



ISBA

LEGISLATIVE BULLETIN

Indiana School Boards Association

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February 6, 2009

TO: School Board Presidents, Legislative Liaisons, Superintendents
of Schools and School Business Officials

FROM: ISBA Staff
IAPSS Staff
IASBO Staff

SUBJECT: Legislative Bulletin 09-2

The 116th Indiana General Assembly

1st Regular Session

LEGISLATIVE BULLETIN 09-2

On January 7, 2009, respectively, the House of Representatives and Senate convened the 116th Indiana General Assembly (1st Regular Session). Since convening, the legislature began on a slow pace, conducting committee hearings on a few topics, including but not limited to, specific education-related issues but during the past week the pace of legislative activity has increased dramatically. The review of bills such as teachers on school committees, school board elections, circuit breakers, Kernan-Shepard election provisions, budget components and a host of others will be and have been discussion topics. It should be no question, however, because of the significance of a successful public education system that education-related issues will be of prominent focus for the General Assembly as the session progresses. This is especially so because school funding for the biennium will be of major importance between now and April 29.

Because of the long session, several defeated or unheard bills filed in the short session have returned. It is, therefore, important for the associations' memberships to contact their legislators on the impact of specific ongoing education-related bills as the information is shared on a daily basis through the electronic mail system. These emails will provide immediate clarifications on the Associations' positions on which to alert legislators of concepts that are acceptable and/or unacceptable. Additionally, if there are questions on specific bills, please contact an association staff member for an update and/or interpretation of pending legislation. FB

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--Governor's State of State Address
--Indiana House of Representatives 2009 Addresses
--Indiana Senate 2009 Addresses

Legend:

FB – Frank Bush JE – John Ellis
DC – Denny Costerison

* The Associations are tracking 104 Senate and 155 House education-related bills for a total of 259 bills as of this Legislative Bulletin.

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Important Date - Legislative Update and “A Day-at-the State House”

MARCH 25, 2009

On Wednesday, March 25, 2009, the Associations will host a Legislative Update at the Indianapolis Downtown Marriott. It is suggested that school board members/ superintendents may wish to invite their senator and/or representative to dinner following the meeting. This, in turn, will allow for more in-depth interaction on specific legislation.

All school board members and superintendents of schools are encouraged to spend time with their legislators prior to the 3:30 p.m. Legislative Update.

EVENT: 2009 Legislative Update and “A Day-at-the State House”

PLACE: Indianapolis Downtown Marriott
350 W. Maryland St.
Indianapolis, Indiana

TIME: Legislative Update - 3:30 - 5:30 pm



ISBA Resolutions - Bills Filed

ISBA has either specifically requested a legislator to file the corresponding bill as it reflects a specific ISBA resolution or a bill as noted has been filed that directly corresponds with an ISBA legislative resolution.

ISBA Resolution	Bill Number/Title	Author
Standing Resolution A. Funding State Mandates	SB 518 State and local spending caps HJR 4 Government spending limitation HB 1001 Budget bill HB 1577 State spending caps HB 1714 State spending cap HB 1723 Education funding	Senator Delph Representative Murphy Representative Crawford and Espich Representatives Clere and Noe Representatives Borrer, Lehman, Yarde and Culver Representative Goodin
Standing Resolution B. Elected/Appointed Boards and School Board Election	SB 28 School elections at general election time SB 452 Kernan-Shepard election provisions SB 582 School corporation governing bodies HB 1211 Recall of elected and appointed officials HB 1212 Nonpartisan school board elections HB 1359 School board elections at general election time HB 1405 Recall of elected and appointed officials HB 1516 School board elections at general election time	Senator Lubbers Senator Lawson, C. Senator Mishler Representative Brown, C. Representative Brown, C. Representatives Sullivan and Torr Representative Stevenson Representative Barnes
Standing Resolution C. Equivalent Instruction		
Standing Resolution D. Instructional Time/Class Size	SB 81 School year SB 320 Student instructional days SB 326 Optional four day school week calendar HB 1019 Limitation on school starting date HB 1145 Student instructional days HB 1297 School start and end dates HB 1354 Length of school year HB 1708 School year	Senator Kruse Senator Charbonneau Senator Walker Representative Lehe Representatives Pond and Ruppel Representatives Ruppel and Pond Representative Dvorak Representative Culver

	HB 1719 Student instructional days	Representative Thompson
Standing Resolution E. Teacher Collective Bargaining	SB 13 Teachers on school committees HB 1076 Public school collective bargaining agreements	Senator Kenley Representative Cheatham
Standing Resolution F. Property Taxes and Other Revenue Sources	SJR 1 Circuit breakers and other property tax matters SJR 6 Prohibition against property taxation SB 97 Limit on real property assessment increases SB 213 Assessment of real property HJR 11 Circuit breakers and other property tax matters HB 1159 Donation of income tax refund to public schools HB 1369 Property tax assessment HB 1386 Maximum term of loan to political subdivision HB 1447 Property taxation HB 1467 Property tax trending HB 1471 Assessment rules HB 1519 Assessed value for setting property tax rates HB 1548 Variable local option income taxes HB 1549 Elimination of property taxes	Senator Kenley Senator Waltz Senator Lawson, C. Senator Randolph Representatives Bosma and Espich Representative VanDenburgh Representative Hinkle Representative Reske Representatives Welch, Crawford, Turner and Davis Representatives Espich, Smith, M., and Noe Representative Pelath Representative Culver Representative Thompson Representative Thompson
Standing Resolution G. School Governance Role/Powers	SB 32 Notice of meetings HB 1230 Publications of notices HB 1506 School board members	Senator Mrvan Representatives Hinkle and Moses Representative GiaQuinta
Standing Resolution H. Staff Development Programs	SB 380 Teachers professional development days	Senator Hume and Charbonneau
Standing Resolution I. Student Testing	HB 1072 Review of ISTEP program	Representative Cheatham
Standing Resolution J. Charter Schools	SB 226 Charter school services for children SB 227 Access of charter schools to various funds HB 1015 Charter schools; moratorium and data compilation	Senator Lubbers Senator Lubbers Representative Smith V.
Standing Resolution K. TIF Districts/Tax Abatements	HB 1513 Redevelopment commission membership HB 1527 Tax incremental	Representative GiaQuinta Representative Candelaria

	financing	Reardon
Standing Resolution L. Classified Personnel Bargaining	HB 1057 Collective bargaining for public employees HB 1461 Collective bargaining for school employees	Representative Kersey Representative Kersey
Standing Resolution M. Alternative Schools	SB 191 Alternative placements for certain students	Senator Miller
Standing Resolution N. Voucher Plan		
Resolution 08-A-1-a School Distribution Formula	SB 403 Adult education programs HB 1129 Adult Education HB 1418 K-12 student enrollment counts	Senator Rogers Representatives Klinker, Thompson, VanDenburgh and Behning Representative Smith, V.
Resolution 08-A-1-b Special Education/High Ability Students	HB 1136 Testing of special education students	Representative Reske
Resolution 08-A-1-c Special Needs Factor	SB 57 Sign language interpreters in schools SB 286 Cultural competency in schools HB 1187 Cultural competency HB 1480 Cultural competency training HB 1481 Office of educational equity	Senator Lubbers Senator Taylor Representative Porter Representative Porter Representative Porter
Resolution 08-A-1-d Summer School		
Resolution 08-A-1-e Textbook Funding and Instructional Materials	SB 275 Definition of "textbook" HB 1158 Income tax credit for textbook fees HB 1291 Elimination of textbook rental programs HB 1431 Free textbooks HB 1523 School textbook funding HB 1538 Supplemental teaching materials	Senator Head Representative VanDenburgh Representative Oxley Representative Riecken Representative Goodin Representative Noe
Resolution 08-A-1-f Transportation	SB 228 End of route inspection by bus drivers HB 1021 Disregarding school bus stop sign HB 1045 Transportation of school children HB 1150 End of route inspection by bus drivers HB 1193 E85 fueling station grant program	Senators Lubbers and Wyss Representatives Crouch and Lawson Representative Pond Representative Battles Representative Pearson

	<p>HB 1200 Physical examinations of bus drivers</p> <p>HB 11248 Physical characteristics of school bus monitors</p> <p>HB 1574 Special purpose bus drivers</p> <p>HB 1643 School transportation fund levy appeal</p>	<p>Representative Bischoff</p> <p>Representative Herrell</p> <p>Representatives Lehman and Welch</p> <p>Representative Dermody</p>
Resolution 08-A-1-g Vocational Education		
Resolution 08-A-1-h Year-Round School		
Resolution 08-A-1-i Capital Projects Fund		
Resolution 08-A-1-j Lease Rental Payments from Debt Service Fund		
Resolution 08-A-2 Petition/ Remonstrance and Referendum Process	HB 1392 Referenda for controlled projects	Representative Moseley
Resolution 08-A-3 TIF Districts – PL 146-2008 HEA 1001 Related	<p>HB 1513 Redevelopment commission membership</p> <p>HB 1527 Tax incremental financing</p>	<p>Representative GiaQuinta</p> <p>Representative Candelaria Reardon</p>
Resolution 08-A-4 Wage Payment	<p>SB 263 Public school compensation payment schedules</p> <p>HB 1307 Public school compensation payment schedules</p> <p>HB 1720 Public school compensation payment schedules</p>	<p>Senator Walker</p> <p>Representative Niezgodski</p> <p>Representative Thompson</p>
Resolution 08-B-1 Kindergarten	HB 1723 Education funding	Representative Goodin
Resolution 08-B-2 School Choice	<p>SB 327 Transfers between contiguous school corporations</p> <p>SB 491 Public school transfers</p> <p>HB 1391 Public school transfers</p>	<p>Senator Walker</p> <p>Senator Kenley</p> <p>Representative Moseley</p>
Resolution 08-B-3 Student Exit Interview Qualifications	<p>SB321 Withdrawal from school</p> <p>HB 1705 Withdrawal from school</p>	<p>Senator Charbonneau</p> <p>Representative Dermody</p>
Resolution 08-C-1 School Corporation Consolidation	<p>SB 502 Government reorganization</p> <p>SB 521 School corporation reorganization</p>	<p>Senator Delph</p> <p>Senator Dillon</p>
Resolution 08-C-2 Open Door Law – Executive Session/Sale of Real Estate	SB 232 Public access issues	Senator Gard

IAPSS Resolutions - Bills Filed

IAPSS Legislative Position/Resolution	Bill Number/Title	Author
Collective Bargaining III(F)	SB13 Teachers on School Committees SB 81 School Year HB 1461 Collective bargaining for noncertified school employees. HB 1076 Public school collective bargaining (binding arbitration)	Kenley Kruse Kersey Cheatham
Payment Provisions II(F)	SB 263 & HB 1307 Public school compensation payment schedules HB 1418 School enrollment counts	Walker (Senate) Niezgodski (House) V. Smith
School Distribution Formula and School Funding III(A-F)	HB 1001 Budget Bill HB 1643 School transportation fund levy appeal	Crawford Dermody
School Consolidation II(D)	SB 502 Government reorganization SB 521 School corporation consolidation	Delph Dillon
Local control and deregulation I(I) and III(F)	SB 320 Optional 4 day calendar SB 380 Teacher professional development days HB 1145 Student instructional day HB 1354 Length of school year HB 1019 Limit school starting dates	Walker Hume Pond Dvorak Lehe
School Choice Resolution: Student Learning	SB 224 Virtual Education SB 226 Charter School Services SB 491 Public school transfers	Lubbers Lubbers Kenley
Curriculum I(C) and Resolution: Student Services	SB 126 Financial responsibility curriculum SB 224 Virtual education HB 1187 Cultural Competency	Waltz Lubbers Porter

IASBO Resolutions - Bills Filed

IASBO Resolution	Bill Number/Title	Author
School Distribution Formula and School Funding	HB 1001 – State budget HB 1723 – School funding	Rep. Crawford Rep. Goodin
Full-Day Kindergarten	HB 1723 – School funding	Rep. Goodin
Property Tax Issues/Circuit Breaker	HB 1723 – School funding HJR 11 – Circuit breakers and other property tax matters SJR 1 – Circuit breaker and other property tax matters	Rep. Goodin Rep. Bosma Senator Kenley
New Facility Appeals	HB 1723 – School funding	Rep. Goodin
Transferring Monies from One Fund to Another Fund	SB 525 – Education issues	Senator Lubbers
Textbook Funding	HB 1523 – School textbook funding HB 1723 – School funding	Rep. Goodin Rep. Goodin
School Business Official Leadership Academy	HB 1723 – School funding	Rep. Goodin
Collective Bargaining for Classified Employees	HB 1057 – Collective bargaining for public employees HB 1461 – Collective bargaining for school employees	Rep. Kersey Rep. Kersey

Information Topics

SB 232 Public access issues

Public access issues. Requires a public agency to give notice of the agency's meetings to any person who makes an annual request for notice. Allows a court to assess a civil penalty of up to \$1,000 against each of the following for violating the public records law or the open door law: (1) The officer of a public agency. (2) Employee of a public agency. (3) The public agency. 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 to determine whether redaction of the records violated the access to public records act. 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. Makes a continuous appropriation. Effective: July 1, 2009. Senator Gard

ISBA's concern on SB 232 is the \$1,000 maximum fine. The Association believes that an initial warning should be issued and if a repeated violation occurs, then a reasonable fine could be assessed. The problem with the legislation is that public officials who take an oath to uphold the law should not be "knowingly and intentionally" breaking or ignoring the

law. In this circumstance, a fine is unnecessary because no public official will be in violation. But evidentially public officials are ignoring the law and thus public officials may be subject to review of their actions. The review should not be as onerous as \$1,000 when a speeding ticket cost \$150 and lives are in jeopardy from the speeder. fb

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SB 491 Public school transfers

Public school transfers. Establishes a public school transfer program that allows the parent of a student to request a transfer for the student to enroll in: (1) a different public school in the student's base school corporation; or (2) a public school in a different school corporation. Allows school corporations to enter into an interlocal agreement under which students whose legal settlement is in one school corporation may attend school in the other school corporation. Allows a student who has legal settlement in one school corporation and whose parent owns property for which the parent pays property tax in another school corporation to attend school in the latter school corporation without transfer tuition being charged. Requires a school corporation to provide notice to parents concerning the publication of the school corporation's annual performance report and concerning the right of students to transfer out of schools that fail to perform adequately. Effective: July 1, 2009. Senator Kenley

Senator Kenley presented SB 491 before the Senate Education and Career Development Committee on February 5, stating that there were three options—to adopt the bill, to do nothing, or to modify the bill. Following and explanation of the bill, the Chair called for testimony. All those testifying offered clarifications and suggestions on the bill, not support. Those testifying were DOE, CofC, IUSA, IAPSS, IFT, ISTA, a citizen and ISBA. IAPSS specified that the sending superintendent must have authority over a transfer, that the bill lacked local control protection for all parties, that a mechanism for funding transfers was needed and that there needed to be a clear transfer tuition statewide policy. ISBA stated that there was a need to repeal current statute because it is mute on transfers since 100% State Support of the General Fund was passed, that there is a need for a state statute on transfers to provide consistency, that certain sections of SB 491 could be modified to use as a portion of the new statute, that a mechanism for funding transfers was needed, that the local school board should be allowed to pass policy refusing transfers and that if the superintendent's authority is not protected with transfers there must be an appeal process included to protect against random and continuous transfers. SB 491 was tabled for amendments at a future meeting. The Associations' positions on SB 491 remains as presented before the Senate Education committee with an interest in assisting the preparation of a viable statewide school transfer policy. fb/je

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SB 502 Government reorganization

