

2012 INDIANA GENERAL ASSEMBLY LEGISLATION

SENATE BILLS

SB 014 Tomes

Local government reorganizations. Requires (rather than allows) the use of a "rejection threshold" in the case of a proposed local government reorganization involving a county and a municipality. (Under current law, the use of a rejection threshold that must be satisfied by both the voters of the municipality and by the county voters outside the municipality is optional.) Specifies that the rejection threshold (the percentage of the vote needed to reject the proposed reorganization) may not exceed 50% of the vote in the municipality or 50% of the vote in the area of the county outside the municipality. **Effective:** January 1, 2013. **Citations Affected:** IC 36-1.5-4.

SB 027 Leising, Paul

State highway closings. Provides that the Indiana department of transportation, before letting a contract for a proposed project that would construct or improve a state highway and require the closure of the state highway for at least five consecutive days, is required to provide notice of the proposed project to governmental bodies serving the area affected by the proposed highway closure. Authorizes a governmental body, within 30 days after being notified, to submit written objections to the proposed project to the department. Requires the department, if it receives written objections, to respond to the written objections at a regularly scheduled meeting of a governmental body serving the area affected by the proposed highway closure. **Effective:** July 1, 2012. **Citations Affected:** IC 8-23-2-19.

SB 055 Eckerty

Local government reorganization. Provides that in the case of a proposed governmental reorganization that is on the ballot after June 30, 2012, and that involves a county and a municipality, the proposed reorganization is approved if: (1) a majority of the voters in the county voting on the public question (on a countywide basis) vote in favor of the proposed reorganization; and (2) in the case of a vote being conducted with a "rejection threshold", a majority of the voters of the county (excluding the voters of the reorganizing municipalities) voting on the public question vote in favor of the proposed reorganization and a majority of the voters of each reorganizing municipality voting on the public question also vote in favor of the proposed reorganization. (Under current law governing reorganizations involving a county and a municipality: (1) the percentage of the countywide vote that must approve the proposed reorganization may be set at a higher percentage than a majority vote; and (2) if the vote is being conducted with a rejection threshold, the thresholds for approval by county voters (excluding voters in the reorganizing municipalities) and for approval by voters of the reorganizing municipalities

may also be set at a higher percentage than a majority vote.) **Effective:** July 1, 2012. **Citations Affected:** IC 36-1.5-4.

SB 083 Leising

Cursive writing in school curriculum. Requires each school corporation to include cursive writing in the curriculum of the school corporation. Requires an accredited nonpublic school that participates in the choice scholarship program to include cursive writing in the school's curriculum. **Effective:** July 1, 2012. **Citations Affected:** IC 20-30-5-7; IC 20-51-4-1.

SB 084 Leising

Class basketball. Provides that a school corporation may participate in an interscholastic athletics association only if the association does not conduct boys' or girls' interscholastic basketball games in which the teams are divided into classes **Effective:** July 1, 2012. **Citations Affected:** IC 20-26-14.5.

SB 085 Banks, Yoder

Attorney's fees in civil action. Requires a court in a civil action to determine whether a nonprevailing party: (1) brought or continued to litigate an action or asserted a defense that was frivolous, unreasonable, or groundless; or (2) litigated the action in bad faith. Provides that if the court determines that a nonprevailing party has engaged in such conduct, the court shall require the nonprevailing party to reimburse the prevailing party for reasonable attorney's fees. **Effective:** July 1, 2012. **Citations Affected:** IC 34-52-1-1.

SB 089 Kruse

Teaching of creation science. Provides that the governing body of a school corporation may require the teaching of various theories concerning the origin of life, including creation science, within the school corporation. **Effective:** July 1, 2012. **Citations Affected:** IC 20-30-6-18.

SB 091 Gard

Tobacco use by job applicants. Permits an employer to consider tobacco use by job applicants in the hiring process. **Effective:** July 1, 2012. **Citations Affected:** IC 22-5-4.

SB 092 Gard

Public access issues. Requires a public agency to: (1) allow inspection or copying; or (2) make copies; of a public record within a reasonable time after the request is received by the agency. Provides that a court may impose a civil penalty against: (1) an officer of a public agency or an individual employed in a management level position with

a public agency; or (2) the public agency; for violating the public records law or the open door law. Provides that a court may impose a civil penalty of: (1) not more than \$100 for the first violation; and (2) not more than \$500 for any additional violations. Provides that a court may: (1) impose only one civil penalty against an individual in an action even if the court finds that the individual committed multiple violations; and (2) impose another civil penalty against the individual in a separate action. Provides that if an officer of a state or local government agency orders a management level employee to: (1) not give proper notice of a public meeting or executive session; or (2) deny or interfere with a person's request to inspect or copy a public document; the employee is not subject to a civil penalty for violating the statute. Provides that if a local government agency has the capacity to send electronic mail, the agency shall provide notice to anyone (other than news media) that makes an annual request for notice by: (1) transmitting the notice by electronic mail; or (2) posting the notice on the agency's Internet web site (if the agency has an Internet web site). Provides that a court may not declare a governmental action void for failure to give notice by electronic mail or posting on the local government agency's web site, if the agency made a good faith effort to comply with the statute. Provides that a public agency may withhold personal information from public disclosure regarding an individual less than 18 years of age who participates in an activity conducted or supervised by a state educational institution, including personal information regarding the individual's parent or guardian. Requires (rather than allows) a court to review public records in camera to determine whether redaction of the records violates the public records act. If a formal complaint is filed, requires the public access counselor to review public records in camera without redaction (excluding redacted information that is the work product of an attorney and records that the agency is prohibited by law from disclosing) to determine whether the redaction of the records violated the public records act. Provides that unredacted documents that are in the possession of the public access counselor for in camera inspection are confidential while in the possession of the public access counselor. Creates an education fund for a program administered by the public access counselor to train public officials and educate the public on the rights of the public and the responsibilities of public agencies under the public access laws. Provides that a public agency has discretion as to whether to disclose a public record requested by an offender containing personal information relating to a judge, law enforcement officer, or family member of a judge or law enforcement officer. **Effective:** July 1, 2012. **Citations Affected:** IC 5-14; IC 34-30-2.

SB 095 Lanane

Official misconduct. Specifies that a public servant commits official misconduct if the public servant commits an offense while misusing a power possessed by virtue of state law, or if the public servant commits an offense while appearing to be exercising authority granted by state law that the public servant does not possess. Provides that a law enforcement officer who, knowing that the entry is unlawful, enters the residence of another person without having a reasonable belief that the unlawful entry is necessary to prevent injury or death commits unlawful entry by law enforcement, a Class D felony, and increases the penalty to a Class C felony if it results in serious bodily injury to another person. (The introduced version of this bill was prepared by the Legislative

Council Barnes v. State Subcommittee.) **Effective:** July 1, 2012. **Citations Affected:** IC 35-44-1-2.

SB 103 Mrvan

Public access issues. Requires a public agency to: (1) allow inspection or copying; or (2) make copies; of a public record within a reasonable time after the request is received by the agency. Provides that a court may impose a civil penalty against: (1) an officer of a public agency or an individual employed in a management level position with a public agency; or (2) the public agency; for violating the public records law or the open door law. Provides that a court may impose a civil penalty of: (1) not more than \$100 for the first violation; and (2) not more than \$500 for any additional violations. Provides that a court may: (1) impose only one civil penalty against an individual in an action even if the court finds that the individual committed multiple violations; and (2) impose another civil penalty against the individual in a separate action. Provides that if an officer of a state or local government agency orders a management level employee to: (1) not give proper notice of a public meeting or executive session; or (2) deny or interfere with a person's request to inspect or copy a public document; the employee is not subject to a civil penalty for violating the statute. Provides that if a local government agency has the capacity to send electronic mail, the agency shall provide notice to anyone (other than news media) that makes an annual request for notice by: (1) transmitting the notice by electronic mail; or (2) posting the notice on the agency's Internet web site (if the agency has an Internet web site). Provides that a court may not declare a governmental action void for failure to give notice by electronic mail or posting on the local government agency's Internet web site if the agency made a good faith effort to comply with the statute. Provides that a public agency may withhold from public disclosure personal information regarding an individual less than 18 years of age who participates in an activity conducted or supervised by a state educational institution, including personal information regarding the individual's parent or guardian. Requires (rather than allows) a court to review public records in camera to determine whether redaction of the records violates the public records act. If a formal complaint is filed, requires the public access counselor to review public records in camera without redaction (excluding redacted information that is the work product of an attorney and records that the agency is prohibited by law from disclosing) to determine whether the redaction of the records violated the public records act. Provides that unredacted documents that are in the possession of the public access counselor for in camera inspection are confidential while in the possession of the public access counselor. Creates an education fund for a program administered by the public access counselor to train public officials and educate the public on the rights of the public and the responsibilities of public agencies under the public access laws. Provides that a public agency has discretion as to whether to disclose a public record requested by an offender containing personal information relating to a judge, law enforcement officer, or family member of a judge or law enforcement officer. Allows the public access counselor to obtain an administrative subpoena to compel production of public records denied by a public agency if the public access counselor determines that the records were wrongfully withheld. **Effective:** July 1, 2012. **Citations Affected:** IC 5-14; IC 34-30-2.

SB 104 Mrvan

Serious sex offenders. Defines "serious sex offender". Makes entry on school property by a serious sex offender a Class D felony. Provides that a serious sex offender is entitled to vote by mail. Requires a circuit court clerk to, before an election, notify serious sex offenders whose polling place is located on school property: (1) that a serious sex offender who knowingly or intentionally enters school property commits unlawful entry by a serious sex offender, a Class D felony; and (2) of other voting alternatives. Provides that a circuit court clerk may arrange transportation to a clerk's office, satellite office, or vote center for a serious sex offender whose polling place is located on school property. Requires the department of correction to inform a serious sex offender at the time of discharge from the department: (1) that a serious sex offender who knowingly or intentionally enters school property commits unlawful entry by a serious sex offender, a Class D felony; and (2) of voting options for the serious sex offender. **Effective:** July 1, 2012. **Citations Affected:** IC 3-11; IC 11-10-12-4; IC 35-42-4-14.

SB 105 Boots

Redevelopment commission members. Provides that after December 31, 2012, in counties other than Marion County, at least one of the members appointed to a redevelopment commission by the municipal executive or county executive must also be a member of the school board of a school corporation within the territory served by the redevelopment commission. (Under current law, the municipal executive or county executive is required to appoint such a person as a nonvoting member.) **Effective:** January 1, 2013. **Citations Affected:** IC 36-7-14.

SB 109 Holdman

Deposit of public funds by local units. Expands the existing authority of counties and political subdivisions to invest, through a selected local depository institution, in certificates of deposit issued by federally insured banks or savings and loan associations, wherever located, to include the authority to invest in interest bearing transaction accounts of federally insured banks or savings and loan associations, wherever located, through the same procedure and under the same conditions. **Effective:** July 1, 2012. **Citations Affected:** IC 5-13-9-5.3.

SB 115 Landske, Lawson C, Arnold, Lanane

Description of political subdivisions. Adjusts census numbers in statutes. Changes population parameters in various statutes to reflect the population count determined under the 2010 decennial census. Substitutes names for population parameters in the following types of statutes: (1) Statutes legalizing certain actions of particular political subdivisions. (2) Statutes that have been challenged unsuccessfully as special or local legislation. (3) Statutes reserving certain powers to certain political subdivisions at the time of recodification of laws relating to political subdivisions. Resolves a conflict in the

statute that defines the classes of cities to provide that a city becomes a first class city when the city attains a population of 600,000. (The introduced version of this bill was prepared by the census data advisory committee.) **Effective:** April 1, 2012. **Citations Affected:** Numerous citations throughout the Indiana Code.

SB 118 Landske

Various election law matters. Establishes that a petition of nomination in Mishawaka and East Chicago school district elections may not be filed earlier than 104 days before the election. (Current law specifies the final date for filing is 74 days before the election.) Makes a conforming amendment following the enactment of HEA 1074-2011 (P.L.179-2011) concerning the terms of office of school board members. **Effective:** Upon passage; July 1, 2012. **Citations Affected:** IC 3-5-4-1.2; IC 3-6-2-1; IC 3-8; IC 3-9-5-22; IC 3-10; IC 3-11; IC 3-13; IC 10-16-7-16; IC 20-23; IC 20-26-4-4; IC 36-5-1.

SB 122 Becker

Performance contracts to sing national anthem. Provides that all public schools, charter schools, schools receiving public scholarships, and institutions of higher education must enter into an agreement with any person or group performing the national anthem at any event sponsored by the school that is open to the public to ensure standards for the performance. Provides for enforcement measures and a fine for not meeting the standards set. **Effective:** July 1, 2012. **Citations Affected:** IC 20-19-3-11.

SB 124 Head

Local government reorganization. Eliminates the requirement that a reorganization committee must be appointed to prepare the reorganization plan as part of a proposed local government reorganization. Provides that the legislative bodies of the reorganizing political subdivisions (rather than a reorganization committee) shall prepare the reorganization plan that must be adopted by the legislative bodies before the proposed reorganization is placed on the ballot. Repeals a provision: (1) requiring the consideration of a final reorganization plan; and (2) allowing voters to petition to have the final reorganization plan placed on the ballot; if a reorganization plan is not approved within one year after the reorganization plan is presented. **Effective:** January 1, 2013. **Citations Affected:** IC 36-1.5.

SB 126 Tallian, Kruse

Mandatory half-day kindergarten enrollment. Beginning with the 2012-2013 school year, requires a student to enroll in a kindergarten program that is at least a half-day program not later than the fall term of the school year in which the student becomes six years of age. **Effective:** July 1, 2012. **Citations Affected:** IC 20-33-2.

SB 127 Tallian

Indiana public retirement system. Makes required technical corrections and conforming amendments following the enactment of SEA 524-2011 (P.L.22-2011) and SEA 549-2011 (P.L.23-2011). (The introduced version of this bill was prepared by the pension management oversight commission.) **Effective:** July 1, 2012. **Citations Affected:** IC 2-3.5; IC 4; IC 5; IC 7.1-4-11-1; IC 8-1-13.1-10; IC 8-14; IC 15-11-10-3; IC 16-22-3-11; IC 20-24-6-7; IC 20-26-4-1; IC 33-38; IC 33-39-7-11; IC 34-13-3-20; IC 35-33-8-3.2; IC 36-8.

