

**A SECTION-BY-SECTION OUTLINE  
OF LS 6036, THE LS VERSION OF  
THE 2014 TECHNICAL CORRECTIONS BILL**

**(1) AMENDMENTS TO CODE SECTIONS, CODE SECTIONS ADDED, AND CODE CHAPTERS AND ARTICLES REPEALED:**

| SEC. | IC §       | Page | Reason for Amendment, Addition, or Repeal:  | Effective date: | Person who brought the problem to OCR's attention or whom OCR consulted about the correction: |
|------|------------|------|---|-----------------|---|
| 1.   | 3-7-38.2-5 | 1    | Missing preposition. IC 3-7-38.2-5, as amended by SEA 519 [P.L.258-2013], contains a sentence in its subsection (d) reading: "Not later than thirty (30) days following the receipt of information under this subsection indicating that a voter of Indiana may also be registered to vote in another state, the NVRA official shall provide the appropriate county voter registration office with the name and any other information obtained under this subsection concerning that voter." The preposition "of" is needed after "name" in this sentence for sense and to balance the presence of the preposition "concerning" after "information" ["name (of) and ... information ... concerning ... voter"]. This SECTION amends IC 3-7-38.2-5 by inserting the missing " <u>of</u> ".   | Upon passage    | Bob Rudolph,<br>LSA attorney  |
| 2.   | 3-7-48-7   | 3    | Inconsistent terminology. IC 3-11-3-11(a) sets forth a list of items that a county election board shall deliver to each inspector or the inspector's representative. Subsection (a)(8) provides that "The blank voter registration applications required to be provided under IC 3-7-48-7(b)" must be delivered. IC 3-7-48-7(b) requires that "A county election board shall provide each precinct election board with a sufficient number of the registration forms" be used for certain purposes. IC 3-7-48-7 uses several phrases to reference the same document: "registration form"; "application"; and "registration form application". Because there are several types of registration forms, "application" is a more precise choice of word, and each instance of the word "form" in IC 3-7-48-7 is stricken and replaced with "application".   | Upon passage    | Brad King<br>Indiana Election Division  |
| 3.   | 3-8-2.5-2  | 3    | Incorrect section reference and entity reference. IC 3-8-2.5-2, as amended by SEA 518 [P.L.194-2013], reads in part: "A candidate may be nominated for a school board office by petition of voters who are ... registered to vote at the residence address set forth on the petition on the date <u>the county voter registration office certifies</u> the petition <u>under section 5</u> of this chapter". However, IC 3-8-2.5- <del>5</del> (section 5 of the chapter), which was added to the Code by SEA 518 [P.L.194-2013], does not specifically provide for a petition nominating a candidate for a school board office to be certified by the county voter registration office. IC 3-8-2.5-5 provides for a petition of nomination to be <i>filed with</i> the county voter registration office and provides for the county voter registration office to determine whether each petitioner | Upon passage    | Bob Rudolph,<br>LSA attorney  |

is eligible to vote for the candidates nominated by the petition, but it requires the county voter registration office, after determining the petitioners' eligibility to vote, to forward the petition to the circuit court clerk. *IC 3-8-2.5-6*, as added added to the Code by SEA 518, requires *the circuit court clerk* to determine whether the petition includes a sufficient number of signatures and, if it does, *to certify the petition*. Therefore, to eliminate the incorrect reference to the petition being certified by *the county voter registration office* and being certified *under IC 3-8-2.5-5*, this SECTION amends IC 3-8-2.5-2 by replacing "the date the county voter registration office certifies the petition under section 5 of this chapter" with "the date the petition is certified under this chapter".

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| 4. | 3-11-3-11   | 4 | <p>Incorrect internal reference. SECTION 6 of HEA 1311 [P.L.271-2013] added a new section 6 to the chapter IC 3-7-29 ("County Voter Registration; Providing Records to Precinct Inspectors"). This new IC 3-7-29-6 authorizes the use of electronic poll lists at an election if the county election board "adopts an order to provide(the) electronic poll list to the inspector for use at a polling place or at a satellite office". SECTIONS 2, 3, 4, and 5 of HEA 1311 amended sections within the chapter IC 3-7-29 and provided that the certain provisions within those sections applied or did not apply to "section 6 of this chapter" (i.e., IC 3-7-29-6). HEA 1311 also amended IC 3-11-3-11, a section that is <u>not</u> located within the chapter IC 3-7-29, by adding a new subsection (b) reading in part:</p> <p style="padding-left: 40px;">"This subsection applies to a county that:</p> <p style="padding-left: 80px;">(1) has adopted an order <u>under section 6 of this chapter</u>; or</p> <p style="padding-left: 80px;">(2) is a vote center county under IC 3-11-18.1.</p> <p>Surely the reference to "section 6 of this chapter" that HEA 1311 added to IC 3-11-3-11 was intended as a reference to section 6 of the chapter <i>IC 3-7-29</i> (i.e., IC 3-7-29-6), not as a reference to section 6 of the chapter IC 3-11-3. (There is no section 6 in the chapter IC 3-11-3. There was a section 6 in IC 3-11-3, but it was repealed in 2005.) No doubt the reference in IC 3-11-3-11 was mistakenly made to "section 6 of this chapter" instead of to "IC 3-7-29-6" because IC 3-7-29-6 had been referred to (correctly) as "section 6 of this chapter" in several preceding SECTIONS of HEA 1311 that amended sections <i>within</i> the chapter IC 3-7-29. This SECTION amends IC 3-11-3-11(b) by replacing the reference to "section 6 of this chapter" with "IC 3-7-29-6".</p> | Upon passage | Bob Rudolph,<br>LSA attorney |
| 5. | 3-11-8-10.3 | 5 | <p>Incorrect section reference. IC 3-11-8-10.3, as amended by SEA 519 [P.L.258-2013], contains two references to "... the vendor's application for approval of the electronic poll list by the secretary of state as required by IC 3-11-18.1-12(2)." When it was added to the Code in 2011, IC 3-11-18.1-12 was not divided into subsections. But IC 3-11-18.1-12 was amended extensively in 2013 by HEA 1311 [P.L.271-2013] and, as amended, it is now divided into subsections. Therefore, the references to</p>   | Upon passage | Bob Rudolph,<br>LSA attorney |

"IC 3-11-18.1-12(2)" can no longer be correct because they do not recognize that IC 3-11-18.1-12 is now divided into lettered subsections. As amended in 2013, IC 3-11-18.1-12 still provides for the approval of an electronic poll list by the secretary of state. However, it would seem more appropriate now to refer to the secretary of state as approving an electronic poll list under the whole section IC 3-11-18.1-12 rather than under some part of IC 3-11-18.1-12. (Subsection (a)(2) of IC 3-11-18.1-12 itself refers to an electronic poll list as being "... approved by the secretary of state in accordance with *this section*.".) This SECTION amends IC 3-11-8-10.3 by replacing its two references to "IC 3-11-18.1-12(2)" with references to the entire section, "IC 3-11-18.1-12".

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| 6. | 4-33-6-18   | 9  | <p>Removing a reference to a stricken subsection. IC 4-33-6-1 formerly contained a subsection (b) providing that if the voters of a certain city did not do not vote in favor of permitting riverboat gambling, the license to own a riverboat that had been assigned to that city could be assigned to another city. However, subsection (b) was stricken entirely by SEA 528 [P.L.229-2013]. IC 4-33-6-18 contains a reference to the former subsection (b) of IC 4-33-6-1: "This subsection applies to cities described in ... <u>section (1)(b)</u> of this chapter". This SECTION amends IC 4-33-6-18 by removing that reference.</p>  | Upon passage | Ross Hooten,<br>LSA attorney |
| 7. | 4-33-12-6   | 9  | <p>Conflict resolution. IC 4-33-12-6 was amended in different ways by two 2013 acts, SEA 528 [P.L.229-2013] and HEA 1001 [P.L.205-2013]. Consequently, the Indiana Code now contains two versions of IC 4-33-12-6. The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 4-33-12-6.</p>   | Upon passage |                              |
| 8. | 4-33-13-5   | 18 | <p>Conflict resolution. IC 4-33-13-5 was amended in different ways by two 2013 acts, SEA 528 [P.L.229-2013] and HEA 1001 [P.L.205-2013]. Consequently, the Indiana Code now contains two versions of IC 4-33-13-5. The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 4-33-13-5.</p>   | Upon passage |                              |
| 9. | 5-1-17.5-16 | 23 | <p>Replacing a word used by mistake. IC 5-1-17.5-16 is a section in the new chapter IC 5-1-17.5 ("Motorsports Investment District") added to the Code by HEA 1544 [P.L.233-2013]. The chapter creates the Indiana motorsports commission as a separate body corporate and politic; provides that the commission "shall be governed by the board"; defines "board" as meaning the board of directors of the commission; and provides that the board of directors is composed of the five directors. But subsection (e) of IC 5-1-17.5-16 reads: "Three (3) directors constitute a quorum of <i>the commission</i>, and the affirmative vote of at least three (3) directors is necessary for any official action taken by the board." Clearly, the use of the word "commission" in this sentence</p> | Upon passage | Ed Gohmann,<br>LSA attorney  |

in subsection (e) is an error; the term "board" was obviously intended to be used in its place. This SECTION amends IC 5-1-17.5-16(e) by replacing "commission" with "board", making the sentence read: "Three (3) directors constitute a quorum of the board".

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| 10. | 5-1-17.5-18 | 24 | <p>Incorrect reference to entity authorized to make findings. IC 5-1-17.5-18 is a section in the new chapter IC 5-1-17.5 ("Motorsports Investment District") added to the Code by HEA 1544 [P.L.233-2013]. The chapter creates the Indiana motorsports commission as a separate body corporate and politic and provides for the commission to be governed by a board of directors. IC 5-1-17.5-18 provides that the Indiana finance authority "... shall provide staff support for the commission and ... may employ ... any accounting and technical experts, attorneys, and other officers, employees, and agents ... as may be necessary in the authority's judgment to carry out the efficient operation of the commission, including professionals who can prepare a report on the matters to be considered in making the findings <i>of the board</i> set forth in section 24 of this chapter. However, section 24 of the chapter (i.e., IC 5-1-17.5-24) provides for the findings referred to in IC 5-1-17.5-18 to be made by <i>the commission</i>, not by the board. [IC 5-1-17.5-24(b): "In establishing the motorsports investment district, <i>the commission</i> must make the following findings ...".] This SECTION amends IC 5-1-17.5-18 by replacing "findings of the board" with "findings of <u>the commission</u>".</p> | Upon passage | Ed Gohmann,<br>LSA attorney            |
| 11. | 5-2-10.1-10 | 24 | <p>Conflict resolution. IC 5-2-10.1-10 was amended in different ways by two 2013 acts, SEA 1 [P.L.172-2013] and HEA 1001 [P.L.205-2013]. Consequently, the Indiana Code now contains two versions of IC 5-2-10.1-10. The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 5-2-10.1-10. This SECTION also makes a change in subsection (g) of IC 5-2-10.1-10, changing the statutory reference in "the school safety plans described in IC 20-26-18.2-2(c)" to the broader "IC 20-26-18.2-2" because the school safety plans are described more in subsection (b) of IC 20-26-18.2-2 than in subsection (c).</p>  | Upon passage | Andy Hedges,<br>LSA attorney           |
| 12. | 5-2-10.1-12 | 26 | <p>Conflict resolution. IC 5-2-10.1-12 was amended in different ways by three 2013 acts, SEA 1 [P.L.172-2013], SEA 352 [P.L.190-2013], and HEA 1423 [P.L.285-2013]. Consequently, the Indiana Code now contains three versions of IC 5-2-10.1-12. The three versions are technically and substantively compatible, so this SECTION merges the three versions so that the Indiana Code will again contain only one version of IC 5-2-10.1-12.</p>  | Upon passage |  |
| 13. | 5-9-4-7     | 27 | <p>Obsolete reference to court. IC 5-9-4-7(b)(2) contains a reference to an officeholder who is a judge of a "county court". The article establishing county courts (IC 33-30) was repealed by P.L.201-2011, SECTION 115, and the county court was transformed</p>  | Upon passage | Brad King<br>Indiana Election Division |

into a superior court. However, the corresponding removal of the "county court" reference was not made in IC 5-9-4-7. This SECTION makes the amendment by striking "county," in IC 5-9-4-7(b)(2).