Government reorganization. Provides procedures to evaluate and terminate all state agencies and programs on a ten year cycle. Requires the schools of public and environmental affairs or business schools of Indiana University, Purdue University, Ball State University, Indiana State University, and the University of Southern Indiana to develop internship programs to give credit to students who perform the evaluation of state agencies and programs, and requires the universities to provide the evaluation service under the direction of the legislative services

agency. Makes necessary appropriations to implement termination of an agency or agency program. 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 an elected member of the political subdivision's legislative body. Provides that the restriction applies to an employee of a political subdivision who assumes an elected office after June 30, 2009. Provides that the restriction does not apply to an employee of a political subdivision who holds elective office on June 30, 2009, and continues to hold or be reelected to the office. Provides that the restriction 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 the legislative body of a second class city appoints the city clerk. Provides that individuals elected as city clerk at the 2007 elections may serve in that office until January 1, 2012. Provides that a taxing unit whose governing body are elected to serve on the governing body must submit its proposed budget and property tax levy for review by another specified legislative body whose members are elected. Requires the state to pay for certain expenditures incurred by circuit, superior, county, and probate courts, including expenses related to court employees, including bailiffs, probation officers, and court reporters. Provides that each court shall submit its budget to the division of state court administration, and that the supreme court shall submit a consolidated budget to the budget agency and the general assembly. Requires the supreme court to adopt certain rules concerning court procedures and the employment and management of administrative officers. Requires that the members of the governing body of a school corporation be elected at the time of the general elections. **Requires school corporations of less than 2,000 ADM to consolidate unless granted a waiver by the state board of education.** Reduces the percentage of registered voters necessary to petition to initiate a governmental reorganization or to provide for approval of a governmental reorganization notwithstanding the rejection by a legislative body. Establishes a procedure for a township to reorganize itself under the local government reorganization statute. Provides that effective January 1, 2011, for a township not in Marion County that does not reorganize: (1) township governmental functions (other than township assessment functions) are abolished; (2) the offices of township trustee and township board (including duties and responsibilities related to township assistance, fire protection, cemetery maintenance, parks and recreation, and libraries) are abolished and transfers the duties and responsibilities of the township trustee and township board to the county; (3) establishes a county firefighting fund; (4) establishes a county cumulative building and equipment fund for firefighting; (5) transfers township fund balances to the county and specifies the permitted use of the money; (6) makes township indebtedness an obligation of the county, and requires the county to use money transferred from the township to pay the indebtedness; (7) allows the county to levy property taxes to pay indebtedness not covered by money transferred from the township, and specifies the areas in which the taxes may be levied; and (8) increases the county's maximum property tax levy based on the assumption of former township duties, and establishes a separate county maximum property tax levy for firefighting. Provides that in counties other than Marion County, the boards of county commissioners are eliminated effective January 1, 2011, the county executive is a single elected chief executive officer, and the county council is the county legislative body as well as the county fiscal body. Provides that the initial county chief executive officers are elected at the November 2010 general election. Provides that effective January 1, 2011: (1) the county treasurer, county auditor, and county assessor in Marion County no longer serve ex officio as county commissioners; and (2) the mayor of the consolidated city assumes the duties and powers held by those county commissioners. Establishes a public safety coordinating council in each county to coordinate public safety matters in the county. Provides that individuals elected to a local office at the 2011 municipal election take office January 1, 2013.

Requires that successors of these individuals be elected at the 2016 general election. Requires the legislative services agency to prepare legislation to amend Indiana election law to provide that all municipal elections be held in even-numbered years. Allows a political subdivision to make transfers to the political subdivision's rainy day fund after the last day of the political subdivision's fiscal year and before March 1 of the subsequent calendar year. Allows officers of a political subdivision to transfer money between departments in the same fund of the political subdivision without notice and approval of the department of local government finance if the transfer meets certain requirements. Allows a city, town, or county to regulate and adopt civil penalties for littering on public property. Makes other changes and conforming amendments. Repeals the procedures for legislative evaluation of state agencies. Repeals obsolete statutes providing for the option of appointment of members of a governing body of a school corporation. Repeals superseded statutes relating to election of members of a governing body of a school corporation. Repeals a statute related to the filling of vacancies in the office of city clerk of a second class city. Effective: Upon passage; July 1, 2009. Senator Delph

As of this legislative bulletin, SB 502 has not been heard in a Senate committee. The Associations will oppose the legislation if heard based on protection of the rights of the citizens in each school corporation to decide on reorganization. The initiative should be a local decision, not a state mandate. PL 186-2006 HEA 1362 establishes standards for reorganizing political subdivisions. This statute should be followed rather than a statewide mandate to reorganize that ignores existing statute. Of concern is that SB 502 is of such volume that provisions like school consolidation could be ignored because of the focus on other components of the bill. Therefore, school officials with ADM of 2000 or less should be discussing opposition of the legislation with your legislators. fb

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SB 521 School corporation reorganization

School corporation reorganization. Requires school corporations with an average daily membership (ADM) of less than 500 students to merge with another school corporation or school corporations. Provides for the preparation of a comprehensive reorganization plan by a county committee, public hearings on the plan, and approval by the state board of education. Provides for the development of a comprehensive reorganization plan by the state board of education for school corporations that fail to reorganize by 2013. Requires the department of education (department) to develop standards for educational opportunity and operational efficiency for school corporations. Requires a school corporation with an ADM of greater than 499 students and less than 1,000 students to demonstrate to the department that it meets the standards, and, if unable to do so, to merge with another school corporation or school corporations. Provides that the reorganization provisions do not apply to a charter school. Effective: July 1, 2009. Senator Dillon

ISBA/IAPSS sent the following action plan on January 7, 2009 for school corporations to prepare testimony on and communications with legislators:

- **Insist on NO MANDATE to force local consolidation but refer to PL 186-2006 HEA 1362 and other statutes that permit local decisions on school reorganization such as interlocal agreements**
- **Review local contracts such as with teacher union, vendors, personnel and others that would not be possible to rescind unilaterally and would potentially foster impairment of contracts discussions leading to litigation**

- **Review financial circumstances such as debt, cash balance, rainy fund, expenditures and others that would be relevant to be absorbed by consolidation and thus another school corporation**
- **Establish responsible data on student achievement reflecting positive gains by subgroups, AYP report and school corporation initiatives to enhance student achievement with distance learning, as well as cooperative instructional sharing**
- **List all cooperative purchasing and staff sharing actions that have led to greater efficiencies**
- **Document use of state funds received to study school consolidation and the results of the study**
- **Advocate for the continuation of local decision-making because the state presently permits by statute local referendum to reorganize, as well as other initiatives that could receive State Board of Education approval from the local school board and superintendent's proposal fb/je**

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HB 1076 Public school collective bargaining agreements

Public school collective bargaining agreements. Provides that, after June 30, 2009, the provisions of a collective bargaining agreement entered into after the expiration of an agreement apply retroactively to the date of the expiration, unless the parties to the agreement agree otherwise. Adds mediation-arbitration and final offer as an alternative method of resolving an impasse in collective bargaining for certificated education personnel. Effective: July 1, 2009.
Representative Cheatham

HB 1076 was amended in the House Education committee to strip and insert the following binding arbitration language:

MR. SPEAKER:

*Your Committee on Education, to which was referred House Bill 1076, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-29-3-12, AS ADDED BY P.L.1-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. The board shall organize the board's staff to provide for the functions of:

- (1) unit determination;
- (2) unfair labor practice processing;
- (3) conciliation and mediation;
- (4) factfinding;
- (5) mediation and final offer selection; and**
- ~~(5)~~ **(6) research.**

SECTION 2. IC 20-29-3-13, AS ADDED BY P.L.1-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2009]: Sec. 13. In connection with conciliation and mediation, ~~or~~ factfinding, **or mediation and final offer selection**, the board may:

- (1) use full-time employees; or
- (2) appoint employees for specific cases from a panel the board establishes.

SECTION 3. IC 20-29-6-6, AS ADDED BY P.L.1-2005, SECTION 13, IS AMENDED TO

READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. The obligation to bargain collectively does not include the final approval of a contract concerning any items. Agreements reached through collective bargaining are binding as a contract only if ratified by the governing body of the school corporation and the exclusive representative. The obligation to bargain collectively does not require the school employer or the exclusive representative to agree to a proposal of the other or to make a concession to the other. **The obligation to bargain collectively is subject to the final offer process if mediation and final offer selection is elected under section 12(b) of this chapter.**

SECTION 4. IC 20-29-6-12, AS ADDED BY P.L.1-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. (a) Collective bargaining between a school ~~corporation~~ **employer** and the exclusive representative shall begin:

(1) not later than one hundred eighty (180) days before the ~~submission date of a budget by a school employer;~~ **first day of the first term or semester of a school year; and**

(2) **when the exclusive representative notifies the school employer and the board of the start of bargaining.**

(b) **The school employer and the exclusive representative shall use the collective bargaining procedures set forth in this chapter unless the exclusive representative, at the time an impasse is declared by either party, elects to use the mediation and final offer selection procedure set forth in IC 20-29-8-15 through IC 20-29-8-30.**

SECTION 5. IC 20-29-6-14, AS ADDED BY P.L.1-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. If an agreement has not been reached on the items to be bargained collectively seventy-five (75) days before the ~~submission date of a budget by a school employer;~~ **first day of the first term or semester of a school year,** the board shall initiate mediation.

SECTION 6. IC 20-29-6-15, AS ADDED BY P.L.1-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 15. If an agreement has not been reached on the items to be bargained collectively forty-five (45) days before the ~~submission date of a budget by a school employer;~~ **first day of the first term or semester of a school year,** the board shall initiate factfinding.

SECTION 7. IC 20-29-6-16, AS ADDED BY P.L.1-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 16. (a) If an agreement has not been reached on the items to be bargained collectively fourteen (14) days before the ~~submission date of a budget by a school employer;~~ **first day of the first term or semester of a school year,** the parties shall continue the status quo, and the school employer may issue tentative individual contracts and prepare its budget on that basis. During this status quo period, in order to allow the successful resolution of the dispute, the school employer may not unilaterally change the terms or conditions of employment that are issues in dispute.

(b) This section may not be construed as relieving the school employer or the school employee organization from the duty to bargain collectively until a mutual agreement has been reached and a contract entered as called for in this chapter."

Page 1, after line 8, begin a new paragraph and insert:

"SECTION 9. IC 20-29-8-11, AS ADDED BY P.L.1-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. Mediators and factfinders may not be employed on a full-time or part-time basis by:

(1) a public school employer that is a school corporation; or

(2) an organization of:

(A) public employees; or

(B) public employers; ~~or~~

(3) affiliates of an organization described in subdivision (2)(A) or (2)(B); **or**

(4) a firm that represents public employers or public employees in the implementation of this article.

SECTION 10. IC 20-29-8-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 15. Sections 16 through 30 of this chapter apply to collective bargaining in which the exclusive representative has elected to proceed under sections 16 through 30 of this chapter and has notified the school employer and the board as provided in IC 20-29-6-12.**

SECTION 11. IC 20-29-8-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 16. In addition to the impasse procedures specified in this chapter, a school employer and an exclusive representative may agree in writing to a dispute settlement procedure. A copy of the agreement shall be filed by the parties with the board. If the parties agree to a form of binding arbitration, the arbitrator shall give weight to the factors listed in section 24 of this chapter. The arbitration award is subject to appeal under sections 26 through 29 of this chapter.**

SECTION 12. IC 20-29-8-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 17. If the parties have not reached an agreement at least sixty (60) days before the first day of the first term or semester of a school year, the parties shall notify the board that an impasse exists, and the board shall initiate mediation and arbitration.**

SECTION 13. IC 20-29-8-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 18. Not later than fifteen (15) days after the board receives notice of an impasse under section 17 of this chapter, each party shall submit to the board and to the other party its final offer on each item remaining at impasse that is also an item listed in IC 20-29-6-4. The parties also shall file with the board a joint stipulation with respect to all matters on which the parties have previously agreed, for inclusion in the new or amended collective bargaining agreement. All final offers and joint stipulations filed with the board are open to public inspection.**

SECTION 14. IC 20-29-8-19 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 19. (a) Not later than three (3) days after the board receives notice of an impasse under section 17 of this chapter, the board shall submit to the parties a list of five (5) competent and experienced mediator-arbitrators, who must be representatives of the interests of the public, but who may not be employees of the board.**

(b) Not later than five (5) days after the parties receive the list of names, the parties shall agree on a name or alternately strike a name from the list until one (1) name remains. The parties shall determine by lot who strikes the first name. The parties shall notify the board of the mediator-arbitrator chosen.

(c) If a mediator-arbitrator has not been chosen through agreement or striking names within the five (5) day limit, the board shall select a mediator-arbitrator from the list.

(d) Upon receipt of notice from the parties or after the board makes a selection, the board shall formally appoint the mediator-arbitrator and submit to the mediator-arbitrator the final offers and joint stipulation of the parties.

SECTION 15. IC 20-29-8-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 20. A mediator-arbitrator shall begin mediation not later than ten (10) days after the mediator-arbitrator is appointed under section 19 of this chapter. The final offers of the parties, as transmitted by the board to the mediator-arbitrator, must serve as the mutual basis for mediation and continued negotiations between the parties with regard to issues in dispute that have not been agreed upon by the parties. All mediation sessions under this section or section 21 of this chapter**

must be private.

SECTION 16. IC 20-29-8-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 21. (a) For seven (7) successive days after the first mediation session under section 20 of this chapter, the mediator-arbitrator shall mediate the dispute and encourage a voluntary and mutual settlement by the parties. During the first five (5) days of the seven (7) successive day period, either party may unilaterally modify in writing any item in the party's final offer. At the end of the five (5) day period, each party shall certify in writing to the board the changes that have been made in the party's final offer during mediation, with a copy sent to the mediator-arbitrator and to the other party. During the last two (2) days of the seven (7) successive day period, a modification of either party's final offer may be made only with the consent of the other party.**

(b) Any modifications made under subsection (a) shall be certified by the parties to the board, with a copy sent to the mediator-arbitrator.

SECTION 17. IC 20-29-8-22 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 22. (a) If the parties have failed to reach a voluntary and mutual settlement during the seven (7) successive day mediation period under section 21 of this chapter, the dispute shall be resolved by final offer item by item selections.**

(b) Not later than five (5) days after the end of the mediation period and before selecting the final offers, the mediator-arbitrator shall conduct a public hearing to provide an opportunity to both parties to present evidence and argument in support of their final offers.

(c) Not later than ten (10) days after the completion of the hearing, the mediator-arbitrator shall in writing select the final offer that, in the mediator-arbitrator's judgment, is the more reasonable and shall in writing state reasons for the selection. The mediator-arbitrator's selection and the reasons shall be delivered to the board and to each party. The final offers selected, along with the stipulation of items already agreed to, become the agreement between the parties and are final and binding upon the parties, subject to section 23 and sections 26 through 29 of this chapter.

SECTION 18. IC 20-29-8-23 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 23. The parties to a mediation under section 20 or 21 of this chapter may voluntarily and mutually agree upon the terms and conditions of a contract at any time.**

SECTION 19. IC 20-29-8-24 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 24. In making a decision under the final offer selection procedures authorized by section 22 of this chapter, a mediator-arbitrator shall give weight to the following factors:**

(1) Past memoranda of agreement and contracts between the parties.

(2) Comparison of wages, hours, terms of employment, and conditions of employment of the school employees involved with those of other employees doing comparable work, giving consideration to factors peculiar to the work involved.

(3) Comparison of wages, hours, terms of employment, and conditions of employment with similar employment in private business and industry.

(4) The average consumer prices for goods and services, commonly known as the cost of living.

(5) The effect on the educational atmosphere or environment.

SECTION 20. IC 20-29-8-25 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 25. (a) If an agreement has not**

been reached on the items to be bargained collectively fourteen (14) days before the first day of the first term or semester of a school year, the parties shall continue the status quo, and the employer may issue tentative individual contracts and prepare a budget based on the individual contracts.

(b) During the status quo period, to permit the successful resolution of the dispute, the employer may not unilaterally change the terms or conditions of employment that are issues in dispute.