SB 128 Walker

Administration of public retirement plans. Requires the Indiana public retirement system (system) to pay the direct and indirect costs of the state board of accounts' examination of the public pension and retirement funds administered by the system. (Currently, only the teachers' retirement fund is required to pay these costs.) Urges the assignment to the pension management oversight commission the study of a reporting system for retirement plans of the state or a political subdivision not administered by the system. (Currently, these plans must report to the public employees' retirement fund (PERF) information necessary for the PERF actuary to perform an actuarial valuation of the plan.) **Effective:** July 1, 2012. **Citations Affected:** IC 5-11-4-3.6.

SB 129 Waterman

ISTEP. Replaces the ISTEP test program with the Measures of Academic Progress assessment program. Repeals the definition of "ISTEP program". Makes conforming changes. **Effective:** July 1, 2012. **Citations Affected:** IC 20-18-2; IC 20-19-4-10; IC 20-20; IC 20-24; IC 20-26-15; IC 20-28-8-5; IC 20-30; IC 20-31; IC 20-32; IC 20-33-2-13; IC 20-35-8-1; IC 20-51-1.

SB 139 Kenley

Public contract for services. Requires that a public contract for services between a state agency or political subdivision and a contractor must contain certain requirements concerning the use of the federal electronic employment eligibility verification system (E-Verify) and knowing employment of unauthorized aliens only if one of the following applies: (1) The estimated amount to be paid in a calendar year to the contractor under the contract is more than \$50,000. (2) The estimated amount to be paid in a calendar year to the contractor under the contract is \$50,000 or less, but the contract in combination with other public contracts for services entered into by the contractor with the same state agency or political subdivision results in an estimated total payment in a calendar year by the state agency or political subdivision to the contractor of more than \$50,000. (Current law requires that all public contracts for services between a state agency or political subdivision and a contractor contain certain requirements concerning the use of E-Verify and knowing employment of unauthorized aliens.) **Effective:** July 1, 2012. **Citations Affected:** IC 22-5-1.7-11.

SB 143 Kenley

Automatic taxpayer refund. Provides that for purposes of the automatic taxpayer refund statutes, amounts in the state tuition reserve fund are not considered in determining whether state reserves exceed 10% of general revenue. Specifies an additional requirement (a balance in the tuition reserve equal to at least 10% of the tuition support appropriation for the following year) that must be satisfied before a transfer may be made under the automatic taxpayer refund statutes. Specifies that: (1) if the amount of the excess reserves is less than \$100,000,000, all of the excess reserves shall be transferred to the pension stabilization fund; and (2) if the amount of the excess reserves is \$100,000,000 or more, 50% of the excess reserves shall be transferred to the pension stabilization fund and 50% of the excess reserves shall be used for the purposes of providing an automatic taxpayer refund. (Under current law, the excess reserves are divided equally between the pension stabilization fund and the automatic taxpayer refund, regardless of the dollar amount of the excess reserves.) **Effective:** Upon passage. **Citations Affected:** IC 4-10-22.

SB 147 Holdman

Local government financial matters. Removes the requirement that a political subdivision deposit public funds in a depository that is located within the territorial limits of the political subdivision. Specifies that a county may provide notices of property tax information by electronic mail that provides an Internet link for the recipient to obtain the information. Requires the county treasurer to record whether electronic mail to a person was undeliverable. Specifies that a monthly payment plan may include an automatic monthly deduction from a taxpayer's financial institution account or monthly payments made by written instrument or electronically. Specifies that the payment cycle for a property tax payment plan may be up to 12 months and may begin in December of the year preceding the year the taxes would be due under the May and November installment method and end in the following November. Clarifies that penalties do not apply if the amount due under a monthly payment plan are paid by the due date in May or November that is designated by the taxpayer. Provides that a real property parcel is not to be listed on a tax sale notice if the delinquent property taxes are \$25 or less. Provides that the interest rate owed on property tax refunds is a rate set annually by the board for depositories based on the interest rate being earned by local governments for deposits in interest bearing transaction accounts. Requires county treasurers to attend training sessions approved by the state board of accounts. Provides that money in the county elected officials training fund may be used to provide this training. (Under current law, the fund is used to provide training to county recorders and surveyors.) **Effective:** July 1, 2012. **Citations Affected:** IC 5-13; IC 6-1.1; IC 36-2-7-19; IC 36-2-10-2.5.

SB 158 Leising

Law enforcement animals in schools. Permits a law enforcement officer to enter a school facility with a bomb or narcotics detecting law enforcement animal and allow the

animal to sniff for bombs or narcotics. **Effective:** July 1, 2012. **Citations Affected:** IC 20-33-8-32.

SB 159 Smith J

Teacher union dues. Prohibits a school employer from deducting union dues from a teacher's salary. Repeals a provision allowing a school employer to deduct union dues from a teacher's salary. **Effective:** July 1, 2012. **Citations Affected:** IC 20-29-5.

SB 162 Randolph

East Chicago school board. Establishes the governing body of the East Chicago school corporation consisting of five members: (1) one member appointed by the city executive; (2) one member appointed by the city legislative body; and (3) three members elected at-large by the voters of the school corporation. Provides that the terms of the members are for four years and begin on January 1 after an election or appointment. Provides for staggered terms. Repeals provisions establishing a nine member governing body with six members elected from the same districts as members of the city common council. **Effective:** July 1, 2012. **Citations Affected:** IC 20-23-17.2.

SB 168 Randolph

Liability for underground storage tank fees. Provides that the state may impose a lien on property on which an underground storage tank is located, if the owner or operator of the storage tank fails to pay underground storage tank fees. Requires the department of environmental management to: (1) provide 30 days written notice before filing a lien; and (2) record the lien with the county recorder in the county in which the property is located. Provides that a bona fide purchaser is eligible to receive funds from the underground storage tank excess liability trust fund if: (1) the transferor fails to pay any registration fees; and (2) the department fails to record the lien. **Effective:** July 1, 2012. **Citations Affected:** IC 13-23.

SB 174 Lawson C

Local government reorganization. Requires that the plan prepared by a reorganization committee under the government reorganization statutes must include a fiscal impact analysis. Specifies the required contents of the fiscal impact analysis. Provides that the fiscal impact analysis must specify any estimated effects on political subdivisions in the county that are not participating in the reorganization and on taxpayers located in those political subdivisions. Requires a reorganization committee to submit the fiscal impact analysis to the department of local government finance (DLGF) at least six months before the election in which the public question will be on the ballot. Requires the DLGF to do the following within a reasonable time, but not later than 30 days before the public question: (1) Review the fiscal impact analysis. (2) Make any comments concerning the fiscal impact analysis that the DLGF considers appropriate. (3) Provide comments to the legislative body of the reorganizing political subdivisions

and post the comments on the DLGF's Internet web site. Requires the reorganizing political subdivisions to pay the expenses incurred by the DLGF in carrying out the review and preparing the comments. Requires that a brief description of the reorganized political subdivision that will succeed the reorganizing political subdivisions must be placed on the ballot of the public question. Provides that if the county election board approves the language of a public question after June 30, 2012, the county election board shall submit the language to the DLGF for review. Requires the DLGF to review the language of the public question to: (1) evaluate whether the description of the reorganized political subdivision is accurate and not biased; and (2) make nonbinding recommendations to the county election board regarding the ballot language. Requires the county election board to take final action to approve the ballot language. Provides that certification of a public question on a proposed local government reorganization must occur as required for other public questions under the election law. Provides that in the case of a proposed reorganization between a municipality and a township: (1) the voters residing within the municipality shall be included only in the tally of votes for the municipality and shall not be included in the tally of votes for the township; and (2) the voters who reside within the township but do not reside within the municipality shall be included only in the tally of votes for the township and shall not be included in the tally of votes for the municipality. Provides that if a political subdivision is located in whole or in part within one or more other political subdivisions that reorganize and the first political subdivision does not participate in or does not approve the reorganization: (1) the reorganization does not affect the rights, powers, and duties of the first political subdivision; and (2) the reorganized political subdivision may not exercise within the first political subdivision any right, power, or duty unless that right, power, or duty was exercised within the first political subdivision before the reorganization by at least one of the reorganizing political subdivisions. Provides that a plan of reorganization may establish within a reorganized political subdivision territories or districts: (1) in which specified services provided by the reorganized political subdivision will be provided at different levels, quantities, or amounts; and (2) in which the fees, charges, or taxes imposed by the reorganized political subdivision will vary depending on the level, quantity, or amount of the services. Specifies that a reorganized political subdivision must continue to carry out the duties imposed by Indiana law on the reorganizing political subdivisions that combined to form the reorganized political subdivision. Specifies that a reorganized political subdivision created from two or more townships and at least one municipality that have reorganized: (1) may exercise park and recreation powers and establish a park and recreation board if the reorganized political subdivision's plan of reorganization authorizes the reorganized political subdivision to exercise those powers; and (2) may exercise planning and zoning power if the reorganized political subdivision's plan of reorganization authorizes the reorganized political subdivision to exercise those powers. Provides that such a reorganized political subdivision shall, by resolution or in the plan of reorganization, determine the number of members to be appointed to the reorganized political subdivision's park and recreation board, advisory plan commission, and board of zoning appeals. Provides that a political subdivision may not take certain actions within a reorganizing political subdivision after the date a plan of reorganization is finally adopted by all reorganizing political subdivisions unless one of the following occurs: (1) All reorganizing political

subdivisions agree to allow the action by adopting identical resolutions. (2) The plan is rejected by voters in a referendum. (3) The plan is approved by voters and the earlier of the following occurs: (A) The plan is implemented. (B) One year elapses from the date the plan has been approved. Requires a town legislative body to adopt a resolution not later than 30 days after a petition is filed for a referendum on changing the town into a city. Provides that the date of the referendum must not be later than the earlier of the date of the next general election or the date of the next municipal election, at which a question may be placed on the ballot. Requires the first election of city officers to be held on the earlier of the date of the next general election or a municipal election following the date of the referendum. **Effective:** July 1, 2012. **Citations Affected:** IC 36-1.5-4; IC 36-4; IC 36-7.

SB 179 Banks, Kruse

Virtual instruction course requirement. Requires a student pursuing a Core 40 high school diploma to complete one virtual instruction course. **Effective:** July 1, 2012. **Citations Affected:** IC 20-32-4.5.

SB 180 Banks

Firearms on school property. Makes unlawful possession of a firearm: (1) in or on school property; (2) in or on property that is being used by a school for a school function; or (3) on a school bus; a Class A misdemeanor instead of a Class D felony. Provides that the law concerning unlawful possession of a firearm in or on school property or in or on property that is being used by a school for a school function does not apply to a person who may legally possess a firearm, is not a student enrolled in the school, and stores a firearm: (1) in a motor vehicle that is parked in or on school property or parked in or on property that is being used by the school for a school function; and (2) that is locked in the trunk of the motor vehicle, kept in the glove compartment of the locked motor vehicle, or stored out of plain sight in the locked motor vehicle. **Effective:** July 1, 2012. **Citations Affected:** IC 35-47-9.

SB 191 Charbonneau

Local government investments. Permits a political subdivision to authorize its investing officer to invest public funds for a maximum term of five years. (Under current law, the maximum term is generally two years.) Requires the fiscal body of the political subdivision to approve a written investment policy and adopt an ordinance to provide this authority. Provides that the authority expires on the date that the term of any member ends, excluding a vacancy, for the fiscal body that adopted the policy and ordinance. Limits the amount that may be invested for more than two years to 25% of the political subdivision's total portfolio of public fund investments, including transaction accounts. **Effective:** July 1, 2012. **Citations Affected:** IC 5-13-9.

SB 193 Arnold, Lawson C

Financial disclosures by local elected officials. Requires a candidate for a local or school board office to file a statement of economic interests with the candidate's declaration of candidacy, petition of nomination, declaration of intent to be a write-in candidate, or certificate of candidate selection. Requires an individual who fills a vacancy in an elected local or school board office to file a statement of economic interests not later than 60 days after the individual assumes the office. **Effective:** January 1, 2013.

Citations Affected: IC 3-8.

SB 198 Eckerty

Choice scholarship eligibility. Removes the requirement that a student must attend a public school for at least two semesters immediately prior to receiving the choice scholarship. **Effective:** July 1, 2012. **Citations Affected:** IC 20-51-1-4.5.

SB 204 Breaux, Arnold, Broden, Hume, Lanane, Mrvan, Randolph, Rogers,
Simpson, Skinner, Tallian, Taylor, Young R

Pre-kindergarten grant program. Establishes the pre-kindergarten grant program within the bureau of child care to fund child care and pre-kindergarten for certain low income families. Establishes the pre-kindergarten grant fund. Makes an annual appropriation. **Effective:** July 1, 2012. **Citations Affected:** IC 12-17.2-7.

SB 205 Breaux, Simpson, Arnold, Broden, Hume, Lanane, Mrvan, Randolph,
Rogers, Skinner, Tallian, Taylor, Young R

Employment status of employment applicants. Provides: (1) that an employer may not publish an advertisement for an employment vacancy that states that qualification for the employment position includes current employment by the applicant; and (2) for civil penalty enforcement by the department of labor. Provides that: (1) an employer may not discriminate against an applicant or a prospective applicant (applicant) for employment based on the currently unemployed status of the applicant; and (2) an aggrieved applicant may bring a civil action against the employer for enforcement. **Effective:** July 1, 2012. **Citations Affected:** IC 22-5-7.

SB 214 Skinner, Arnold, Breaux, Broden, Hume, Lanane, Mrvan, Randolph,
Rogers, Simpson, Tallian, Taylor, Young R

Choice scholarship administration. Requires choice scholarship students to be administered an ISTEP program test, and provides for the publication and distribution of the results of these tests. Requires compliance with financial standards and audits of eligible schools that enroll eligible individuals on a choice scholarship. Limits the amount of a choice scholarship that may be used for administrative expenses. **Effective:** July 1, 2012. **Citations Affected:** IC 20-32; IC 20-39; IC 20-51.

SB 218 Skinner

TRF retirement benefit adjustment. Provides that the pension portion of the monthly benefit payable to a member of the Indiana state teachers' retirement fund (TRF) who retired before January 1, 1980, and has at least 20 years of creditable service may not be less than \$500. **Effective:** January 1, 2013. **Citations Affected:** IC 5-10.4-6-11.