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| 14. | 5-9-4-8    | 28 | Obsolete reference to court. IC 5-9-4-8(b)(1)(B) contains a reference to an officeholder who is a judge of a "county court". The article establishing county courts (IC 33-30) was repealed by P.L.201-2011, SECTION 115, and the county court was transformed into a superior court. IC 5-9-4-8 was last amended during the same legislative session as the article repeal (2011) but the corresponding removal of the "county court" reference was not made in IC 5-9-4-8. This SECTION makes the amendment by striking "county," in IC 5-9-4-8(b)(1)(B).  | Upon passage | Brad King<br>Indiana Election Division |
| 15. | 5-10.2-4-8 | 29 | Misspelled word. In IC 5-10.2-4-8(d), the word "reemployment" is misspelled as "reemloyment". This SECTION amends IC 5-10.2-4-8 to correct the spelling error.   | Upon passage | Margaret Piety,<br>LSA attorney        |
| 16. | 5-22-14-11 | 30 | Striking unneeded word. IC 5-22-14-11, as added by SEA 564 [P.L.90-2013] includes the following: "... at least three <i>percent (3%) percent</i> ...". Because the word "percent" appears twice, this SECTION amends IC 5-22-14-11 by striking the second "percent".   | Upon passage | Francine Rowley-Lacy,<br>LSA attorney  |
| 17. | 5-28-28-6  | 31 | Grammar and style changes. [1] The word "amount" is generally used to refer to quantities of things that <i>cannot</i> be counted or are measured in bulk (i.e., "mass nouns" referring to uncountable things like bravery, water, and charisma). The word "number" is generally used to refer to things that <i>can</i> be counted (i.e., "count nouns" like dog, year, and ball). [Source: www.grammarist.com.] Subdivision (1) of IC 5-28-28-6, as amended by SEA 162 [P.L.175-2013], uses " <u>amount</u> " in reference to a mix of mass nouns and count nouns: "tax credits, loans, and grants"; "investments"; "jobs"; "recaptured incentives"; and "tax credits". This SECTION amends IC 5-28-28-6(a) by applying "number" and "amount" in reference to those mass nouns and count nouns as follows: "(A) The <u>number and amount</u> of tax credits, loans, and grants"; "(B) The <u>amount</u> of investments made ..."; "(C) The <u>number</u> of actual jobs created ..."; and "The <u>amount</u> of recaptured incentives ...".<br>[2] In subdivision (2) of IC 5-28-28-6 there are clauses that are in the "listing" style of tabulation. (Each clause begins with a capitalized word and ends with a period.) In conformity with the tabulation style prescribed by our Drafting Manual, this SECTION amends the line in subdivision (2) immediately preceding the clauses so that it ends with "the following:".<br>[3] This SECTION also inserts the definite article "the" immediately before "recipient" in three places in subdivision (2). | Upon passage | Mike Landwer,<br>LSA attorney          |

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| 18. | 6-1.1-8-3      | 32 | <p>Changing term to encompass all persons to which the term applies. Subsection (c) of IC 6-1.1-8-3, as amended by HEA 1374 [P.L.168-2013], reads: "The following <i>companies</i> are not subject to taxation under this chapter:</p> <ul style="list-style-type: none"> <li>(1) Aviation companies.</li> <li>(2) Broadcasting companies.</li> <li>(3) Television companies.</li> <li>(4) Water transportation companies.</li> <li>(5) Companies which are operated by a municipality or a municipal corporation ...</li> <li>(6) <i>A taxpayer</i> that ...</li> <li>(7) <i>A taxpayer</i> that ... is participating in a net metering program ... (and) files a personal property tax return ...".</li> </ul> <p>While subdivisions (1) through (5) refer to "companies", subdivisions (6) and (7) refer to taxpayers. A taxpayer -- particularly a taxpayer described in subdivision (7) -- might not be a "company". Therefore, this SECTION amends IC 6-1.1-8-3 by replacing "The following <i>companies</i> are not subject to taxation" with "The following <u>persons</u> are not subject to taxation".</p> | Upon passage | Sarah Burkman<br>LSA attorney |
| 19. | 6-1.1-12-37    | 33 | <p>Conflict resolution. IC 6-1.1-12-37 was amended in different ways by two 2013 acts, SEA 433 [P.L.203-2013] and HEA 1545 [P.L.288-2013]. Consequently, the Indiana Code now contains two versions of IC 6-1.1-12-37. The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 6-1.1-12-37.</p>  | Upon passage |                               |
| 20. | 6-1.1-18-12    | 41 | <p>Conflict resolution. IC 6-1.1-18-12 was amended in different ways by two 2013 acts, HEA 1116 [P.L.218-2013] and SEA 517 [P.L.257-2013]. (Both of these acts also incorporate the changes that SEA 85-2013 made in IC 6-1.1-18-12.) Consequently, the Indiana Code now contains two versions of IC 6-1.1-18-12. The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 6-1.1-18-12.</p>   | Upon passage |                               |
| 21. | 6-1.1-18.5-8.1 | 45 | <p>Inserting omitted conjunction. Subsection (b) of IC 6-1.1-18.5-8.1, as added by HEA 1116 [P.L.218-2013], reads as follows: "The property tax levy limit ... may be exceeded ... by the amount of ad valorem property taxes imposed by a township to repay money borrowed under IC 36-6-6-14(f) to repay money borrowed under IC 36-6-6-14(b) in 2012 or 2013, but not both." The phrase "but not both" makes it clear that language of subsection (b) must be intended to set forth two alternatives. This SECTION inserts the conjunction "<u>or</u>" to separate the two alternatives. To further clarify the existence of the two alternatives, this SECTION also tabulates subsection (b) as follows:</p> <p style="padding-left: 40px;">"(b) The property tax levy limit imposed under section 3 of this chapter on the township may be exceeded in calendar years 2014, 2015, and 2016 by:</p>  | Upon passage | Mike Landwer,<br>LSA attorney |

(1) the amount of ad valorem property taxes imposed by a **the** township to repay money borrowed under IC 36-6-6-14(f); or  
 (2) the amount of ad valorem property taxes imposed by the township to repay money borrowed under IC 36-6-6-14(b) in 2012 or 2013;

but not both."

Because subsection (b) is clearly intended to apply to a particular township -- a township described in subsection (a) -- rather than to any township, this SECTION also changes "a township" in subsection (b) to "the township".

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| 22. | 6-1.1-20.3-7.5 | 45 | Conflict resolution. IC 6-1.1-20.3-7.5 was amended in different ways by two 2013 acts, SEA 517 [P.L.257-2013] and HEA 1585 [P.L.234-2013]. Consequently, the Indiana Code now contains two versions of IC 6-1.1-20.3-7.5. The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 6-1.1-20.3-7.5. | Upon passage |                                |
| 23. | 6-1.1-20.3-8.5 | 45 | Conflict resolution. IC 6-1.1-20.3-8.5 was amended in different ways by two 2013 acts, SEA 517 [P.L.257-2013] and HEA 1585 [P.L.234-2013]. Consequently, the Indiana Code now contains two versions of IC 6-1.1-20.3-8.5. The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 6-1.1-20.3-8.5. | Upon passage |                                |
| 24. | 6-1.1-20.3-10  | 47 | Conflict resolution. IC 6-1.1-20.3-10 was amended in different ways by two 2013 acts, SEA 517 [P.L.257-2013] and HEA 1585 [P.L.234-2013]. Consequently, the Indiana Code now contains two versions of IC 6-1.1-20.3-10. The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 6-1.1-20.3-10.    | Upon passage |                                |
| 25. | 6-1.1-20.3-13  | 47 | Conflict resolution. IC 6-1.1-20.3-13 was amended in different ways by two 2013 acts, SEA 517 [P.L.257-2013] and HEA 1585 [P.L.234-2013]. Consequently, the Indiana Code now contains two versions of IC 6-1.1-20.3-13. The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 6-1.1-20.3-13.    | Upon passage |                                |
| 26. | 6-1.1-25-4.1   | 48 | Incorrect section reference. IC 6-1.1-25-4.1 contains two references to "section 4(h) of this chapter"—one in subsection (a) and one in subsection (b). During the 2010 legislative session, two different versions of IC 6-1.1-25-4 were passed: P.L.73-2010, SECTION 6 set forth in subsection (h) of that section certain text relating to execution   | Upon passage | Dan Paliganoff<br>LSA attorney |

of a deed by a county executive, while P.L.98-2010, SECTION 3, set forth the same text at subsection (i). The then-current version of IC 6-1.1-25-4.1 referenced the P.L.73-2013, SECTION 6, version of IC 6-1.1-25-4 with a reference in subsection (a) and in subsection (b) to “section 4(h) of this chapter”. When the two versions of IC 6-1.1-25-4 were merged during the 2011 legislative session, the subsections were re-lettered, and the text at issue was lettered as subsection (i). However, the two references in IC 6-1.1-25-4.1 were not updated accordingly. This SECTION makes the correction by striking both instances of "4(h)" and adding in "4(i)".

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| 27. | 6-2.5-3.5-2 | 53 | <p>Definition of unused term. Section 2 of IC 6-2.5-3.5, the new chapter on the collection of the use tax on gasoline, defines the term "E85" for purposes of the chapter. However, the term "E85" is not used anywhere else in the chapter. Since the term is not used in the chapter, the definition is unneeded. This SECTION repeals IC 6-2.5-3.5-2.</p>  | Upon passage | Dan Paliganoff,<br>LSA attorney |
| 28. | 6-2.5-3.5-7 | 53 | <p>Definition of unused term. Section 7 of IC 6-2.5-3.5, the new chapter on the collection of the use tax on gasoline, defines the term "price per unit before the addition of state and federal taxes" for purposes of the chapter. However, the term "price per unit before the addition of state and federal taxes" is not used anywhere else in the chapter. Since the term is not used in the chapter, the definition is unneeded. This SECTION repeals IC 6-2.5-3.5-7.</p>  | July 1, 2014 | Dan Paliganoff,<br>LSA attorney |
| 29. | 6-2.5-7-5   | 53 | <p>Conflict resolution. IC 6-2.5-7-5 was amended in different ways by two 2013 acts, SEA 479 [P.L.227-2013], which is effective July 1, 2014, and HEA 1546 [P.L.293-2013], which was to take effect retroactively as of July 1, 2012. [HEA 1546 was vetoed, but the veto was overridden on June 12, 2013.] Consequently, the Indiana Code now contains two versions of IC 6-2.5-7-5. The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 6-2.5-7-5. [Note: Under IC 1-1-3.1, if a bill is vetoed and the veto is overridden, a SECTION in the bill that was to take effect retroactively as of a specified date instead takes effect "upon approval of the act", which is when the second house of the general assembly passes the bill over the veto. The SECTION of HEA 1546 amending IC 6-2.5-7-5 was to take effect retroactively as of July 1, 2012, but, under IC 1-1-3.1, it instead took effect June 12, 2013.]</p> | July 1, 2014 |                                 |
|     |             |    | <p>Additional change: Before 2013, the chapter IC 6-2.5-7 ("Collection and Remittance of State Gross Retail Tax on Motor Fuel") pertained to gasoline as well as to kerosene and special fuel. However, SEA 479 [P.L.227-2013] added to the Code a new chapter, IC 6-2.5-3.5, concerning "Collection of Use Tax on Gasoline". Beginning July 1, 2014, the collection of the use tax on gasoline under the new IC 6-2.5-3.5 is taking the place</p>  |              | Dan Paliganoff,<br>LSA attorney |

of the collection of the gross retail tax on gasoline under IC 6-2.5-7. SEA 479 also amended the chapter IC 6-2.5-7 generally so as to make the chapter inapplicable to gasoline; it even amended the definitions section of the chapter by removing the definition of "gasoline". However, the section IC 6-2.5-7-5 still includes this use of the word "gasoline" in its first sentence: "Each retail merchant who dispenses gasoline or special fuel from a metered pump shall, in the manner prescribed in IC 6-2.5-6, report to the department the following information ...". The retention of "gasoline or" in this first sentence of IC 6-2.5-7-5 must be the result of an oversight, as SEA 479 struck the word "gasoline" in all of the other places in IC 6-2.5-7-5 in which it appeared. This SECTION amends IC 6-2.5-7-5 by striking the words "gasoline or" in the first sentence of IC 6-2.5-7-5.

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| 30. | 6-8.1-1-1 | 54 | Conflict resolution. IC 6-8.1-1-1 was amended in different ways by two 2013 acts, HEA 1324 [P.L.277-2013] and HEA 1545 [P.L.288-2013]. Consequently, the Indiana Code now contains two versions of IC 6-8.1-1-1. The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 6-8.1-1-1. Because the HEA 1324 version of IC 6-8.1-1-1 does not come into effect until January 1, 2014, and therefore the conflict will not exist until January 1, 2014, this conflict-resolving SECTION likewise takes effect January 1, 2014.   | January 1, 2014,<br>(Retroactive) |                             |
| 31. | 6-8.1-7-1 | 55 | Conflict resolution. IC 6-8.1-7-1 was amended in different ways as of July 1, 2013, by three 2013 acts: SEA 479 [P.L.227-2013], SEA 544 [P.L.261-2013], and HEA 1001 [P.L.205-2013]. IC 6-8.1-7-1 was also amended as of January 1, 2014, by a fourth 2013 act, HEA 1546. [HEA 1546 was vetoed, but the veto was overridden on June 12, 2013.] Consequently, the Indiana Code now contains four versions of IC 6-8.1-7-1. The four versions are technically and substantively compatible, so this draft merges the four versions of IC 6-8.1-7-1 so that the Indiana Code will again contain only one version of IC 6-8.1-7-1.  | Upon passage                      |                             |
| 32. | 7.1-5-9-7 | 58 | Recognizing exception. IC 7.1-5-9-7, as amended by HEA 1293 [ P.L.109-2013], states that "... it is unlawful for the holder of an artisan distiller's ... permit to own ... shares of stock of a corporation that holds an Indiana permit to sell <i>alcoholic beverages</i> at retail ... or to own ... an interest in the business being conducted under the permit ... to sell at retail." (An artisan distiller's permit authorizes the holder to commercially manufacture <i>liquor</i> , which is just one type of beverage that falls within IC 7.1-1-3-5's definition of "alcoholic beverage".) However, IC 7.1-3-27, a new Code chapter entitled "Artisan Distiller's Permit", was added to the Code by HEA 1293 [P.L.109-2013], and section 6 of that chapter (i.e., IC 7.1-3-27-6) reads: "A holder of an artisan distiller's permit may also hold one (1) of the following: (1) A farm winery permit. (2) A brewer's permit for a brewery ...". And holding | Upon passage                      | Anne Haley,<br>LSA attorney |

a farm winery permit or a brewer's permit for a brewery authorizes the permit holder to sell *certain* alcoholic beverages *other than liquor* at retail *under certain circumstances*: IC 7.1-3-12-5 authorizes the holder of a farm winery permit to sell the winery's wine on the licensed premises and IC 7.1-3-2-7 authorizes the holder of a brewer's permit to sell the brewery's beer by the glass for consumption on the premises of the brewery. Therefore, the ability of the holder of an artisan distiller's permit to also hold a farm winery permit or a brewer's permit for a brewery and thereby to be authorized to sell certain alcoholic beverages other than liquor at retail under certain circumstances constitutes something of an exception to the broad statement in IC 7.1-5-9-7 that it is unlawful for the holder of an artisan distiller's permit to own an interest in a business that sells "alcoholic beverages". Consequently, this SECTION amends IC 7.1-5-9-7 so as to make it read: "Except as provided in IC 7.1-3-27-6, it is unlawful for the holder of an artisan distiller's ... permit to own ...".