(c) This section does not relieve the school employer or the school employee organization from the duty to follow the procedures set forth in this chapter.

SECTION 21. IC 20-29-8-26 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 26. Not later than fifteen (15) days after the mediator-arbitrator's final offer selection under section 22 of this chapter, either party may petition the circuit or superior court of the county in which the school employer's administrative office is located to set the final offer selection aside. At any time after the fifteen (15) day period, either party may petition the circuit or superior court of the county in which the school employer's administrative office is located to enforce a final offer selection. The court shall hear these matters on an expedited basis and not later than thirty (30) days after the filing of a petition under this section. The court must enforce the final offer selection unless the court finds by a preponderance of the evidence that the decision is:**

- (1) illegal;
- (2) in excess of the mediator-arbitrator's power; or
- (3) procured by fraud, bribery, or corruption.

SECTION 22. IC 20-29-8-27 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 27. If a court sets aside a final offer selection because of illegality or excess of power under section 26 of this chapter, the selection shall be remanded to the same mediator-arbitrator who heard the selection the first time, subject to the right of a party to appeal an adverse ruling of the court. The mediator-arbitrator has the following choices on remand:**

- (1) Affirm the earlier final offer selection minus any items set aside by the court.
- (2) Make a new determination on the original final offers proposed by the parties after a new hearing or argument, at the discretion of the mediator-arbitrator.

SECTION 23. IC 20-29-8-28 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 28. If a court sets aside a final offer selection because of fraud, bribery, or corruption under section 26 of this chapter, the selection shall be remanded to the board for an expedited hearing before a new mediator-arbitrator, selected in the same manner as the original mediator-arbitrator, subject to the right of a party to appeal an adverse ruling of the court.**

SECTION 24. IC 20-29-8-29 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 29. An appeal under section 27 or 28 of this chapter shall be taken in the manner and to the same extent as orders or judgments are taken in a civil action. Because of the appeal's public importance, the appeal shall be advanced on the docket for the consideration of the court.**

SECTION 25. IC 20-29-8-30 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 30. A party who:**

- (1) fails to implement a final offer selection; or
 - (2) appeals a final offer selection and does not ultimately prevail in court;
- under this chapter is liable for reasonable attorney's fees, interest on delayed monetary benefits, and other costs incurred in the action.

SECTION 26. IC 20-29-2-17 IS REPEALED [EFFECTIVE JULY 1, 2009]."

Renumber all SECTIONS consecutively.

(Reference is to HB 1076 as introduced.) **and when so amended that said bill do pass.**

The Associations strongly oppose such language and have taken active approaches to defeat the legislation. Neither retroactivity nor binding arbitration is in the best interest of school governance and administration or the public when introduced into collective bargaining settlements. Both concepts erode local control and hinder negotiations. fb/je

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HB 1418 K-12 Student enrollment counts

K-12 student enrollment counts. Requires the department of education to count student enrollment or average daily membership (ADM) in school corporations on the first school day in December. Requires the department to use the average of two ADM counts for purposes of state tuition support. Effective: July 1, 2009 Representative Smith V

The Associations, during the House Education Committee on February 5, made direct and asserted statements:

- **about reducing dollars in mid-year when the enrollment count average is less than the September count because contracts for the year must be honored;**
- **about the fact that schools do not wait to expel until after the ADM count; and,**
- **about the need to ensure the revenue for the entire school year, not just the first semester.**

HB 1418 passed 11-0, ignoring the onerous impact on school budgets. It will be important for school officials to contact their Representatives about the potential negative financial impact of the bill. fb/je

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HB 1723 Education Funding

Elementary and secondary education budget. Appropriates money for elementary and secondary education. Establishes a formula for the distribution of state tuition support to school corporations and charter schools in 2010. Eliminates the requirement that a school budget be on the basis of a fiscal year rather than a calendar year. Requires charter schools to conduct classes for a specified number of hours on at least 180 days per year. Provides grants for a school business official's academy. Continues the authority of a school corporation to use money in a capital projects account to pay for utility and insurance costs. Changes the formula used to distribute circuit breaker levy replacement grants to school corporations. Repeals definitions and formulas not used in the state tuition support formula and a noncode provision making a separate appropriation for circuit breaker levy replacement grants. Effective: July 1, 2009; January 1, 2010. Representative Goodin

The House Democrats placed all school funding (school formula and categorical funding) into HB 1723. This will emphasize the importance of K-12 funding. The funding included in HB 1723 is a one-year budget. With the current economic crisis, the House Democrats want to come back in the short session in 2010 to do the second year of the budget when an updated revenue forecast will be available. This is unusual, but we are in unusual times.

Highlights of HB 1723 are as follows:

- *\$116 million new funding will be added to the 2009 appropriations for the school distribution formula**
- *This formula provides a state-average increase of 2%. A few corporations will receive fewer dollars in 2010 than they are receiving in 2009.**
- *A total of \$189 million of new funding is included in HB 1723. The additional dollars over the formula are for categorical increases.**
- *Full day kindergarten grant will provide \$86.5 million so that every corporation can receive \$1,132 per kindergarten child**
- *The bill eliminates the mandate for school corporations to go to fiscal year budgeting in 2010**
- *The bill funds the Indiana School Business Official Leadership Academy and the Indiana Principals Academy**
- *The use of CPF monies for utilities and property insurance continues**
- *All remediation monies will be used for remediation and not testing.**
- *The bill caps the number of charter schools at the current level**
- *Charter school funding is flat lined for 2010**
- *The bill continues the new facility adjustment appropriation at \$10 million**
- *\$81 million is appropriated for circuit breaker loss grants for 2010**
- *The bill uses \$100 million from the Tuition Reserve Fund**

In favor of the bill are: ISTA, IASBO, IAPSS, ISBA, IASP, IUSA, IPS, and the Coalition for Suburban & Growing Schools. Opposing are Indianapolis Charter School Association, Charter School Association, and Hoosier Academies (virtual schools). The Associations greatly appreciate the efforts to find some new funding during these very difficult times. dc

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Senate Bills

SJR 1 Kenley Citations Affected: Article 10 of the Constitution of the State of Indiana.

Circuit breakers and other property tax matters. For property taxes first due and payable in 2012 and thereafter, requires the general assembly to limit a taxpayer's property tax liability as follows: (1) A taxpayer's property tax liability on homestead property may not exceed 1% of the gross assessed value of the homestead property. (2) A taxpayer's property tax liability on other residential property may not exceed 2% of the gross assessed value of the other residential property. (3) A taxpayer's property tax liability on agricultural land may not exceed 2% of the gross assessed value of the property that is the basis for the determination of the agricultural land. (4) A taxpayer's property tax liability on other real property may not exceed 3% of the gross assessed value of the other real property. (5) A taxpayer's property tax liability on personal property may not exceed 3% of the gross assessed value of the taxpayer's personal property that is the basis for the determination of property taxes within a particular taxing district. Specifies that property taxes imposed after being approved by the voters in a referendum shall not be considered for purposes of calculating the limits to property tax liability under these provisions Provides that in the case of a county for which the

general assembly determines in 2008 that limits to property tax liability are expected to reduce in 2010 the aggregate property tax revenue that would otherwise be collected by all units and school corporations in the county by at least 20%, the general assembly may provide that property taxes imposed in the county to pay debt service or make lease payments for bonds or leases issued or entered into before July 1, 2008, shall not be considered for purposes of calculating the limits to property tax liability. Specifies that such a law may not apply after December 31, 2019. Permits the general assembly to exempt a mobile home used as a homestead to the same extent as real property. Specifies that an exemption may be granted in the form of a deduction or credit. Specifies that the general assembly may impose reasonable filing requirements to obtain an exemption, deduction, or credit **Effective:** This proposed amendment must be agreed to by two consecutive general assemblies and ratified by a majority of the state's voters voting on the question to be effective.

SJR 6 Waltz Citations Affected: Articles 8, 10, and 13 of the
Constitution of the State of Indiana

Prohibition against property taxation. Adds Article 10, Section 10.5 of the Constitution of the State of Indiana to prohibit the imposition of ad valorem property taxes by the general assembly or a political or municipal corporation. Strikes out Article 10, Section 1 (authorization to impose property taxes) and Article 13, Section 1 (municipal debt limitation based on the taxable value of property). Makes a conforming amendment to Article 8, Section 2. Establishes the effective date and requires the general assembly to provide by law revenue to pay, after property tax collections are terminated, obligations of a political or municipal corporation in Indiana to which the corporation pledged property tax revenue. This proposed amendment has not been previously agreed to by a general assembly. **Effective:** This proposed amendment must be agreed to by two consecutive general assemblies and ratified by a majority of the state's voters voting on the question to be effective.

SCR 10 Becker, Deig
A CONCURRENT RESOLUTION urging the legislative council to assign the Committee on Education Matters the study of funding of early childhood education.

SB 2 Arnold Citations Affected: IC 20-30-5.5.
Internet safety education in schools. Mandates policies concerning safe Internet usage in all schools. Stipulates reporting requirements for superintendents. **Effective:** July 1, 2009.

SB 11 Nugent Citations Affected: IC 34-6-2; IC 34-28-7.
Firearms in locked vehicles. Prohibits a person (which includes an individual, a corporation, and a governmental entity) from adopting or enforcing a policy or rule that prohibits or has the effect of prohibiting an individual from legally possessing a firearm that is locked in the individual's vehicle while the vehicle is in or on the person's property. Excepts possession of a firearm: (1) on school property, on property used by a school for a school function, or on a school bus; (2) on certain child care and shelter facility property; (3) on penal facility property; and (4) in violation of federal law. Provides that a person who, in compliance with the prohibition, does not adopt or enforce such a policy or rule is not liable for resulting injury or damage. Authorizes a

civil action for damages, costs, attorney's fees, and injunctive relief to remedy a violation. Deletes an outdated reference. **Effective:** July 1, 2009.

SB 13 Kenley Citations Affected: IC 20-29-6-7.
Teachers on school committees. Limits the number of teachers the exclusive representative may appoint to serve on statutory or locally created committees of a school corporation. **Effective:** July 1, 2009.

SB 16 Holdman, Wyss, Tallian Citations Affected: IC 5-2-6.5-9;
IC 9-13-2-177.3; IC 9-24; IC 9-29;
IC 9-30-3-12; IC 20-19-2-8; IC 26-2-6-6;
IC 33-39-1-8; IC 34-28-5-1.

Learner's permits and graduated licenses. Requires the state board of education and the criminal justice institute to adopt rules specifying that the classroom portion of driver's education may not be provided to a child less than fifteen (15) years of age. **Effective:** Upon passage; July 1, 2009.

SB 27 Lubbers, Boots, Buck, Sipes, Arnold, Breaux
Citations Affected: IC 20-20-13-0.5; IC 20-20-13-6.
David Ford educational technology fund. Renames the educational technology fund as the Senator David C. Ford educational technology fund. Provides a continuing appropriation to the fund and to the department of education from the fund in an amount sufficient to carry out the purposes of the fund. (The introduced version of this bill was prepared by the interim study committee on education matters.) **Effective:** July 1, 2009.

SB 28 Lubbers Citations Affected: IC 3-8; IC 3-10; IC 20-23;
IC 20-25-3-4; IC 33-33-53-5.
School board elections at general election time. Requires that school board members selected by election must be elected at general elections. Repeals superseded statutes. **Effective:** January 1, 2010.

SB 32 Mrvan Citations Affected: IC 5-14-1.5-5.
Notice of meetings. Requires a public agency to give notice of the agency's meetings to any person who makes an annual request for notice. Requires the public agency to charge a \$10 fee for providing notice by mail. Requires notice to be given at least five business days before a meeting that does not deal with an emergency. **Effective:** July 1, 2009.

SB 33 Mrvan Citations Affected: IC 22-1-1-8; IC 22-2-15;
IC 34-11-2-13.
Equivalent jobs and wage discrimination. Provides that an employer may not discriminate against an employee on the basis of sex, race, or national origin by paying a wage less than the wage paid to an employee of another sex, race, or national origin for work in an equivalent job. Requires an employer to keep certain records of wages paid to an employee and to provide certain documentation to the employee, including an annual statement of how the wages were calculated. Requires the department of labor to adopt rules, including specification of certain criteria for determining whether a job is dominated by employees of one sex, a particular race, or a particular national

origin. Allows an employee claiming wage discrimination to file a complaint with the civil rights commission. Authorizes a civil action against an employer that fails to comply with certain wage reporting requirements or that takes certain discriminatory actions. Provides for damages against the employer in certain circumstances. Makes conforming changes. **Effective:** July 1, 2009.

SB 55 Becker Citations Affected: IC 5-10.4-6-11.

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, 1979, and has at least 20 years of creditable service may not be less than \$500. **Effective:** January 1, 2010.

SB 57 Lubbers Citations Affected: IC 20-28-2-6.

Sign language interpreters in schools. Requires the advisory board of the division of professional standards of the department of education, before July 1, 2010, to adopt rules setting standards for sign language interpreters working in an educational setting. **Effective:** July 1, 2009.

SB 61 Walker Citations Affected: IC 2-2.1-1-10; IC 2-2.1-1-14.

Notice of appropriation and revenue measures. Provides that committee hearings and floor votes on appropriations and revenue raising measures are subject to a waiting period of 72 hours after the bill or amendment is made available for public review. Applies to any state general fund appropriation of at least \$1,000,000 and to any revenue raising measure that would raise at least \$1,000,000 for the state general fund. Allows either house to waive the notice if a provision is added to the bill that states the notice requirement has been waived. **Effective:** Upon passage.

SB 66 Young, Michael Citations Affected: IC 5-10.2; IC 5-10.3.

PERF vesting period. Reduces from ten to eight the number of years of creditable service a member of the public employees' retirement fund (PERF) must earn to obtain vested status. **Effective:** July 1, 2009.

SB 71 Lubbers Citations Affected: IC 20-28-5; IC 34-30-2-84.7.

Teacher licensing. Allows the department of education to convert a teacher's license to probationary status or issue a public reprimand for certain offenses. Provides for notification to the state superintendent of public instruction when a teacher is arrested, is convicted, or enters into a diversion program for a felony or misdemeanor. Provides immunity for an individual who notifies the state superintendent that a teacher has been arrested or convicted or has entered into a diversion program. **Effective:** July 1, 2009.

SB 81 Kruse Citations Affected: IC 20-30-2-9.

School year. Prohibits public schools and accredited nonpublic schools from beginning student instructional days for the school year before the first Monday in September (Labor Day) and from extending the school year beyond June 15, beginning with the 2010-2011 school year. Makes an exception for year-round schools. **Effective:** July 1, 2009.

SB 82 Kruse Citations Affected: IC 5-10.2-4-1; IC 5-10.3-6-8.9.
Minimum retirement age. Eliminates the requirement that members of the public employees' retirement fund (PERF) who retire under the "rule of 85" must be at least 55 years of age. **Effective:** July 1, 2009.

SB 95 Lewis Citations Affected: IC 20-19-3-9; IC 20-33-12.
Student expression of religious viewpoints. Provides that a public school student may not be discriminated against for expressing a religious viewpoint in schoolwork or on otherwise permissible subjects. Provides that students may form and advertise religion based noncurricular groups in the same manner as other groups. Requires a school corporation to adopt a policy establishing a limited public forum for students in which the students may express religious viewpoints. Requires the department of education to develop and make available to school corporations a model limited public forum policy. **Effective:** July 1, 2009.

SB 97 Lawson, C. Citations Affected: IC 6-1.1-4-4.3.
Limit on real property assessment increases. Limits the annual increase in the gross assessed value of real property to 10% unless the increase results from a factor that would have increased the assessed value even if neither an annual assessment adjustment nor a general assessment applied. **Effective:** January 1, 2010.