SB 220 Skinner

Public pension military service credit. Grants, under certain conditions, up to six years of service credit in the teachers' retirement fund for a member's past active duty military service. **Effective:** July 1, 2012. **Citations Affected:** IC 5-10.4-4-8; IC 36-8-8.

SB 226 Miller

School corporation financial management. Requires a school corporation that has provided school bus service to students to continue the bus service unless the department of education grants the school corporation a waiver. Requires the state school bus committee to adopt rules that permit paid advertisements on buses. Establishes the financially distressed school corporation appeals board to evaluate and authorize emergency relief to school corporations that the board determines are unable to carry out their public education responsibilities. Establishes the distressed school fund. Permits a loan or advance from the counter-cyclical revenue and economic stabilization fund, the distressed school fund, or the common school fund to a distressed school corporation. Permits money in a school general fund to be used, in addition to any money in a school transportation fund, to pay costs attributable to transportation. Permits a loan from the common school fund for costs attributable to transportation. **Effective:** Upon passage. **Citations Affected:** IC 4-10-18-10; IC 4-12-15; IC 20-26-5-4; IC 20-27; IC 20-39-5; IC 20-40; IC 20-49-4.

SB 231 Wyss, Broden Young R Michael

Contracting with persons that invest in Iran. Provides that agencies of state government, state educational institutions, and political subdivisions may not enter into contracts with persons that engage in investment activities in Iran. Provides that a financial institution may not be designated as a public depository if the financial institution engages in investment activities in Iran. **Effective:** July 1, 2012. **Citations Affected:** IC 4-13.6-6-5; IC 5-13-8-14; IC 5-16-1-9; IC 5-22-16.5; IC 5-23-1-5; IC 8-23-9-59; IC 21-37-7; IC 36-1-12-23.

SB 232 Young R Michael

Unemployment compensation. Provides that a hearing scheduled before an administrative law judge or the unemployment insurance review board must be held with all interested parties and witnesses participating in person if any interested party objects to the hearing being scheduled as a telephone hearing. Requires the

department of workforce development to amend its administrative rules concerning telephone hearings accordingly before December 31, 2012. Removes a provision that permits an individual to receive unemployment benefits when the individual voluntarily separates from employment to move to another labor market to join a spouse. Makes technical corrections and conforming amendments. **Effective:** Upon passage; July 1, 2012. **Citations Affected:** IC 6-3.5-1.1-5; IC 22-4.

SB 234 Alting, Merritt

Synthetic drugs (including "bath salts"). Adds additional chemical compounds (including some compounds sold as "bath salts") to the definition of synthetic cannabinoids, and expands the definition of synthetic cannabinoids to encompass certain chemical compounds that are structurally related to synthetic cannabinoids. **Effective:** July 1, 2012. **Citations Affected:** IC 35-41-1-26.3; IC 35-48-2-4.

SB 236 Delph

Various education matters. Provides that a school corporation may participate in an interscholastic athletics association only if the association does not conduct boys' or girls' interscholastic basketball games in which the teams are divided into classes. Provides that a school placed in the highest category or designation of academic performance is not required to conduct a school year of at least 180 student instructional days if the school conducts at least an equivalent number of hours of student instructional time. Prohibits public schools from beginning student instructional days for the school year before the Tuesday after the first Monday in September (Labor Day) and from ending after June 10 of the following year, beginning with the 2014-2015 school year. Provides that a governing body may establish a beginning date before Labor Day or an end date for a school year that is later than June 10 for year-round schools, schools with balanced calendars, schools that coordinate calendars with a postsecondary educational institution, and schools that coordinate calendars with a large employer in the school corporation following public hearings and a majority vote of the governing body. Provides that a governing body may establish an end date for a school year that is later than June 10 for any school following public hearings and a majority vote of the governing body. Makes the change effective for collective bargaining agreements and contracts negotiated after June 30, 2014. Requires each school corporation to include cursive writing in the curriculum of the school corporation. Creates a designation of "high performing school corporation", and provides that certain statutes and rules are waived for a high performing school corporation. Requires an accredited nonpublic school that participates in the choice scholarship program to include cursive writing in the school's curriculum. **Effective:** July 1, 2012. **Citations Affected:** IC 20-26-14.5; IC 20-30; IC 20-31-12; IC 20-51-4-1.

SB 241 Walker

Public works projects. Provides that the plans, specifications, and contract documents for a public works project may not require bidders, contractors, or subcontractors to

enter into or comply with certain agreements with labor organizations. Provides a cause of action to challenge the award of a contract that violates these provisions. **Effective:** July 1, 2012. **Citations Affected:** IC 4-13.6-5-13; IC 5-16-12; IC 8-10-1-31; IC 8-23-9-59; IC 34-13-8; IC 36-1-12-23.

SB 248 Leising

Referendum on use of balanced school calendar. Requires a school corporation to conduct a referendum of the registered voters who reside in the school corporation before establishing a balanced calendar at any school. Provides that if a majority of the voters voting in the referendum do not vote in favor of a balanced calendar, the school corporation must wait at least one year to conduct another referendum. Provides for a referendum to discontinue the use of a balanced calendar by a school corporation if a petition signed by at least 5% of the registered voters who reside in the school corporation is filed with the circuit court clerk of the county containing the greatest number of registered voters who are residents of the school corporation. **Effective:** July 1, 2012. **Citations Affected:** IC 20-30-2.5.

SB 251 Tomes

School prayer. Allows the governing body of a school corporation or the equivalent authority of a charter school to provide for the recitation of the Lord's Prayer at the beginning of each school day. **Effective:** July 1, 2012. **Citations Affected:** IC 20-30-5-4.6.

SB 259 Alting

School consolidation executive session. Allows discussion of strategy with respect to school consolidation to be conducted in an executive session. **Effective:** July 1, 2012. **Citations Affected:** IC 5-14-1.5-6.1.

SB 261 Taylor, Simpson, Arnold, Breaux, Broden, Hume, Lanane, Mrvan,
Randolph, Rogers, Skinner, Tallian, Young R

Use of credit reports for employment purposes. Prohibits an employer from using a credit report in the process of hiring a prospective employee or in determining whether to continue the employment of an employee. Provides that an employee or prospective employee may bring a civil action against an employer for violating this prohibition. Provides for an award of actual damages, court costs, and attorney's fees to an aggrieved individual, along with an injunction against the employer's further use of credit reports in violation of the prohibition. **Effective:** July 1, 2012. **Citations Affected:** IC 22-5-7.

SB 265 Head

School report card. Requires that information on the number and percentage of students meeting academic standards on certain tests be reported on the annual school performance report in the following categories: (1) All students. (2) All students except students who fall into the lowest 5% of students in meeting academic standards.

Effective: July 1, 2012. **Citations Affected:** IC 20-20-8-10.

SB 267 Rogers

Education concerning child abuse. Requires the department of education, in collaboration with organizations that have expertise in child sexual abuse, to identify or develop model education materials, response policies, and reporting procedures on child sexual abuse. **Effective:** July 1, 2012. **Citations Affected:** IC 20-19-3-11.

SB 268 Rogers

Advisory committee on early education. Requires the education roundtable to establish an advisory committee on early education, with members from around the state, to provide professional and technical assistance to the roundtable. **Effective:** July 1, 2012. **Citations Affected:** IC 20-19-4.

SB 279 Charbonneau

PERF and TRF thirteenth check. Provides for a thirteenth check for public employees' retirement fund (PERF) and teachers' retirement fund (TRF) members, survivors, and beneficiaries. **Effective:** July 1, 2012. **Citations Affected:** None (noncode).

SB 280 Charbonneau

School finance. Provides for the distribution of basic tuition support, honors diploma awards, primetime distributions, special education grants, and career and technical education grants on a state fiscal year basis rather than a calendar year basis, beginning July 1, 2012. Eliminates the specific dollar amounts specified by statute as the maximum amount to be distributed for these purposes. Provides that the maximum amount to be distributed for these purposes in a state fiscal year is the amount appropriated by the general assembly for that state fiscal year. Provides for the counting of students in September and January of each year. Specifies that the September count applies to distributions made in November and December and in the following January and February. Specifies that the January count applies to distributions made in March, April, May, June, July, August, September, and October of the year in which the January count is made. Provides that if a school corporation would have received a greater distribution for the months of July, August, September, and October if the September count of students (instead of the January count) had been used for distributions during this period, the school corporation is entitled to an additional distribution in November equal to the difference. Provides that if a school corporation

would have received a lower distribution for the months of July, August, September, and October if the September count of students (instead of the January count) had been used for distributions during this period, the school corporation's distributions for November, December, January, and February shall be proportionately reduced so that the total reduction is equal to the difference. **Effective:** July 1, 2012. **Citations Affected:** IC 20-24; IC 20-26-11; IC 20-33-5-9.5; IC 20-43; IC 20-49-7-4; IC 20-51-4-5.

SB 281 Walker

Carriers of ballot petitions. Requires that an individual who circulates a petition required to place a candidate or a public question on the ballot must sign an affirmation on each petition page that states, under the penalties for perjury, that the individual has no reason to believe that any individual whose signature appears on the page is ineligible to sign the petition or did not properly complete and sign the page. Requires that the petition carrier print below the affirmation the petition carrier's name, full address, and date of birth. Provides that a signature page that does not comply with these provisions is void. **Effective:** July 1, 2012. **Citations Affected:** IC 3-6-12.

SB 283 Kruse

High school dropout recovery schools. Requires the department of education to modify accreditation standards for a nonpublic school that contracts with a school corporation to provide alternative education services for students who have dropped out of high school to accommodate the nonpublic school's program and student population. Provides that the nonpublic school is not subject to being placed in a performance category or designation. Provides that the contract between a nonpublic school and a school corporation must specify which data required to be reported as part of a school's annual performance report will be reported by the school corporation, and which will be reported by the nonpublic school. **Effective:** July 1, 2012. **Citations Affected:** IC 20-19-2-10; IC 20-20-8-10.

SB 284 Kruse

Teacher contracts and evaluations. Changes definition of "teacher" to remove the requirement that the primary responsibility of a teacher must be instruction of students. Modifies teacher contract cancellation provisions. Changes definition of "evaluator", and provides that evaluation provisions apply only to teachers. (Under current law, the evaluation provisions apply to all certificated employees.) **Effective:** July 1, 2012. **Citations Affected:** IC 20-18-2-22; IC 20-28.

SB 285 Lawson C

Review of local government budgets. Authorizes the department of local government finance (DLGF) to establish a pilot program concerning nonbinding review of budgets, property tax rates, and property tax levies. **Effective:** July 1, 2012. **Citations Affected:** IC 6-1.1; IC 36-3-6-9.

SB 288 Rogers, Arnold, Breaux, Broden, Hume, Lanane, Mrvan, Randolph, Simpson, Skinner, Tallian, Taylor, Young R

Office of child development and early learning. Establishes the office of child development and early learning within the department of education. Requires the office to collaborate with the division of family resources to establish and implement a plan for inclusion of pre-kindergarten education and teaching in kindergarten through grade 12 education planning and oversight. **Effective:** July 1, 2012. **Citations Affected:** IC 20-20-40.

SB 290 Rogers, Arnold, Breaux, Broden, Hume, Lanane, Mrvan, Randolph, Simpson, Skinner, Tallian, Taylor, Young R

Turnaround academies. Requires the state board of education to enter into a contract with a special management team before assigning the team to a turnaround academy. Sets forth the responsibilities and duties that must be included in the contract and the principles that must be followed in establishing performance indicators. **Effective:** July 1, 2012. **Citations Affected:** IC 20-31-9.7.

SB 294 Holdman

Public records and public meetings. Provides that an officer or management level employee of a public agency who knowingly or intentionally violates the open door law by: (1) taking final action outside a regular meeting or special meeting; (2) participating in a secret ballot during a meeting; (3) discussing in an executive session subjects that are not eligible for an executive session; or (4) participating in at least one meeting of a series of meetings prohibited by law; commits a Class C infraction and is personally liable for the judgment and costs. Provides that an officer or management level employee of a public agency who intentionally denies a request for a public record that the officer or management level employee knows or reasonably should know is subject to disclosure under the open records act commits a Class C infraction and is personally liable for the judgment and costs. Provides that an officer or management level employee of a public agency who intentionally charges an excessive copying fee commits a Class C infraction and is personally liable for the judgment and costs. Prohibits a public agency from charging a fee for a public record transmitted by electronic mail except for a: (1) fee charged for reprogramming a computer system if the reprogramming is required to separate disclosable information from nondisclosable information; (2) certification or search fee set by statute or ordered by a court; or (3) fee charged for providing an electronic map. **Effective:** July 1, 2012. **Citations Affected:** IC 5-14.

SB 296 Leising

Certified scholarship program eligibility. Provides that an individual enrolling in grade 8 is eligible for a scholarship from a scholarship program that is certified by the department of education. **Effective:** July 1, 2012. **Citations Affected:** IC 20-51-1-5.

SB 297 Leising

School start date. Prohibits public schools and accredited nonpublic schools from beginning student instructional days for a school year before the fourth Monday in August, beginning with the 2013-2014 school year. Excludes a year-round school. Provides that the department of education shall develop guidelines for a school corporation to request a waiver of the school start date requirement if a school within the school corporation is placed in the lowest category or designation of school improvement. Provides that the department shall develop guidelines for a school corporation to request a waiver of the school start date requirement if the school corporation averaged more than ten canceled school days over the previous five years due to inclement weather. Requires the governing body of a school corporation to approve the date when a school year may begin at a public meeting for which public notice has been provided and at which public testimony is allowed. Requires the ISTEP applied skills assessment be administered to applicable students within a window of 150 to 155 student instructional days after the school's academic school year begins.

Effective: July 1, 2012. **Citations Affected:** IC 20-30-2-9; IC 20-32-5-15.

SB 305 Breaux

Multiple ADM counts. Provides that: (1) an average daily membership (ADM) count of students enrolled in a public school in grades K-12 must be taken during the school year in September and January; and (2) state tuition support must be distributed based on the latest count of students. Changes the first month that the September count affects distributions from January of the following year to October of the year in which the count is taken. Requires state tuition support distributions to be made every month rather than every 40 days. Calculates charter school startup and other advance loans based on a three month period rather than a six month period. Makes related changes in various calculations to reflect the change in counting procedure. **Effective:** July 1, 2012. **Citations Affected:** IC 5-2-10.1-10; IC 20-18-2; IC 20-20-13; IC 20-23-7-12; IC 20-24; IC 20-24.5-2; IC 20-25-12-5; IC 20-26; IC 20-29-6-12.5; IC 20-40-8-1; IC 20-43; IC 20-45; IC 20-49; IC 20-51-4-5; IC 21-7-13-5; IC 21-43.