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| 33. | 8-14-1-3 | 58 | Conflict resolution. IC 8-14-1-3 was amended in different ways by two 2013 acts, SEA 544 [P.L.261-2013] and HEA 1001 [P.L.205-2013]. Consequently, the Indiana Code now contains two versions of IC 8-14-1-3. The two versions are technically and substantively compatible, so this SECTION merges the versions so that the Indiana Code will again contain only one version of IC 8-14-1-3.   | Upon passage |
| 34. | 8-21-1-8 | 60 | Out-of-date reference. Subsection (o) of IC 8-21-1-8 authorizes the Indiana Department of Transportation to adopt rules "under IC 4-22-2 <u>and subject to IC 8-9.5-2.6(7)</u> ". The reference to "IC 8-9.5-2.6(7)" is mysterious: there is no "IC 8-9.5-2.6(7)" in the Code, and "IC 8-9.5-2.6(7)" does not even conform to our Code's organization scheme of Title-Article-Chapter-Section. However, it seems quite likely that the reference to "IC 8-9.5-2.6(7)" was intended to refer to "IC 8-9.5- <del>2</del> -6(7)". The Code formerly contained a section numbered IC 8-9.5-2-6, and this IC 8-9.5-2-6 contained a subdivision (7) that required the "transportation coordinating board" to review "those rules that must be adopted by the departments (i.e., the department of highways and the department of transportation) before the publication of notice of a public hearing on those proposed rules as required by IC 4-22-2 and approve, disapprove, or amend those rules before final adoption by the departments." The transportation coordinating board no longer exists. IC 8-9.5-2-6 was repealed in 1989 [P.L.112-1989, SEC.6], and IC 8-23-2-9 provides that after June 30, 1989, any reference to the transportation coordinating board in any statute or rule shall be treated as a reference to the Indiana department of transportation. Therefore, if we assume that the reference to "IC 8-9.5-2.6(7)" was intended as a reference to IC 8-9.5-2-6(7), it seems safe to simply eliminate the reference to "IC 8-9.5-2.6(7)" in IC 8-21-1-8(o). The Code section to which that reference most likely refers was repealed, and the board that held pre-adoption rule reviewing authority under that section ceased to exist, in 1989. | Upon passage |

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| 35. | 9-13-2-19.4 | 63 | <p>Incorrect Code reference. IC 9-13-2-19.4 was added to the comprehensive definitions chapter of Title 9 of the Code by HEA 1347 [P.L.22-2013]. It provides that the term "chaplain", for purposes of the chapter IC 9-19-14.5 ("Special Equipment for Private Emergency Vehicles"), "... has the meaning set forth in IC 9-19-<u>14</u>-0.5." However, the section added to the Code by HEA 1347 to define "chaplain" for the purposes of IC 9-19-14.5 was actually IC 9-19-<u>14.5</u>-0.5.</p> <p>This SECTION amends IC 9-13-2-19.4 by replacing "IC 9-19-<u>14</u>-0.5" with "IC 9-19-<u>14.5</u>-0.5".</p>  | Upon passage | <p>Susan Montgomery,<br/>LSA attorney</p> <p>Elizabeth Murphy, General Counsel<br/>Bureau of Motor Vehicles</p> |
| 36. | 9-14-3-5    | 63 | <p>Incorrect Code reference. IC 9-14-3-5(b)(5) concerns a reproduction of a signature <u>secured under</u> certain Indiana Code chapters dealing with nondriver identification cards and driver's licenses and permits. "Secured under" anticipates the manner by which the signature is obtained. IC 9-24-16-3 outlines the size, shape, and content of a nondriver identification card. It simply says the card "must contain" a reproduction of the applicant's signature. The purpose of IC 9-24-16-3 doesn't match that of IC 9-14-3-5(b) as they relate to a signature: it must appear on card under IC 9-24-16-3, but it must be specifically obtained under 9-14-3-5(b). This was the only "signature" reference to in the chapter until 2012, and so it was the Code cite referenced by IC 9-14-3-5(b). The purpose of IC 9-24-16-2 is to set forth the information that must be included on an application for card. P.L.125-2012, SECTION 226 amended that section to include two additional pieces of ID that must be collected on the application—a digital photo of the applicant and the applicant's signature. Once this public law passed, IC 9-24-16-2 became the appropriate reference in IC 9-14-3-5(b)(5) because it speaks to the way the signature is obtained.</p> | Upon passage | <p>Susan Montgomery,<br/>LSA attorney</p>   |
| 37. | 9-18-2-7    | 64 | <p>Conflict resolution. IC 9-18-2-7 was amended: [1] by SEA 433 [P.L.203-2013] and SEA 563 [P.L.262-2013], effective July 1, 2013, and [2] by HEA 1546 [P.L.293-2013], effective January 1, 2014. [HEA 1546 was vetoed, but the veto was overridden on June 12, 2013.] There is no conflict between the SEA 433 version of IC 9-18-2-7 and the SEA 563 version of IC 9-18-2-7 because the SEA 433 version incorporates the SEA 563 changes in IC 9-18-2-7. The SEA 433/SEA 563 version of IC 9-18-2-7 and the HEA 1546 version of IC 9-18-2-7 are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 9-18-2-7.</p>   | Upon passage | <p>Elizabeth Murphy, General Counsel<br/>Bureau of Motor Vehicles</p>   |
| 38. | 9-22-3-30   | 65 | <p>Redundant Code sections. IC 9-22-3-<u>30</u>, which was added to the Code in 1991 and has not been amended, reads:</p> <p style="margin-left: 40px;">"A seller that is:</p> <p style="margin-left: 80px;">(1) a dealer; or</p> <p style="margin-left: 80px;">(2) <i>any other</i> person who sells, exchanges, or transfers at least</p>  | Upon passage | <p>Susan Montgomery,<br/>LSA attorney</p>   |

five (5) vehicles each year;  
may not sell, exchange, or transfer a rebuilt vehicle without disclosing in writing to the purchaser, customer, or transferee before consummating the sale, exchange, or transfer the fact that the vehicle is a rebuilt vehicle if the dealer or other person knows or should reasonably know the vehicle is a rebuilt vehicle."

Another section in the same chapter, IC 9-22-3-18.5, consists of two subsections. Subsection (a) of IC 9-22-3-18.5 reads: "This section does not apply to a person who sells, exchanges, or transfers golf carts." Subsection (b) of IC 9-22-3-18.5 is almost identical in its text to IC 9-22-3-30. It reads:

"A seller that is:

(1) a dealer; or

(2) *another* person who sells, exchanges, or transfers at least five (5) vehicles each year;

may not sell, exchange, or transfer a rebuilt vehicle without disclosing in writing to the purchaser, customer, or transferee before consummating the sale, exchange, or transfer, the fact that the vehicle is a rebuilt vehicle if the dealer or other person knows or should reasonably know the vehicle is a rebuilt vehicle."

Because the two Code sections are nearly identical, it would seem that the Code does not need both of them and that one could be repealed. It is true that IC 9-22-3-18.5 differs from IC 9-22-3-30 in that IC 9-22-3-18.5 includes the subsection (a) providing that IC 9-22-3-18.5 "does not apply to a person who sells, exchanges, or transfers golf carts". However, regardless of this subsection (a), neither IC 9-22-3-30 nor IC 9-22-3-18.5 could ever apply to a seller of golf carts because IC 9-13-2-196, which defines the term "vehicle" for purposes of Title 9, states in its subsection (d): "For purposes of **IC 9-22**, the term (i.e., "vehicle") refers to an automobile, a motorcycle, a truck, a trailer, a semitrailer, a tractor, a bus, a school bus, a recreational vehicle, a trailer or semitrailer used in the transportation of watercraft, or a motorized bicycle." In other words, for purposes of the article in which IC 9-22-3-30 and IC 9-22-3-18.5 are located, a golf cart is not a "vehicle". Therefore, subsection (a) of IC 9-22-3-18.5 is of no real effect and IC 9-22-3-30 and IC 9-22-3-18.5 are truly redundant -- in fact, in effect, identical. This SECTION resolves the redundancy by repealing IC 9-22-3-30. (IC 9-22-3-33version (a), which is effective until 7-1-14, contains a reference to this section. It is being amended in the Criminal Law bill rather than in the TC bill.)

39. 9-24-2-3

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Conflict resolution. IC 9-24-2-3 was amended in different ways by two 2013 acts, SEA 6 [P.L.207-2013] and SEA 538 [P.L.85-2013]. [SEA 6 contained two SECTIONS amending IC 9-24-2-3, each with a different effective date, but one version was in effect only until July 1, 2013.] Consequently, the Indiana Code now contains multiple versions of IC 9-24-2-3. The versions

Upon passage

are technically and substantively compatible, so this SECTION merges the versions so that the Indiana Code will again contain only one version of IC 9-24-2-3.

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| 40. | 9-24-4-4.5  | 67 | <p>Repealing redundant section. IC 9-24-4-4.5, which was added to the chapter of Title 9 concerning chauffeur's licenses by SEA 538 [P.L.85-2013], reads:</p> <p style="padding-left: 40px;">"To receive a chauffeur's license, an individual must surrender any and all driver's licenses issued to the individual by Indiana or any other jurisdiction."</p> <p>This text is nearly identical to the text of IC 9-24-4-3, another section of the chauffeur's license chapter, which reads:</p> <p style="padding-left: 40px;">"To receive a chauffeur's license, an individual must surrender to the bureau all driver's licenses issued to the individual by Indiana or any other jurisdiction."</p> <p>Because the presence of both sections in the same chapter is redundant, this SECTION repeals IC 9-24-4-4.5.</p>   | Upon passage | Sarah Freeman,<br>LSA attorney   |
| 41. | 9-24-11-5.5 | 67 | <p>Incorrect Code reference. In the 2012 session, two different public laws performed two different amend/correct conflict resolutions on IC 9-24-11-5.5. In the P.L.6-2012, SECTION 68 merger, each version of IC 9-24-9-2 contained a subsection (d), and the subsection at issue was designated as subsection (e). In SECTION 69 of that bill, IC 9-24-11-5.5 was amended to update the reference to IC 9-24-9-2 accordingly from subsection (d) to subsection (e). P.L.125-2012, SECTION. 203 made the second amend/correct merger. Again, each version contained a subsection (d), but subsection (a) was stricken--it had been outdated for several years. The remaining subsections were redesignated, and the subsection at issue became subsection (d). However, IC 9-24-11-5.5's reference was not updated in this bill or at any other point during 2012's session. This P.L.125-2012 SECTION version is the one that was printed in the Code (both bill's versions were correct, but the P.L.125-2012 version removed the obsolete subsection (a), so the reference in IC 9-24-11-5.5 remained incorrect. The correct reference in IC 9-24-11-5.5 should be to "IC 9-24-9-2(d)", not "IC 9-24-9-2(e)".</p> | Upon passage | Susan Montgomery,<br>LSA attorney  |
| 42. | 9-24-12-4   | 67 | <p>Incorrect internal reference. IC 9-24-12-4 consists of three subsections, and its subsection (a) includes numbered subdivisions. A 2011 amendment to IC 9-24-12-4 [by P.L. 109-2011, SECTION 10] struck the second subdivision in subsection (a) and re-numbered subdivisions (3), (4), and (5) as "(2)", "(3)", and "(4)". However, subsection (c) of IC 9-24-12-4 contained a reference to "subsection (a)(5)" and this reference was not amended in correspondence to the renumbering of the former (a)(5). This SECTION amends IC 9-24-12-4 to make the corresponding amendment that was overlooked in 2011, replacing the reference to "subsection (a)(5)" in subsection (c) with "subsection (a)(4)".</p>   | Upon passage | Susan Montgomery,<br>LSA attorney<br><br>Elizabeth Murphy, General Counsel<br>Bureau of Motor Vehicles |

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| 43. | 9-24-16-3 | 68 | <p>Erroneous reference to type of card issued. The chapter IC 9-24-16 concerns identification cards that are issued by the bureau of motor vehicles to nondrivers. The section IC 9-24-16-3 provides for the dimensions, shape, and markings of an identification card and specifies the information that must appear on the identification card. Subsection (c) of IC 9-24-16-3 (probably because the language was copied from another chapter of IC 9 that concerns driver's licenses and permits) reads in part as follows: "The information contained on the identification card as required by subsection (b)(12) or (b)(13) for an individual who is less than twenty-one (21) years of age . . . shall be printed prominently on the <u>permit or license</u>." The words "permit or license" are obviously included in subsection (c) by error. This SECTION amends IC 9-24-16 by replacing the words "permit or license" in subsection (c) with "<u>identification card</u>".</p>  | Upon passage | <p>Susan Montgomery,<br/>LSA attorney</p> <p>Elizabeth Murphy, General Counsel<br/>Bureau of Motor Vehicles</p> |
| 44. | 9-29-5-43 | 69 | <p>Incorrect internal reference. Engrossed Senate Bill 523, as printed on March 12, 2013, amended IC 9-29-5-43: [1] by adding a new subsection (d) requiring that fees collected for the registration of off-road vehicles and snowmobiles be deposited in "the off-road vehicle and snowmobile fund"; and [2] in subsection (a) of IC 9-29-5-43, which set forth the general requirement that registration fees be paid into the state general fund for credit to the motor vehicle highway account, by specifying that the general requirement was subject to an exception "as otherwise provided (in) <u>subsection (d)</u>". Senate Enrolled Act 537 [P.L.92-2013] also amended IC 9-29-5-43, and it entirely struck subsections (b) and (c) of IC 9-29-5-43, leaving only the text that had been in subsection (a). The enrolled act version of SB 523 [P.L.259-2013] amended IC 9-29-5-43 <i>as previously amended</i> by SEA 537; consequently, the subsections (b) and (c) that had been entirely stricken by SEA 537 did not appear in SEA 523. All that appeared in the SECTION of SEA 523 amending IC 9-29-5-43 was: [1] the new subsection requiring that fees collected for the registration of off-road vehicles and snowmobiles be deposited in the off-road vehicle and snowmobile fund, which -- because of the removal of the former subsections (b) and (c) -- had been changed from subsection "(d)" to subsection "<u>(b)</u>"; and [2] subsection (a) of IC 9-29-5-43, which still set forth the general requirement that registration fees be paid into the state general fund for credit to the motor vehicle highway account and which still specified that the general requirement was subject to an exception "as otherwise provided (in) <u>subsection (d)</u>". The reference to "subsection (d)" in "as otherwise provided (in) subsection (d)" -- which had been correct in the March 12 printing of ESB 523 -- was now incorrect because the new subsection that had been subsection "(d)" had now become subsection "<u>(b)</u>". This SECTION amends IC 9-29-5-43 by replacing the incorrect "as otherwise provided (in) subsection (d)" with "as otherwise provided (in) subsection <u>(b)</u>".</p> | Upon passage | <p>Elizabeth Murphy, General Counsel<br/>Bureau of Motor Vehicles</p>   |