SB 125 Waltz Citations Affected: IC 6-3-3-11.
Income tax credit. Provides a refundable adjusted gross income tax credit for charitable donations to public or private elementary schools or high schools located in Indiana. Provides that the maximum individual taxpayer credit is \$1,000 in the case of a single return or \$2,000 in the case of a joint return. Provides that the maximum corporate taxpayer credit is the greater of 10% of the corporation's total adjusted gross income tax liability or \$10,000. **Effective:** January 1, 2010.

SB 126 Waltz Citations Affected: IC 20-24-8-5; IC 20-30-5-19.
Financial responsibility curriculum. Requires public schools (including charter schools) and accredited nonpublic schools to provide instruction in personal financial responsibility to students in grades 9 through 12. **Effective:** July 1, 2009.

SB 180 Lanane Citations Affected: IC 3-12.
Candidate challenges. Provides that a candidate's qualifications for, or election to, a public office may not be challenged in an action based on the same grounds that a challenge to the candidate's eligibility, qualifications, nomination, or election was made or could have been made under Indiana's election statutes. Allows a candidate who was first declared nominated or elected to a local or school board office ten days to file a petition to contest the nomination or election of another candidate following a recount. **Effective:** July 1, 2009.

SB 181 Lubbers Citations Affected: IC 35-42-4-7.
Child seduction. Expands the group of persons who commit child seduction by adding persons employed by a charter school and persons otherwise affiliated with a school corporation, charter school, or nonpublic school, if the person affiliated with the school has direct, ongoing contact with children attending the school. (Under current law, the

group of persons who commit child seduction in a school context is limited to persons employed by a school corporation or nonpublic school.) **Effective:** July 1, 2009.

SB 182 Lubbers Citations Affected: IC 10-13-3-36; IC 20-28.
Criminal history checks. Exempts a postsecondary educational institution from paying a fee for a limited criminal history record of a student in the institution's school of education before the student begins the student's field or classroom experience. Requires an expanded criminal history background check for a person seeking to obtain or renew a teaching license or certificate. **Effective:** January 1, 2010.

SB 183 Mrvan Citations Affected: IC 6-3-7-5; IC 22-3; IC 22-4-34-2.
False statements to state agencies. Provides that an employee who knowingly or intentionally makes a false statement of independent contractor status to the department of state revenue commits a Class D felony. Provides that an employer or employee shall not classify an employee as an independent contractor for the sole or primary purpose of avoiding the worker's compensation law, and that a violation is a Class A infraction. Provides that a person who makes a false representation that an employee is an independent contractor for the purpose of avoiding the unemployment compensation law commits a Class C misdemeanor. Makes technical corrections. Makes conforming amendments. **Effective:** July 1, 2009.

SB 191 Miller Citations Affected: IC 20-26-17.
Alternative placements for certain students. Allows a school corporation that determines it cannot serve a student because of the student's disruptive behavior or frequent unexcused absences to place the student in another setting. Provides that if the other setting is in another school corporation or a nonpublic school, the school corporation in which the student has legal settlement must pay the student's tuition. Sets a cap on the amount that the school corporation may expend for tuition for the student. **Effective:** July 1, 2009.

SB 205 Randolph Citations Affected: IC 35-41-3-1.
Corporal punishment by parents and guardians. Specifies that a parent or guardian of a child has legal authority to: (1) apply reasonable force to a child; or (2) impose reasonable confinement on a child; if the parent or guardian believes that the reasonable force or confinement is necessary for the proper control, training, or education of the child. Provides that the following factors are relevant in determining whether force or confinement is reasonable: (1) The age of the child. (2) The sex of the child. (3) The physical and mental condition of the child. (4) The nature of the child's misbehavior and the child's motive for the misbehavior. (5) The influence that the child's example may have on other children of the same family or group. (6) Whether the force or confinement is reasonably necessary and appropriate to compel obedience to a proper command. (7) Whether the force or confinement is disproportionate to the misbehavior, unnecessarily degrading, or likely to cause serious or permanent harm. **Effective:** July 1, 2009.

SB 213 Randolph Citations Affected: IC 6-1.1; IC 8-22-3.5-11; IC 36-7.
Assessment of real property. Beginning with the general reassessment of real property that takes effect for the assessment date in 2011, provides that general reassessments occur every nine years instead of every five years. Provides that real

property assessment adjustments done annually under current law will occur every three years between general reassessments. Corrects internal references. **Effective:** January 1, 2009 (retroactive); July 1, 2009.

SB 224 Lubbers Citations Affected: IC 20-19-2-21; IC 20-24-8-5;
IC 20-26-17.

Virtual education. Provides that the state board of education may require each student to complete at least one course through virtual learning before graduating from high school. Defines "virtual school". Sets forth requirements for virtual schools established by school corporations or charter schools. **Effective:** July 1, 2009.

SB 226 Lubbers Citations Affected: IC 20-24-7-13.

Charter school services for children. Provides that a charter school may provide services and receive funding for providing services to a child in the same manner as other public schools. **Effective:** July 1, 2009.

SB 227 Lubbers Citations Affected: IC 5-1.4-1-10; IC 20-20-13-3;
IC 20-24-7-13.

Access of charter schools to various funds. Allows any charter school located in Indianapolis to have access to funds from the Indianapolis bond bank. (Current law allows only charter schools established by the mayor to have access.) Provides that a charter school may receive technology funds. Provides that a charter school may provide services and receive funding for providing services to a preschool child in the same manner as other public schools. **Effective:** July 1, 2009.

SB 228 Lubbers, Wyss Citations Affected: IC 9-21-12.

End of route inspection by bus drivers. Requires the operator of a school bus or special purpose bus to visually inspect each seat within the bus at the end of each trip during which passengers are transported to determine that no passengers remain on the bus. Requires the owner of a school bus or special purpose bus to report each incident in which a passenger is left on the bus to the department of education. Makes a violation of these provisions a Class C infraction. **Effective:** July 1, 2009.

SB 230 Deig Citations Affected: IC 36-1-12.5-7.

Energy savings contracts. Provides that in the case of a political subdivision that enters into an installment payment contract for certain conservation measures, the installment payments may not exceed the lesser of 15 years (rather than 10 years under current law) or the average life of the conservation measure. **Effective:** July 1, 2009.

SB 232 Gard Citations Affected: IC 5-14.

Public access issues. Requires a public agency to give notice of the agency's meetings to any person who makes an annual request for notice. Allows a court to assess a civil penalty of up to \$1,000 against each of the following for violating the public records law or the open door law: (1) The officer of a public agency. (2) Employee of a public agency. (3) The public agency. 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 to determine whether redaction of the records violated the access to public records act. 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. Makes a continuous appropriation. **Effective:** July 1, 2009.

SB 240 Merritt Citations Affected: IC 36-1.

Public works procedures. Amends the statute governing local public works projects to state that a political subdivision or its agencies may: (1) participate in a utility efficiency program or may enter into a guaranteed savings contract as provided by law; and (2) enter into a design-build contract as permitted by law instead of awarding a public works contract. Provides that a "conservation measure" includes installation of insulation in a political subdivision's facility. (Under current law, the definition of "conservation measure" includes only insulation of school facilities.) **Effective:** July 1, 2009.

SB 246 Lawson, C. Citations Affected: IC 5-4-1-18; IC 5-11;
IC 5-14-1.5-6.1; IC 5-24; IC 9-14-3-0.3; IC 13-14-13.

State board of accounts matters. Increases the amount of the surety bond that must be filed by various local government officials. ... Permits the governing body of a public agency to conduct an executive session for purposes of meeting with the SBOA in an entrance conference or exit conference during the audit process. **Effective:** July 1, 2009.

SB 263 Kruse Citations Affected: IC 20-26-5-32.

Public school compensation payment schedules. Permits a public school corporation to enter into a 12 month compensation payment schedule for work performed during a normal nine or ten month school year. **Effective:** July 1, 2009.

SB 275 Head Citations Affected: IC 20-18-2-23.

Definition of "textbook". Changes the definition of "textbook" in school law to include computers, computer software, interactive videodiscs, and magnetic media. **Effective:** July 1, 2009.

SB 282 Errington Citations Affected: IC 4-12-4-10; IC 16-18-2;
IC 16-41-37.

Prohibit smoking in public places. Prohibits smoking in public places and places of employment. Establishes certain civil penalties for violations. Requires that the civil penalties collected for violations be deposited into the tobacco use prevention and cessation trust fund. **Effective:** July 1, 2009.

SB 286 Taylor Citations Affected: IC 20-28; IC 20-31.

Cultural competency in schools. Requires the department of education to develop standards for cultural competency teacher training. Requires school corporations and accredited nonpublic schools to develop policies concerning cultural competency training for school staff and students. **Effective:** July 1, 2009.

SB 316 Mrvan Citations Affected: IC 5-14.

Penalties imposed by public access counselor. Establishes an education fund to fund programs 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. Allows the

public access counselor to assess civil penalties against a public agency for violating the public records law. Requires any civil penalties collected to be deposited in the education fund. 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, 2009.

SB 318 Mrvan Citations Affected: IC 6-1.1; IC 8-22-3.5-11; IC 36-7.

Adjustment of assessed values. Provides that biennial adjustments of the assessed value of real property apply beginning with the March 1, 2010, assessment date. Specifies that the last annual adjustment shall be applied to adjust assessed values for the March 1, 2008, assessment date, and that assessed values shall not be adjusted for the March 1, 2009, assessment date. **Effective:** Upon passage.

SB 320 Charbonneau Citations Affected: IC 20-30-2-2.

Student instructional days. Provides that: (1) three full school days when students are dismissed for staff professional development activities; and (2) one full school day when students are dismissed for parent-teacher conferences; count as student instructional days for purposes of the required 180 day school year. Voids provisions in the Indiana Administrative Code that allow partial school days used for parent-teacher conferences to count as partial student instructional days and that do not allow students to be dismissed for full days for parent-teacher conferences and staff professional development activities. **Effective:** July 1, 2009.

SB 321 Charbonneau Citations Affected: IC 20-33-2.

Withdrawal from school. Allows a student who is at least 17 years of age to withdraw from school with the consent of the student's parent and principal following an exit interview, if the student plans to obtain a general educational development (GED) diploma before reaching 18 years of age in order to attend a postsecondary educational institution or join the armed forces. **Effective:** July 1, 2009.

SB 325 Walker Citations Affected: IC 4-6-2-1.5; IC 20-33-8-9;
IC 34-13-3-3.

Teacher immunity regarding disciplinary action. Allows a teacher to take an action that is reasonably necessary to maintain discipline in the school, and provides immunity from civil liability for reasonable actions taken to maintain discipline in the school. Specifies that the attorney general shall defend a teacher in a civil suit if the attorney general determines that the suit has arisen out of an act that the teacher in good faith believed was within the scope of the person's duties in taking an action reasonably necessary to maintain discipline in the school. **Effective:** July 1, 2009.

SB 326 Walker Citations Affected: IC 20-30-2.

Optional four day school week calendar. Allows a school corporation to adopt a four day school week (144 day school year) if the student instructional day is lengthened so that the amount of instructional time provided is equivalent to that provided in a 180 day school year. Provides a formula for reducing the amount of August tuition support for a school corporation that has adopted a 144 day school year and fails to conduct 144 days. **Effective:** July 1, 2009.

SB 327 Walker Citations Affected: IC 20-26-11-31; IC 20-43-4-1.
Transfers between contiguous school corporations. Permits a student to attend a school in a contiguous school corporation under certain conditions. **Effective:** Upon passage.

SB 328 Walker Citations Affected: IC 6-1.1-20.1.
School debt. Requires the department of local government finance to: (1) collect, organize, and publicize certain data; and (2) develop affordability measures that must be considered by a school corporation before the school corporation issues bonds or enters into a lease rental agreement. Specifies the factors that must be considered by the department of local government finance in developing the affordability measures. Provides that in the case of bonds or lease rental agreements for which a school corporation's preliminary determination to issue the bonds or enter into the lease rental agreement is made after December 31, 2009, the school corporation may not issue the bonds or enter into the lease rental agreement unless the governing body of the school corporation holds at least one public hearing in which the governing body of the school corporation: (1) discusses the bonds or lease agreement and the affordability of the bonds or lease agreement, as compared to the affordability measures; and (2) allows public testimony. **Effective:** Upon passage.

SB 330 Walker, Kruse Citations Affected: IC 20-19-3-9; IC 20-33-12.
Student expression of religious viewpoints. Provides that a public school student may not be discriminated against for expressing a religious viewpoint in school work or on otherwise permissible subjects. Provides that students may form and advertise religion based noncurricular groups in the same manner as other groups. Requires a school corporation to adopt a policy establishing a limited public forum for students in which the students may express religious viewpoints. Requires the department of education to develop and make available to school corporations a model limited public forum policy. **Effective:** July 1, 2009.

SB 334 Lubbers, Kruse Citations Affected: IC 6-3-3-13.
Credit for teachers purchasing classroom supplies. Provides, for taxable years beginning after December 31, 2011, that an individual employed as a teacher is entitled to a credit against the individual's adjusted gross income liability for amounts expended on classroom supplies to a maximum of \$50 per taxable year. **Effective:** January 1, 2010.

SB 335 Lubbers, Kruse Citations Affected: IC 13-19-5-3; IC 20-33-8-8;
IC 34-6-2-38; IC 34-13-3-3.
Student discipline. Provides that a school employee has qualified immunity for a disciplinary action taken in good faith under a discipline policy adopted by a school corporation. Removes an expired provision. **Effective:** July 1, 2009.

SB 338 Kruse Citations Affected: IC 5-10.2-4.
Contributions to PERF pension benefit. Provides that a member of the public employees' retirement fund may choose at retirement to make a contribution to the pension portion of the member's retirement benefit using all or a part of the amount credited to the member in the annuity savings account. **Effective:** July 1, 2009.

SB 340 Kruse, Mishler Citations Affected: IC 15-11-12.
Renewable biomass fuel for motor vehicles. Requires local governments to use a fuel in their diesel fuel vehicles that is at least 5% diesel substitute fuel instead of 100% petroleum based diesel fuel. Creates an inspection and certification program administered by the department of agriculture with the assistance of the department of environmental management and the state department of health. Provides that substitute diesel fuel is fuel that is made with renewable biomass products, contains no sulfur or aromatics, results in a substantial reduction of unburned hydrocarbons, carbon monoxide, and particulate matter, and yields at least a 50% reduction in lifecycle greenhouse gas emissions per unit of delivered energy in comparison to traditional diesel fuel. Phases in the requirement over four years by requiring fuel that is 2% substitute diesel fuel beginning July 1, 2011, 3% beginning July 1, 2012, 4% beginning July 1, 2013, and 5% beginning July 1, 2014. Allows the department of agriculture to delay implementation for certain reasons. Establishes an interim study committee to study the feasibility and effectiveness of various forms of incentives to promote the development and use of diesel substitute fuel in Indiana. **Effective:** Upon passage; July 1, 2009.

SB 353 Bray Citations Affected: IC 5-11-6-1.
Recovery of public money. Requires an examiner to file a report promptly disclosing nonfeasance, misfeasance, or malfeasance in the letting or performance of a public contract. Requires the examiner to file the report with the state examiner at the time the matter is discovered, instead of at the conclusion of the audit. Requires the state examiner to file the report promptly with the attorney general. **Effective:** July 1, 2009.

SB 356 Delph Citations Affected: IC 22-2-13-5.
Military family leave. Adds a biological parent of the adoptive father or mother of the person ordered to active duty as a family member who may take military family leave. **Effective:** July 1, 2009.

SB 361 Stutzman Citations Affected: IC 34-6-2; IC 34-28-7.
Firearms in locked vehicles. Prohibits a person from adopting or enforcing a policy or rule that prohibits or has the effect of prohibiting an individual from legally possessing a firearm that is locked in the individual's vehicle while the vehicle is in or on the person's property. Excepts possession of a firearm: (1) on school property or a school bus; (2) on certain child care and shelter facility property; (3) on penal facility property; and (4) in violation of federal law. Provides that a person who, in compliance with the prohibition, does not adopt or enforce such a policy or rule is not liable for resulting injury or damage. Authorizes a civil action for damages, costs, attorney's fees, and injunctive relief to remedy a violation. **Effective:** July 1, 2009.