SB 309 Hershman, Paul

Local purchasing and public works preferences. Provides that the local Indiana business preference applies to a contract for a purchase made by a political subdivision only if the political subdivision provides that the preference is applicable to the purchase. Provides that the term "affected county" refers only to an Indiana county. Repeals the local Indiana business preference for public works projects. **Effective:** July 1, 2012. **Citations Affected:** IC 5-22-15-20.9; IC 36-1-12.

SB 312 Hershman

School policies on gang activities. Allows the Indiana safe schools fund to be used to provide educational outreach and training to school personnel concerning the

identification and prevention of and intervention in criminal gang activity. Requires the Indiana department of education (department) to develop model educational materials and a model policy concerning criminal gang activity. Requires the department, in collaboration with the Indiana criminal justice institute, the Indiana department of child services, and any organization with expertise in criminal gang education, prevention, and intervention that the department determines to be appropriate, to identify or develop model education materials and develop a model policy to address criminal gangs and criminal gang activity in schools. Requires the governing body of each school corporation, including Indianapolis public schools and charter schools, to develop and maintain a criminal gang policy. Requires a school corporation to include a copy of its criminal gang policy: (1) on its web site; (2) in school student handbooks; and (3) in any location the school corporation determines to be appropriate. Requires each school corporation to develop: (1) an educational criminal gang awareness program for students, school employees, and parents; and (2) a school employee development program to provide training to school employees in the implementation of the school corporation's criminal gang policy. Authorizes a school corporation to enter into a memorandum of understanding with the county prosecutor or a juvenile court to foster coordination of gang prevention, intervention, and suppression efforts. Requires, beginning in 2015 and each year thereafter, each school corporation to submit a report to the department outlining the activities undertaken by the school corporation to address criminal gang activity. Requires, beginning in 2015 and each year thereafter, the department to submit a report to the governor and the general assembly. Requires the discipline rules adopted by the governing body of a school corporation to: (1) prohibit criminal gang activity; and (2) include provisions concerning education, parental involvement, reporting, investigation, and intervention concerning criminal gang activity. Requires a school employee who has reason to believe that a student or school employee: (1) actively participates in a criminal gang; (2) commits criminal gang intimidation; or (3) solicits, recruits, entices, or intimidates another individual to join a criminal gang; to immediately notify the principal. Requires the principal to make an oral report to the local law enforcement agency. Provides that an individual who makes a report or causes a report to be made or who participates in any judicial proceeding resulting from or relating to the report is immune from any civil or criminal liability if the individual did not act maliciously or in bad faith. Makes a technical correction. **Effective:** July 1, 2012. **Citations Affected:** IC 5-2-10.1; IC 20-18-2; IC 20-19-3-11; IC 20-24-8-5; IC 20-26-18; IC 20-33; IC 34-30-2-85.1.

SB 313 Hershman

Transportation to certain school related events. Removes a limit of 200 miles of travel out of state for school buses used to transport students and adult chaperones to and from an educational or recreational activity approved or sponsored by a political subdivision. Makes conforming amendments. **Effective:** July 1, 2012. **Citations Affected:** IC 20-27.

Public deposit insurance fund. Allows the board for depositories to merge with a domestic nonprofit corporation if certain conditions are met, including the approval of a resolution of merger and conversion by the board of directors and voting members of the domestic nonprofit corporation. Requires the surviving nonprofit corporation of the merger, known as the public deposit insurance corporation, to deliver to the secretary of state articles of merger that include certain information regarding the merger. Allows the secretary of state to approve or disapprove the articles of merger. Establishes the effect of the merger, including that the: (1) surviving nonprofit corporation does not have the statutory rights, privileges, immunities, and powers and is not subject to the statutory duties, restrictions, penalties, and liabilities of the board for depositories unless specifically expressed otherwise in law; and (2) title to real property and other property owned by each party to the merger is vested in the surviving nonprofit corporation, including the public deposit insurance fund (which, under the management of the public deposit insurance corporation, is called the corporation insurance fund.) Requires the merging nonprofit corporation to comply with the laws relating to mergers of nonprofits except for a provision that requires court approval or when the requirements are otherwise inconsistent with the provisions governing the merger with the board for depositories. Provides that all property in the corporation insurance fund and all property otherwise held by the public deposit insurance corporation is exempt from all taxes imposed by the state or any political subdivision. Establishes certain immunity for members of the board of directors and any officers, members, or employees of the public deposit insurance corporation. Provides for the expiration of provisions that: (1) create the board for depositories; and (2) establish the duties, restrictions, penalties, and liabilities regarding the board for depositories and the management of the public deposit insurance fund. Allows the secretary of state to file an affidavit with the governor requesting that the board for depositories continue administering the public deposit insurance fund if the board for depositories and a nonprofit corporation fail to merge by a certain date and requires the governor, within 10 days, to issue an executive order that allows the board for depositories to continue to administer the public deposit insurance fund until a certain date. Changes references from the "board for depositories" to the "public deposit insurance corporation." Changes references from the "public deposit insurance fund" to the "corporation insurance fund." Makes other changes related to the expiration of the provisions regarding the board for depositories. **Effective:** Upon passage; July 1, 2012. **Citations Affected:** IC 4-10-18-13; IC 5-11-14-1; IC 5-13; IC 5-20-4-7; IC 8-5-15-5; IC 28-1-2-40; IC 34-30-2; IC 36-8-8.5-17; IC 36-10.

Child protection registry. Requires the secretary of state to establish the child protection registry. Permits a person to register with the registry certain "contact points" that belong to a minor. Defines a contact point to be: (1) an electronic mail address; (2) an instant message identity; (3) a mobile or other telephone number; (4) a facsimile number; or (5) a similar point of communication defined by rule by the secretary of state. Permits a school or other institution that primarily serves minors to register its domain

name with the registry. Provides that a person may not send a communication to a contact point that has been registered for more than 30 days if the communication: (1) has the express purpose of advertising or promoting a product or service that a minor is prohibited by law from purchasing; or (2) contains or has the express purpose of advertising or promoting material that is harmful to minors, as described in Indiana law. Requires persons who send such communications to check the registry (for a fee) to ensure compliance with the law. Authorizes the secretary of state to adopt rules to administer the statute and the registry. Provides for civil enforcement of the statute. **Effective:** July 1, 2012. **Citations Affected:** IC 24-4.3.

SB 320 Lanane

Office of the child advocate. Establishes: (1) the office of the child advocate; and (2) the duties of the child advocate, which include taking all possible action to ensure the legal, civil, and special rights of children. Requires the governor to appoint the child advocate. Requires the child advocate to submit an annual report. **Effective:** July 1, 2012. **Citations Affected:** IC 4-2-9.

SB 331 Yoder

Choice scholarship eligibility. Provides that a sibling of a student who is receiving a choice scholarship is eligible to receive a choice scholarship without first attending two semesters in a public school or receiving a scholarship from a scholarship granting organization. **Effective:** July 1, 2012. **Citations Affected:** IC 20-51-1-4.5.

SB 332 Buck

Reporting of federal receipts and expenditures. Requires each state agency and political subdivision to report to the budget agency before November 1 of each year its total federal receipts, the percentage of its annual budget comprised by federal receipts, and its contingency plan if federal receipts are diminished. Requires the budget agency to submit, before December 1 each year, a report to the house ways and means committee and the senate appropriations committee that compiles and summarizes the reports the budget agency receives. Requires the chair of the house ways and means committee and the chair of the senate appropriations committee to place the report on the next committee agenda. **Effective:** July 1, 2012. **Citations Affected:** IC 4-12-15.

SB 343 Broden

Executive session regarding real estate. Provides that a governing body may conduct an executive session to discuss strategy with respect to: (1) the sale of real property; or (2) the lease of property, as lessor or lessee. **Effective:** July 1, 2012. **Citations Affected:** IC 5-14-1.5-6.1.

SB 346 Tallian

Worker's compensation. Requires the worker's compensation board, not later than January 1, 2013, to adopt rules to establish the reimbursement rates for charges for medical services, treatment, or supplies provided by a medical services facility to an employee for purposes of determining the pecuniary liability of an employer or an employer's insurance carrier for a specific service, treatment, or supply covered under worker's compensation or occupational diseases compensation. Increases benefit amounts for injuries and disablements occurring on and after July 1, 2012. **Effective:** July 1, 2012. **Citations Affected:** IC 22-3.

SB 355 Charbonneau

Distressed political subdivisions. Provides that a taxing unit other than a school corporation (civil taxing unit) may file a petition with the distressed unit appeal board (board) seeking designation of the civil taxing unit as a distressed political subdivision, based on any one of several failures by the civil taxing unit to meet its financial obligations. Provides that if the board designates a civil taxing unit as a distressed political subdivision, the board shall appoint an emergency manager for the distressed political subdivision. Provides that an emergency manager of a distressed political subdivision has broad powers to effect the financial rehabilitation of the distressed political subdivision. Reduces the number of members on the board to three: (1) the director of the office of management and budget; (2) the commissioner of the department of local government finance; and (3) the state examiner of the state board of accounts. Repeals obsolete provisions of the distressed unit appeals board statute. **Effective:** January 1, 2012 (retroactive); July 1, 2012. **Citations Affected:** IC 6-1.1-20.3.

SB 357 Becker

Elimination of trans fat in school food. Provides that a school corporation, including a charter school, may not make available food containing industrially produced trans fat or use food containing industrially produced trans fat in the preparation of a food item served to students from any source during the school day or during any school event. Makes conforming amendments. **Effective:** July 1, 2012. **Citations Affected:** IC 20-24-8-5; IC 20-26-9.

SB 359 Skinner

Prohibit alcohol on school property. Makes it a Class B misdemeanor for a person to knowingly or intentionally possess an alcoholic beverage on school property or on a school bus. **Effective:** July 1, 2012. **Citations Affected:** IC 35-46-9.

SB 373 Schneider

Common core state standards. Provides that the state board of education may not adopt as standards for the state any common core standards developed by the Common Core State Standards Initiative. Voids any action taken to adopt common core standards. **Effective:** July 1, 2012. **Citations Affected:** IC 20-19-2-14.5.

SB 374 Kruse

Graduation rate determination. Defines "transfer" for purposes of determining graduation rates. Modifies requirements for a student to graduate without passing the ISTEP tests. Provides that it is neglect of duty for a teacher or other licensed employee to counsel a student to transfer to a nonaccredited nonpublic school located in a private residence if the teacher or other employee does not have reasonable knowledge that the student and the student's family intend to conduct appropriate educational activities. Provides that if a high school student is transferring to a nonaccredited nonpublic school located in a private residence, the superintendent or the superintendent's designee must review the student's proposed curriculum, and, if the curriculum does not provide instruction equivalent to that given in public schools, report the student to the bureau of motor vehicles as a dropout. Repeals a provision concerning graduation requirements for a student graduating before July 1, 2010. **Effective:** July 1, 2012. **Citations Affected:** IC 20-26-13; IC 20-32-4; IC 20-33-2-28.6.

SB 379 Head, Grooms

Early childhood literacy pilot program. Establishes the early childhood literacy grant program as a two year pilot program within the bureau of child care. Requires the bureau of child care to establish, implement, and evaluate the program and report to the legislative council concerning the program. Appropriates money from the build Indiana fund. **Effective:** July 1, 2012. **Citations Affected:** IC 4-30-17; IC 12-17.2-7.

SB 380 Yoder

Public employees and prohibited use of computers. Prohibits state employees and employees of political subdivisions from using electronic mail addresses maintained by the state or political subdivisions if the electronic mail is advocating for a political candidate or advocating a political opinion or position. Prohibits state employees and employees of political subdivisions from using electronic mail addresses maintained by the state or political subdivisions to search for, view, or send sexually explicit material. **Effective:** July 1, 2012. **Citations Affected:** IC 4-2-6-6.5; IC 36-1-8-18.

SB 384 Kruse

School accreditation. Makes various changes, beginning in 2013, to the manner in which a school may be accredited under a performance based accreditation system. Provides that a school may be accredited under a performance based accreditation

system approved by the Indiana state board of education (state board) or by a national or regional accreditation agency that is approved by the state board. Provides that the state board shall establish: (1) a system for approving agencies or entities that seek to accredit schools in Indiana under this chapter; and (2) a procedure for determining whether a school is making progress toward meeting the criteria for accreditation by a national or regional accreditation agency approved by the state board. Provides that the Indiana department of education (department) shall establish a schedule for verifying compliance with legal standards and shall report noncompliance to the state board. Requires the state board to verify compliance with legal standards and to adopt rules to establish consequences of noncompliance. Requires the department to publish on its Internet web site the accreditation status and legal compliance status of each school and school corporation. Eliminates the probationary accreditation status. Provides that the department shall determine when a school or a school corporation has complied with certain legal standards. Provides that the department may conduct an onsite evaluation of a school or school corporation to make a recommendation to the state board as to the legal compliance status of the school or school corporation. Makes conforming amendments. Makes technical corrections.

Effective: July 1, 2012. **Citations Affected:** IC 20-19-2-8; IC 20-20-29-4; IC 20-26-15-5; IC 20-31; IC 21-12-6-5.

SB 390 Waltz

Rescoring of ISTEP test. Allows a school corporation to request a rescoring of a student's responses on an ISTEP test in the same manner as a student's parent may request a rescoring. **Effective:** July 1, 2012. **Citations Affected:** IC 20-32-5-9.

SB 391 Miller

Various health matters. Requires a local health officer to show identification and receive consent before entering the premises to inspect or perform other tasks to determine compliance with public health laws and rules and to prevent and suppress disease. Sets forth circumstances in which consent is not required. Sets forth multiple actions that a court may take to enforce a local board of health order, citation, or administrative notice. (Current law allows the court to enforce an order by injunction.) Specifies that the entries into the Indiana death registration system are required only for deaths that occurred after December 31, 2010. Prohibits the collection of Marion County small claims court fees from a state or political subdivision. Exempts the health and hospital corporation from following certain procedures in the sale, lease, or disposal of property. (Current law exempts the health and hospital corporation from following these procedures in the disposal of surplus property.) **Effective:** July 1, 2012.