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| 45. | 9-29-6-1.5 | 70 | <p>Recognizing expiration of section. IC 9-29-6-1 was amended by HEA 1481 [P.L.135-2013], and the HEA 1481 amendment added a subsection (b) stating that IC 9-29-6-1 will expire on the date on which rules are adopted under IC 9-29-6-13 or on December 31, 2013, whichever is earlier. Subsection (b) of IC 9-29-6-1.5 includes the following reference to IC 9-29-6-1: "The fee imposed under this subsection <i>is in addition to the permit fee required under section 1 of this chapter.</i>" Because IC 9-29-6-1 will expire no later than December 31, 2013, because, under IC 1-1-5-10, the expiration of a statute has the same effect that the repeal of the statute, and because the sentence in IC 9-29-6-1.5(b) referring to IC 9-29-6-1 will be meaningless after IC 9-29-6-1 expires, this SECTION amends IC 9-29-6-1.5(b) by striking the entire sentence referring to IC 9-29-6-1.</p> | Upon passage | <p>Susan Montgomery,<br/>LSA attorney</p> <p>Elizabeth Murphy, General Counsel<br/>Bureau of Motor Vehicles</p> |
| 46. | 9-30-13-6  | 70 | <p>Conflict resolution. IC 9-30-13-6 was amended in different ways by two 2013 acts, SEA 6 [P.L.207-2013] and SEA 538 [P.L.85-2013]. [SEA 6 contained two SECTIONS amending IC 9-30-13-6, each with a different effective date, but one version of IC 9-30-13-6 as amended by SEA 6 was in effect only until July 1, 2013.] Consequently, the Indiana Code now contains two versions of IC 9-30-13-6. The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 9-30-13-6.</p>  | Upon passage | <p>Elizabeth Murphy, General Counsel<br/>Bureau of Motor Vehicles</p>   |
| 47. | 9-32-11-6  | 71 | <p>Incorrect reference to type of license. Subsection (e) of IC 9-32-11-6, as added to the Code by SEA 537 [P.L.92-2013], reads: "For the purpose of this section, an <u>offsite license</u> issued under section 11 of this chapter does not constitute a change of location." However, the type of license issued under IC 9-32-11-11 ("section 11"), as added to the Code by SEA 537, is called an "offsite <u>sales</u> license". This SECTION amends IC 9-32-11-6 by replacing "an offsite license" with "an offsite <u>sales</u> license".</p>  | Upon passage | <p>Susan Montgomery,<br/>LSA attorney</p> <p>Carol Mihalik, Attorney<br/>Office of the Secretary of State</p>   |
| 48. | 9-32-13-23 | 72 | <p>Deleted "Sec. 23.". IC 9-32-13-23 was added to the Code by SEA 537 [P.L.92-2013] and amended by HEA 1386 [P.L.152-2013]. Somehow, in the amendment process, the "Sec. 23." at the beginning of the section was deleted. This SECTION amends IC 9-32-13-23 by restoring the deleted "Sec. 23.".</p>   | Upon passage | <p>Carol Mihalik, Attorney<br/>Office of the Secretary of State</p>   |
| 49. | 9-32-16-1  | 73 | <p>Incorrect subdivision reference. Subsection (f) of IC 9-32-16-1, a section in the new chapter 9-32-16 added to the Code by SEA 537 [P.L.92-2013], reads in part:</p> <p style="padding-left: 40px;">"Fees and funds accruing from the administration of this article ... (that are) described in ... IC 9-29-17-14(c)(2) ... shall be ... deposited in <i>the motor vehicle highway account</i>".</p>  | Upon passage | <p>Susan Montgomery,<br/>LSA attorney</p> <p>Carol Mihalik, Attorney<br/>Office of the Secretary of State</p>   |

However, subsection (c) of IC 9-29-17-14, as added to the Code by SEA 537 [P.L.92-2013], contains three subdivisions:

- subdivision (1), which provides that a certain portion of the fees collected for interim license plates shall be deposited in *the crossroads 2000 fund*;
- subdivision (2), which provides that a certain portion of the fees collected for interim license plates shall be deposited in *the dealer compliance account*; and
- subdivision (3), which provides that a certain portion of the fees collected for interim license plates shall be deposited in "the motor vehicle highway account".

Since subsection (f) of IC 9-32-16-1 refers to fees and funds being deposited in *the motor vehicle highway account*, and since it is subdivision (3) of IC 9-29-17-14's subsection (c) that provides for a certain portion of the fees collected for interim license plates to be deposited in *the motor vehicle highway account*, this SECTION amends IC 9-32-16-1(f) by replacing " IC 9-29-17-14(c)(2)" with "IC 9-29-17-14(c)(3)".

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| 50. | 9-32-16-3  | 76 | <p>Omitted preposition. IC 9-32-16-3, as added to the Code by SEA 537 [P.L.92-2013], reads: "Information or documents obtained by the division in the course of an investigation, including an audit conducted under section 6(c) of this chapter, are law enforcement records <i>for the purposes IC 5-14-3-4(b)(1)</i>." This SECTION amends IC 9-32-16-3 by inserting the missing preposition "of", making the text read: "... for the purposes <u>of</u> IC 5-14-3-4(b)(1)."</p>  | Upon passage | <p>Susan Montgomery,<br/>LSA attorney</p> <p>Carol Mihalik, Attorney<br/>Office of the Secretary of State</p> |
| 51. | 10-11-2-26 | 76 | <p>Recognizing expiration of section. IC 10-11-2-26 was amended by HEA 1481 [P.L.135-2013], and the HEA 1481 amendment added a subsection (d) reading: "Subsection (a)(29) expires on the date that IC 9-29-6-1 expires." IC 9-29-6-1 was also amended by HEA 1481. HEA 1481 added to IC 9-29-6-1 a new subsection (b) providing that IC 9-29-6-1 would expire on the date on which rules are adopted under IC 9-29-6-13 or on December 31, 2013, <i>whichever is earlier</i>. Therefore, because IC 9-29-6-1 will surely expire no later than December 31, 2013, this SECTION amends IC 10-11-2-26:</p> <p>[1] by striking subdivision (29) of IC 10-11-2-26's subsection (a), since that subdivision (29) -- under IC 10-11-2-26's subsection (d) -- will expire on the same date on which IC 9-29-6-1, which will be no later than December 31, 2013;</p> <p>[2] by renumbering the other subdivisions of IC 10-11-2-26's subsection (a) as necessary in conformity to the striking of subdivision (29); and</p> <p>[3] by striking IC 10-11-2-26's subsection (d) -- the provision stating that subsection (a)(29) expires on the date on which IC 9-29-6-1 expires, since subsection (d) will no longer have any importance <i>after</i> the expiration of</p> | Upon passage | <p>Susan Montgomery,<br/>LSA attorney</p>   |

subsection (a)(29).

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| 52. | 10-13-8-11  | 77 | Inconsistent use of terminology. The new chapter IC 10-13-8 establishes the "blue alert program," a program under which the state police department is to transmit information to broadcasters and electronic billboard operators when a law enforcement officer is killed, seriously injured, or missing in the line of duty. The new chapter uses the term "blue alert program" thirteen times. However, section 11 of the chapter (IC 10-13-8-11) refers to information being displayed "in accordance with the blue alert <u>plan</u> ". This SECTION amends IC 10-13-8-11 by replacing "blue alert plan" with blue alert <u>program</u> ".  | Upon passage | Anne Haley,<br>LSA attorney    |
| 53. | 10-13-8-13  | 77 | Inconsistent use of terminology. The new chapter IC 10-13-8 establishes the "blue alert program", a program under which the state police department is to transmit information to broadcasters and electronic billboard operators when a law enforcement officer is killed, seriously injured, or missing in the line of duty. The chapter contains a detailed definition of the term "law enforcement officer". However, section 13 of the chapter (IC 10-13-8-13) in one place uses the word "officer" instead of the defined term "law enforcement officer":<br>"A law enforcement agency that locates ... the missing <i>officer</i> ...".<br>This SECTION amends IC 10-13-8-13 by inserting "law enforcement" before the word "officer" so that IC 10-13-8-13 will use the defined term.  | Upon passage | Anne Haley,<br>LSA attorney    |
| 54. | 10-14-9-2   | 78 | Including shorter version of defined term in definition . IC 10-14-9-2 defines the term "highway route controlled quantity (HRCQ) radioactive material" for purposes of the new Code chapter IC 10-14-9, which is entitled "Transportation of Highway Route Controlled Quantity Radioactive Material". However, the term used in the substantive sections of the chapter is not "highway route controlled quantity (HRCQ) radioactive material" but instead a shorter version of that term, "HRCQ materials". [Sec. 7. (a): "A shipper who intends to ship <i>HRCQ materials</i> must submit ... A shipper of <i>HRCQ materials</i> shall notify ... before shipping the <i>HRCQ materials</i> . Sec. 8. (b): A shipper that fails to notify ... of a shipment of <i>HRCQ materials</i> ... "] This SECTION amends IC 10-14-9-2 so that the definition will recognize the shorter version of the defined term that is actually used in the chapter, making the text read: "As used in this chapter, 'highway route controlled quantity (HRCQ) radioactive material' or " <u>HRCQ materials</u> " means ...". | Upon passage | Sarah Freeman,<br>LSA attorney |
| 55. | 11-12-3.7-7 | 78 | Incorrect Code section reference. The Code section IC 12-21-2-3 was formerly divided into subsections (a), (b), and (c). In 2011, however, an amendment to IC 12-21-2-3 eliminated the text that had comprised subsections (b) and (c) and removed the subsection "(a)" designation at the beginning of the remaining text.  | Upon passage |                                |

As a result, IC 12-21-2-3 is no longer divided into subsections and it does not contain a subsection "(a)". However, IC 11-12-3.7-7, which was last amended in 2010, still contains two references to "IC 12-21-2-3(a)(5)" ["... treatment providers certified by the division of mental health and addiction under ... IC 12-21-2-3(a)(5)" and "... an entity that is ... certified by the division of mental health and addiction under IC 12-21-2-3(a)(5)"]. Subdivision (5) of IC 12-21-2-3, which was within subsection "(a)" of IC 12-21-2-3 when IC 12-21-2-3 was divided into subsections, does provide for the certification of community residential programs and community mental health centers. Therefore, this SECTION amends IC 11-12-3.7-7 by replacing the two references to "IC 12-21-2-3(a)(5)" with "IC 12-21-2-3(5)".

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| 56. | 12-7-2-35   | 79 | Reference change corresponding to relocation of definition section.<br>A later SECTION of the TC bill repeals IC 12-17.2-3.7 and relocates the text at IC 12-17.2-3.6. IC 12-7-2-35 contains two references to the repealed Code cite. Those references are changed from "IC 12-17.2-3.7" and "IC 12-17.2-3.7-1" to "IC 12-17.2-3.6" and "IC 12-17.2-3.6-1", respectively.                        | Upon passage |
| 57. | 12-7-2-75.7 | 79 | Reference change corresponding to relocation of definition section.<br>A later SECTION of the TC bill repeals IC 12-17.2-3.7 and relocates the text at IC 12-17.2-3.6. IC 12-7-2-75.7 contains two references to the repealed Code cite. Those references are changed from "IC 12-17.2-3.7" and "IC 12-17.2-3.7-2" to "IC 12-17.2-3.6" and "IC 12-17.2-3.6-2", respectively.                      | Upon passage |
| 58. | 12-7-2-76.2 | 79 | Reference change corresponding to relocation of definition section.<br>A later SECTION of the TC bill repeals IC 12-17.2-3.7 and relocates the text at IC 12-17.2-3.6. IC 12-7-2-76.2 contains two references to the repealed Code cite. Those references are changed from "IC 12-17.2-3.7" and "IC 12-17.2-3.7-3" to "IC 12-17.2-3.6" and "IC 12-17.2-3.6-3", respectively.                      | Upon passage |
| 59. | 12-7-2-76.3 | 79 | Reference change corresponding to relocation of definition section.<br>A later SECTION of the TC bill repeals IC 12-17.2-3.7 and relocates the text at IC 12-17.2-3.6. IC 12-7-2-76.3 contains two references to the repealed Code cite. Those references are changed from "IC 12-17.2-3.7" and "IC 12-17.2-3.7-4" to "IC 12-17.2-3.6" and "IC 12-17.2-3.6-4", respectively.                      | Upon passage |
| 60. | 12-7-2-91   | 80 | Reference change corresponding to relocation of definition section.<br>A later SECTION of the TC bill repeals IC 12-17.2-3.7 and relocates the text at IC 12-17.2-3.6. IC 12-7-2-91 contains two references in its subdivision (4) to the repealed Code cite. Those references are changed from "IC 12-17.2-3.7" and "IC 12-17.2-3.7-5" to "IC 12-17.2-3.6" and "IC 12-17.2-3.6-5", respectively. | Upon passage |