SB 370 Kruse Citations Affected: IC 5-10.2; IC 5-10.3; IC 5-10.4.
PERF/TRF administrative matters. Allows a vested member of the teachers' retirement fund (TRF) who terminates covered employment to elect to withdraw the entire amount in the member's annuity savings account (ASA) before the member is eligible to do so at retirement and receive a pension at retirement. Requires TRF and the public employees' retirement fund (PERF) to adopt a policy to require direct deposit or another approved method as the preferred way for a member or beneficiary to

receive benefits, including an alternative payment method for a member or beneficiary who provides satisfactory evidence to the PERF or TRF board that the member or beneficiary is unable to receive monthly benefits by direct deposit or another approved method. Requires that payment of an estimated retirement benefit be at least 85% of the actual benefit. (Currently, the payment must be 85% of the actual benefit.) Requires that a PERF member who elects not to purchase an annuity or receive the balance in the member's ASA before retirement must receive the entire amount in the member's ASA at retirement. (Currently, a member can defer receipt of the ASA.) Allows annual payment of a monthly benefit that does not exceed \$5. Provides that a PERF member who is reemployed in a covered position after retirement continues to receive retirement benefits while reemployed. Provides that a supplemental benefit based on the member's reemployment is eliminated. Denies a member's application for retirement benefits if, on or before the date the member files the application, the member has an agreement with a covered employer to become reemployed in a covered position. Eliminates the treasurer of state as the treasurer of PERF and reassigns the treasurer's duties to the PERF board and executive director. Provides that liability for a PERF member's unfunded service credit is charged against the employer's account. Specifies the date a TRF member returns to active teaching service or teacher education for purpose of earning military service credit. Makes conforming and technical corrections. Repeals provisions concerning a supplemental retirement benefit and the treasurer of state's role as PERF treasurer. **Effective:** July 1, 2009.

SB 378 Boots Citations Affected: IC 10-13-5; IC 12-10-18-3; IC 12-17.2;
IC 16-37-1-8; IC 20-26-13-10; IC 20-33-2-10; IC 31-34;
IC 31-36.

Amber alert. Expands the amber alert program to include missing endangered adults. Renames the Indiana clearinghouse for information on missing children to the Indiana clearinghouse for information on missing persons (clearinghouse). Requires the clearinghouse to operate the amber alert program. Makes conforming changes. **Effective:** July 1, 2009.

SB 380 Hume, Charbonneau Citations Affected: IC 20-30-2-2.

Teacher professional development days. Provides that a maximum of three full school days or six partial days when students are dismissed for staff professional development activities count as student instructional days for purposes of the required 180 day school year. Allows a school corporation to use no more than two partial days of the six partial days, or one half day of the three full days, for parent-teacher conferences. Voids provisions in the Indiana Administrative Code that allow partial school days used for parent-teacher conferences to count as partial student instructional days and that do not allow students to be dismissed for full days for parent-teacher conferences and staff professional development activities. **Effective:** July 1, 2009.

SB 394 Simpson Citations Affected: IC 6-2.5-5-44.

Sales tax holiday. Provides a sales and use tax exemption for certain items purchased at retail during the first weekend of January or the last weekend in August. **Effective:** April 1, 2009 (retroactive).

SB 396 Simpson Citations Affected: IC 20-30-5.6.

Dating violence policy and instruction. Requires school corporations to have dating violence policies and instruction. **Effective:** July 1, 2009.

SB 399 Dillon Citations Affected: IC 12-7-2-178.8; IC 12-24-2-8;
IC 16-18-2; IC 16-41.

Smoking ban in public places. Prohibits smoking in public places and places of employment. Provides exceptions to the smoking prohibitions. Allows a person who owns or controls an establishment, facility, or outdoor area that does not qualify as a public place or place of employment to declare the area a nonsmoking place. Requires the posting of "no smoking" signs in and the removal of ashtrays from a public place or place of employment. Prohibits firing or refusing to hire a person for reporting a violation or exercising an obligation under the smoking ban law. Prohibits smoking on school buses. Requires the department of health (department) or the department's designee to enforce the smoking prohibitions. Requires the department to establish a schedule of civil penalties. Establishes the public smoking enforcement fund. Provides procedures for administering civil penalties for violations. Establishes duties for the department. Provides procedures for administering civil penalties for violations. Allows local governments to adopt more restrictive anti-smoking ordinances. Repeals the current clean indoor air law and related definitions. Makes conforming changes. **Effective:** July 1, 2009.

SB 403 Rogers Citations Affected: IC 20-30-6-1.

Adult education programs. Provides that the following apply to a school corporation that, for any of the five most recently completed school years for which data is available, had a graduation rate of less than 60%: (1) For purposes of calculating the reimbursement for a program of adult education, the state distribution formula may not exclude any individual who is participating in the program of adult education, is enrolled in the kindergarten through grade 12 program at the school corporation, and is not more than 25 years of age. (2) The school corporation may enroll an individual who is not more than 25 years of age in the kindergarten through grade 12 program at the school corporation as part of the individual's participation in the school corporation's program of adult education. **Effective:** July 1, 2009.

SB 410 Sipes Citations Affected: IC 20-26-5-32; IC 21-41-2-4.

Autism training. Requires: (1) all certificated and noncertificated employees of school corporations; and (2) all individuals who are employed by entities that contract with school corporations and who have direct contact with students within the scope of their employment; to be trained in autism spectrum disorders. Requires state educational institutions that offer courses in social sciences to include information concerning autism spectrum disorders in their curricula. **Effective:** July 1, 2009.

SB 411 Sipes Citations Affected: IC 20-26-13.

Determination of graduation rate. Provides that a student whose individualized education program does not provide for the student to graduate from high school is not included in the calculation of a high school's graduation rate. **Effective:** July 1, 2009.

SB 412 Sipes Citations Affected: IC 20-26-5-32.

School resource officers. Provides that a regular or special police officer who is assigned as a school resource officer for a school corporation is required to receive at least 30 hours annually of duty specific training and education. Provides that the school corporation pays the cost of the training. **Effective:** July 1, 2009.

SB 413 Sipes Citations Affected: None (noncode).

Imagination library program. Appropriates \$3,000,000 to the department of education to be used to fund matching grants to school corporations to participate in the Imagination Library early reading program to provide books for children from birth through five years of age. **Effective:** July 1, 2009.

SB 427 Errington Citations Affected: IC 6-3.1-33; IC 22-2-15.

Parental leave for school conferences. Requires certain employers of employee parents to provide paid parental leave for school conferences when the conferences cannot be scheduled during the employee's nonworking hours. Provides for a state tax credit for an employer that provides parental leave. Provides for enforcement by the commissioner of labor. **Effective:** July 1, 2009; January 1, 2010.

SB 440 Gard, Landske Citations Affected: IC 16-41-37.5.

Indoor air quality. Requires the state department of health (SDOH) to adopt rules concerning indoor air quality in schools and state agencies. Provides that after the SDOH inspects a school or state agency for indoor air quality as the result of a complaint, the SDOH must report certain information. Provides that such a complaint must be in writing, may be made by electronic mail, and may be anonymous. Allows the SDOH to release the name of a complainant only if the complainant has authorized the release in writing. Requires the SDOH to post minutes of each meeting of the air quality panel on the SDOH web site not later than 45 days after the meeting. Requires the SDOH to: (1) develop and distribute a manual of best practices for managing indoor air quality at schools after seeking input and advice from the air quality panel and reviewing materials developed by other states and federal health and environmental agencies; and (2) review and revise the manual at least once every three years. **Effective:** July 1, 2009.

SB 441 Randolph, Mrvan Citations Affected: IC 16-41-37.5.

School air quality. Requires the state department of health (SDOH) to adopt rules concerning indoor air quality in schools. Provides that after the SDOH inspects a school for indoor air quality as the result of a complaint, the SDOH must report certain information. Provides that such a complaint must be in writing, may be made by electronic mail, and may be anonymous. Allows the SDOH to release the name of a complainant only if the complainant has authorized the release in writing. Requires the SDOH to post minutes of each meeting of the air quality panel on the SDOH web site not later than 45 days after the meeting. Requires the SDOH to: (1) develop and distribute a manual of best practices for managing indoor air quality at schools after seeking input and advice from the air quality panel and reviewing materials developed by other states and federal health and environmental agencies; and (2) review and revise the manual at least once every three years. **Effective:** July 1, 2009.

SB 443 Dillon Citations Affected: IC 20-34-3-21.

Student health measurements. Requires each school corporation to: (1) report certain student health data for students in grades 3, 5, and 7 to the state department of health beginning in 2010; and (2) inform the students' parents of the data collected and the right to obtain the data. Requires the state department of health to: (1) develop materials for the school corporation to distribute concerning body mass index; and (2) publish an annual report summarizing the data collected by the school corporations.
Effective: July 1, 2009.

SB 451 Lawson, C. Citations Affected: IC 4-13.6-8-7; IC 36-1-12.5-5.

Energy savings contracts. Provides that the maximum term of a guaranteed energy cost savings contract or a utility efficiency program is 20 years. (Current law provides for maximum terms of ten and 15 years.) **Effective:** July 1, 2009.

SB 452 Lawson, C. **Citations Affected:** IC 3-5; IC 3-6; IC 3-7; IC 3-8; IC 3-9-5;
IC 3-10; IC 3-11; IC 3-11.7-1; IC 3-12; IC 3-13; IC 5-4-1-2;
IC 20-23; IC 20-25-3-4; IC 33-33-53-5; IC 33-35-1; IC 36-1;
IC 36-1.5-4; IC 36-3; IC 36-4; IC 36-5; IC 36-8;
IC 36-10-3-35.

Kernan-Shepard election provisions. 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 an elected member of the political subdivision's legislative body. Provides that the restriction applies to an employee of a political subdivision who assumes an elected office after June 30, 2009. Provides that the restriction does not apply to an employee of a political subdivision who holds elective office on June 30, 2009, and continues to hold or be reelected to the office. Provides that the restriction 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. **Effective:** July 1, 2009.

SB 453 Walker Citations Affected: IC 4-8.1-2-1; IC 4-8.3; IC 4-13-2-14.8;
IC 6-7-0.5; IC 36-1-8-1.

Use of gold by the state and local government. Requires the treasurer of state to designate one or more electronic gold currency payment providers to be a payment provider for the state and political subdivisions. Requires the treasurer of state and fiscal officers of political subdivisions to: (1) maintain one or more electronic gold currency accounts with a designated electronic gold currency payment provider; and (2) conduct all monetary transactions of the state or political subdivisions through electronic gold currency accounts. Provides that an electronic gold currency payment provider must use an electronic gold currency unit that constitutes a monetary unit of account and represents a claim of title to and ownership of a specifically defined, fixed weight of gold held by an independent specie vault. Specifies that a specie exchange with which an electronic gold currency payment provider associates must conduct the business of exchanging gold and silver coin, legal tender of the United States, and the electronic gold currency of the electronic gold currency payment provider. Provides that after December 31, 2009, the state and political subdivisions may not compel or require any person to recognize, receive, pay out, deliver, promise to pay, or otherwise use or

employ anything but gold and silver coin (in that form or in the form of a designated electronic gold currency) as media of exchange with respect to certain payments. Provides that after December 31, 2009, a person receiving certain payments from the state or a political subdivision has the option of accepting payment in either legal tender of the United States or in electronic gold currency. Allows a person engaging in covered transactions to elect to receive or to pay a designated electronic gold currency instead of legal tender of the United States. Provides that if a person does not make a timely election, the medium of exchange for the transaction is legal tender of the United States. Specifies that if there is not sufficient gold in the state's or a political subdivision's accounts with electronic gold currency payment providers for the state or the political subdivision to make any payment in gold, the payment shall be made in legal tender of the United States. **Effective:** July 1, 2009.

SB 465 Buck Citations Affected: IC 20-33-3-41.5; IC 22-2-2-8;
IC 22-8-1.1-35.1.

Department of labor administrative matters. Allows the department of labor (department) or the commissioner of labor (commissioner) to reduce or waive, in the interest of justice and upon a showing of good cause, a civil penalty assessed for violation of child labor laws. Specifies that an employer is required to post a single page poster to notify employees about Indiana's minimum wage law. Authorizes the commissioner to determine the reasonable compensation of an attorney serving as an administrative law judge in occupational safety and health cases. **Effective:** July 1, 2009.

SB 467 Mrvan Citations Affected: IC 5-16-7; IC 22-2-2.

Enforcement of wage requirements. Increases the penalties imposed on an employer whose violation of the state common construction wage law or minimum wage law involves an employee who is an illegal alien. Provides that a determination by a federal immigration agency that an alien has come to, entered, or remained in the United States in violation of law creates a rebuttable presumption that the alien is in the United States in violation of law. **Effective:** July 1, 2009.

SB 471 Hershman Citations Affected: IC 3-9.

Electronic filing of campaign finance reports. Requires the election division to develop, and the election commission to approve, electronic filing standards for campaign finance reports. Eliminates a requirement that a candidate for legislative office and the candidate's committee file with the county election board of the county in which the candidate resides a duplicate copy of each required report filed with the election division. **Effective:** July 1, 2009.

SB 484 Lawson, C. Citations Affected: IC 2-5-29.

Youth advisory council. Changes the age of eligibility to be a youth advisory council (council) member from 14 to 18 years of age to 16 to 20 years of age. Staggers the terms of the council members. Provides that the appointing authority may remove an appointed member of the council for cause, including the failure to attend at least two meetings within a one year period. Provides that a member who attends a meeting of the council has a lawful excuse to be absent from school. Establishes the youth advisory council fund (fund) to receive appropriations, grants, gifts, and donations. Provides that money in the fund is available, with the approval of the budget agency, to

augment and supplement the funds appropriated to the department of education to implement the council. **Effective:** July 1, 2009.

SB 491 Kenley Citations Affected: IC 20-26; IC 20-31-9-5.

Public school transfers. Establishes a public school transfer program that allows the parent of a student to request a transfer for the student to enroll in: (1) a different public school in the student's base school corporation; or (2) a public school in a different school corporation. Allows school corporations to enter into an interlocal agreement under which students whose legal settlement is in one school corporation may attend school in the other school corporation. Allows a student who has legal settlement in one school corporation and whose parent owns property for which the parent pays property tax in another school corporation to attend school in the latter school corporation without transfer tuition being charged. Requires a school corporation to provide notice to parents concerning the publication of the school corporation's annual performance report and concerning the right of students to transfer out of schools that fail to perform adequately. **Effective:** July 1, 2009.

SB 502 Delph Citations Affected: Numerous provisions throughout the Indiana Code.

Government reorganization. Requires that the members of the governing body of a school corporation be elected at the time of the general elections. Requires school corporations of less than 2,000 ADM to consolidate unless granted a waiver by the state board of education. ... Allows a political subdivision to make transfers to the political subdivision's rainy day fund after the last day of the political subdivision's fiscal year and before March 1 of the subsequent calendar year. Allows officers of a political subdivision to transfer money between departments in the same fund of the political subdivision without notice and approval of the department of local government finance if the transfer meets certain requirements. ... Repeals obsolete statutes providing for the option of appointment of members of a governing body of a school corporation. Repeals superseded statutes relating to election of members of a governing body of a school corporation. **Effective:** Upon passage; July 1, 2009.

SB 507 Dillon Citations Affected: IC 20-24-8-5; IC 20-30-5-19.

Financial responsibility curriculum. Requires public schools (including charter schools) and accredited nonpublic schools to provide a basic course in personal finance to students in grades 10 through 12. **Effective:** July 1, 2009.

