpose of the rule is to clarify the existing rule.

<u>Date</u>	<u>Action</u>
-------------	---------------

05/02/2011	<b>S: Signed</b> By the President of the Senate
------------	---

**SB0465 Department of child services.** ([Lawson](#), [McNamara](#))

### Digest

Makes changes to the laws concerning: (1) guardianship of a minor; (2) regulation of child caring institutions, foster family homes, including therapeutic and special needs foster family homes, group homes, and child placing agencies; (3) adoption; (4) incentive payments to counties for enforcing and collecting child support; (5) juvenile court jurisdiction; (6) child abuse and neglect reporting and investigation; (7) the child protection index; (8) placement of a child in need of services; (9) notification requirements regarding proceedings on motions for child testimony by closed circuit television; and (10) placement of a child that is a delinquent child. Provides that a county domestic violence fatality review team shall review cases in which a person who committed suicide was a victim of an act of domestic violence. Permits a court to require a noncustodial parent who has been convicted of certain crimes of domestic violence to require the parent to attend a batterer's intervention program certified by the Indiana coalition against domestic violence as a condition of receiving unsupervised visitation time. Requires that a batterer's intervention program to which a court may order a person to attend must be certified by the Indiana coalition against domestic violence.

<u>Date</u>	<u>Action</u>
-------------	---------------

05/02/2011	<b>S: Signed</b> By the President of the Senate
------------	---

**SB0506 Handgun possession.** ([Kruse](#), [Tomes](#), [VanNatter](#))

### Digest

Allows a person to carry a handgun without being licensed to carry a handgun if: (1) the person is in or on property, or in a vehicle, that is owned, leased, rented, or otherwise legally controlled by the person; (2) the person is lawfully present in or on private property that is owned, leased, rented, or otherwise legally controlled by another person, if the person has the consent of the owner to have the handgun on the premises, is attending a firearms related event, or is receiving firearms related services; (3) the person is lawfully present in a vehicle, that is owned, leased, rented, or otherwise legally controlled by another person; (4) the person is carrying the handgun at a shooting range, while attending a firearms instructional course, or while engaged in a legal hunting activity; or (5) the handgun is unloaded and securely wrapped. (Current law provides that a person who does not possess a valid handgun license may not carry a handgun in any vehicle or on or about the person's body unless the person: (1) is in the person's dwelling or fixed place of business or on the person's property; or (2) is carrying the handgun unloaded and in a secure wrapper from the place where the handgun was purchased to the person's dwelling or fixed place of business, between a handgun repair shop and the person's dwelling or fixed place of business, or from one dwelling or fixed place of business to another.) Specifies that a person who has been convicted of domestic battery may not possess or carry a handgun unless the person's right to possess a firearm has been restored by a court.

<u>Date</u>	<u>Action</u>
-------------	---------------

05/02/2011	<b>S: Signed</b> By the President of the Senate
------------	---

**SB0533 Design-build public works projects.** ([Mishler](#), [Buck](#), [Messmer](#))

### Digest

Provides that a public agency may not require an offeror to appear in person more than three times before the technical review committee for a design-build contract. Requires a public agency that proposes a public project for which a referendum is to be held to wait until after the referendum is completed to issue a request for proposals for the public

project. Limits the deliverables required for a qualitative proposal submitted in response to a request for proposals. Repeals the provision in current law requiring the governing body of a public agency to give prior authorization to use design-build contracting. Amends the definition of "public agency" to include conservancy districts established for water supply or sewage treatment. Amends the definition of "public project" to include improvements other than buildings. Provides that the meetings of a technical review committee for a public project comprised entirely of employees of the public agency undertaking the public project are not open to the public. Allows a state educational institution to use the combined request for qualifications and request for proposals for all design-build projects (combined request procedure). Allows a public agency other than a state educational institution to use the combined request procedure for public projects having an initial estimated cost that does not exceed \$5,000,000. Provides that a technical review committee must give a written comprehensive score for each qualitative proposal received in response to a request for proposals, which includes: (1) an explanation of the scoring methodology; (2) for each factor used in determining the composite score of the qualitative proposal, the scores awarded by each member of the technical review committee, the resulting technical review committee score, and the resulting weighted score, if applicable; and (3) the composite score calculated for the qualitative proposal.