Citations Affected: IC 16-20-1; IC 16-37-3; IC 33-34-8-1; IC 36-1-11-1.

SB 398 Mishler

State chemist issues. Provides civil penalty authority to the state chemist under the agricultural ammonia law and subpoena authority to the state chemist under the

agricultural ammonia law and commercial fertilizers laws. Provides that the state chemist may impose a civil penalty only according to a schedule recommended by the fertilizer advisory board. Amends the pesticide laws and the pesticide use and application laws as follows: (1) Expands the definition of "produce". (2) Makes changes to the qualifications of certain members on the pesticide review board. (3) Makes changes to the duties and rule making authority of the pesticide review board. (4) Exempts employees of nonprofit organizations from the annual pesticide applicator license fee. (5) Repeals registration requirements and fees for pesticide consultants. (6) Amends provisions of state pesticide law to apply to all pesticide products, including both chemicals and devices. (Current law applies only to chemicals.) (7) Makes changes to comply with federal pesticide laws. Amends the commercial feed laws as follows: (1) Adds and amends numerous definitions. (2) Adds a late fee for distributing feed before applying for a license. (3) Allows the state chemist to revoke, suspend, or place conditions on a commercial feed license that is not in compliance. (4) Makes changes to required labeling information. (5) Provides conditions that make commercial feed adulterated. (6) Adds authority to adopt rules concerning foods for specialty pets. (7) Increases the penalty for certain violations from a Class A infraction to a Class C misdemeanor. (8) Adds as Class C misdemeanors: (A) distribution of raw milk that is not labeled "Not for Human Consumption"; and (B) distributing animal feed and implying that it is fit for human consumption. (9) Makes conforming changes. Makes technical changes. **Effective:** July 1, 2012. **Citations Affected:** IC 15-16; IC 15-19-7.

SB 399 Waterman

Vocational arts curriculum. Provides that, as part of the annual review of a student's graduation plan, a school corporation must advise the student of the vocational training offered by the school corporation. Provides that, as part of developing a student's graduation plan, a student's guidance counselor must advise the student of the vocational training offered by the school corporation and of career opportunities in lieu of attending college, including: (1) career opportunities that require vocational or industrial training; and (2) service in the armed forces of the United States or the national guard. Requires the legislative council to establish a vocational education study committee to study certain issues related to providing vocational or industrial programs in high school. Requires the commission on state tax and financing policy to study the feasibility of offering tax incentives to a company to provide vocational or industrial job training to high school students. **Effective:** Upon passage; July 1, 2012. **Citations Affected:** IC 2-5-3.5; IC 20-30-4.

SB 401 Lanane

Buy American in public works and purchasing. Provides that every public works contract must require that products used or supplied under the contract must be manufactured in the United States. Provides that this requirement does not apply to a particular product if the head of the public agency letting the public works contract makes a written determination that: (1) the application of the requirement to the product is inconsistent with the public interest; (2) the product is not produced in the United

States in sufficient quantities or of a satisfactory quality to meet the requirements of the contract; or (3) requiring the product to be made in the United States will increase the cost of the overall public works project by more than twenty-five percent (25%). Provides an opportunity for public comment before an agency head's determination waiving the requirement becomes effective. Provides that a person that makes certain false representations relating to the country of manufacture of a product may not be considered responsible for purposes of awarding a public works contract. Enacts a parallel statute relating to public purchasing by the state and political subdivisions. Repeals a superseded public purchasing statute relating to the purchase of supplies manufactured in the United States. **Effective:** July 1, 2012. **Citations Affected:** IC 5-16-8; IC 5-22.

SB 403 Simpson

Sales tax holiday for textbooks. Provides a sales tax exemption for school instructional materials that are purchased during the two day period beginning on the second Wednesday in August. **Effective:** Upon passage. **Citations Affected:** IC 6-2.5-5-45.

SB 411 Delph

Public employee salary limitation. Provides that the salary paid from state or local appropriations to a public officer, employee, or contractor of the executive, legislative, and judicial branches of state government, state educational institutions, political subdivisions, or bodies corporate and politic of the state or a political subdivision may not exceed the salary paid to the governor, except that the salary of a contractor or employee of a state educational institution may be supplemented with amounts paid by or through an endowment that is not funded by taxes, fees, or appropriations of money from the treasury of the state or a political subdivision. **Effective:** July 1, 2012. **Citations Affected:** IC 5-10-16.

SB 413 Yoder

Various education matters. Amends the definition of educational service center. Repeals provisions relating to the establishment and administration of an educational service agency by the Indiana state board of education (state board). Replaces the definition of textbook with curricular materials. Provides that the Indiana department of education (department) shall determine the process for evaluating the curricular materials' alignment to academic standards and the appropriateness of the reading level of the curricular materials. Requires the department to describe the method used to evaluate curricular materials within the earlier of: (1) 18 months after the adoption of standards by the state board; or (2) six years after the previous review of curricular materials. Provides, that in order for a publisher's curricular materials to be included in the department's report, the publisher must: (1) make the curricular materials available for sale to schools for a period of not less than six years; and (2) provide a grant or license to the school corporation to allow for reproduction of the adopted curricular

materials in large type, Braille, and audio formats. Makes changes to the subject matter that the department must provide a listing and summary review showing that the curricular material are aligned to academic standards. Provides that for purposes of the sale or lease of an unused school building, a charter school must include an entity seeking final approval from a sponsor to operate a charter school. Allows a governing body to sell a school building to a taxing unit at any time. Provides that the failure by a superintendent to list an unused school building with the department or to transfer an unused school building to a charter school that has properly requested the building is considered willful neglect of duty. Specifies that a school corporation retains any debt associated with a school building sold to a charter school. Repeals the requirement that a superintendent of a school corporation forward a list of the curricular materials selected by the superintendent. Makes conforming changes and technical corrections. **Effective:** July 1, 2012. **Citations Affected:** IC 4-13-1.6-3; IC 5-22-22-1; IC 20-18-2; IC 20-20; IC 20-23-2-3; IC 20-26; IC 20-29-6-7; IC 20-30; IC 20-31-5-5; IC 20-33-5; IC 20-40-9-7; IC 20-41; IC 20-42-3-10; IC 20-42.5; IC 36-1-11-1.

SB 414 Schneider, Head

Liability for use of school facilities. Limits the liability of a school that provides physical fitness activities to the general public. **Effective:** July 1, 2012. **Citations Affected:** IC 34-31-10.

HOUSE BILLS

HB 1002 Wolkins, Dobis

Eliminate commissions, boards, and committees. Repeals the law that allows a distressed political subdivision to appeal if the subdivision's property tax collections are reduced by at least 5% in a calendar year as a result of the application of certain tax credits. Distressed unit appeal board. Educational technology council. School air quality panel. **Effective:** Upon passage; July 1, 2012; January 1, 2013. **Citations Affected:** IC 2-5; IC 4-4; IC 4-12-9; IC 4-13-2-14.1; IC 4-21.5-7-3; IC 4-22-2; IC 4-23; IC 5-1-17-29; IC 5-2; IC 5-20-4; IC 5-22; IC 5-24; IC 5-28; IC 5-29; IC 5-31; IC 6-1.1; IC 6-3.1; IC 8-4.5-3; IC 8-16-17; IC 10-17-9-20; IC 10-18-1-2; IC 11-10-4-6.6; IC 13-11-2; IC 13-12-4-5; IC 13-13-8; IC 13-14; IC 13-15; IC 13-16-1; IC 13-17; IC 13-18; IC 13-19; IC 13-20; IC 13-22; IC 13-23; IC 13-25-4-7; IC 13-27-8-3; IC 13-28-1-3; IC 13-29-1-13; IC 13-30; IC 14-8-2; IC 14-9-6; IC 14-10; IC 14-21; IC 14-25; IC 14-26-2-24; IC 15-11-10; IC 15-17-3-2; IC 16-18-2-372; IC 16-20-5-1; IC 16-41-37.5-3; IC 20-20; IC 20-40-8-18; IC 22-4.1-15.

HB 1004 Richardson

Various election law matters. Corrects a reference to the terms of office of school board members to conform the law to the amendments made during the 2011 session

that provide that all elected school board members are elected at a general election. **Effective:** Upon passage; January 1, 2013. **Citations Affected:** IC 3-10; IC 3-13; IC 20-26-4-4.

HB 1005 Mahan, Bosma, Dobis

Nepotism; conflict of interest. Specifies that the following are not lucrative offices: (1) Notary public. (2) Membership on a board administered by the professional licensing agency. Provides that an employee of a county, city, town, or township (unit) is considered to have resigned from employment with the unit if the employee assumes the elected executive office of the unit or becomes an elected member of the unit's legislative or fiscal body. Provides that an individual who is serving as a volunteer firefighter may not: (1) assume the office of executive of the unit; or (2) become a member of the executive, legislative, or fiscal body of the unit; that oversees the budget and operations of the fire department in which the volunteer firefighter serves. Specifies that an elected officer may also be appointed to and serve on a board, commission, or committee of the unit. Provides that the restriction does not prohibit an employee or volunteer firefighter from holding an elected office of another unit. Allows an employee or a volunteer firefighter who assumes or holds an elected office on January 1, 2013, to continue to hold the office and be employed by the unit or serve as a volunteer firefighter until the expiration of the term of office. Provides that relatives may not be employed by a unit in positions that result in one relative being in the direct line of supervision of the other relative. Provides that an individual who is employed by a unit on July 1, 2012, is not subject to the provisions regarding nepotism unless the individual has a break in employment with the unit. Provides that for purposes of the nepotism law, the performance of the duties of a precinct election officer or a volunteer firefighter is not considered employment by a unit. Provides that an individual who is employed by a unit on the date the individual's relative begins serving a term of an elected office of the unit: (1) may remain employed by the unit and maintain the individual's position or rank even if the individual would be in the direct line of supervision of the individual's relative; and (2) may not be promoted to a position or, in the case of an individual who is a member of a merit police department or merit fire department, promoted to a position that is not within the merit ranks, if the new position would place the individual in the direct line of supervision of the individual's relative. Makes the following additional exceptions: (1) Allows a township trustee whose office is located in the trustee's personal residence to employ only one relative to work in the township trustee's office and be in the trustee's line of supervision. (2) Allows a coroner who is ineligible for another term of office due to term limits to be hired by the coroner's successor, even though the successor is a relative and will result in the coroner working in the successor's direct line of supervision. (3) Allows a sheriff to hire the sheriff's spouse as prison matron for the county and work in the sheriff's direct line of supervision. Limits the total compensation of the township trustee's employed relative to \$5,000 per year. Provides that provisions concerning nepotism apply to a person who is a party to an employment contract with a unit. Requires a unit to implement a policy that complies with the nepotism law and contracting law. Requires each elected official of the unit to annually certify in writing, subject to the penalties for perjury, that the official is in

compliance with the nepotism and contracting law and to submit the certification to the executive of the local unit. Requires the executive of the local unit to file with the annual personnel report filed with the state board of accounts a statement regarding whether the unit has implemented a policy that complies with the nepotism law and contracting law. Provides that a unit can enter into or renew: (1) a contract for the procurement of goods and services; or (2) a contract for public works; with a relative of an elected official or a business entity in which a relative has an ownership interest if the elected official does not violate the criminal conflict of interest statute and the elected official makes full, written disclosure and satisfies any other requirements of the public purchasing law or the public works law. **Effective:** July 1, 2012. **Citations Affected:** IC 3-5-9; IC 5-11-13-1; IC 25-1; IC 33-42-2-7; IC 36-1; IC 36-4-4-2; IC 36-8.

HB 1045 McNamara

Formula for choice scholarship transition grants. Changes the formula for distributing choice scholarship transition grants to school corporations and charter schools (other than virtual charter schools) from a distribution based on the school's total tuition support distribution amount to a per capita distribution based on the number of students who were granted choice scholarships. Provides that the grants are distributed in two installments during a year. Indicates that the amount of a grant is not included in the calculation of previous year revenue. Moves the formula from a noncode provision enacted in the 2011 budget to the school formula provisions in the Indiana Code. **Effective:** January 1, 2012 (retroactive). **Citations Affected:** IC 20-43.

HB 1047 Lutz, Gutwein

Disannexation from school corporation. Creates a process by which residents of a part of an existing school corporation can elect to disannex from that corporation and either annex to another existing school corporation or establish a new school corporation. Makes conforming changes. **Effective:** July 1, 2012. **Citations Affected:** IC 20-23.

HB 1058 Baird, Grubb

Adoption of budget for reorganized school. Permits two or more school corporations to publish notices, hold public hearings, and take final action for the adoption of property tax levies, property tax rates, and a budget for the reorganized school corporation after the voters approve a plan of reorganization in a general election. **Effective:** July 1, 2012. **Citations Affected:** IC 36-1.5-4-7.

HB 1063 Brown C

Smoking ban. Prohibits smoking: (1) in public places; (2) in enclosed areas of a place of employment; (3) in certain state vehicles; and (4) within 12 feet of a public entrance to a public place or an enclosed area of a place of employment. Allows smoking in: (1) certain gaming facilities; (2) cigar and hookah bars; and (3) retail tobacco stores; if

certain requirements are met. Requires the alcohol and tobacco commission to enforce this prohibition. Makes it a Class B infraction to violate the smoking prohibition and a Class A infraction if the person has been adjudged to have committed three prior unrelated infractions for violations. Prohibits firing or refusing to hire a person for reporting a violation or exercising any right or performing any obligation under the smoking prohibitions. Removes the authority of a superintendent of a state institution to regulate smoking. Relocates the prohibition against smoking on a school bus during the school week to IC 7.1. Repeals the current clean indoor air law. Makes a technical correction. **Effective:** Upon passage. **Citations Affected:** IC 7.1-5-12; IC 12-7-2-178.8; IC 12-24-2-8; IC 16-18-2; IC 16-41-37.

HB 1072 Espich

Tax administration. Makes all political subdivisions with a nonelected governing body subject to review and adoption of the political subdivision's budget by a county, city, or town fiscal body. Requires approval of the supplemental appropriations of a political subdivision with a nonelected governing body by a county, city, or town fiscal body. **Effective:** Upon passage; January 1, 2012 (retroactive); July 1, 2012. **Citations Affected:** IC 4-10-13-5; IC 5-1-18; IC 6-1.1; IC 6-3.1-26-26; IC 6-3.5; IC 36-1-8-5.1; IC 36-2-9-20; IC 36-3-6-9; IC 36-12-12-5.