SB 509 Lubbers Citations Affected: IC 20-20-20; IC 22-4-18-1; IC 22-4.1.

Commission on career and technical education. Abolishes the commission for career and technical education (commission) and transfers the duties of the commission to the department of workforce development. Makes conforming amendments. Repeals provisions that establish and provide for the operation of the commission. **Effective:** July 1, 2009.

SB 510 Wyss Citations Affected: IC 20-38-3.

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

Provides for the recognition of coursework to facilitate timely graduation of students of military families. **Effective:** July 1, 2009.

SB 518 Delph Citations Affected: IC 1-1-3.5-3; IC 2-2.1; IC 4-10-21-0.5;
IC 4-13-2-18; IC 6-1.1-17.5.

State and local spending caps. Provides a control on state expenditures for state fiscal years beginning after June 30, 2009, that is based on the changes in: (1) the population of Indiana; and (2) the consumer price index for the midwest region for all items as published by the Bureau of Labor Statistics. Requires the budget agency to determine and publish the spending cap amounts in the Indiana Register. Provides for emergency expenditures. Requires that the digest of a budget bill or a conference committee report on a budget bill contain certain information concerning state appropriations and expenditures. Provides that current law concerning business cycle state spending controls expires June 30, 2009. Provides a control on the expenditures of political subdivisions for local fiscal years beginning after December 31, 2009, that is based on the changes in: (1) the population of the geographical territory of the political subdivision; and (2) the consumer price index for the midwest region for all items. **Effective:** July 1, 2009.

SB 520 Boots Citations Affected: IC 4-13.6-2-4; IC 5-16; IC 36-1-12;
IC 35-44-1-8; IC 36-1-12-7.

Specifications in public work projects. Requires specifications for public works projects to be written to encourage free, open, and competitive bidding and refrain from calling for unique or proprietary materials. Provides that a person who prepares, participated in the preparation of, or conferred any property on another person who prepared or participated in the preparation of the specifications of a public work project may not be awarded a contract for the public work project. Requires that plans and specifications for a public work project with a cost of more than \$100,000 must be approved by a registered architect or engineer. Provides that if the attendance of a bidder at a prebid meeting or conference is a condition to the acceptance of a bid from that bidder, that requirement must be published in the same fashion and for the same period as the board must advertise the date of receiving bids. Requires the noncollusion affidavit submitted with a public work bid must be affirmed under the penalties for perjury and that the affidavit must affirm that the bidder did not violate the requirements for public work specifications. Provides that a person who has certain responsibilities relating to the award of a public work contract who solicits, accepts, or agrees to accept any property from another person in return for an agreement to: (1) purchase or recommend the purchase of the other person's supplies, materials, or services with respect to a public work project; (2) incorporate or recommend incorporation of the other person's supplies, materials, or services into specifications for a public work project; (3) award or recommend the award of a public work contract to that other person; or (4) recommend, promote, or endorse that person's supplies, materials, or services with respect to the public work project commits a Class D felony. Provides that a person who offers, confers, or agrees to confer any property on a contract officer to do any of these acts commits a Class D felony. Provides that a person may not solicit, accept, or agree to accept any property in return for an agreement not to bid or compete on a public work project or to participate in an arrangement to suppress or eliminate full and unrestricted competition for the award of a public work contract commits a Class D felony. Repeals a superseded statute. Makes other technical changes. **Effective:** July 1, 2009.

SB 521 Dillon Citations Affected: IC 20-23.

School corporation reorganization. Requires school corporations with an average daily membership (ADM) of less than 500 students to merge with another school corporation or school corporations. Provides for the preparation of a comprehensive reorganization plan by a county committee, public hearings on the plan, and approval by the state board of education. Provides for the development of a comprehensive reorganization plan by the state board of education for school corporations that fail to reorganize by 2013. Requires the department of education (department) to develop standards for educational opportunity and operational efficiency for school corporations. Requires a school corporation with an ADM of greater than 499 students and less than 1,000 students to demonstrate to the department that it meets the standards, and, if unable to do so, to merge with another school corporation or school corporations. Provides that the reorganization provisions do not apply to a charter school. **Effective:** July 1, 2009.

SB 525 Lubbers, Kruse Citations Affected: IC 5-22-17-9; IC 20-40-0.5;
IC 20-42.5-3.

Education issues. Provides that the department of administration may require political subdivisions to purchase one or more services, supplies, or items of equipment exclusively under a state contract. Provides that if a state board of accounts examination report discloses that a school corporation has not complied with these requirements, the state board of accounts may fine the school corporation. Specifies that the amount of a fine imposed on a school corporation by the state board of accounts is equal to the following: (1) \$1,000 for the first failure to comply. (2) \$5,000 for the second failure to comply. (3) \$10,000 for each additional failure to comply. Provides that the state board of accounts may reduce a fine imposed on a school corporation to the extent that the fine exceeds the savings that the school corporation could have realized if the school corporation had complied with the requirements. Provides that a contract entered into by a state agency may require the contractor to offer to political subdivisions the services, supplies, or transportation equipment (including buses) that are the subject of the contract under conditions specified in the contract. Specifies that if a political subdivision demonstrates that it can achieve a better price for the service, supply, or item of equipment through another purchasing cooperative, the political subdivision may purchase the service, supply, or item of equipment from that source. Requires the department of administration to adopt rules to regulate purchases by political subdivisions. Provides that the department of administration may establish written policies for purchases by political subdivisions to ensure that political subdivisions secure the best available price and quality of an item purchased. Provides that a school corporation may apply to the office of management and budget (OMB) to transfer an amount from any fund of the school corporation to any other fund of the school corporation to increase the school corporation's ratio of student instructional expenditures to all other expenditures. Requires the OMB to consult with the state board of education (state board) in determining whether to grant the request. Provides that if a transfer is approved: (1) the school corporation may not file a levy appeal for the school corporation's transportation fund with the department of local government finance in the year in which the transfer is made or in the following year (if the transfer is made from the school corporation's transportation fund); and (2) the school corporation may not increase its capital projects fund rate in the following year (if the transfer is

made from the school corporation's capital projects fund). Specifies that the OMB may not approve a transfer unless the school corporation first adopts a resolution specifying that: (1) the transfer will not cause a shortage of money in the fund from which the transfer will be made; (2) the transferred funds are not necessary to carry out the purposes of the fund from which the transfer will be made; and (3) the school corporation will comply with the requirements concerning its transportation fund levy or capital projects fund rate and does not reasonably expect to request any emergency loans during the year in which the transfer is made or in the following year for the fund from which the transfer will be made. Specifies that the OMB may not approve such a transfer in excess of 50% of the amount that the school corporation can show it has saved through: (1) joint purchasing or shared service arrangements; or (2) other savings measures that have resulted in an increased ratio of student instructional expenditures to all other expenditures. Provides that the report prepared by the OMB concerning school corporations' progress in improving the ratio of student instructional expenditures must also include information regarding costs to school corporations of employee health insurance. Requires the governor and superintendent of public instruction, as well as the state board under current law, to recognize publicly each school corporation and educational service center that has an improved ratio of student instructional expenditures. Specifies that the state board shall determine different levels of improvement in the ratio of student instructional expenditures that are deserving of special recognition. Provides that the superintendent of public instruction, as well as the state board under current law, shall recognize and reward the school corporations that meet goals for increasing the school corporation's allocation of taxpayer resources directly to student instruction and learning. Requires the state board to adopt rules to create rewards for school corporations that improve their ratios of student instructional expenditures to all other expenditures. **Effective:** July 1, 2009.

SB 526 Lubbers, Kruse Citations Affected: IC 20-31-9.

School performance consequences. Provides that certain consequences apply to schools in either of the two lowest categories or designations of school improvement. (Current law provides that the consequences apply to schools within the lowest category or designation.) Shortens the period before the consequences apply. **Effective:** July 1, 2009.

SB 528 Yoder, Stutzman Citations Affected: IC 6-3.1-33; IC 20-51.

School scholarship tax credit. Provides a state tax credit to a taxpayer that makes a contribution to a scholarship granting organization for use by the scholarship granting organization in a scholarship program to provide scholarships to eligible students. Defines "eligible student" as an individual who: (1) has legal settlement in Indiana; (2) is between five and 22 years of age; and (3) either: (A) qualifies for the federal free or reduced price lunch program; or (B) received a scholarship as an eligible student in the immediately preceding school year. Sets forth a process for the department of state revenue to certify a scholarship program administered by a scholarship granting organization. **Effective:** Upon passage; January 1, 2009 (retroactive).

SB 529 Stutzman Citations Affected: IC 36-1-11.

Sale of public buildings. Repeals a statute that permits governmental entities to transfer real property between the governmental entities without using a bidding

process. Provides that a political subdivision may not transfer real property to another political subdivision without consideration. **Effective:** July 1, 2009.

SB 535 Kruse Citations Affected: IC 2-3.5-2; IC 5-10-5.5; IC 5-10.2;
IC 5-10.3; IC 5-10.4; IC 5-10.5; IC 33-38; IC 33-39-7-
3; IC 36-8-8-4.

Indiana public retirement system. Establishes the Indiana public retirement system (system) to administer and manage the following: (1) the public employees' retirement fund (PERF); (2) the teachers' retirement fund (TRF); (3) the judges' retirement fund; (4) the prosecuting attorneys retirement fund; (5) the state excise police, gaming agent, gaming control officer, and conservation enforcement officers' retirement fund; (6) the 1977 police officers' and firefighters' pension and disability fund; (7) the legislators' retirement system; (8) the pension relief fund; (9) the special death benefit fund; and (10) the state employees' death benefit fund. Creates a seven member board of trustees for the system (board) consisting of six members appointed by the governor and the director of the budget agency (or designee) serving as an ex officio voting member. Provides that the board's powers and duties are the combined powers and duties of the PERF and TRF boards. Provides that each retirement fund continues as a separate fund managed by the board. Provides for a director of the system who is appointed by and serves at the pleasure of the board. Eliminates the treasurer of state as the treasurer of PERF and reassigns the treasurer's duties to the board and director of the system. Makes conforming and technical corrections. Repeals provisions that establish the PERF and TRF boards and the treasurer of state's role as PERF treasurer. **Effective:** July 1, 2009.

SB 536 Kruse Citations Affected: IC 2-3.5-5-3; IC 5-10.2;
IC 5-10.3-7-12.5; IC 5-10.4-7.

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

SB 541 Hershman Citations Affected: IC 6-2.5; IC 6-3; IC 6-3.5;
IC 6-4.1; IC 6-5.5-1; IC 6-6; IC 6-8.1.

Various tax matters.

SB 559 Kruse Citations Affected: IC 22-3.

Worker's compensation matters. Requires the worker's compensation board (board) to establish a medical utilization review procedure for medical treatment provided to or proposed for work related injuries and illnesses. Requires a health care provider to file a claim for payment with the board not later than two years after the last date the provider provided services to an injured or disabled employee. Establishes a \$60 filing fee that must accompany the claim for payment. Requires that billing review services be certified by the board. Increases from \$1,000 to \$5,000 the maximum civil penalty that may be assessed against a billing review service that does not comply with the statutory billing review standards. Allows the second injury fund to be used to pay certain fund liabilities. Authorizes the board to resolve claims using mediation. Increases civil penalties for failure to: (1) post certain notices; (2) file certain records; and (3) determine liability for claims in a timely manner. Permits the board to request evidence of worker's compensation and occupational diseases compensation coverage from an employer. Establishes civil penalties for an employer's failure to provide proof of coverage. Allows the board, after notice and a hearing, to post on the board's web site the name of an employer who fails or refuses to provide proof of coverage. Requires that civil penalties be deposited in the worker's compensation supplemental administrative fund, instead of the state general fund. Authorizes the board to issue certifications documenting an individual's claim history. Amends the definition of "pecuniary liability" applying to the responsibility of an employer or insurance carrier to recognize that the charge for services provided by a medical services facility may be determined using the Medicare resource based relative value scale. **Effective:** Upon passage; July 1, 2009.

SB 561 Hershman Citations Affected: IC 5-1-14-10; IC 6-1.1;
IC 6-3.5-1.1-15; IC 6-9-39-5; IC 14-33-9-2;
IC 20-18-2-21.5; IC 20-23-9; IC 20-26-11-23;
IC 20-45-1-5; IC 20-46; IC 20-49;
IC 36-3-1-5.1; IC 36-8.

Property tax matters. Provides that the maximum term or repayment period for obligations issued after June 30, 2009, that are wholly or partially payable from lease rental payments is 20 years after the date of the first lease rental payment. ... Requires a political subdivision and the DLGF to consider fund balances in excess of 10% of budgeted expenditures in formulating the budget, property tax levy, and property tax rate. ... Specifies that the provisions requiring the calculation and use of school assessment ratios and adjustment factors apply only to school corporations in counties in which a supplemental county levy is imposed. **Effective:** Upon passage; July 1, 2009.

SB 562 Altig Citations Affected: IC 5-10.2-10; IC 34-30-2-11.4.

Divestment from states that sponsor terror. Requires the public employees' retirement fund (PERF) and the state teachers' retirement fund (TRF), in the capacity of shareholders, to contact companies with certain business activities in states that sponsor terror and request that the companies cease those business activities. Prohibits PERF and TRF from investing in companies that are unresponsive to the requests. Requires PERF and TRF to sell or transfer any investments in a company that is unresponsive to the requests. Requires PERF and TRF to report to the general assembly any investments with a company with business operations in states that sponsor terror. **Effective:** July 1, 2009.

SB 563 Breaux Citations Affected: IC 20-20-37.

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

Effective: July 1, 2009.

SB 565 Breaux Citations Affected: IC 20-33-9; IC 31-37-19-14;
IC 35-45-9-5; IC 35-47-2-23; IC 35-48-4;
IC 35-50-2-2.

Crimes near schools and other facilities. Provides that the sentences for certain crimes will be enhanced if the crime is committed within 500 feet of school property or certain other locations (instead of 1,000 feet as currently provided). Makes conforming amendments. **Effective:** July 1, 2009.

SB 566 Breaux Citations Affected: IC 20-30-5-13.

Sex education. Requires instruction in public schools and accredited nonpublic schools on human sexuality or sexually transmitted diseases to be based on information that is factual, medically accurate, and age appropriate. **Effective:** July 1, 2009.

SB 568 Breaux Citations Affected: IC 20-19-6; IC 20-31-5-4.

Office of educational equity. Establishes the office of educational equity within the department of education. **Effective:** Upon passage.

SB 578 Taylor Citations Affected: IC 20-33-2.

Truancy. Requires the department of education in cooperation with the department of child services and a court with jurisdiction to develop a program for parents of habitual truants to attend parenting classes administered by the department of child services.

Effective: July 1, 2009.

SB 579 Young, R. Michael Citations Affected: IC 3-6-3.9.

Investigation of election law violations. Authorizes the secretary of state (secretary) to conduct public or private investigations to determine whether a person has violated, is violating, or is about to violate Indiana election law. Gives the secretary certain investigative powers, including the power to issue subpoenas, compel the attendance of witnesses, require the filing of statements, and require the production of records, documents, and other things. Allows the secretary to apply to a circuit or superior court to enforce a subpoena. Allows a witness to apply to a circuit or superior court for relief from testifying or producing records, documents, or other things. Allows the secretary to make a written request to a court for use immunity, and requires the court to grant the secretary's request, for a witness that a court determines may properly refuse to testify or produce records, documents, or other things. Requires the secretary to forward the results of an investigation to the appropriate authorities, if the secretary finds evidence of the violation of election or criminal law. Requires the attorney general, at the secretary's request, to give all necessary assistance to the secretary in the investigation of possible election law violations. **Effective:** July 1, 2009.