<u>Date</u>	<u>Action</u>
04/29/2011	<b>S: Conf Report</b> <a href="#">Adopted(50-0) S</a>

**SB0537 State museum and historic sites.** ([Merritt](#), [Saunders](#))

### Digest

Establishes the Indiana state museum and historic sites corporation (corporation) as a public body corporate and politic to govern the state museum and historic sites. Establishes the corporation's board of trustees to oversee and govern the corporation. Provides that the Indiana state museum and historic sites corporation board of trustees are exempt from the state procurement requirements. Makes meetings of the board subject to the open meetings law and makes records of the corporation subject to the open records law. Provides an exception from the procurement statutes for the board's acquisition of artifacts for the state museum and historic sites. Provides that employees of the corporation are subject to the state personnel system and participation in the public employees' retirement fund. Provides that the corporation is subject to the state personnel system. Permits the corporation's employees to participate in the state employee group insurance and other benefit plans. Provides that the board and corporation employees are under the jurisdiction of the ethics commission and the executive branch ethics rules. Specifies that the corporation's proposed budget is subject to the budget statutes governing state agencies if the proposed budget includes funding from the state general fund. Establishes the state museum and historic sites development fund. Provides that the board's investments must be consistent with the public funds investment requirements that apply to the treasurer of state. Provides that interest earned on the corporation's investments shall be deposited in the corporation's funds. Provides that all earned income accruing to the corporation's fund is appropriated continuously. Requires the chief executive officer of the corporation to report annually to the state budget committee concerning the activities, revenues, expenditures, and profits of the museums' shops, facility rentals, and restaurants. Requires the executive officer of the corporation to enter into a memorandum of understanding with nonprofit organizations that are recognized supporters of state historic site. Requires the executive officer of the corporation to enter into a memorandum of understanding with: (1) the Indiana department of transportation; (2) the department of correction; and (3) the department of natural resources (DNR). Establishes the state museum foundation. Includes transitional provisions to transfer the museum and historic sites functions and funds from the DNR to the corporation. Requires prior review of the state budget committee and the approval of the budget director for obligations to be incurred by the corporation for lands and structures. Repeals laws governing the state museum and historic sites as entities administered by the DNR. Makes conforming changes.

<u>Date</u>	<u>Action</u>
04/29/2011	<b>S: Conf Report</b> <a href="#">Adopted(47-3) S</a>

**SB0549 Indiana public retirement system.** ([Boots](#), [Walker](#), [Torr](#))

### Digest

Establishes the Indiana public retirement system (system) to administer and manage: (1) the public employees' retirement fund (PERF); (2) the teachers' retirement fund (TRF); (3) the judges' retirement fund; (4) the prosecuting attorneys' retirement fund; (5) the state excise police, gaming agent, gaming control officer, and conservation enforcement officers' retirement fund; (6) the 1977 police officers' and firefighters' pension and disability fund (1977 Fund); (7) the legislators' retirement system; (8) the pension relief fund; (9) the special death benefit fund; and (10) the state employees' death

benefit fund. Creates a nine member board of trustees (board) for the system appointed by the governor as follows: (1) at least one member with experience in economics, finance, or investments; (2) at least one member with experience in executive management or benefits administration; (3) the director of the budget agency (or designee) serving as an ex officio voting member; (4) two members nominated by the speaker of the house of representatives: one an active or retired police officer or firefighter who is a member of the 1977 Fund and one TRF member; (5) two members nominated by the president pro tempore of the senate: one PERF member and one TRF member; (6) one member nominated by the auditor of state: the auditor of state or an individual with experience in professional financial accounting or actuarial science; and (7) one member nominated by the treasurer of state: the treasurer of state or an individual with experience in economics, finance, or investments. Requires that initial appointments to the board give a preference for those individuals who, on June 30, 2011, are serving as trustees of PERF and TRF, and provides that a PERF or TRF trustee appointed to the board serves until the trustee's term would have expired under prior law. Provides for a four year term for trustees. Provides that a trustee is strongly encouraged to complete annually at least 12 hours of trustee education. Provides that five trustees constitute a quorum and requires a majority vote of the trustees present in order for the board to adopt a resolution or take other action at a regular or special meeting. Requires the system's chief investment officer and the officer's staff to file annual financial disclosure statements with the inspector general. Provides that the board's powers and duties are the combined powers and duties of the PERF and TRF boards. Provides that each retirement fund continues as a separate fund managed by the board. Provides for a director of the system who is appointed by and serves at the pleasure of the board. Provides that employees of PERF and TRF remain members of those funds. Provides that new hires of the system become PERF members, unless the director expressly determines otherwise. Allows the board to establish contribution rate groups for PERF, and removes the requirement that each employer have a separate account within the retirement allowance account. Eliminates the 1977 Fund advisory committee. Authorizes the board to adopt rules without complying with IC 4-22-2 in establishing impairment standards, a list of excludable medical conditions, and standards and tests for the baseline statewide physical examination for the 1977 Fund. Repeals provisions that establish the PERF and TRF boards and require PERF and TRF to hire a common director. Repeals corresponding definitions and cross-references.

<u>Date</u>	<u>Action</u>
04/15/2011	<b>Governor</b> Signed

**SB0559 *Conflict of interest.* ([Bray](#), [Koch](#))**

### Digest

Specifies certain definitions and defenses that apply to the crime of conflict of interest.