HB 1081 Karickhoff, Sullivan

Public school transfers. Requires the governing body of a school corporation to establish the number of interdistrict transfer students the school corporation has the capacity to accept and the date by which transfer requests must be received by the governing body. Requires the governing body to publish the transfer request deadline on the school corporation's Internet web site, and to report the date to the department of education. Requires the department of education to publish the transfer request deadlines on the department's Internet web site. Provides that if the number of transfer requests exceeds the school corporation's capacity, admissions must be determined by a random drawing at a public meeting. Provides that a governing body may not deny an interdistrict transfer for any reason other than capacity. Allows a governing body to limit transfers to ensure that a student who was a transfer student during a school year may continue to attend school in the school corporation, and to allow the siblings of a transfer student to attend school in the school corporation. **Effective:** July 1, 2012. **Citations Affected:** IC 20-26-11-31.

HB 1089 Friend

Development of "farm to school" plans in schools. Requires the department of education to develop a "farm to school" plan for the purpose of providing children with locally produced foods in school breakfast, lunch, and snack programs. **Effective:** July 1, 2012. **Citations Affected:** IC 20-19-6.

Public access issues. Requires a public agency to: (1) allow inspection or copying; or (2) make copies; of a public record within a reasonable time after the request is received by the agency. Provides that a court may impose a civil penalty against: (1) an officer of a public agency or an individual employed in a management level position with a public agency; or (2) the public agency; for violating the public records law or the open door law. Provides that a court may impose a civil penalty of: (1) not more than \$100 for the first violation; and (2) not more than \$500 for any additional violations. Provides that a court may: (1) impose only one civil penalty against an individual in an action even if the court finds that the individual committed multiple violations; and (2) impose another civil penalty against the individual in a separate action. Provides that if an officer of a state or local government agency orders a management level employee to: (1) not give proper notice of a public meeting or executive session; or (2) deny or interfere with a person's request to inspect or copy a public document; the employee is not subject to a civil penalty for violating the statute. Provides that if a local government agency has the capacity to send electronic mail, the agency shall provide notice to anyone (other than news media) that makes an annual request for notice by: (1) transmitting the notice by electronic mail; or (2) posting the notice on the agency's Internet web site (if the agency has an Internet web site). Provides that a court may not declare a governmental action void for failure to give notice by electronic mail or posting on the local government agency's web site if the agency made a good faith effort to comply with the statute. Provides that a public agency may withhold personal information from public disclosure regarding an individual less than 18 years of age who participates in an activity conducted or supervised by a state educational institution, including personal information regarding the individual's parent or guardian. Requires (rather than allows) a court to review public records in camera to determine whether redaction of the records violates the public records act. If a formal complaint is filed, requires the public access counselor to review public records in camera without redaction (excluding redacted information that is the work product of an attorney) to determine whether the redaction of the records violated the public records act. Provides that unredacted documents that are in the possession of the public access counselor for in camera inspection are confidential while in the possession of the public access counselor. Creates an education fund for a program administered by the public access counselor to train public officials and educate the public on the rights of the public and the responsibilities of public agencies under the public access laws. Provides that a public agency has discretion as to whether to disclose a public record requested by an offender containing personal information relating to a judge, law enforcement officer, or family member of a judge or law enforcement officer. **Effective:** July 1, 2012. **Citations Affected:** IC 5-14; IC 34-30-2.

Recall of elected and appointed officials. Establishes a procedure for the recall of a person who holds a state, legislative, local, or school board office (other than a justice, judge, or prosecuting attorney) or who is appointed to an office of the state or a political

subdivision. Requires that a recall petition must be signed by at least 10% of the registered voters in the jurisdiction served by the official (or a number of voters equal to at least 10% of the total number of votes cast in the last election for secretary of state if the official holds an elected state office). Removes an officeholder if: (1) at least 60% of the votes cast; or (2) a majority of the registered voters in the election district; vote for the recall. Specifies that a commissioner of a police and fire merit commission may be removed by the recall procedure under current law. **Effective:** July 1, 2012. **Citations Affected:** IC 5-8-7; IC 36-8-3.5-7.

HB 1100 Stevenson

Continuation of wages when serving as a juror. Requires an employer to continue the wages or salary of an employee who has been summoned for jury service. Provides that an employer may require an employee whose wages or salary has been continued by the employer because the employee has been summoned for jury service to reimburse the employer for the amount that was paid to the employee by the county, city, or town for jury service. Allows an action to be filed in court by an employee who is due wages or salary from the employee's employer for the time spent away from employment for jury service, and allows additional liquidated damages and reasonable attorney's fees to be awarded by the court. Provides that: (1) an employee of a governmental entity who accepts property from a governmental entity; or (2) a public servant who permits the payment of property to an employee of a governmental entity; for jury service does not commit ghost employment. **Effective:** July 1, 2012. **Citations Affected:** IC 22-2-4-7; IC 33-28-5-24.5; IC 35-44-2-4.

HB 1105 McClain

Employee's right to work. Makes it a Class A misdemeanor for an employer to require an individual to: (1) become or remain a member of a labor organization; (2) pay dues, fees, or other charges to a labor organization; or (3) pay to a charity or another third party an amount that represents dues, fees, or other charges required of members of a labor organization; as a condition of employment or continuation of employment. Establishes a separate private right of action for violations or threatened violations. Exempts individuals employed in the construction industry, employed by the United States, or subject to the federal Railway Labor Act. **Effective:** July 1, 2012. **Citations Affected:** IC 22-6-6.

HB 1113 Brown T

Resisting law enforcement. Provides that a person who knowingly or intentionally disobeys a law enforcement officer's verbal command commits the offense of resisting law enforcement. **Effective:** July 1, 2012. **Citations Affected:** IC 35-44-3-3.

HB 1123 Burton

Thirteenth checks. Provides for a thirteenth check to certain members of the: (1) Indiana state teachers' retirement fund (TRF); (2) public employees' retirement fund (PERF); and (3) state excise police, gaming agent, gaming control officer, and conservation officers' retirement fund (C & E fund). **Effective:** July 1, 2012. **Citations Affected:** None (noncode).

HB 1132 McNamara, Richardson, Steuerwald

Controlled projects. Adds a definition of "cost to be financed" to the controlled projects statute. Defines the term as meaning the cost of a project minus the cash balances of the political subdivision committed to payment for the project. Restates the thresholds in current law differentiating between controlled projects that are subject to the petition and remonstrance process and those that are subject to the referendum process in terms of the controlled project's cost to be financed instead of the controlled project's cost. Makes a technical correction. **Effective:** July 1, 2012. **Citations Affected:** IC 6-1.1-20.

HB 1134 Speedy, Delaney

Various education matters. Provides that no fee may be charged to a parent or student for transportation to and from school if a school corporation provides transportation or contracts with an educational service center to provide transportation. Requires the state school bus committee to establish minimum standards requiring periodic sampling of drive train lubricants and cooling system fluids for school buses and special purpose buses. Specifies that the necessity for replacing a school bus must be documented based on the periodic sampling of drive train lubricants and cooling system fluids. Makes technical corrections. **Effective:** July 1, 2012. **Citations Affected:** IC 20-27; IC 20-46-5.

HB 1137 Wesco

Legal costs and attorney's fees. Provides that a court shall award costs and attorney's fees to a prevailing party if the court grants a motion to dismiss due to a claim not having a basis in law or fact. **Effective:** July 1, 2012. **Citations Affected:** IC 34-52-1-1.

HB 1138 Wesco

Duration of school superintendent contracts. Reduces the minimum duration, from 36 months to 12 months, of a contract between a governing body and a superintendent of a school corporation. **Effective:** July 1, 2012. **Citations Affected:** IC 20-28-8-6.

HB 1139 Wesco

Participation in school athletics. Requires a student who attends a nonpublic high school that is not a member of an interscholastic athletic association but who participates in high school athletics at a public high school that is a member of an athletic association to: (1) follow applicable code of conduct rules; (2) fulfill certain academic requirements; (3) undergo annual department of education approved academic assessments; and (4) comply with any transfer rules of the association. **Effective:** July 1, 2012. **Citations Affected:** IC 20-26-14.

HB 1140 Thompson, Noe

Teaching method. Requires the department of education to develop, not later than July 1, 2014, rules that require subject matter taught in schools, including science, history, or social studies, that cannot be verified by scientific empirical evidence, to allow for commonly held competing views, with an emphasis on critical analysis and reasoned dialogue. Specifies that the content of instructional material purchased relating to subject matter that is required to be taught must allow for commonly held competing views. Prohibits a teacher from advocating a particular position relating to subject matter that is not supported by verified scientific empirical evidence. **Effective:** July 1, 2012. **Citations Affected:** IC 20-30-5-0.2.

HB 1144 Day

Prekindergarten pilot program funding. Increases the cigarette tax by \$0.04 per pack for calendar years 2013 through 2020, and requires the amount of the increase to be deposited in the prekindergarten pilot program fund. Makes conforming changes to the cigarette tax allocation percentages. Permits charter schools to participate in a prekindergarten pilot program that was authorized in 2007 but never funded. (Current law excludes charter schools from participating in the program.) Requires the department of education to begin making grants with the 2013-2014 school year. Postpones the expiration of the program from 2014 to 2021. Establishes the prekindergarten pilot program fund. Appropriates money in the fund to the department of education. **Effective:** July 1, 2012. **Citations Affected:** IC 6-7-1; IC 20-20-35.

HB 1149 Turner, Brown C, Brown T, Welch

Smoking ban. Prohibits smoking: (1) in public places; (2) in enclosed areas of a place of employment; (3) in certain state vehicles; and (4) within 12 feet of a public entrance to a public place or an enclosed area of a place of employment. Allows smoking in: (1) certain gaming facilities; (2) cigar and hookah bars; and (3) fraternal, social, and veterans clubs; if certain requirements are met. Requires the alcohol and tobacco commission to enforce this prohibition. Makes it a Class B infraction to violate the smoking prohibition and a Class A infraction if the person has been adjudged to have committed three prior unrelated infractions for violations. Prohibits firing or refusing to hire a person for reporting a violation or exercising any right or performing any

obligation under the smoking prohibitions. Removes the authority of a superintendent of a state institution to regulate smoking. Moves the prohibition against smoking on a school bus during the school week to Title 7.1. Repeals the current clean indoor air law. Makes a technical correction. **Effective:** Upon passage. **Citations Affected:** IC 7.1-5-12; IC 12-7-2-178.8; IC 12-24-2-8; IC 16-18-2; IC 16-41-37.

HB 1150 Sullivan, VanDenburgh

Family friendly school designation. Establishes the Indiana family friendly school designation program. Requires the department of education, in consultation with statewide organizations that link family engagement to student achievement, to develop the program. Provides that a school may voluntarily request an assessment of parental involvement by the department. Provides that the department may designate a school as a family friendly school if the department determines that the school has established parental engagement practices that increase parental involvement and foster high student achievement. **Effective:** July 1, 2012. **Citations Affected:** IC 20-19-6.

HB 1154 Messmer

Local purchasing and public works preferences. Provides that the local Indiana business preference applies to a contract for a purchase made by a political subdivision only if the political subdivision provides in the solicitation that the preference is applicable to the purchase. Provides that the term "affected county" refers only to an Indiana county. Repeals the local Indiana business preference for public works projects. **Effective:** July 1, 2012. **Citations Affected:** IC 5-22-15-20.9; IC 36-1-12.

HB 1161 Pelath

Employment status of job applicants. Provides that a contract to which the state or a political or civil subdivision is a party must contain a provision requiring the contractor and any subcontractor not to discriminate against an applicant or prospective applicant for employment with respect to the employment status of the applicant or prospective applicant. **Effective:** July 1, 2012. **Citations Affected:** IC 22-9-1.

HB 1162 Neese

PERF and TRF COLAs. Provides for a cost of living adjustment (COLA) for public employees' retirement fund (PERF) and teachers' retirement fund (TRF) members, survivors, and beneficiaries. **Effective:** July 1, 2012. **Citations Affected:** IC 5-10.2-5.

HB 1163 Torr

Bonding and retainage in public works projects. Provides that a person who has a claim against the retainage or the payment bond of a contractor on a public works project must make the claim and deliver a copy of the claim to the contractor not later than stated times after that person performed the service or labor or supplied the

materials for the public works project. Decreases the amount that may be withheld on state public works projects upon substantial completion to cover remaining uncompleted minor items. Makes stylistic and technical changes. **Effective:** July 1, 2012. **Citations Affected:** IC 4-13.6-7; IC 5-16-5; IC 36-1-12.

HB 1165 Frizzell

School property tax, bond, and lease referenda. Provides that a referendum on a controlled project may be held only at a general election, if the preliminary determination to issue bonds or enter into a lease for the controlled project is made after June 30, 2012. Provides that a referendum for a referendum tax levy of a school corporation may be held only at a general election, if the resolution to hold the referendum is adopted after June 30, 2012. **Effective:** July 1, 2012. **Citations Affected:** IC 6-1.1-20-3.6; IC 20-46-1.

HB 1169 Koch

School discipline. Removes the requirement that an activity must be "unlawful" in order for a student to be suspended or expelled for engaging in activity on or off school grounds, if: (1) the activity may reasonably be considered to be an interference with school purposes or an educational function; or (2) the student's removal is necessary to restore order or protect persons on school property. **Effective:** July 1, 2012. **Citations Affected:** IC 20-33-8-15.

HB 1176 Goodin

Retention for reading deficiency. Provides that: (1) before a student may be retained in grade 3 for not reading at grade level, the retention must be approved by the student's parent, teacher, and principal; and (2) a below grade level score on a reading assessment may not be the sole reason for retaining a student in grade 3. **Effective:** July 1, 2012. **Citations Affected:** IC 20-32-8.5-2.

HB 1177 Goodin

Disannexation from school corporation. Creates a process by which residents of a part of a school corporation may elect to disannex from that corporation and either annex to another school corporation or establish a new school corporation. Makes conforming changes. **Effective:** July 1, 2012. **Citations Affected:** IC 20-23.