SB 582 Mishler Citations Affected: IC 20-23-8-10.
School corporation governing bodies. Allows a change in a school board plan to be initiated by the filing of a petition signed by at least 10% of the voters of the school corporation with the clerk of the circuit court. (Under current law, a petition initiating a change in a school board plan must be signed by at least 20% of the voters of the school corporation.) **Effective:** July 1, 2009.

House Bills

HJR 4 Murphy Citations Affected: Article 10 of the Indiana Constitution.
Government spending limitation. Provides that an Indiana governmental entity's expenditures may not increase from one fiscal year to the next fiscal year by more than a growth factor based on Indiana personal income. Authorizes the governor to suspend by executive order this limitation for a governmental entity in case of an emergency. This proposed amendment has not been previously agreed to by a general assembly. **Effective:** This proposed amendment must be agreed to by two consecutive general assemblies and ratified by a majority of the state's voters voting on the question to be effective.

HJR 5 Torr Citations Affected: Article 6 of the Indiana Constitution.
County officers. Removes all county offices, except the office of sheriff, from the Indiana Constitution. **Effective:** This proposed amendment must be agreed to by two consecutive general assemblies and ratified by a majority of the state's voters voting on the question to be effective.

HJR 11 Bosma, Espich Citations Affected: Article 10 of the Indiana Constitution.
Circuit breakers and other property tax matters. For property taxes first due and payable in 2012 and thereafter, requires the general assembly to limit a taxpayer's property tax liability as follows: (1) A taxpayer's property tax liability on homestead property may not exceed 1% of the gross assessed value of the homestead property. (2) A taxpayer's property tax liability on other residential property may not exceed 2% of the gross assessed value of the other residential property. (3) A taxpayer's property tax liability on agricultural land may not exceed 2% of the gross assessed value of the property that is the basis for the determination of the agricultural land. (4) A taxpayer's property tax liability on other real property may not exceed 3% of the gross assessed value of the other real property. (5) A taxpayer's property tax liability on personal property may not exceed 3% of the gross assessed value of the taxpayer's personal property that is the basis for the determination of property taxes within a particular taxing district. Specifies that property taxes imposed after being approved by the voters in a referendum shall not be considered for purposes of calculating the limits to property tax liability under these provisions. Provides that in the case of a county for which the general assembly determines in 2008 that limits to property tax liability are expected to reduce in 2010 the aggregate property tax revenue that would otherwise be collected by all units and school corporations in the county by at least 20%, the general assembly may provide that property taxes imposed in the county to pay debt service or make lease payments for bonds or leases issued or entered into before July 1, 2008, shall not

be considered for purposes of calculating the limits to property tax liability. Specifies that such a law may not apply after December 31, 2019. Permits the general assembly to exempt a mobile home used as a homestead to the same extent as real property. Specifies that an exemption may be granted in the form of a deduction or credit. Specifies that the general assembly may impose reasonable filing requirements to obtain an exemption, deduction, or credit. **Effective:** This proposed amendment must be agreed to by a second general assembly and ratified by a majority of the state's voters voting on the question to be effective.

HB 1001 Crawford, Pelath Citations Affected: IC 4-12-1-2.

Budget bill. Makes technical changes to definitions related to the budget bill.

Effective: July 1, 2009.

HB 1014 Smith, V., Niezgodski Citations Affected: IC 22-9.

Age discrimination. Provides that it is the public policy of the state to provide its citizens equal opportunity, regardless of whether an individual is 40 years of age or older, and to eliminate separation or segregation on the basis that an individual is 40 years of age or older. Transfers jurisdiction over age discrimination proceedings from the commissioner of labor to the civil rights commission. Prohibits certain actions by an employer, a labor organization, or an employment agency relating to discrimination against an individual 40 years of age or older. Establishes procedures for filing an age discrimination complaint. Provides that an age discrimination claim properly filed with the department of labor will be adjudicated by the department of labor. Repeals provisions concerning the jurisdiction of the commissioner of labor over age discrimination cases. **Effective:** July 1, 2009.

HB 1015 Smith, V. Citations Affected: None (noncode).

Charter schools; moratorium and data compilation. Establishes a moratorium on the creation of new charter schools sponsored by certain entities in certain cities. Requires the department of education to compile and make available to the public data concerning the effectiveness of certain existing charter schools. **Effective:** Upon passage.

HB 1016 Smith, V. Citations Affected: IC 20-33-8-35

Disciplinary plan. Requires each public school to develop and submit to the department of education for approval a plan to provide for alternative disciplinary actions to suspension and expulsion of students. **Effective:** July 1, 2009.

HB 1018 Smith, V. Citations Affected: IC 20-28-5-12; IC 20-28-5-13.

Teacher certification. Allows an individual who has failed the teacher licensing examination at least two times to demonstrate proficiency by having the individual present verification to the department of education that the individual has: (1) successfully completed all other requirements of a teacher education program; (2) attained certain grade point averages; and (3) demonstrated a successful student teaching experience; as well as submitting letters of recommendation from certain faculty members. **Effective:** Upon passage.

HB 1019 Lehe Citations Affected: IC 20-30-2-9.
Limitation on school starting date. Beginning with the 2010-2011 school year, prohibits schools from beginning student instructional days for the school year before September 1. **Effective:** July 1, 2009.

HB 1021 Crouch, Lawson Citations Affected: IC 9-21-8-52.
Disregarding school bus stop sign. Increases the penalty for recklessly passing a stopped school bus displaying an extended arm signal device from a Class B to a Class A misdemeanor if the offense causes bodily injury to a person. Requires a court to recommend the driving license suspension of a person who recklessly commits certain offenses resulting in bodily injury. (The introduced version of this bill was prepared by the sentencing policy study committee.) **Effective:** July 1, 2009.

HB 1022 Avery, Niezgodski Citations Affected: IC 5-10.2-5-44.
Teachers' retirement fund cost of living adjustment. Provides a cost of living adjustment in 2010 for certain members (or survivors or beneficiaries of members) of the state teachers' retirement fund. **Effective:** July 1, 2009.

HB 1027 Day Citations Affected: IC 4-33-12-7; IC 20-20-35.
Prekindergarten grant pilot program. Provides that the prekindergarten grant pilot program expires in 2016, rather than 2014. Establishes the prekindergarten grant pilot program fund. Provides that the \$0.65 portion of the riverboat admissions tax that is currently paid to the state general fund shall instead be paid to the prekindergarten grant pilot program fund. Makes appropriations from the prekindergarten grant pilot program fund for the prekindergarten pilot program. **Effective:** July 1, 2009.

HB 1036 Klinker, Thompson, VanDenburgh, Behning
Citations Affected: IC 6-3.1-18; IC 21-9-9.5.
Lifelong learning account pilot program. Requires the Indiana education savings authority (authority) to establish and administer a lifelong learning account pilot program. Specifies that a lifelong learning account established for a participating individual must: (1) be an account in a financial institution; and (2) allow a participating individual to deposit, from the individual's earned income, money that may be matched by the participating individual's employer, a financial institution, the state, or any other entity, and that will be used by the participating individual for education and training costs at a postsecondary educational institution, a vocational school, or a training program that may lead to employment for the individual. Requires the authority to seek grants and other funding for the pilot program from public and private entities. Provides that money withdrawn from a participating individual's lifelong learning account is not subject to state income taxation if the money is used by the participating individual for specified education and training costs. Provides a state tax credit for contributions to a lifelong learning account. Specifies that money in a participating individual's lifelong learning account may not be considered: (1) an asset of the participating individual when determining the individual's eligibility for the Temporary Assistance for Needy Families program; or (2) a countable asset for purposes of township assistance. (The introduced version of this bill was prepared by the interim study committee on adult education issues.) **Effective:** July 1, 2009.

HB 1045 Pond Citations Affected: IC 20-27-11-1.

Transportation of school children. Requires a school corporation that provides transportation to public school students to provide transportation for a student who: (1) attends a nonpublic school in the school corporation; and (2) has legal settlement within the school corporation. **Effective:** July 1, 2009.

HB 1048 Niezgodski Citations Affected: IC 5-10.3-3-1.

PERF board membership. Adds a police officer or firefighter as a member of the board of trustees of the public employees' retirement fund (PERF). **Effective:** July 1, 2009.

HB 1056 Kersey Citations Affected: IC 5-10.4-4-8.

Military service credit for TRF members. Grants, under certain conditions, up to six years of service credit in the teachers' retirement fund (TRF) for a member's past active duty military service. **Effective:** July 1, 2009.

HB 1057 Kersey Citations Affected: IC 4-15; IC 4-21.5-2-7;
IC 5-14-1.5-6.5; IC 5-32; IC 20-29.

Collective bargaining for public employees. Permits certain governmental employees and noncertificated employees of school corporations to form and join unions. Establishes a five member public employees relations board. Establishes a procedure for the selection and decertification of an exclusive bargaining representative. Establishes employer and employee rights. Specifies prohibited practices. Requires the employer to bargain collectively when an exclusive representative has been certified. Establishes negotiation, mediation, factfinding, and binding arbitration procedures. Establishes mandatory subjects of negotiation. Provides that all decisions, opinions, or awards made by an arbitrator are subject to public inspection and copying. Provides that a proposed bargaining agreement subject to ratification by the parties is confidential. Requires a grievance procedure to be included in each collective bargaining agreement. Makes strikes by certain public employees unlawful, and establishes penalties for these strikes. **Effective:** July 1, 2009.

HB 1067 Torr 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 36-1-12-22.

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, 2009.

HB 1072 Cheatham Citations Affected: None (noncode).

Review of ISTEP program. Requires the department of education, or an entity with which the department of education contracts, to conduct: (1) a review of the ISTEP program; and (2) a study of whether a cost effective testing program can be developed within Indiana that satisfies federal requirements. **Effective:** July 1, 2009.

HB 1076 Cheatham Citations Affected: IC 20-29-6-18.

Public school collective bargaining agreements. Provides that, after June 30, 2009, the provisions of a collective bargaining agreement entered into after the expiration of an agreement apply retroactively to the date of the expiration, unless the parties to the agreement agree otherwise. **Effective:** July 1, 2009.

HB 1092 Porter Citations Affected: IC 20-20-13.

David Ford educational technology fund. Renames the educational technology fund as the Senator David C. Ford educational technology fund. Provides a continuing appropriation to the fund and to the department of education from the fund in an amount sufficient to carry out the purposes of the fund. (The introduced version of this bill was prepared by the interim study committee on education matters.) **Effective:** July 1, 2009.

HB 1093 Porter Citations Affected: IC 20-18-2; IC 20-30-5-13.

Medically accurate information in curriculum. Requires instruction in accredited schools on human sexuality or sexually transmitted diseases to be based on information that is factual, medically accurate, and age appropriate. **Effective:** July 1, 2009.

HB 1097 Barnes Citations Affected: IC 20-19-2-12.

Air and water quality for schools. Requires the state board of education to adopt standards concerning indoor and outdoor air quality and water quality as part of the nonbinding guidelines for school corporation construction, alteration, and repair of school buildings and athletic and other facilities. **Effective:** July 1, 2009.

HB 1103 Tincher Citations Affected: IC 4-13-1-16.5; IC 4-13.6-6-2.8;
IC 5-16-1-7.5; IC 8-10-1-7.7; IC 8-23-9-4.6;
IC 36-1-12-5.5.

Indiana worker preference on public works projects. Establishes the goal that public works contracts be awarded to a contractor that: (1) employs residents of Indiana as at least 80% of the employees working on the contract; and (2) enters into subcontracts with subcontractors that employ residents of Indiana as at least 80% of the employees working on the contract. Applies this goal to contracts entered into by the public works division of the department of administration, any state agency or commission entering into a public works contract, the commission governing the ports of Indiana, the department of transportation, and units of local government. Provides that if a contractor cannot meet the goal's standards for contractors, the contractor must provide information as to why the contractor cannot meet the standards. Requires the commissioner of the department of administration to prepare an annual report for the public and the legislative council stating, for the contractors awarded public works contracts by the state and the subcontractors with which these contractors entered into subcontracts, the percentage of the contractors' and subcontractors' employees working on the public works contracts who are residents of Indiana. **Effective:** July 1, 2009.

HB 1105 Tincher Citations Affected: IC 5-10.2.

PERF vesting for local elected officials. Reduces from ten years to eight years the period required for an elected official of a county, city, town, or township to vest in the public employees' retirement fund. (Current law allows a county clerk, auditor, recorder, treasurer, sheriff, or coroner to vest in eight years.) **Effective:** July 1, 2009.

HB 1107 Tinchler Citations Affected: IC 20-38-3.

Compact for education for military children. Enacts the Interstate Compact on Educational Opportunity for Military Children. Provides for the coordination of efforts among state agencies and other states to facilitate the transfer of students of military families between schools, including the transfer of educational and other records. Provides for the recognition of coursework to facilitate timely graduation of students of military families. **Effective:** July 1, 2009.

HB 1123 Cherry Citations Affected: IC 9-21-5-6.

School zone and signs. Authorizes a city, county, or town to establish speed limits for schools located on streets or highways under the jurisdiction of the city, town, or county. Requires that, after June 30, 2011, there must be: (1) a sign at or as near as practical to the point where a school zone begins, indicating the reduced speed limit for the school zone; and (2) a sign at the end of the school zone indicating: (A) the speed limit for the section of highway that follows the school zone; or (B) the end of the school zone.

Effective: July 1, 2009.

HB 1125 Cherry Citations Affected: IC 5-10-8; IC 20-26-5-4.

School corporation health coverage. Allows a school corporation to provide coverage for employees of the school corporation through a state employee health plan.

Effective: July 1, 2009.

HB 1129 Klinker, Thompson, VanDenburgh, Behning
Citations Affected: IC 20-30-6-1.

Adult education. Specifies that state adult education funding may also be provided to entities that are eligible providers for purposes of the federal Adult Education and Family Literacy Act. (Current law limits state adult education funding to school corporations.) (The introduced version of this bill was prepared by the interim study committee on adult education issues.) **Effective:** July 1, 2009.

HB 1134 Reske Citations Affected: IC 13-11-2; IC 13-20-8-10.

Medical waste incineration near schools. Prohibits the incineration of infectious waste and medical waste within seven miles of a nonpublic or public school building.

Effective: July 1, 2009.

HB 1136 Reske Citations Affected: IC 20-32.

Testing of special education students. Allows a student who is a child with a disability to participate in: (1) the ISTEP test; or (2) an alternate assessment as determined by the student's case conference committee. Provides that the case conference committee for a student who is a child with a disability may determine that the student is eligible to graduate if the student: (1) passes an appropriate alternative assessment; (2) maintains at least a 95% attendance rate; (3) maintains a "C" average or the equivalent; and (4) satisfies all other nonacademic state and local graduation requirements. Provides that a student who is a child with a disability may receive a certificate of completion if the student completes the goals set out in the student's individualized education program. **Effective:** July 1, 2009.

HB 1139 Reske Citations Affected: IC 20-38-3.

Compact for education for military children. Enacts the Interstate Compact on Educational Opportunity for Military Children. Provides for the coordination of efforts among state agencies and other states to facilitate the transfer of students of military families between schools, including the transfer of educational and other records. Provides for the recognition of coursework to facilitate timely graduation of students of military families. **Effective:** July 1, 2009.

HB 1144 Pond Citations Affected: IC 20-19; IC 20-26-5-4.

K-12 school building plans. Requires a school corporation to use standardized plans and specifications for construction, alteration, and repair of school buildings, athletic facilities, and other facilities. Permits a school corporation to appeal to the state board of education for approval to use other plans and specifications. Provides that the state board may approve the plans and specifications proposed by a school corporation if the board finds that using the proposed plans will be as efficient and cost effective as using the standards. **Effective:** January 1, 2010.

HB 1145 Pond, Ruppel Citations Affected: IC 20-30-2; IC 20-43-3-4.