<u>Date</u>	<u>Action</u>
05/02/2011	<b>S: Signed</b> By the President of the Senate

**SB0577 *Financial aid.* ([Kenley](#), [Dermody](#))**

### Digest

Names certain private colleges that qualify as approved postsecondary educational institutions. Specifies that students with associate degrees shall be treated the same as other applicants for scholarship awards. Requires attainment of a minimum cumulative grade point average to retain certain scholarships. In addition, with respect to the twenty-first century scholars program, specifies that certain applicants must attend an academic success program and meet certain financial need criteria. Limits scholarships and tuition remission programs to courses for an undergraduate degree and requires the scholarships be used in not more than eight years. Permits a scholarship to be used for summer classes and provides special rules for professional degree students. Provides a formula for calculating certain scholarships and tuition remission programs. Indicates that changes affecting tuition remissions for children of certain veterans apply only to children of veterans who enlist after July 1, 2011. Establishes a program for the collection of data from private colleges. Provides civil immunity to persons who provide the student data. Merges the higher education award fund and the freedom of choice grant fund. Makes other related changes.

<u>Date</u>	<u>Action</u>
05/02/2011	<b>S: Signed</b> By the President of the Senate

**SB0590 *Illegal immigration matters.* ([Kruse](#), [Delph](#), [Koch](#))**

## Digest

Makes various changes concerning enforcement of federal immigration laws, illegal immigration, and related criminal matters, including the following: (1) Requiring the office of management and budget to calculate the costs of illegal aliens to Indiana and make a written request to the Congress of the United States to reimburse the state for those costs. (2) Prohibiting governmental bodies from limiting or restricting: (A) certain actions by other governmental bodies with regard to information of the citizenship or immigration status of an individual; and (B) the enforcement of federal immigration laws to less than the full extent permitted by federal law. Allows certain persons to bring an action to compel a governmental body to comply with these provisions. (3) Prohibiting a law enforcement agency or law enforcement officer from requesting verification of the citizenship or immigration status of an individual from federal immigration authorities if the individual has contact with the agency or officer only as a witness to or a victim of a crime or for purposes of reporting a crime. (4) Disallowing certain state income tax credits and deductions for individuals who are prohibited from being hired as employees, unless the employer participated in the E-Verify program. (5) Requiring the department of correction to verify the citizenship or immigration status of criminal offenders. (6) Requiring an agency or political subdivision to verify the eligibility of an individual who applies for federal, state, or local public benefits. (7) Requiring the department of workforce development (DWD) to verify the status of an individual as a qualified alien through the Systematic Alien Verification for Entitlements program to determine the individual's eligibility for unemployment compensation benefits. (8) Authorizing DWD to file civil actions to obtain the reimbursement of amounts paid as unemployment insurance benefits from employers that knowingly employed unauthorized aliens. (9) Requiring state agencies, political subdivisions, contractors with public contracts for services with the state or a political subdivision, and certain business entities to use E-Verify. Requiring certain subcontractors to certify that they use E-Verify. (10) Allowing a state agency or political subdivision to terminate a public contract for services with a contractor for breach of the public contract for services if the contractor knowingly employs an unauthorized alien. (11) Prohibiting individuals from commencing day labor without completing an attestation required under federal law. Requiring probable cause before a law enforcement officer may submit a complaint to the United States Customs and Immigration Enforcement office concerning violations of required federal attestations related to day labor. (12) Establishing certain state crimes, including: (A) offenses related to consular identification; (B) false identity statement; (C) knowingly or intentionally transporting or moving an alien, for the purpose of commercial advantage or private financial gain, knowing or in reckless disregard of the fact that the alien has come to, entered, or remained in the United States in violation of the law; and (D) knowingly or intentionally concealing, harboring, or shielding from detection an alien in any place, including a building or means of transportation, for the purpose of commercial advantage or private financial gain, knowing or in reckless disregard of the fact that the alien has come to, entered, or remained in the United States in violation of law. (13) Requiring law enforcement officers to impound motor vehicles for violations of crimes related to moving, transporting, concealing, harboring, or shielding from detection aliens. (14) Allowing a law enforcement officer to arrest a person if the officer has a certain removal order, detainer, or notice of action issued for the person or if the officer has probable cause to believe the person has been indicted for or convicted of one or more certain aggravated felonies. (15) Requiring a judicial officer in setting bail to consider that the defendant is a foreign national who has not been lawfully admitted to the United States as relevant to the risk of nonappearance. (16) Establishing certain bond requirements if bail is set for a defendant who is a foreign national unlawfully present in the United States. (17) Urging the legislative council to: (A) assign to an existing study committee certain topics concerning immigration; and (B) urge the study committee to consult with the lieutenant governor on the topics.

<u>Date</u>	<u>Action</u>
04/29/2011	<b>S: Conf Report</b> <a href="#">Adopted(35-15) S</a>