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| 61. | 12-7-2-93.7  | 80 | <p>Change in reference corresponding to relocation of text. Two chapters were added to the Code as "IC 12-17.2-3.7" by HEA 1001 [P.L.205-2013] and HEA 1004 [P.L.267-2013]. This bill resolves the resulting conflict by: [A] nominally repealing both the HEA 1001 version of "IC 12-17.2-3.7" and the HEA 1004 version of "IC 12-17.2-3.7"; [B] inserting the contents of the HEA 1001 version of "IC 12-17.2-3.7" back into the Code as "IC 12-17.2-<u>3.6</u>"; and [C] inserting the contents of the HEA 1004 version of "IC 12-17.2-3.7" back into the Code as "IC 12-17.2-<u>3.8</u>". IC 12-7-2-93.7 is a section in the comprehensive definitions chapter of Title 12 of the Code. It provides that the term "grant", as used in the chapter added to the Code by HEA 1001, has the meaning set forth in section 6 of that chapter. Since this bill is changing the chapter added to the Code by HEA 1001 from "IC 12-17.2-3.7" to "IC 12-17.2-<u>3.6</u>", this SECTION amends IC 12-7-2-93.7 so as to make it read: "'Grant', for purposes of <u>IC 12-17.2-3.6</u>, refers to the program established in "IC 12-17.2-<u>3.6-6</u>".</p>   | Upon passage | Ross Hooten,<br>LSA attorney |
| 62. | 12-7-2-135.8 | 80 | <p>Conflict resolution and slight modification of definitions. Both HEA 1001 [P.L.205-2013] and HEA 1004 [P.L.267-2013] added Code sections that were numbered as "IC 12-7-2-135.8". Both of these sections are definition sections and both of them define the term "paths to QUALITY program".</p> <p>The version of "IC 12-7-2-135.8" added by HEA 1001 defines "paths to QUALITY program" for purposes of:</p> <ul style="list-style-type: none"> <li>- "IC 12-17.2-2-14" and</li> <li>- "IC 12-17.2-3.7".</li> </ul> <p>In 2013, two different sections were added to the Code as "IC 12-17.2-2-14". They were added by HEA 1001 and HEA 1494. The "IC 12-17.2-2-14" to which the HEA 1001 version of the definition section IC 12-7-2-135.8 applies is no doubt the version of "IC 12-17.2-2-14" that was added by HEA 1001.</p> <p>In 2013, two different chapters were added to the Code as "IC 12-17.2-3.7". They were added by HEA 1001 and HEA 1004. The "IC 12-17.2-3.7" to which the HEA 1001 version of the definition section IC 12-7-2-135.8 applies is no doubt the version of "IC 12-17.2-3.7" that was added by HEA 1001.</p> <p>The version of "IC 12-7-2-135.8" added by HEA 1004 defines "Paths to QUALITY program" for purposes of "IC 12-17.2-3.7" as having the meaning set forth in IC 12-17.2-3.7-4. Again, HEA 1001 and HEA 1004 added two different chapters to the Code as "IC 12-17.2-3.7" in 2013, and the "IC 12-17.2-3.7" to which the HEA 1004 version of the definition section IC 12-7-2-135.8 applies is no doubt</p> | Upon passage |                              |

the version of "IC 12-17.2-3.7" that was added by HEA 1004.

This bill resolves the conflict arising from the two different sections added by HEA 1001 and HEA 1494 both being numbered as "IC 12-17.2-2-14" by:  
[A] nominally repealing both the HEA 1001 version of "IC 12-17.2-2-14" and the HEA 1494 version of "IC 12-17.2-2-14";  
[B] inserting the contents of the HEA 1001 version of "IC 12-17.2-2-14" back into the Code as "IC 12-17.2-2-14.2"; and  
[C] inserting the contents of the HEA 1494 version of "IC 12-17.2-2-14" back into the Code as "IC 12-17.2-2-14.4".

This bill resolves the conflict arising from the two different chapters added by HEA 1001 and HEA 1004 both being numbered as "IC 12-17.2-3.7" by:  
[A] nominally repealing both the HEA 1001 version of "IC 12-17.2-3.7" and the HEA 1004 version of "IC 12-17.2-3.7";  
[B] inserting the contents of the HEA 1001 version of "IC 12-17.2-3.7" back into the Code as "IC 12-17.2-3.6"; and  
[C] inserting the contents of the HEA 1004 version of "IC 12-17.2-3.7" back into the Code as "IC 12-17.2-3.8".

In view of this bill's renumbering of the two different sections added as "IC 12-17.2-2-14" and this bill's renumbering of the two different chapters added as "IC 12-17.2-3.7", this SECTION resolves the conflict arising from the existence of two different versions of "IC 12-7-2-135.8" by merging the two version into one section consisting of:

- a subsection **(a)** providing that "paths to QUALITY program", for purposes of IC 12-17.2-2-14.2 (the HEA 1001 version of "IC 12-17.2-2-14") and IC 12-17.2-3.6 (the HEA 1001 version of "IC 12-17.2-3.7"), has the meaning set forth in IC 12-17.2-2-14.2(b); and
- a subsection **(b)** providing that "paths to QUALITY program", for purposes of IC 12-17.2-3.8 (the HEA 1004 version of "IC 12-17.2-3.7"), has the meaning set forth in IC 12-17.2-3.8-1.

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| 63. | 12-7-2-146 | 80 | Conflict resolution. IC 12-7-2-146, the Code section defining the term "program" for the purposes of IC 12, was amended in different ways by two 2013 acts, HEA 1001 [P.L.205-2013] and HEA 1004 [P.L.267-2013]. | Upon passage |
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HEA 1001 added to IC 12-7-2-146:

- a subdivision (4) stating that the term "program", "for purposes of IC 12-17.2-2-14 (has) the meaning set forth in IC 12-17.2-2-14"; and
- a subdivision (5) stating that the term "program", "for purposes of

IC 12-17.2-3.7 (has) the meaning set forth in IC 12-17.2-3.7-7".

In 2013, two different sections were added to the Code as "IC 12-17.2-2-14". They were added by HEA 1001 and by HEA 1494. The "IC 12-17.2-2-14" to which the subdivision (4) added to IC 12-7-2-146 by HEA 1001 refers is no doubt the version of "IC 12-17.2-2-14" that was added by HEA 1001.

In 2013, two different chapters were added to the Code as "IC 12-17.2-3.7". One chapter was added by HEA 1001 and the other was added by HEA 1004. The "IC 12-17.2-3.7" to which the subdivision (5) added to IC 12-7-2-146 by HEA 1001 refers is no doubt the version of "IC 12-17.2-3.7" that was added by HEA 1001.

HEA 1004 added to IC 12-7-2-146 a subdivision (4) stating that the term "program", "for purposes of IC 12-17.2-3.7 (has) the meaning set forth in IC 12-17.2-3.7-5". Again, two different chapters numbered as "IC 12-17.2-3.7" were added to the Code by HEA 1001 and HEA 1004 in 2013, and both chapters contain a section 5. The "IC 12-17.2-3.7-5" to which the subdivision (4) added to IC 12-7-2-146 by HEA 1004 refers is no doubt the version of IC 12-17.2-3.7-5 that was added by HEA 1004. Only the HEA 1004 version of IC 12-17.2-3.7-5 defines the term "program".

This bill resolves the conflict arising from the two different sections added by HEA 1001 and HEA 1494 both being numbered as "IC 12-17.2-2-14" by:  
[A] nominally repealing both the HEA 1001 version of "IC 12-17.2-2-14" and the HEA 1494 version of "IC 12-17.2-2-14";  
[B] inserting the contents of the HEA 1001 version of "IC 12-17.2-2-14" back into the Code as "IC 12-17.2-2-14.2"; and  
[C] inserting the contents of the HEA 1494 version of "IC 12-17.2-2-14" back into the Code as "IC 12-17.2-2-14.4".

This bill resolves the conflict arising from the two different chapters added by HEA 1001 and HEA 1004 both being numbered as "IC 12-17.2-3.7" by:  
[A] nominally repealing both the HEA 1001 version of "IC 12-17.2-3.7" and the HEA 1004 version of "IC 12-17.2-3.7";  
[B] inserting the contents of the HEA 1001 version of "IC 12-17.2-3.7" back into the Code as "IC 12-17.2-3.6"; and  
[C] inserting the contents of the HEA 1004 version of "IC 12-17.2-3.7" back into the Code as "IC 12-17.2-3.8".

In view of this bill's renumbering of the two different sections added as "IC 12-17.2-2-14" and this bill's renumbering of the two different chapters added

as "IC 12-17.2-3.7", this SECTION resolves the conflict resulting from IC 12-7-2-146 being amended differently by HEA 1001 and HEA 1004 by putting all three of the subdivisions (i.e., the "(4)" and "(5)" added by HEA 1001 and the "(4)" added by HEA 1004) together in a single, unified version of IC 12-7-2-146. In doing so, this SECTION also:

- revises the subdivision (4) added by HEA 1001 so as to state that the term "program", "for purposes of IC 12-17.2-2-14.2 (the HEA 1001 version of IC 12-17.2-2-14) has the meaning set forth in "IC 12-17.2-2-14.2(a)";
- revises the subdivision (5) added by HEA 1001 so as to state that the term "program", "for purposes of IC 12-17.2-3.6 (the HEA 1001 version of IC 12-17.2-3.7) has the meaning set forth in IC IC 12-17.2-3.6-7"; and
- renumbers the subdivision (4) added by HEA 1004 as subdivision "(6)" and revises the subdivision so as to state that the term "program", for purposes of IC 12-17.2-3.8 (the HEA 1004 version of IC 12-17.2-3.7) has the meaning set forth in IC 12-17.2-3.8-2.

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| 64. | 12-15-16-7   | 81 | <p>Replacing singular with plural. IC 12-15-16-7, as added by HEA 1001 [P.L.205-2013], contains a subsection (j) that reads in part: "Nothing in this section ... requires that the <u>hospital</u> described in subsection (g)(2) or (g)(3) receive Medicaid disproportionate share payments for a state fiscal year in an amount equal to the respective hospital specific limits for the state fiscal year". In view of the descriptions set forth in subsection (g)(2) and (g)(3), the type of hospital to which subsection (g)(2) applies is surely different from the type of hospital to which subsection (g)(3) applies. Moreover, there are presumably more than one of each type of hospital in Indiana. Therefore, this SECTION amends IC 12-15-16-7(j) by replacing "hospital" with "<u>hospitals</u>".</p> | Upon passage | Ross Hooten,<br>LSA attorney |
| 65. | 12-15-35-51  | 84 | <p>Conflict resolution. IC 12-15-35-51, the Code section establishing the mental health Medicaid quality advisory committee, was amended in different ways by two 2013 acts, HEA 1001 [P.L.205-2013] and SEA 246 [P.L.185-2013]. Consequently, the Indiana Code now contains two versions of IC 12-15-35-51. The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 12-15-35-51. This SECTION also strikes subsection (j) of IC 12-15-35-51, which will have expired by the time this technical corrections bill is enacted. ("This subsection expires December 31, 2013.")</p>  | Upon passage |                              |
|     | 12-17.2-2-14 |    | <p>Conflict resolution. Two sections were added to the Code as "IC 12-17.2-2-14" by HEA 1001 [P.L.205-2013] and HEA 1494 [P.L.287-2013]. The two sections are quite different in content. The HEA 1001 version of "IC 12-17.2-2-14" establishes the "paths to QUALITY program". The HEA 1494 version of "IC 12-17.2-2-14" requires the state police department to release the results of certain national criminal</p>  |              |                              |

history background checks to the division of family resources. SECTIONS 66 through 69 resolve this conflict by: [A] nominally repealing both the HEA 1001 version of "IC 12-17.2-2-14" and the HEA 1494 version of "IC 12-17.2-2-14"; [B] inserting the contents of the HEA 1001 version of "IC 12-17.2-2-14" back into the Code as IC 12-17.2-2-14.2; and [C] inserting the contents of the HEA 1494 version of "IC 12-17.2-2-14" back into the Code as IC 12-17.2-2-14.4.

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| 66. | 12-17.2-2-14 [HEA 1001 version]   | Repealed (see above). | pg. 86 | Upon passage |
| 67. | 12-17.2-2-14 [HEA 1494 version]   | Repealed (see above). | pg. 87 | Upon passage |
| 68. | 12-17.2-2-14.2 [Source: HEA 1001] | Added (see above).    | pg. 87 | Upon passage |
| 69. | 12-17.2-2-14.4 [Source: HEA 1494] | Added (see above).    | pg. 88 | Upon passage |

12-17.2-3.7 Conflict resolution. Two chapters were added to the Code as "IC 12-17.2-3.7" by HEA 1001 [P.L.205-2013] and HEA 1004 [P.L.267-2013]. The two are different in content. The HEA 1001 version of "IC 12-17.2-3.7" is entitled "Early Learning Advisory Committee; Early Education Matching Grant Program". The HEA 1004 version of "IC 12-17.2-3.7" is entitled "Early Education Evaluation Program". SECTIONS 70 through 73 resolve this conflict by: [A] nominally repealing both the HEA 1001 version of "IC 12-17.2-3.7" and the HEA 1004 version of "IC 12-17.2-3.7"; [B] inserting the contents of the HEA 1001 version of "IC 12-17.2-3.7" back into the Code as "IC 12-17.2-3.6"; and [C] inserting the contents of the HEA 1004 version of "IC 12-17.2-3.7" back into the Code as "IC 12-17.2-3.8".

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| 70. | 12-17.2-3.6 [Source: HEA 1001] | Added (see above).    | pg. 88 | Upon passage |
| 71. | 12-17.2-3.7 [HEA 1001 version] | Repealed (see above). | pg. 92 | Upon passage |
| 72. | 12-17.2-3.7 [HEA 1004 version] | Repealed (see above). | pg. 92 | Upon passage |
| 73. | 12-17.2-3.8 [Source: HEA 1004] | Added (see above).    | pg. 92 | Upon passage |

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| 74. | 12-29-2-2 | 95 | Incorrect Code section reference. The Code section IC 12-21-2-3 was formerly divided into subsections (a), (b), and (c). In 2011, however, an amendment to IC 12-21-2-3 eliminated the text that had comprised subsections (b) and (c) and removed the subsection "(a)" designation at the beginning of the remaining text. As a result, IC 12-21-2-3 is no longer divided into subsections and it does not contain a subsection "(a)". The same 2011 amendment to IC 12-21-2-3 re-designated the final clause of IC 12-21-2-3's subsection (a)(5), which had been clause "(E)", as clause "(D)". The contents of that clause were not changed, and no amendment since 2011 has altered the contents of the clause. Subsection (f) of IC 12-29-2-2 currently reads as follows: "The division of mental health and addiction shall ensure that the non-federal share of funding received from a county under this program is applied only for matching federal funds for the designated community mental health centers to the extent a center is eligible to receive county funding | Upon passage | Christina Hage,<br>Legislative & Policy Director,<br>IN Family and Social Services<br>Administration |
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under IC 12-21-2-3(a)(5)(E)." Of course, this reference to "IC 12-21-2-3(a)(5)(E)" cannot be correct because IC 12-21-2-3 is no longer divided into subsections -- and consequently no longer has a subsection (a) -- and because the final clause of IC 12-21-2-3's subsection (a)(5) is now designated as "(D)" and there is no clause "(E)" in IC 12-21-2-3's subsection (a)(5). The reference to "IC 12-21-2-3(a)(5)(E)" in IC 12-29-2-2(f) predates these changes made by the 2011 amendment to IC 12-21-2-3 because IC 12-29-2-2 has not been amended since 2008. This SECTION amends IC 12-29-2-2 by replacing the reference to "IC 12-21-2-3(a)(5)(E)" in subsection (f) with "IC 12-21-2-3(5)(D)". This SECTION also amends IC 21-29-2-2 by replacing the reference to "IC 21-29-2-2" in subsection (g)(2) with "this section".