HB 1181 Candelaria Reardon

Contracting with persons that invest in Iran. Provides that agencies of state government, state educational institutions, and political subdivisions may not enter into contracts with persons that engage in investment activities in Iran. Provides that a financial institution may not be designated as a public depository if the financial institution engages in investment activities in Iran. Requires the department of administration, using credible information available to the public, to establish a list of

persons who engage in investment activities in Iran. Provides for the inclusion of persons on the list and the removal of persons from the list. **Effective:** July 1, 2012. **Citations Affected:** IC 4-13.6-6-5; IC 5-13-8-14; IC 5-16-1-9; IC 5-22-16.5; IC 5-23-1-5; IC 8-23-9-59; IC 21-37-7; IC 36-1-12-23.

HB 1184 VanDenburgh

Schools as polling sites. Provides that a school that is used as a polling place may not provide instruction to students on the day of the election. **Effective:** July 1, 2012. **Citations Affected:** IC 3-11-8-4.

HB 1189 Thompson

Multiple ADM counts. Provides that: (1) an average daily membership (ADM) count of students enrolled in a public school in grades K-12 must be taken during the school year in September and March; and (2) state tuition support must be distributed based on the latest count of students. Provides for an additional advisory student count in December and an advisory estimate of fall enrollment in June. Requires state tuition support distributions to be made every month rather than every 40 days. Makes related changes in various calculations to reflect the change in counting procedure. Makes technical corrections. **Effective:** July 1, 2012. **Citations Affected:** IC 5-2-10.1-10; IC 20-18-2; IC 20-20-13; IC 20-23-7-12; IC 20-24; IC 20-24.5-2; IC 20-25-12-5; IC 20-26; IC 20-29-6-12.5; IC 20-40-8-1; IC 20-43; IC 20-45; IC 20-49; IC 20-51-4-5; IC 21-7-13-5; IC 21-43.

HB 1191 Culver, Wesco

Costs of local public works projects. Provides that for purposes of determining whether a political subdivision may perform a public works project with its own workforce, the cost of design, construction inspection, and other engineering work performed by the political subdivision's own employees is not included in the cost of the public works project. **Effective:** July 1, 2012. **Citations Affected:** IC 36-1-12-3.

HB 1192 Cherry, Speedy

Rainy day fund loans to school corporations. Authorizes a rainy day fund loan to school corporations meeting certain criteria. Provides that a school corporation's loan may not exceed the lesser of \$5,000,000 or the result of multiplying the school corporation's ADM by \$1,000. Provides that loans may not be approved after December 31, 2012. Provides that the total amount of all loans approved after December 31, 2011, may not exceed the sum of the loans provided for the 2012-2013 school year. Provides for the interception of revenues otherwise payable to the school corporation if the school corporation fails to pay an obligation associated with the loan. **Effective:** July 1, 2012. **Citations Affected:** IC 6-1.1-21.4.

HB 1196 Smith M, Yarde

Synthetic drugs (including "bath salts"). Adds additional chemical compounds (including some compounds sold as "bath salts") to the definition of synthetic cannabinoids, and expands the definition of synthetic cannabinoids to encompass certain chemical compounds that are structurally related to synthetic cannabinoids. **Effective:** July 1, 2012. **Citations Affected:** IC 35-41-1-26.3; IC 35-48-2-4.

HB 1202 Dermody

Public deposit insurance fund. Allows the board for depositories to merge with a domestic nonprofit corporation if certain conditions are met, including the approval of a resolution of merger and conversion by the board of directors and voting members of the domestic nonprofit corporation. **Effective:** Upon passage; July 1, 2012. **Citations Affected:** IC 4-10-18-13; IC 5-11-14-1; IC 5-13; IC 5-20-4-7; IC 8-5-15-5; IC 28-1-2-40; IC 34-30-2; IC 36-8-8.5-17; IC 36-10.

HB 1204 Dermody

Sex offender registry. Provides that certain sex offenders who are no longer required to register are not entitled to have their information (other than their addresses) purged from the registry. Specifies that persons who were previously required to register as sex offenders (as well as current sex offenders) are generally not permitted to restrict access to their conviction records. **Effective:** July 1, 2012. **Citations Affected:** IC 11-8-8; IC 35-38-8-1.

HB 1205 Behning, Rhoads, Wesco

Superintendent contracts. Requires a school corporation to give public notice and hold a public hearing detailing certain provisions of a superintendent employment contract at least 30 days prior to entering into a contract with a school superintendent. (The introduced version of this bill was prepared by the Interim Study Committee on Education Issues.) **Effective:** July 1, 2012. **Citations Affected:** IC 20-26-5-4.3.

HB 1215 Yarde, Smith M., Truitt

Synthetic drugs. Permits the superintendent of the Indiana state police department, in consultation with the state board of pharmacy, to adopt an emergency rule declaring a substance to be a dangerous analogue substance if the superintendent finds that the substance: (1) is likely to have a similar effect on a user as a synthetic cannabinoid; and (2) is likely to be at least as dangerous as a synthetic cannabinoid. Provides that a rule declaring a substance to be a dangerous analogue substance becomes effective 30 days after the rule is filed, and that the rule expires on June 30 of the calendar year following the calendar year in which the rule was adopted. Adds a substance determined to be a dangerous analogue substance to the definition of "synthetic

cannabinoid". **Effective:** July 1, 2012. **Citations Affected:** IC 4-22-2-37.1; IC 10-11-2-33; IC 35-41-1-26.3; IC 35-48-2-4.

HB 1219 Rhoads, Behning

Parental initiatives for school reorganization. Establishes the following parental initiatives for school reorganization: (1) The conversion of an existing public school into a charter school. (2) A petition to have the state board of education consider intervention in the school. Repeals current provisions concerning the conversion of existing public schools into charter schools. **Effective:** July 1, 2012. **Citations Affected:** IC 20-24-1-5; IC 20-24-5-5; IC 20-24-11; IC 20-52.

HB 1223 Dermody

State public works contracting. Changes the manner by which the department of administration (department) solicits bids for state public works projects by: (1) eliminating mail solicitations to contractors; and (2) requiring notice to be given as other public notices for contracts are given. Eliminates the requirement that a bid for a state public works project be submitted in a sealed envelope that is opened in public and read aloud at a public bid opening. Eliminates a requirement that contractors on state public works projects cannot be required to submit bids earlier than the time specified in the instructions for the opening of bids. Requires bids for state public works projects to be opened so as not to disclose their contents to other bidders and be evaluated based on requirements in the invitation for bids. Requires state public works contracts to be awarded with reasonable promptness by written notice to the lowest responsible and responsive bidder. Provides for an Indiana business price preference in state public works contracting. Repeals a statute that provides a price preference to an Indiana business in state public works contracts if a bidder on the project is from a state that provides preferences unfavorable to Indiana businesses. Repeals a statute that requires the award of state public works contracts within 60 days of bid opening. **Effective:** July 1, 2012. **Citations Affected:** IC 4-13.6; IC 5-22-15-7.

HB 1234 DeLaney

Tort claims. Increases the liability cap in the tort claims act to \$1,300,000 per person and \$22,000,000 per occurrence for causes of action accruing on or after July 1, 2011. **Effective:** July 1, 2011 (retroactive). **Citations Affected:** IC 34-13-3-4.

HB 1235 Lehe

Limitation on school starting date. Prohibits public schools and accredited nonpublic schools from beginning student instructional days for a school year before September 1, beginning with the 2013-2014 school year. Excludes a year-round school, a school that has a balanced calendar of quarters, and a school that coordinates the school's calendar with that of a postsecondary educational institution. **Effective:** July 1, 2012. **Citations Affected:** IC 20-30-2-9.

HB 1244 Klinker

Funding choice scholarships. Provides that money appropriated for state tuition support may not be used for choice scholarships. **Effective:** Upon passage. **Citations Affected:** IC 20-51-4-12.

HB 1254 Foley

Township reorganization. Provides that an employee of a political subdivision is considered to have resigned from employment with the political subdivision if the employee assumes the elected executive office of the political subdivision or becomes a member of the political subdivision's legislative or fiscal body. Makes this resignation provision apply to an employee of a political subdivision who assumes an elected office after June 30, 2013. Specifies that this provision does not prohibit an employee of a political subdivision from holding an elected office of a political subdivision other than the political subdivision that employs the government employee. Provides that if a school township exists in a county in which a public question to eliminate township government is approved, the school township shall reorganize under the school reorganization statutes before July 1, 2015. **Effective:** July 1, 2012. **Citations Affected:** IC 3-5; IC 3-10; IC 3-11; IC 6-1.1; IC 6-3.5-6; IC 12-7-2; IC 12-20; IC 12-30-4; IC 13-11-2-86; IC 13-25-6; IC 15-16; IC 16-31-5-1; IC 16-41-19-7; IC 20-23-3-1.5; IC 22-11-14; IC 22-12-1-18.7; IC 23-14; IC 32-26; IC 33-34; IC 34-30-2-58; IC 36-1; IC 36-2; IC 36-3; IC 36-4-4-2; IC 36-6; IC 36-8; IC 36-10; IC 36-12-1-7.5; IC 36-12-2-13.

HB 1255 VanDenburgh

Residency requirements for elected officials. Provides that an elected official who ceases to reside in the election district of the elected office vacates the office on the date the individual ceases to reside in the election district. Requires an elected official who intends to cease residency in the elected office's election district to give notice of the elected official's resignation not later than 30 days before the elected official ceases residency in the election district. Provides that a voter who resides in the election district of an elected official may file a petition with the legislative body associated with the elected office to determine whether the elected official has ceased residency in the election district. Describes the procedure for the legislative body to make a determination regarding the residency of an elected official. Defines the status of an elected official whose residency is questioned before and after the legislative body makes a determination. Provides that an individual who holds an elected office and exercises the powers and duties of the elected office after the individual ceases to be a resident of the election district of the elected office is considered a de facto officer. Specifies that the acts of an individual acting as a de facto officer are not subject to challenge based on the individual's status as a de facto officer. Repeals a superseded statute relating to removal from office of a town board member who ceases to reside in the election district. **Effective:** July 1, 2012. **Citations Affected:** IC 3-13-11-3.5; IC 5-8.

HB 1259 Porter

Antibullying. Requires the department of education, in consultation with school safety specialists and school counselors, to develop guidelines to assist school corporations and safe school committees in establishing bullying prevention programs and investigation and reporting procedures. Requires each school corporation to include the number and nature of bullying incidents that occur within the school corporation on the school corporation's annual performance report. Modifies the definition of "bullying". Requires each school corporation to include detailed procedures for investigation and reporting of bullying behaviors in the school corporation's discipline rules. Requires each school corporation to include detailed procedures outlining the use of follow-up services for support services for the victim and bullying education for the bully in the school corporation's discipline rules. Sets out a bullying reporting requirement for each school corporation. Requires that if a board of trustees of a state educational institution elects to govern, by regulation or another means, the conduct of students, faculty, employees, and others on the property owned, used, or occupied by the state educational institution, the regulation must include a policy prohibiting bullying. **Effective:** July 1, 2012. **Citations Affected:** IC 5-2-10.1-12; IC 20-20-8-8; IC 20-30-5-5.5; IC 20-33-8; IC 20-34-6-1; IC 21-39-2-2.1.

HB 1260 Porter

Absenteeism and dropouts. Makes reduction of absenteeism in schools a policy priority for the department of education. Requires school corporations and schools to identify contributing factors to absenteeism and to develop chronic absence reduction plans. Directs the education roundtable to study and make recommendations concerning early childhood education. Requires the department of education to focus on implementing early childhood education programs that mirror proven early education programs. Requires school corporations to share data on high chronic absence schools with the department of education and family and social services to target allocation of resources and programs to improve student attendance. Allows school corporations to collaborate with public and private entities to provide professional development opportunities to help teachers and administrators understand the factors contributing to chronic absence and to address those factors. Allows school corporations to contract with nonprofit entities to provide health care services in school based clinics to students enrolled in schools within the school corporation. **Effective:** July 1, 2012. **Citations Affected:** IC 20-19; IC 20-20-28-4; IC 20-26-5; IC 20-34-3-21.

HB 1266 Ubelhor, McNamara, Goodin

Early probationary licenses for good students. Provides that an individual may apply for an operator's license and an accompanying motorcycle endorsement as early as: (1) the age of 16 and 30 days; or (2) before the date that the individual is 16 years and 180 days of age if the individual has achieved at least a "B" average in school in the semester or trimester the individual completed: (A) prior to the date of the applicant's sixteenth birthday; or (B) in the period between the applicant's sixteenth birthday and

179 days after the sixteenth birthday of the applicant; and has satisfactorily completed an approved driver education course. (Current law provides that an individual must be at least 16 years and 180 days of age to apply for an operator's license.) Makes technical corrections. **Effective:** July 1, 2012. **Citations Affected:** IC 9-24.

HB 1268 Klinker

Textbook sales tax holiday. Provides a sales tax exemption for school instructional materials that are purchased during the first weekend in August and the second weekend in January. **Effective:** Upon passage. **Citations Affected:** IC 6-2.5-5-45.

HB 1272 Steuerwald, Battles

Sales tax holiday. Provides a sales tax exemption for any item purchased at retail with a sales price of \$500 or less during a three day period each year beginning on the second Friday of August. **Effective:** April 1, 2012 (retroactive). **Citations Affected:** IC 6-2.5-5-45.

HB 1274 Battles

Candidate petitions. Requires that petitions for candidates for the offices of United States Senator, governor, or President of the United States precede the declarations of candidacy for those offices. (Under current law, the petitions must accompany the declarations of candidacy.) Requires that the information required under IC 3-8-6-12 precede a petition for nomination of an independent or minor political party candidate. Provides that petitions may be submitted starting November 29 of the year preceding the year in which the primary election will be held. (Under current law, petitions may be filed starting on the first date declarations of candidacy may be filed.) Specifies the format for each page of a petition, including an affidavit signed by the individual submitting the page that states that the individual has no reason to doubt the authenticity of the signatures on that page. Establishes procedures for the certification of petitioners as voters of a county. Provides that, if a petition submitter does not properly complete an affidavit for a petition page, the petitioners on that page may not be certified. Requires the office or board certifying the petitioners to transmit the petition not later than 48 hours after certification to the election division by first class mail. Requires the election division to place a time stamp on each page of the petition upon receipt, to store all petitions received, and to maintain a log of each person accessing the petitions. Requires the election division to certify whether a candidate has met the minimum number of petitioners required to accompany a declaration of candidacy not later than one day after the declaration is filed. Requires the election division to notify the candidate in writing if the election division denies the certification. Permits any individual to contest the denial of the certification by filing a sworn statement with the election division. Requires that the contest must be determined by the election commission. **Effective:** July 1, 2012. **Citations Affected:** IC 3-8.