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| 75. | 14-9-5-4   | 97 | <p>Incorrect internal reference. IC 14-9-5-4, as amended by SEA 364 [P.L.124-2013], includes a subsection (a) that defines the term "account". It also includes a subsection (b) that establishes "the Indiana sportsmen's benevolence account" within the revolving fund of the division of law enforcement of the Department of Natural Resources. Subsection (b) of IC 14-9-5-4 states that the account is established "... to encourage citizen participation in feeding the state's hungry through <i>donations of wild game</i> that has been lawfully hunted." IC 14-9-5-4 also includes a subsection (c) providing that the account consists of "... proceeds derived from marketing by he division of law enforcement of goods related to the feeding of the state's hungry through donations of wild game <u>under subsection (a)</u>". The donations of wild game cannot made "under subsection (a)" because subsection (a) is only a definition section. This SECTION amends IC 14-9-5-4(c) by replacing "donations of wild game under subsection (a)" with "donations of wild game under <u>subsection (b)</u>".</p>   | Upon passage | Mike Landwer,<br>LSA attorney   |
| 76. | 14-22-12-7 | 99 | <p>Expiration of authority. IC 14-22-12-7 provides that, "<i>Before July 1, 2005</i>, the director" of the department of natural resources may issue certain "lifetime licenses to hunt, fish, or trap" to residents of Indiana. A lifetime license was a license that was issued to an individual who paid a single, large license fee and that, once issued, was valid for the the rest of the individual's lifetime. IC 14-22-12-7 specifies the types of lifetime licenses that could be issued and the fees to be charged for each type of lifetime license. IC 14-22-12-7 was last amended in 2005, and the sole change made in IC 14-22-12-7 by the 2005 amendment was the insertion of "<i>Before July 1, 2005</i>," at the beginning of the sentence authorizing the issuance of the lifetime licenses. The intent of the 2005 amendment was clearly to terminate the authority of the director of the DNR to issue the lifetime licenses as of July 1, 2005. According to the DNR personnel with whom we discussed IC 14-22-12-7, lifetime licenses are no longer being issued, and the DNR considers IC 14-22-12-7 an expired statute that can be removed from the Indiana Code. This SECTION repeals IC 14-22-12-7.</p> | Upon passage | Marian England,<br>Legal Analyst, and<br>Linnea Petercheff,<br>Fish & Wildlife Division,<br>IN Dept. of Natural Resources |

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| 77. | 16-21-10-7 | 100 | Incorrect reference to state officer. IC 16-21-10-7, as added to the Code by HEA 1001 [P.L.205-2013], provides that one member of the hospital assessment fee committee is to be: "The secretary of family and social services <i>established by IC 12-8-1.5-1</i> ". While <i>IC 12-8-1.5-1</i> establishes <i>the office of</i> the secretary of family and social services, the secretary of family and social services is <i>appointed</i> under IC 12-8-1.5-2. This SECTION amends IC 16-21-10-7 so as to make it read: "The secretary of family and social services <u>appointed under IC 12-8-1.5-2</u> ".   | Upon passage | Ross Hooten,<br>LSA attorney         |
| 78. | 16-36-6-20 | 101 | Variance from use of defined term. The chapter IC 16-36-6, as added to the Code by HEA 1182 [P.L.164-2013], defines the term "qualified person" and uses that term 31 times. It provides that a "qualified person" may execute a physician order for scope of treatment (POST) form and that a POST form may be completed by a qualified person's representative. However, section 20 of the chapter (IC 16-36-6-20) provides that "(the) execution or revocation of a POST form by or for a qualified person does not revoke or impair ... (the) authority of a health care representative under IC 16-36-1 to consent to health care on behalf of the qualified <u>patient</u> ." Because the term defined in and otherwise used uniformly throughout the chapter is "qualified person", this SECTION amends IC 16-36-6-20 by replacing "qualified patient" with "qualified <u>person</u> ".  | Upon passage | Casey Kline,<br>LSA attorney         |
| 79. | 16-38-5-2  | 102 | Missing word. IC 16-38-5-1 requires the state department of health to maintain "an immunization data registry". IC 16-38-5-2, as amended by SEA 415 [P.L.191-2013], provides that, beginning July 1, 2015, a licensed provider who is authorized to administer immunizations is required provide immunization data electronically to the immunization data registry. The new subsection (e) added to IC 16-38-5-2 by SEA 415 reads: "A provider who is unable to electronically provide immunization data to <i>the immunization registry</i> by July 1, 2015, shall submit a detailed plan for compliance ...". Because the registry's official name is the "immunization <i>data</i> registry", this SECTION amends IC 16-38-5-2(e) by inserting the word "data" into the reference to the registry, making the text read: "... who is unable to electronically provide immunization data to the immunization <u>data</u> registry ...". This SECTION also makes an amendment IC 16-36-5-2(d): because "immunization data" is considered a plural term, "is" is stricken and replaced with "are". To bring the tabulation style in line with legislative drafting style for lists, "the following:" is added after "are" to introduce the list of various data. | Upon passage | Steve Wenning,<br>LSA attorney       |
| 80. | 16-49-2-7  | 103 | Reference to type of document. IC 16-49-2-7, as added by SEA 125 [P.L.119-2013], includes a reference to "a memorandum of understanding described <i>under section 3(3)</i> of this chapter". But the document to which "section 3(3)" (i.e., subdivision (3) of IC 16-49-2-3) relates is referred to in IC 16-49-2-3(3) as " <i>a written agreement</i> ", not as a memorandum of understanding. ["Sec. 3. The child fatality committee shall ...  | Upon passage | Eliza H. Stephenson,<br>LSA attorney |

(3) Determine whether the local child fatality review team will enter into *a written agreement* with another local child fatality review team ...".] This SECTION amends IC 16-49-2-7 by replacing "a memorandum of understanding" with "a written agreement".

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| 81. | 16-49-3-7 | 104 | <p>Changing verb tense. IC 16-49-3-7, as added by SEA 125 [P.L.119-2013], requires a local child fatality review team to "... prepare and release a report that may include ... Actions <i>recommend</i> by the local child fatality review team ...". The verb "recommend" is in the present tense but should be in the past tense. (The actions must be recommended before they could be included in the report.) This SECTION amends IC 16-49-3-7 by replacing "recommend" with "<u>recommended</u>".</p>   | Upon passage | Eliza H. Stephenson,<br>LSA attorney |
| 82. | 20-23-5-8 | 104 | <p>Faulty tabulation. IC 20-23-5-8 is a Code section that concerns annexations by school corporations. Subdivision (1) of IC 20-23-5-8 provides for the adoption by school corporations of a certain type of annexation resolution. Clause (B) of IC 20-23-5-8(1) requires that a "description of the annexed territory" be included in such an annexation resolution. This sentence follows the requirement in clause (B): "The description <u>shall as near as reasonably possible</u>:</p> <ul style="list-style-type: none"> <li>(i) be by streets and other boundaries known by common names; and</li> <li>(ii) does not have to be by legal description unless the additional description is necessary to identify the annexed territory." <p>The tabulation of this sentence is faulty because the phrase "shall as near as reasonably possible" relates only to item (i) -- not to item (ii) -- and should be included within item (i). This SECTION amends IC 20-23-5-8(1)(B) by removing the the phrase from its current location, revising it slightly, and placing it within item (i), making the sentence read:</p> <p>"The description:</p> <ul style="list-style-type: none"> <li>(i) <u>must, to the greatest extent reasonably possible,</u> be by streets and other boundaries known by common names; and</li> <li>(ii) does not have to be by legal description unless the additional description is necessary to identify the annexed territory." </li></ul></li></ul> | Upon passage |                                      |
| 83. | 20-26-5-4 | 106 | <p>Conflict resolution. IC 20-26-5-4 was amended in different ways by three 2013 acts, HEA 1001 [P.L.205-2013], HEA 1357 [P.L.167-2013], and HEA 1427 [P.L.286-2013]. However, the changes that HEA 1357 made in IC 20-26-5-4 were incorporated into HEA 1427. Consequently, the Indiana Code now contains two versions of IC 20-26-5-4. The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 20-26-5-4.</p>  | Upon passage |                                      |

This section is also amended in subsection (a)(4) and in subsection (a)(8) to add "do the following"as a means of bringing the tabulation style for the list in line with

legislative drafting style.

84. 20-26-11-22 112 Conflict resolution. IC 20-26-11-22 was amended in different ways by two 2013 acts, HEA 1001 [P.L.205-2013] and HEA 1427 [P.L.286-2013]. Consequently, the Indiana Code now contains two versions of IC 20-26-11-22. The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 20-26-11-22.

Upon passage

This section is also amended in subsection (a) to add "as follows" as a means of bringing the tabulation style for the list in line with legislative drafting style.

20-31-8-5 Conflict resolution. Both HEA 1001 [P.L.205-2013] and HEA 1427 [P.L.286-2013] added Code sections that were numbered as "IC 20-31-8-5". However, the two sections are quite dissimilar in content. The "IC 20-31-8-5" added by HEA 1001 requires the Indiana state board of education to establish an alternative accountability system to assess the performance of a charter school that is sponsored by the Indiana charter school board and designated as a recovery school or an accelerated learning center. The "IC 20-31-8-5" added by HEA 1427 requires the Indiana state board of education to establish new standards of assessing school performance that must be based on a measurement of individual student academic performance and growth to proficiency. SECTIONS 85 through 88 resolve this conflict by: [A] nominally repealing both the HEA 1001 version of "IC 20-31-8-5" and the HEA 1427 version of "IC 20-31-8-5"; [B] inserting the contents of the HEA 1001 version of "IC 20-31-8-5" back into the Code as "IC 20-31-8-5.2"; and [C] inserting the contents of the HEA 1427 version of "IC 12-17.2-3.7" back into the Code as "IC 20-31-8-5.4".

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|-----|--------------------------------|-----------------------|---------|--------------|
| 85. | 20-31-8-5 [HEA 1001 version]   | Repealed (see above). | pg. 114 | Upon passage |
| 86. | 20-31-8-5 [HEA 1427 version]   | Repealed (see above). | pg. 114 | Upon passage |
| 87. | 20-31-8-5.2 [Source: HEA 1001] | Added (see above).    | pg. 115 | Upon passage |
| 88. | 20-31-8-5.4 [Source: HEA 1427] | Added (see above).    | pg. 115 | Upon passage |

89. 20-33-3-6 115 Inconsistency between related sections. IC 20-33-3-6, as amended by SEA 153 [P.L.41-2013], is a section in IC 20-33-3, the chapter of the Code entitled "Limitations on the Employment of Students". Subsection (b) of IC 20-33-3-6 provides that an employment certificate is not required for a child who is at least 12 years old but not yet 18 and who is "... employed as a youth athletic program referee, umpire, or official *under section 31.5 of this chapter.*" The "section 31.5" referred to, i.e., IC 20-33-3-31.5, was added to the Code by SEA 153 [P.L.41-2013]. It provides that, if certain specified conditions are met, "... a child who is less than

Upon passage Margaret Piety,  
LSA attorney

eighteen (18) years of age is exempt from the requirements of (the chapter IC 20-33-3) whenever the child is *employed or works* as a youth athletic program referee, umpire, or official." There is an inconsistency between subsection (b) of IC 20-33-3-6 and IC 20-33-3-31.5 because IC 20-33-3-6(b) applies to a child who is *employed* as a referee, umpire, or official under IC 20-33-3-31.5 but IC 20-33-3-31.5 applies to a child who is *employed or works* as a referee, umpire, or official. To eliminate this inconsistency, this SECTION amends IC 20-33-3-6(b) so as to make it apply to a child who "(is) employed or works as a youth athletic program referee, umpire, or official" under IC 20-33-3-31.5.

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| 90. | 20-33-3-31  | 116 | <p>Inconsistency between related sections. IC 20-33-3-31, as amended by SEA 153 [P.L.41-2013], is a section in IC 20-33-3, the chapter of the Code entitled "Limitations on the Employment of Students". Subsection (a) of IC 20-33-3-31 imposes a general prohibition against a child less than fourteen 14 years old working "in any gainful occupation" but creates an exemption from this prohibition for "... a child who is <i>employed</i> as a youth athletic program referee, umpire, or official <i>under section 31.5 of this chapter</i>." The "section 31.5" referred to, i.e., IC 20-33-3-31.5, was added to the Code by SEA 153 [P.L.41-2013] and provides that, if certain specified conditions are met, "... a child who is less than eighteen (18) years of age is exempt from the requirements of (the chapter IC 20-33-3) whenever the child is <i>employed or works</i> as a youth athletic program referee, umpire, or official." There is an inconsistency between the exemption stated in subsection (a) of IC 20-33-3-31 and IC 20-33-3-31.5 because IC 20-33-3-31(a) applies to a child who is <i>employed</i> as a referee, umpire, or official under IC 20-33-3-31.5 but IC 20-33-3-31.5 applies to a child who is <i>employed or works</i> as a referee, umpire, or official. To eliminate this inconsistency, this SECTION amends IC 20-33-3-31(a) so as to make the exemption apply to a child who "(is) employed or works as a youth athletic program referee, umpire, or official" under IC 20-33-3-31.5.</p> | Upon passage | Margaret Piety,<br>LSA attorney |
| 91. | 21-12-1.7-3 | 116 | <p>Incorrect Code section reference. IC 21-12-1.7-3, as added to the Code by HEA 1348 [P.L.281-2013], contains a reference to "a nonprofit college or university listed in IC 21-7-13-6(c)". However, the list of nonprofit colleges and universities is found in <i>subsection (a)(1)(C)</i> of IC 21-7-13-6, not in subsection (c). [IC 21-7-13-6 does not contain a subsection (c).] This SECTION amends IC 21-12-1.7-3 by replacing "listed in IC 21-7-13-6(c)" with "listed in IC 21-7-13-6(a)(1)(c)".</p>  | Upon passage | Sarah Freeman,<br>LSA attorney  |
| 92. | 21-12-13-2  | 117 | <p>Conflict resolution. IC 21-12-13-2 was amended in different ways by two 2013 acts, HEA 1001 [P.L.205-2013] and HEA 1348 [P.L.281-2013]. Consequently, the Indiana Code now contains two versions of IC 21-12-13-2. The two versions are technically and substantively compatible, so this SECTION merges the two</p>  | Upon passage |                                 |

versions so that the Indiana Code will again contain only one version of IC 21-12-13-2.

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| 93. | 21-13-2-6                  | 118                   | Conflict resolution. IC 21-13-2-6 was amended in different ways by two 2013 acts, HEA 1001 [P.L.205-2013] and HEA 1348 [P.L.281-2013]. Consequently, the Indiana Code now contains two versions of IC 21-13-2-6. The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 21-13-2-6.   | Upon passage |                                 |
| 94. | 21-13-9-7                  | 118                   | Incorrect reference to state commission. IC 21-13-9-7, as added to the Code by HEA 1001 [P.L.205-2013], contains three references to "the commission <i>on</i> higher education". However, the body established by IC 21-18-2 is "the commission <i>for</i> higher education". This SECTION amends IC 21-13-9-7 by changing the references to "commission <u>for</u> higher education".   | Upon passage | Ross Hooten,<br>LSA attorney    |
| 95. | 21-18-9-10                 | 118                   | Replacing awkward preposition. Subsection (c) of IC 21-18-9-10, as added by SEA 180 [P.L.177-2013], requires a state educational institution to "... submit to the commission any information necessary <i>by</i> the commission to prepare the report". The preposition "by" does not fit well in this context. The information could be " <i>needed by</i> " the commission or " <i>necessary for</i> " the preparation of the report, but not " <i>necessary by</i> the commission". This SECTION amends IC 21-18-9-10 by replacing " <i>necessary by</i> the commission" with " <u>needed by</u> the commission <u>for the preparation of</u> the report".  | Upon passage | Irma Reinumagi,<br>LSA attorney |
|     | 21-41-9                    |                       | Conflict resolution. Two chapters were added to the Code as "IC 21-41-9" by SEA 115 [P.L.27-2013] and SEA 402 [P.L.253-2013]. The two are different in content. The SEA 115 version of "IC 21-41-9" is entitled "Combat to College Program". The SEA 402 version of "IC 21-41-9" is entitled "Indiana State University; Principal Institute". SECTIONS 96 through 99 resolve this conflict by: [A] nominally repealing both the "IC 21-41-9" added by SEA 115 and the "IC 21-41-9" added by SEA 402; [B] inserting the contents of the "IC 21-41-9" added by SEA 115 back into the Code as "IC 21-41-10"; and [C] inserting the contents of the "IC 21-41-9" added by SEA 402 back into the Code as "IC 21-41- <u>11</u> ". |              |                                 |
| 96. | 21-41-9 [SEA 115 version]  | Repealed (see above). | pg. 119   | Upon passage |                                 |
| 97. | 21-41-9 [SEA 402 version]  | Repealed (see above). | pg. 119   | Upon passage |                                 |
| 98. | 21-41-10 [Source: SEA 115] | Added (see above).    | pg. 119   | Upon passage |                                 |
| 99. | 21-41-11 [Source: SEA 402] | Added (see above).    | pg. 121   | Upon passage |                                 |

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| 100. | 22-3-7-17.2   | 124 | Replacing reference to "worker's compensation". Article 3 of Title 22 of the the Code (IC 22-3) is entitled "Worker's Compensation System". Chapters 1 through 6 of IC 22-3 relate to a number of worker's compensation subjects: the worker's compensation board; application, rights, and remedies; administration and procedures, insurance requirements, etc. Chapter 7 of IC 22-3, however, is entitled "Worker's Occupational Diseases Compensation". Instead of providing for compensation for occupational <i>injuries</i> , IC 22-3-7 provides for compensation for occupational <i>diseases</i> . As amended by HEA 1320 [P.L.275-2013], section 17.2 of IC 22-3-7 (IC 22-3-7-17.2) contains a subsection (b) that "applies after June 30, 2014, to a medical service facility." One sentence in subsection (b) reads as follows: "The pecuniary liability of an employer or an employer's insurance carrier for a specific service or product covered under <u>worker's compensation</u> and provided by a medical service facility is equal to ..." Because this sentence occurs within IC 22-3-7, it is clear that it relates to compensation for occupational diseases, not compensation for occupational injuries. However, to eliminate any potential confusion arising from the use of the term "worker's compensation", this SECTION amends IC 22-3-7-17.2(b) by replacing "pecuniary liability ... for a specific service or product covered under <u>worker's compensation</u> " with "pecuniary liability ... for a specific service or product covered under <u>this chapter</u> ". | Upon passage | Margaret Piety,<br>LSA attorney |
| 101. | 22-4.5-9-4    | 125 | Replacing act reference with Code reference. IC 22-4.5-9-4, as added by HEA 1002 [P.L.60-2013], includes a reference to "the Indiana works councils established under <u>SEA 465-2013</u> ." Senate Enrolled Act 465 [P.L.53-2013] did establish Indiana works councils through the addition to the Code of a new chapter, IC 20-19-6. Section 4 of the new chapter (IC 20-19-6-4) reads: "An Indiana works council is established for each region designated under section 3 of this chapter." Because the Indiana Code is compilation of all Indiana statutes of a permanent and general nature, it is preferable to refer to a statute by reference to its place in the Indiana Code rather than by reference to the act by which the statute was enacted into law. This SECTION amends IC 22-4.5-9-4 by replacing "Indiana works councils established under SEA 465-2013" with "Indiana works councils established by <u>IC 20-19-6-4</u> ."  | Upon passage | Margaret Piety,<br>LSA attorney |
| 102. | 22-4.5-10.5-3 | 127 | Striking unneeded language. IC 22-4.5-10.5-3, as added to the Code by HEA 1314 [P.L.273-2013], reads in part: "The department (of workforce development) ... shall include in the Indiana workforce intelligence system established by IC 22-4.5-10-3 <i>as added by HB 1002-2013, SECTION 2, information regarding ...</i> ". Because the Indiana Code is compilation of all Indiana statutes of a permanent and general nature, referring to a statute that is part of the Indiana Code by reference to <i>the act</i> by which the statute was enacted into law it is unnecessary and contrary to the drafting style prescribed  | Upon passage | Sarah Freeman,<br>LSA attorney  |

by our Drafting Manual. This SECTION amends IC 22-4.5-10.5-3 by striking "as added by HB 1002-2013, SECTION 2."

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| 103. | 23-19-6-1   | 128 | <p>Conflict resolution. IC 23-19-6-1 was amended in different ways by two 2013 acts, SEA 537 [P.L.92-2013] and HEA 1001 [P.L.205-2013]. Consequently, the Indiana Code now contains two versions of IC 23-19-6-1. The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 23-19-6-1.</p> <p>The SECTION also amends IC 23-19-6-1 in subsection (c) to correct a grammatical error. Subsection (c) provides that it is unlawful for certain persons to use "records or other information obtained or filed with the commissioner that are not public". Because "other information" is a singular term, "are" is stricken and replaced with "is".</p>   | Upon passage |                                |
| 104. | 25-8-3-28   | 131 | <p>Replacing former term with new term. HEA 1477 [P.L.170-2013] extensively revised IC 25-8, the article of the "Professions and Occupations" Title of the Code concerning "beauty culture". It created a new definition of "beauty culture salon" [IC 25-8-2-2.4] and repealed the definition of "cosmetology salon" [IC 25-8-2-6]. In 18 places in IC 25-8, HEA 1477 replaced the term "cosmetology salon" with "<i>beauty culture</i> salon". But IC 25-8-3-28 still contains a reference to "cosmetology salon". This SECTION amends IC 25-8-3-28 by replacing the reference to "cosmetology salon" with "<u>beauty culture</u> salon".</p>   | Upon passage | Susan Kennell,<br>LSA attorney |
| 105. | 25-8-4-4    | 131 | <p>Replacing former term with new term. HEA 1477 [P.L.170-2013] extensively revised IC 25-8, the article of the "Professions and Occupations" Title of the Code concerning "beauty culture". It created a new definition of "beauty culture salon" [IC 25-8-2-2.4] and repealed the definition of "cosmetology salon" [IC 25-8-2-6]. In 18 places in IC 25-8, HEA 1477 replaced the term "cosmetology salon" with "beauty culture salon". HEA 1477 also eliminated the definition of "barber shop" [IC 25-8-2-2.4] and repealed the law on barber shop licenses [IC 25-8-8.1]. But IC 25-8-4-4 still contains a reference to "cosmetology salon". This SECTION amends IC 25-8-4-4 by replacing the reference to "cosmetology salon" with "beauty culture salon". IC 25-8-4-4 also contains a reference to "barber shop", and this SECTION strikes the reference to "barber shop".</p> | Upon passage | Susan Kennell,<br>LSA attorney |
| 106. | 25-21.5-1-7 | 132 | <p>Faulty tabulation. IC 25-21.5-1-7, as amended by SEA 558 [P.L.57-2013], includes a subsection (a)(9) providing that "professional services provided under the practice of surveying" include: "Performing construction staking or layout of the control for any elements of an engineering, building, or construction project, if the position of an element is:</p>   | Upon passage |                                |

- (A) dependent on;
- (B) in specific relation to; or
- (C) in close proximity to a boundary or property line or corner, including easements and rights-of-way."

It seems clear that the phrase "a boundary or property line or corner, including easements and rights-of-way" was intended to complete clause (A) and clause (B) as well as clause (C). [If the phrase were intended to complete only clause (C), as the current tabulation of the sentence would indicate, then clauses (A) and (B) would be meaningless.] This SECTION amends clause (9) of IC 25-21.5-1-7 by removing the phrase "a boundary or property line or corner, including easements and rights-of-way" from clause (C) and placing it immediately after the three clauses, beginning at the left margin, to indicate that the phrase completes all three clauses.

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| 107. | 25-23.4-5-1 | 136 | <p>Incorrect subdivision reference. Subsection (b) of IC 25-23.4-5-1, as added to the Code by HEA 1135 [P.L.232-2013], reads: "Subject to rules adopted under IC 25-23.4-2-6(b)(6), a collaborating physician shall <i>review the patient encounters</i> that the certified direct entry midwife has with a patient who is the client of the certified direct entry midwife". Subdivision (6) of IC 25-23.4-2-6(b), the subdivision referred to in IC 25-23.4-5-1(b), reads: "(the medical licensing board shall adopt) ... rules under IC 4-22-2 to determine the number of certified direct entry midwives with whom a physician may collaborate." But subdivision (5) of IC 25-23.4-2-6(b) reads: "(the medical licensing board shall) ... adopt rules under IC 4-22-2 to establish standards or conditions that require additional <i>review of a certified direct entry midwife's client encounters</i> by the collaborating physician." Thus it must be the rules adopted under IC 25-23.4-2-6(b)(5), not IC 25-23.4-2-6(b)(6), under which a collaborating physician is to review the patient encounters of a certified direct entry midwife. This SECTION amends IC 25-23.4-5-1 by replacing "Subject to rules adopted under IC 25-23.4-2-6(b)(6)" with "Subject to rules adopted under IC 25-23.4-2-6(b)(5)".</p> | Upon passage | Steve Wenning,<br>LSA attorney |
| 108. | 25-23.4-6-1 | 136 | <p>Problematic subdivision references. The new article IC 25-23.4 on "Certified Direct Entry Midwives", as added to the Code by HEA 1135 [P.L.232-2013], contains IC 25-23.4-2-6(b), in which there are eight numbered subdivisions. Each of the eight subdivisions of IC 25-23.4-2-6(b) provides that the rules of the medical licensing board must address a specific matter concerning certified direct entry midwives. The specific matters referred to in the eight subdivisions include the following:</p> <ul style="list-style-type: none"> <li>- subdivision (6): the determination of "the number of certified direct entry midwives with whom a physician may collaborate";</li> <li>- subdivision (7): "conditions that require a certified direct entry midwife</li> </ul>  | Upon passage | Steve Wenning,<br>LSA attorney |

to refer a client for an examination by a physician"; and  
- subdivision (8): "the health conditions that require a referral to a physician".  
IC 25-23.4-6-1, another section in the new article IC 25-23.4, consists  
of three subsections, and each of the subsections includes a reference to one of the  
subdivisions of IC 25-23.4-2-6(b).

Subsection (a) of IC 25-23.4-6-1 reads: "*Subject to rules adopted under  
IC 25-23.4-2-6(b)(6)*, a certified direct entry midwife must provide an initial screening  
of a client that includes an assessment of health conditions that require a referral to  
a physician ...".

Subsection (b) of IC 25-23.4-6-1 reads: "*Subject to rules adopted under  
IC 25-23.4-2-6(b)(8)*, a certified direct entry midwife shall refer a client to a  
physician in the client's first and third trimester of pregnancy."

And subsection (c) of IC 25-23.4-6-1 reads: "If a client has a health condition that  
makes the client at risk, the certified direct entry midwife shall, *subject to rules  
adopted under IC 28-23.4-2-6(b)(9)*: (1) refer the client to a licensed physician ...".