HB 1283 Richardson, Pierce, Saunders

Libraries and historic records. Adds electric media to the definition of "record" for purposes of the public records law. Requires the public records commission to coordinate the use of all scanning equipment in state government. Requires the county commission of public records to implement retention schedules for use by local government officials as part of a records management program. **Effective:** July 1, 2012. **Citations Affected:** IC 4-23; IC 5-15; IC 36-1-7-5; IC 36-12.

HB 1300 Bartlett

Counties having a consolidated city. Raises the population threshold at which a city qualifies to become a first class city to 1,500,000. Establishes a process for deconsolidation of a consolidated city if the population of the consolidated city becomes less than the number that defines a first class city. Provides that each political subdivision in the county having the consolidated city becomes a reorganizing political subdivision and establishes a reorganization committee to prepare a plan to reorganize the political subdivisions in the county. Provides the procedures for the operation of the reorganizing committee. Provides the details required for the reorganization plan. Provides that if the voters of the county approve the reorganization plan, the political subdivisions in the county are reorganized as provided in the reorganization plan. Provides that if the voters of the county do not approve the reorganization plan, the consolidated city becomes a second class city and the other political subdivisions in the county will be governed as provided by law for other like political subdivisions. **Effective:** July 1, 2012; January 1, 2013. **Citations Affected:** IC 36-1.5; IC 36-4-1-1.

HB 1309 Harris, Smith V, Porter

Educational equity. Establishes the office of educational equity (office) within the department of education (department). Provides that the office shall establish a framework to assist the state and school corporations in recognizing and responding to disproportionality within certain programs. Provides that the office shall establish a framework to assist the state and school corporations in recognizing and responding to disproportionality (which is defined as the overrepresentation or underrepresentation of a particular student population group in a particular educational program or system). Provides that the office shall work with other offices and centers within the department to develop effective monitoring and program development to combat disproportionality that is found in school corporations. Makes conforming amendments. **Effective:** Upon passage. **Citations Affected:** IC 20-19-6; IC 20-31-5-4.

HB 1310 Crawford

Commission on improving the status of children. Establishes the commission on improving the status of children in Indiana (commission). Requires certain departments, agencies, and boards to submit an annual report concerning the status of children to the commission by June 30 of each year and to submit any other reports and information

requested by the commission. Allows the commission to request information and reports regarding matters related to children from other state agencies. **Effective:** July 1, 2012. **Citations Affected:** IC 2-5-35.

HB 1313 Truitt

School instructional time. Increases the number of student instructional days from 180 to 183. Provides that the definition of student instructional time includes up to three student instructional days each school year for use as professional development time. Provides that a school year for grades 1 through 6 consists of at least 54,900 minutes. Provides that a school year for grades 7 through 12 consists of at least 65,880 minutes. Makes corresponding changes to related sections. **Effective:** July 1, 2012. **Citations Affected:** IC 20-30-2; IC 20-43-4-6.

HB 1314 Truitt

School instructional material sales tax holiday. Provides a sales tax exemption for school instructional material that is purchased during either of the following: (1) The three day period from the first Friday in January through the following Sunday. (2) The three day period from the second Friday in August through the following Sunday. **Effective:** Upon passage. **Citations Affected:** IC 6-2.5-5-45.

HB 1315 Truitt

Choice scholarship funding. Provides for an advance distribution of state tuition support to school corporations in the first six months of a year to eliminate the effect of fiscal year and calendar year limits on distributions. Makes an appropriation for the advance. Limits the amount of choice scholarships to the amount that state tuition support payments are reduced by the transfer of students from a school corporation or charter school to a private school. **Effective:** July 1, 2011 (retroactive); January 1, 2012 (retroactive). **Citations Affected:** IC 20-43; IC 20-51-4-12.

HB 1316 Truitt

Income tax credit for education expenses. Provides that the adjusted gross income tax deduction for unreimbursed expenditures made in connection with a dependent child's enrollment in a nonpublic school or accredited nonpublic school applies only to a taxable year beginning in 2011. For taxable years beginning after 2011, provides a refundable income tax credit for an unreimbursed education expenditure made by a taxpayer for an eligible dependent enrolled in a public school or an accredited nonpublic school if the taxpayer's household income is not more than 350% of the federal poverty level. Provides that the maximum credit amount is \$1,000. **Effective:** January 1, 2012 (retroactive). **Citations Affected:** IC 6-3-2-22; IC 6-3.1-34.

HB 1317 Torr

Local government issues. Provides that the DLGF may not approve the budget or any additional appropriations of a political subdivision that fails to file: (1) an annual fiscal report; or (2) a personnel report; for the preceding year. Provides that a member of a board, commission, committee, council, or any other body with the responsibility of administering the affairs of a unit may not participate in a decision or vote of the body if the member: (1) has a pecuniary interest in; or (2) derives a profit from; a contract, purchase, sale, employment, or other transaction connected with the unit. Prohibits a member from participating in a decision or vote involving the merger, consolidation, or reorganization of the unit's functions or services, if the member is also an employee of a unit involved in the merger. **Effective:** Upon passage; July 1, 2012. **Citations Affected:** IC 3-5; IC 3-8-1; IC 3-10; IC 3-11; IC 4-3-22-14.5; IC 5-3-1-3; IC 5-4-1-4; IC 5-11-13-1; IC 5-22-22-12; IC 6-1.1; IC 12-7-2; IC 12-20; IC 12-30-4-0.5; IC 13-11-2; IC 15-16; IC 16-41-19-7; IC 20-23-3-1.5; IC 23-14; IC 32-26; IC 33-34; IC 34-30-2-58; IC 35-51-36-1; IC 36-1; IC 36-1.5-1-10; IC 36-2; IC 36-3; IC 36-5-1-20; IC 36-6; IC 36-8; IC 36-9; IC 36-10; IC 36-12-1-7.5; IC 36-12-2-13.

HB 1318 Porter, Brown T.

Use of restraints and seclusion in school. Establishes standards for the use of restraint and seclusion in schools. Requires parental notification when restraint or seclusion is imposed on a student. Imposes reporting requirements for school corporations. Requires training for certain school staff members in the use of positive behavior intervention and support. **Effective:** July 1, 2012. **Citations Affected:** IC 20-34-8.

HB 1321 Behning

School corporation accountability. Requires the state board of education (state board) to develop and perform an annual analysis showing how school corporation spending correlates to student progress. Requires the department of education to include a copy of the annual analysis on the department's Internet web site. Requires a governing body of a school corporation in the first year that the school corporation is placed in the lowest two categories or designations of improvement to hold a public hearing. Requires the governing body to revise a school's strategic and continuous school improvement plan. Requires a state board to assign an expert team to review a school corporation in the second year that the school corporation is placed in the lowest two categories or designations of improvement. Requires the state board to hold a public meeting to consider state intervention in the third year that the school corporation is placed in the lowest category or designation of improvement. Requires the state board to hold a public meeting to consider state intervention in the fourth year that the school corporation is placed in the lowest two categories or designations of improvement. Provides that after the public meeting, the state board may: (1) merge the school corporation with a nearby school corporation; (2) assign a special management team or lead partner to operate all or part of the school corporation; (3) implement the

department's recommendations for improving the school corporation; (4) dissolve the governing board of the school corporation and install a state appointed board; (5) transfer the school corporation's authority to another entity; (6) require state board approval of the school corporation's annual budget; or (7) implement other options for school corporation intervention. Makes conforming amendments. **Effective:** July 1, 2012. **Citations Affected:** IC 20-23; IC 20-25-3-4; IC 20-31.

HB 1324 Behning

School accountability and turnaround academies. Requires the state board of education to set specific goals for a turnaround academy, and allows the turnaround academy to be operated by a special management team. Provides that a turnaround academy that meets the goals set for it becomes an independent school. Sets forth provisions concerning the operation of a turnaround academy and an independent school. Creates a designation of "high performing school corporation", and provides that certain statutes and rules may be waived for a high performing school corporation. **Effective:** July 1, 2012. **Citations Affected:** IC 20-31.

HB 1326 Rhoads, Behning

Various education matters. Provides that an "expanded criminal history check," for purposes of education law, requires a national criminal history background check. Eliminates other types of permissible record searches under current law. Abolishes the following programs and entities concerning various education matters: (1) Technology apprenticeship grant program. (2) Corporation for educational technology, including the buddy system project. (3) School intervention and career counseling development program. (4) Education consultant for health and physical education. (5) Principal leadership academy. (6) School grant writing and fund raising assistance program. (7) Technology preparation task force. (8) Research and development program concerning various studies and evaluations. (9) Educational technology council. (10) Teacher quality and professional improvement program. (11) Committee on educational attitudes, motivation, and parental involvement. (12) Readiness testing. (13) Student services programs. (14) Twenty-first century schools pilot program. (15) Anti-gang counseling pilot program and fund. (16) Department of education review of professional development programs. (17) Placement of school in category or designation of school improvement. (18) Performance based awards. (19) ISTEP program citizens' review committee. (20) Ambassador for education. Deletes provisions concerning: (1) availability of ISTEP essay questions for inspection by students and parents; and (2) requests for rescoring. Deletes obsolete provisions concerning testing schedules. Deletes obsolete provisions concerning assessments at the conclusion of certain Core 40 courses. Makes conforming changes. Deletes references to statutes repealed during the 2011 legislative session. **Effective:** July 1, 2012. **Citations Affected:** IC 4-12-12-6; IC 5-22-21-7.5; IC 6-3.1-15; IC 9-18-31-6; IC 12-17-19-24; IC 20-19; IC 20-20; IC 20-24-8-5; IC 20-26; IC 20-28-2-6; IC 20-30; IC 20-31; IC 20-32; IC 20-40-8-20.

HB 1327 Messmer, Rhoads

Battery by students. Provides that a student must be suspended if the student commits battery and must be expelled for committing battery a second time if the student commits the battery: (1) while on school grounds immediately before or during school hours, immediately after school hours, or at any other time when the school is being used by a school group; (2) while off school grounds at a school activity, function, or event; or (3) while traveling to or from school or a school activity, function, or event. Requires that an individual who has reason to believe that an act of battery has been committed against a student must make an oral report to a law enforcement agency. Makes corresponding changes to related statutes. **Effective:** July 1, 2012.

Citations Affected: IC 20-33.

HB 1337 Turner, Welch, Thompson

Tax administration. Provides that the local Indiana business preference applies to a contract for a purchase made by a political subdivision only if the political subdivision provides that the preference is applicable to the purchase. Repeals the local Indiana business preference for public works projects. **Effective:** Upon passage; March 1, 2011 (retroactive); July 1, 2012. **Citations Affected:** IC 5-11; IC 5-14-3.8-7; IC 5-22-15-20.9; IC 6-1.1; IC 6-2.5-8-10.1; IC 6-4.1; IC 34-24-1-1; IC 35-43-5-4.4; IC 36-1-12.

HB 1342 Wesco

Local government issues. Provides that an individual who is an immediate family member of an officer or employee of a political subdivision may not be employed by the political subdivision in a position in which the individual would have a direct supervisory or subordinate relationship with the officer or employee who is the individual's immediate family member. Specifies that this provision does not require the termination or reassignment of an employee from a position held by that individual before January 1, 2012. **Effective:** April 1, 2012; July 1, 2012; January 1, 2013; January 1, 2015.

Citations Affected: IC 3-8-1-31.5; IC 3-10; IC 3-11-2-12; IC 5-11-1-4; IC 6-1.1-17; IC 12-20; IC 15-16-8-0.5; IC 16-31-5-1; IC 16-41-19-7; IC 23-14; IC 32-26; IC 33-34; IC 36-1; IC 36-6; IC 36-8; IC 36-9-17.5-1; IC 36-10; IC 36-12-1-7.5.

HB 1362 Porter

Student discipline. Requires the department of education to compile and report to the public information received from school corporations concerning student disciplinary actions, disaggregated by race, ethnicity, gender, and discipline categories. Provides that if the information reported by a school corporation indicates rates of discipline that exceed disproportionality criteria developed by the department, the department shall work with the school corporation to take corrective action. Requires the department to develop a searchable data base concerning out-of-school suspensions and expulsions. Requires the civil rights commission to annually use the information in the data base to identify school corporations with disproportionate out-of-school suspension and expulsion rates and to take appropriate action. Requires that a school corporation's

discipline plan must include the collection, review, and reporting to the department on an annual basis of school behavioral and disciplinary problems, arrests, and referrals to the juvenile justice system, disaggregated on the basis of race, ethnicity, and gender under guidelines for determining the existence of disproportionality in discipline or inappropriately high rates of suspension or expulsion. Provides that a student who seeks to enroll in another school while expelled or to avoid being expelled may be subject only to the same terms and conditions of enrollment as a student who is currently enrolled in the school. **Effective:** July 1, 2012. **Citations Affected:** IC 20-19-3-11; IC 20-26-5-32; IC 20-33-8-30.

HB 1367 Noe

Deaf and hearing impaired education services. Establishes the center for deaf and hearing impaired education to ensure that children who are deaf or hearing impaired acquire optimal communication and academic abilities. Requires the office of management and budget to determine an appropriate agency to provide office space and staff support for the center. Transfers the outreach services and consultative services to local education agencies to assist in meeting the needs of locally enrolled students with hearing disabilities of the Indiana School for the Deaf to the center for deaf and hearing impaired education. Provides that the Indiana School for the Blind and Visually Impaired and the Indiana School for the Deaf are subject to accountability provisions for performance and improvement, but are not subject to sanction provisions. **Effective:** Upon passage; July 1, 2012; October 1, 2012. **Citations Affected:** IC 4-3-22-18; IC 20-22-2-1; IC 20-31; IC 20-35-11.

HB 1370 Knollman, White

Medicinal marijuana. Requires the executive board of the state department of health to adopt rules to regulate registered medicinal marijuana cardholders, medicinal marijuana dispensaries, and registered medicinal marijuana dispensary employees. Provides that marijuana crimes do not apply in certain circumstances to medicinal marijuana cardholders, medicinal marijuana dispensaries, and registered medicinal marijuana dispensary employees. Makes a technical correction. **Effective:** July 1, 2012. **Citations Affected:** IC 16-19-3-30; IC 35-48.