One of these references to the subdivisions of IC 25-23.4-2-6(b) is clearly incorrect:  
the reference in subsection (c) of IC 25-23.4-6-1 is to subdivision "(9)", and there  
is no subdivision (9) in IC 25-23.4-2-6(b). The reference in subsection (a) of  
IC 25-23.4-6-1 also seems questionable. Subsection (a) requires -- subject to  
*subdivision (6)* of IC 25-23.4-2-6(b) -- that a certified direct entry midwife "provide  
an initial screening of a client that includes an assessment of health conditions that  
require a referral to a physician". But subdivision (6) of IC 25-23.4-2-6(b) has nothing  
to do with initial screenings or referrals to physicians. Rather, subdivision (6) of  
IC 25-23.4-2-6(b) requires that the rules determine "the number of certified direct  
entry midwives with whom a physician may collaborate". This SECTION amends  
IC 25-23.4-6-1 and addresses its problematic references to specific subdivisions of  
IC 25-23.4-2-6(b) by replacing the three references to specific subdivisions  
("IC 25-23.4-2-6(b)(6)", "IC 25-23.4-2-6(b)(8)", and "IC 28-23.4-2-6(b)(9)") with  
three general references to subsection (b) of IC 25-23.4-2-6, the subsection that  
includes all of the subdivisions.

109. 25-31-1-5

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Change in terminology corresponding to previous amendment. IC 25-21.5 is the  
article of the Indiana Code governing surveyors. SEA 558 [P.L.57-2013] amended  
the parameters of the profession of "land surveyor" to become the broader  
"professional surveyor" and made corresponding changes throughout the Indiana  
Code accordingly. IC 25-31-1-5(d) contains an unamended reference to "the state  
board of registration for land surveyors". This SECTION updates the reference to

Upon passage

"the state board of registration for professional surveyors".

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| 110. | 25-31-1-6       | 137 | Change in terminology corresponding to previous amendment. IC 25-21.5 is the article of the Indiana Code governing surveyors. SEA 558 [P.L.57-2013] amended the parameters of the profession of "land surveyor" to become the broader "professional surveyor" and made corresponding changes throughout the Indiana Code accordingly. IC 25-31-1-6(c) contains an unamended reference to "the state board of registration for <u>land</u> surveyors". This SECTION updates the reference to "the state board of registration for <u>professional</u> surveyors".  | Upon passage |                                |
| 111. | 25-34.1-4.5-5.5 | 137 | Incorrect Code references. Subsection (b)(1) of IC 25-34.1-4.5-5.5, as added by SEA 615 [P.L.200-2013], contains this reference: "IC 25-34.1-9-11 ( <i>before its repeal</i> on July 1, 2014)". In fact, IC 25-34.1-9-11 has not been repealed; it was merely amended in 2012 [by P.L.127-2012], but the amendment does not take effect until July 1, 2014. This SECTION amends IC 25-34.1-4.5-5.5(b)(1) by replacing "IC 25-34.1-9-11 ( <i>before its repeal</i> on July 1, 2014)" with "IC 25-34.1-9-11 ( <u>as in effect before</u> July 1, 2014)". This SECTION also removes an incorrect reference to "IC 25-34-9-11.1" in subsection (b)(2) of IC 25-34.1-4.5-5.5, replacing it with "IC 25- <u>34.1</u> -9-11.1". [IC 25-34 was repealed in 1979, so the reference to "IC 25-34-9-11.1" cannot be right. Surely this reference in subsection (b)(2) was intended as another reference to "IC 25- <u>34.1</u> -9-11.1" to match the reference to "IC 25- <u>34.1</u> -9-11.1" in subsection (b)(1).]  | Upon passage | Susan Kennell,<br>LSA attorney |
| 112. | 25-34.1-5-13    | 138 | Confusion about expiration. In subsection (b) of IC 25-34.1-5-13, as added by SEA 615 [P.L.200-2013], there are two provisions relating to the expiration of a permit. The text reads: "An instructor permit ... must: (1) be issued for a term of three years and <i>expires</i> on a date set by the licensing agency; and (2) <i>expire</i> if not renewed by the end of the permit period". There is a grammatical problem arising from the use of the auxiliary verb "must" to join with the verb "expires" ( <i>must expires</i> ) as well as with the verbs "be issued" ( <i>must be issued</i> ) and "expire" ( <i>must expire</i> if not renewed). In addition, there is confusion arising from the difference between the provision in subdivision (1) that the permit "expires on a date set by the licensing agency" and the provision in subdivision (2) that the permit " <i>must ... expire</i> if not renewed by the end of the permit period". Surely the intent of subsection (b) was to provide that <i>the terms of the permit</i> , as issued, <i>must specify</i> that permit will expire on a date set by the licensing agency (unless the permit is renewed before that date). To resolve the grammatical problem and eliminate the confusion arising from the seemingly contradictory expiration provisions, this SECTION replaces "expires" in subdivision (1) with a present participle, making subsection (b) read: "An instructor permit ... must: | Upon passage | Susan Kennell,<br>LSA attorney |

(1) be issued for a term of three years, ending on a date set by the licensing agency; and (2) expire if not renewed by the end of the permit period".

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| 113. | 25-34.1-5-15 | 139 | Missing words. Subsection (b) of IC 25-34.1-5-15, as added by SEA 615 [P.L.200-2013], begins: "A real estate school permit under subsection (a) must meet the following requirements:". From the contents of the subdivisions that follow, it is clear that subsection (b) is intended to set forth requirements applying to <i>the school</i> , not the permit. [It would make little sense to impose requirements on <i>a permit</i> .] This SECTION amends subsection (b) of IC 25-34.1-5-15 to make it read: A real estate school <u>issued a</u> permit under subsection (a) must ...". This SECTION also replaces the indefinite article at the beginning of subsection (b)'s subdivision (3) ["A real estate school ... must meet the following requirements: (3) <u>A</u> school must pay the permit fees ..."] with the definite article ["(3) <u>The</u> school must pay the permit fees ..."].  | Upon passage | Susan Kennell,<br>LSA attorney   |
| 114. | 27-1-15.6-4  | 139 | Inclusion of errant word in defined term. Subsection (c) of IC 27-1-15.6-4, as amended by SEA 432 [P.L.81-2013], identifies certain persons who are not required to be licensed as insurance producers. Subdivision (11) of IC 27-1-15.6-4's subsection (c) provides that these persons include: "An employee or authorized representative of a self-storage facility that is licensed as a limited lines producer under this chapter to sell, solicit, or negotiate self-storage insurance incidental to and in connection with self-storage <u>facility</u> rental agreements as described in IC 27-1-16.1." IC 27-1-16.1, the new chapter referred to in subdivision (11), was added to the Code by SEA 432. IC 27-1-16.1 defines the term " <i>self-storage rental agreement</i> ", establishes certain provisions that apply if insurance is required as a condition of a <i>self-storage rental agreement</i> , and establishes certain requirements that apply depending upon whether the cost of insurance is or is not included in the cost associated with the <i>self-storage rental agreement</i> . Clearly, the inclusion of the word "facility" in the term "self-storage <u>facility</u> rental agreements" in IC 27-1-15.6-4(c)(11) is incorrect. This SECTION amends IC 27-1-15.6-4(c)(11) by replacing "self-storage <u>facility</u> rental agreements" with "self-storage rental agreements". | Upon passage | Ann Naughton,<br>LSA attorney  |
| 115. | 31-9-2-44.8  | 141 | Incorrect (or incomplete) reference to chapters to which definition applies. IC 31-9-2-44.8 is the section in the comprehensive definitions chapter of IC 31 that defines the term "family preservation services". IC 31-9-2-44.8 specifies that the definition of the term it sets forth is "for purposes of IC 31-26- <u>6</u> ". However, IC 31-26- <u>5</u> is the chapter of IC 31 that is entitled "Family Preservation Services", and the term "family preservation services" is used seven times in IC 31-26-5. Therefore, it might seem that IC 31-9-2-44.8 should state that it defines "family preservation services" for the purposes of IC 31-26- <u>5</u> <i>instead of</i> IC 31-26-6.  | Upon passage | K.C. Norwalk,<br>LSA attorney<br><br>Brady M. Brookes,<br>IN Dept. of Child Services |

However, there is one section in IC 31-26-6 (specifically, IC 31-26-6-10) in which the term "family preservation services" is used. Therefore, this SECTION amends IC 31-9-2-44.8 so as to provide that the definition of "family preservation services" set forth in IC 31-9-2-44.8 is "for purposes of IC 31-26-5 and IC 31-26-6".

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| 116. | 32-33-4-1  | 142 | <p>Correcting reference to federal law. Subdivision (3) of IC 32-33-4-1 refers to "a person covered by the provisions of 45 U.S.C. 51 et seq., the <i>federal liability act</i>". But the law found at 45 U.S.C. 51 et seq. is commonly known not as "the federal liability act" but as the Federal <u>Employers</u> Liability Act, or "FELA" (see <a href="http://en.wikipedia.org/wiki/Federal_Employers_Liability_Act">http://en.wikipedia.org/wiki/Federal_Employers_Liability_Act</a>). FELA was proposed by President Benjamin Harrison in 1889 and was enacted by Congress in 1906 and re-enacted in 1908. It provides for compensation to railroad workers for work-related injuries. This SECTION amends IC 32-33-4-1 by replacing the reference to "the federal liability act" in subdivision (3) with "the federal <u>employers</u> liability act".</p> | Upon passage |                             |
| 117. | 34-30-27-1 | 142 | <p>Change in terminology corresponding to previous amendment. IC 25-21.5 is the article of the Indiana Code governing surveyors. SEA 558 [P.L.57-2013] amended the parameters of the profession of "land surveyor" to become the broader "professional surveyor" and made corresponding changes throughout the Indiana Code accordingly. IC 34-30-27-1 contains two unamended reference to "<u>land</u> surveyor" and one unamended reference to "<u>land</u> surveyor's". This SECTION updates the references to "<u>professional</u> surveyor" and "<u>professional</u> surveyor's", respectively.</p>   | Upon passage |                             |
| 118. | 36-3-4-3   | 143 | <p>Conflict resolution. IC 36-3-4-3 was amended in different ways by two 2013 acts, SEA 621 [P.L.266-2013] and HEA 1311 [P.L.271-2013]. Consequently, the Indiana Code now contains two versions of IC 36-3-4-3. The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 36-3-4-3.</p>   | Upon passage |                             |
| 119. | 36-4-1.5-2 | 145 | <p>Reference to chapter rather than section. As amended by SEA 343 [P.L.202-2013], IC 36-4-1.5-2 contains two references to "the next general election or municipal election ... at which the question can be placed on the ballot <i>under IC 3-10-9-3</i>". The section IC 3-10-9-3 does not specifically provide for public questions to be placed on the ballot for a general or municipal election. Rather, IC 3-10-9-3 reads:<br/>         "If a local public question must be <i>certified</i> to an election board by law, that <i>certification</i> must occur no later than noon:<br/>         (1) seventy-four (74) days before a primary election ... or<br/>         (2) August 1 if the public question is to be placed on the <i>general</i></p>  | Upon passage | Anne Haley,<br>LSA attorney |

or municipal election ballot."

The *chapter* that includes IC 3-10-9-3 (IC 3-10-9, "Local Public Questions") does provide generally for the placing of local public questions on the ballot:

IC 3-10-9-2: "The ... county election board ... or ... town election board ... shall place the public question on the ballot in accordance with this chapter.

IC 3-10-9-4: "The public question shall be placed on the ballot in substantially the following form ...".

IC 3-10-9-5: "A local public question may not be placed on the ballot at an election unless the placement of the local public question on the ballot at the election is expressly authorized by statute."

IC 3-10-9-6: "If a statute requires the submission of a petition for the placement of a local public question on the ballot, the petition must: (1) state the day ... (2) contain the signature ... (3) contain ... and (4) state ...".

On the other hand, IC 3-10-9-3(2) (which is, of course, part of the chapter IC 3-10-9) does provide that a public question that must be certified *cannot* be placed on the ballot for a general or municipal election *unless* it is certified by noon of August 1, and thus in a sense IC 3-10-9-3(2) does determine whether a public question can be placed on the ballot for a particular general or municipal election. Therefore, the references in IC 36-4-1.5-2 to "IC 3-10-9-3" could be seen as correct or as overly narrow. But references to "IC 3-10-9" (i.e., to the whole chapter, *including* IC 3-10-9-3) would surely not be considered overly narrow. Consequently, this SECTION amends IC 36-4-1.5-2 by replacing the references to the section "IC 3-10-9-3" with references to the whole chapter, "IC 3-10-9."

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| 120. | 36-7-14-50 | 146 | Incorrect section reference. IC 36-7-14-50 was added by HEA 1359 [P.L.7-2013] to the chapter of the Code entitled "Redevelopment of Areas Needing Redevelopment Generally; Redevelopment Commissions". Subsection (a)(2) of IC 36-7-14-50 refers to "any allocation area established under <u>section 51</u> of this chapter". However, it is not section 51 of the chapter but <i>section 49</i> (i.e., IC 36-7-14-49) that provides for the establishment of allocation areas. [IC 36-7-14-49 reads: "A commission may adopt a resolution to establish a program for age-restricted housing. The program ... may establish <i>an allocation area</i> ... for the accomplishment of the program."] This SECTION amends IC 36-7-14-50 by replacing "allocation area established under section 51 of this chapter" with "allocation area established | Upon passage | Ed Gohmann,<br>LSA attorney |
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under section 49 of this chapter".

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| 121. | 36-7-15.1-60 | 146 | Incorrect section reference. IC 36-7-15.1-60 was added by HEA 1359 [P.L.7-2013] to the chapter of the Code entitled "Redevelopment of Areas in Marion County Needing Redevelopment". Subsection (a)(2) of IC 36-7-15.1-60 refers to "any allocation area established under <u>section 61</u> of this chapter". However, it is not section 61 of the chapter but <i>section 59</i> (i.e., IC 36-7-15.1-59) that provides for the establishment of allocation areas. [IC 36-7-15.1-59 reads: "A commission may adopt a resolution to establish a program for age-restricted housing. The program ... may establish <i>an allocation area</i> ... for the accomplishment of the program."] This SECTION amends IC 36-7-15.1-60 by replacing "allocation area established under section 61 of this chapter" with "allocation area established under <u>section 59</u> of this chapter". | Upon passage | Ed Gohmann,<br>LSA attorney |
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**(2) AMENDMENTS TO NON-CODE SECTIONS:**

None.

**(3) REPEALERS OF NON-CODE SECTIONS:**

None.

**(4) EMERGENCY CLAUSE:**

122. **An emergency is declared for this act.**