Student instructional days. Provides that the governing body of a school corporation determines the number of student instructional days conducted by the school corporation. Repeals provisions providing for a reduction in tuition support for conducting fewer than the minimum number of student instructional days, and for receiving a waiver from the reduction. **Effective:** July 1, 2009.

HB 1150 Battles Citations Affected: IC 9-21-12.

End of route inspection by bus drivers. Requires the operator of a school bus or special purpose bus to visually inspect each seat within the bus at the end of each trip during which passengers are transported to determine that no passengers remain on the bus. Requires the owner of a school bus or special purpose bus to report each incident in which a passenger remains on the bus to the department of education. Makes violation of the provision a Class C misdemeanor. **Effective:** July 1, 2009.

HB 1152 Battles Citations Affected: IC 35-42-4-7.

Child seduction. Specifies that for purposes of the crime of child seduction, a child care worker includes a person who works for compensation or as a volunteer for a: (1) school corporation; (2) nonpublic school; (3) cooperative organization in which a school corporation or nonpublic school is a member; or (4) cooperative program in which a school corporation or a nonpublic school participates; that is attended by a child who is the victim of a sex crime. (Current law states that a child care worker includes a person who is employed by a school corporation or nonpublic school attended by a child who is the victim of a sex crime.) **Effective:** July 1, 2009.

HB 1158 VanDenburgh Citations Affected: IC 6-3.1-33.

Income tax credit for textbook fees. Provides a refundable income tax credit for textbook expenses paid by a taxpayer whose household income does not exceed 350% of the federal income poverty level for dependents of the taxpayer who are enrolled in a public school or an accredited nonpublic school. **Effective:** January 1, 2009 (retroactive).

HB 1159 VanDenburgh Citations Affected: IC 6-8.1-9-4.

Donation of income tax refund to public schools. Adds public school technology funding as a charitable purpose to which an individual may choose to give all or part of the individual's income tax refund. **Effective:** January 1, 2010.

HB 1162 Tyler Citations Affected: IC 13-15-3-5.

Environmental permits and local governments. Provides that before a permit that is required by a rule of the air pollution control board, solid waste management board, or water pollution control board is issued for the construction, installation, operation, or modification of any facility, equipment, or device, the department of environmental management must determine that the construction, installation, operation, or modification of the facility, equipment, or device has obtained any approval required by any county, city, or town that is affected by the construction, installation, operation, or modification. **Effective:** July 1, 2009.

HB 1168 Tyler Citations Affected: None (noncode).

Unemployment insurance benefits. Provides that an individual who was unemployed during a certain period is entitled to file or refile a claim for unemployment insurance benefits before July 1, 2010, and is entitled to receive benefits for the period during which the individual was unemployed if, after February 28, 2007: (1) the person filed a claim that was denied; or (2) the person failed to file a claim because the individual believed or was told by an employee of the department of workforce development that the claim would be denied; solely because of certain compensation that the individual received under a valid negotiated contract or agreement in connection with a layoff or plant closure and that was or would be considered deductible income. **Effective:** Upon passage.

HB 1187 Porter Citations Affected: IC 20-28; IC 20-31.

Cultural competency. Requires the department of education to develop standards for cultural competency teacher training. Requires school corporations and accredited nonpublic schools to develop policies concerning cultural competency training for school staff and students. **Effective:** July 1, 2009.

HB 1188 Porter Citations Affected: IC 21-43-9.

College head start program. Establishes the college head start program to enable certain students in grades 11 and 12 to complete certain dual credit courses while in high school. **Effective:** July 1, 2009.

HB 1193 Pearson Citations Affected: IC 15-11-11-6.5.

E85 fueling station grant program. Adds school corporations, colleges, and universities to the list of entities that are eligible to apply for a grant under the E85 fueling station grant program. **Effective:** July 1, 2009.

HB 1197 Crawford Citations Affected: IC 5-10.2; IC 5-10.3.

PERF vesting period. Reduces from ten to eight the number of years of creditable service a member of the public employees' retirement fund (PERF) must earn to obtain vested status. **Effective:** July 1, 2009.

HB 1200 Bischoff Citations Affected: IC 20-27-8-4.

Physical examinations of bus drivers. Allows any licensed physician to certify that an individual is physically able to drive a school bus. (Under current law, the certifying physician must be licensed in Indiana.) **Effective:** July 1, 2009.

HB 1211 Brown, C. Citations Affected: IC 5-8-7; IC 36-8-3.5-7.

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 at least 10% of the total vote 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 existing under current law. **Effective:** July 1, 2009.

HB 1212 Brown, C. Citations Affected: IC 3-9-4-17; IC 20-26-4-2.5.

Nonpartisan school board elections. Provides standards for election of the members of the governing body of a school corporation on a nonpartisan basis. Provides that a candidate who violates the standards and is elected may be removed from office. Provides that a political party may not directly or indirectly campaign for or against a candidate for election to the governing body. Provides that a political party that violates this prohibition is subject to a civil penalty. **Effective:** July 1, 2009.

HB 1215 Brown, C. 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.

Smoking ban in public places. Prohibits smoking in: (1) public places; (2) enclosed areas of a place of employment; and (3) certain state vehicles. Requires the alcohol and tobacco commission to enforce the prohibition. Makes it a Class B infraction to violate the smoking prohibition and a Class A infraction if the person has three unrelated prior offenses. Repeals the current clean indoor air law that prohibits smoking in public buildings. **Effective:** July 1, 2009.

HB 1230 Hinkle, Moses Citations Affected: IC 5-3-1; IC 6-1.1-15-11;
IC 32-29-7-3; IC 36-2; IC 36-4-7-2.

Publication of notices. Provides that a notice published in a newspaper must also be posted on the newspaper's Internet web site if the newspaper maintains a web site that the general public may access without entering a password or paying a fee. Eliminates the requirement that a city publish the ordinance setting the salaries of elected city officers. Requires the disclosure in the annual report of a city or town and the annual abstract of receipts and expenditures of a county of the total payment made to each vendor paid more than \$2,500, except that this disclosure need not exceed 200 vendors. Requires cities, towns, and counties to publish salaries of officers, deputies, and employees only if the salary exceeds a certain amount. Requires all political subdivisions with a budget of at least \$300,000 and the power to levy a tax to publish an annual report (if not required under any other statute to publish an annual report) of: (1) the receipts and expenditures of the political subdivision, including the salaries of officers, deputies, and employees if the salary exceeds a certain amount; and (2) the

total payment made to each vendor paid more than \$2,500, except that this disclosure need not exceed 200 vendors. Requires a school corporation to publish a listing of positions that receive extracurricular salaries or stipends for school activities that exceed \$1,000. Allows the officers of a political subdivision publishing notice to publish in only one newspaper in the political subdivision (instead of two newspapers), if only one newspaper is published in the political subdivision. Allows a newspaper or qualified publication to increase the basic publication charges that were in effect during the previous year by an amount equal to the lesser of: (1) the average of the annual percentage change in the consumer price index for the preceding two years; or (2) the maximum annual percentage increase in the spending of political subdivisions for the year under any spending cap limit enacted into law. Requires public notice advertisements to be in at least 7 point type. Requires a sheriff to publish notice of a mortgage foreclosure sale in at least two newspapers (instead of one newspaper) in each county where the real estate is located, unless only one newspaper is published in a county. Eliminates the requirement that counties publish claims (except for court allowances) before payment. (Current law does not require municipalities to follow this procedure.) Makes conforming amendments. **Effective:** July 1, 2009.

HB 1248 Herrell Citations Affected: IC 20-27-5-30; IC 20-27-8.
Physical characteristics of school bus monitors. Removes certain physical characteristic requirements necessary for an individual to be employed as a school bus monitor. Makes corresponding technical corrections. **Effective:** Upon passage.

HB 1250 Sullivan Citations Affected: IC 1-1-4-5; IC 4-15; IC 5-16-6-1;
IC 5-28-21-7; IC 7.1-3; IC 8-23-2-3; IC 10-13-3-1;
IC 10-16-8-15; IC 12-20-5.5-1; IC 12-30;
IC 16-23-1-21; IC 20-24-2-2; IC 20-24.5-3-5;
IC 20-33-1; IC 20-42-3-10; IC 21-11-6-1;
IC 21-17-3-17; IC 21-40-2; IC 22-9; IC 22-9.5;
IC 24-9-3-9; IC 27-2; IC 27-7-12-7; IC 31-9-2-51;
IC 31-19-8-6; IC 33-28-5-18; IC 33-41-1-2;
IC 35-46-2; IC 36-9-4-37.

Civil rights. Extends antidiscrimination and civil rights statutes to include prohibiting discrimination based on sexual orientation, gender identity, national origin, age, disability, and ancestry. **Effective:** July 1, 2009.

HB 1252 Blanton Citations Affected: IC 10-13-5; IC 12-10-18-3;
IC 12-17.2; IC 16-37-1-8; IC 20-26-13-10; IC 20-33-2-10; IC 31-34; IC 31-36.

Amber alerts for high risk missing persons. Expands the amber alert program to include missing endangered adults. Renames the Indiana clearinghouse for information on missing children to the Indiana clearinghouse for information on missing persons (clearinghouse). Requires the clearinghouse to operate the amber alert program. Makes conforming changes. **Effective:** July 1, 2009.

HB 1254 Thompson Citations Affected: IC 4-13.6-8-7; IC 36-1-12.5-5.
Energy savings contracts. Provides that the maximum term of a guaranteed energy cost savings contract or utility efficiency program is 20 years. (Current law provides for maximum terms of 10 and 15 years.) **Effective:** July 1, 2009.

HB 1257 Barnes Citations Affected: IC 10-13-3-36; IC 20-28.
Teacher background checks. Exempts a postsecondary educational institution from paying a fee for a limited criminal history record of a student in the institution's school of education before the student begins the student's field or classroom experience. Requires an expanded criminal history background check for a person seeking to obtain or renew a teaching license or certificate, and allows a person to submit a copy of an expanded background check to the department if the original expanded background check was performed in the previous six months and the person has not been arrested or convicted since the original background check was performed. Makes it a Class A misdemeanor for a person to knowingly or intentionally make a material misstatement or material omission in support of an application for or the renewal of a teaching license. Requires the department to revoke the license of a person who is a sex or violent offender. **Effective:** July 1, 2009.

HB 1268 Koch Citations Affected: IC 20-38-3.
Compact for education for military children. Enacts the Interstate Compact on Educational Opportunity for Military Children. Provides for the coordination of efforts among state agencies and other states to facilitate the transfer of students of military families between schools, including the transfer of educational and other records. Provides for the recognition of coursework to facilitate timely graduation of students of military families. **Effective:** July 1, 2009.

HB 1269 Koch Citations Affected: IC 10-16-7-23.
Benefits while on state active duty. Provides that a member of the Indiana National Guard who serves on state active duty for a period of up to 30 days may not be discharged from employment, except for cause, by the employer for at least 90 days after the completion of the state active duty. **Effective:** July 1, 2009.

HB 1274 Pelath Citations Affected: IC 5-13-9-2; IC 36-1-4-20.
Loans and gifts between political subdivisions. Authorizes a political subdivision to invest in the obligations of another political subdivision that is located in any part in the same county. Permits a county, city, town, or township to grant or loan money to another political subdivision that is located in any part of the same county for any purpose of the county, city, town, or township making the grant or loan or the political subdivision receiving the grant or loan. **Effective:** Upon passage.

HB 1280 Welch, Turner, Pearson, Michael Citations Affected: IC 5-14-3.5;
IC 34-30-2-14.6.
State budget and spending information on Internet. Requires the auditor of state, working with the office of technology, to develop and maintain an Internet web site detailing all state expenditures by state agencies. Requires state agencies to provide information to the auditor of state and to develop links on agency Internet web sites to the auditor's expenditure Internet web site. **Effective:** July 1, 2009.

HB 1284 VanHaften Citations Affected: IC 35-42-2-1; IC 35-50-2-9.
Battery. Makes it battery, a Class D felony, for a person to knowingly or intentionally touch another person in a rude, an insolent, or an angry manner if the person, with intent to arouse or satisfy the person's own sexual desires or the sexual desires of

another person, touches: (1) the other person's genitals or buttocks; or (2) if the other person is a female, the other person's breast. **Effective:** July 1, 2009.

HB 1291 Oxley Citations Affected: IC 20-18-2-23; IC 20-25-16-1; IC 20-26; IC 20-33-5; IC 20-40-16; IC 20-41; IC 20-42-3-10; IC 20-43.

Elimination of textbook rental program. Abolishes the textbook rental program for public school students. Expands the definition of "textbook" to include materials used in student instruction. Requires school corporations to establish and appropriate money from a textbook fund to purchase all needed textbooks for loan without charge to corporation students. Provides an annual state textbook grant equal to \$95 multiplied by the average daily membership of a school corporation. Requires the deposit of grant funds in the textbook fund. **Effective:** July 1, 2009.

HB 1297 Ruppel, Pond Citations Affected: IC 20-30-2-9.

School start and end dates. Prohibits public schools and accredited nonpublic schools from beginning student instructional days for a school year earlier than six school days before Labor Day of a year and from extending the school year beyond ten school days after Memorial Day of the following year, beginning with the 2010-2011 school year. **Effective:** July 1, 2009.

HB 1302 Pryor Citations Affected: IC 31-26-7.

Behavioral health program. Requires the department of child services, in cooperation with the department of education and the division of mental health and addiction, to develop and coordinate the behavioral health program to provide comprehensive mental health and behavioral health services, early intervention, wraparound treatment services, and behavioral support for certain children. Requires that the behavioral health program must include certain procedures and guidelines. **Effective:** July 1, 2009.

HB 1307 Niezgodski Citations Affected: IC 22-2-5-4.

Public school compensation payment schedules. Permits a public school corporation to enter into a 12 month compensation payment schedule for work performed during a normal nine or ten month school year. **Effective:** July 1, 2009.

HB 1316 Lawson, L., Hinkle Citations Affected: IC 31-37-4-3.

Taking a child into custody. Requires a law enforcement agency to notify the chief administrative officer of the primary or secondary school, including a public or nonpublic school, or the superintendent of the school district in which a child is enrolled if the child is taken into custody for allegedly committing an act that would be a felony or misdemeanor if committed by an adult. Provides that a school official may not suspend or expel a student based solely on certain information. Removes a restriction on law enforcement officers disclosing certain information. **Effective:** July 1, 2009.

HB 1317 Lawson, L. Citations Affected: IC 20-30-5-13.5.

Parental notice of abstinence-only education. Requires a principal to send notice to parents if the school is providing abstinence-only human sexuality courses. Specifies the language of the notice. Allows a parent to have the parent's child excused from abstinence-only courses. Provides an appeals process for a parent who does not

receive notice of the parent's right to address the governing body concerning curriculum. **Effective:** July 1, 2009.

HB 1320 Duncan Citations Affected: IC 10-13-3; IC 20-24-6-11; IC 20-26-5-10; IC 20-28-5-9.

Criminal background checks for teachers. Requires a national criminal history background check for an applicant for: (1) certificated employment with a school corporation or charter school; or (2) a teacher license. Requires each school corporation and each charter school to adopt a policy concerning criminal history background checks. **Effective:** July 1, 2009.

HB 1323 Duncan Citations Affected: IC 9-21-12-17; IC 9-24; IC 9-29.

Various motor vehicle matters. Provides that in the case of certain newly licensed drivers issued licenses after June 30, 2009, a driver may operate a motor vehicle during the 180 days after issuance of the license only if the motor vehicle bears a placard or an indicator issued by the bureau of motor vehicles (bureau) showing that the driver is newly licensed. Provides that the holder of a learner's permit issued after June 30, 2009, may operate a motor vehicle only if the motor vehicle bears a placard or an indicator issued by the bureau showing that the driver is newly licensed. Provides for a fee of \$2 for the placard or indicator to be paid to the bureau. Requires the driver of a school bus to stop the school bus before crossing certain railroad tracks. (Current law requires the driver to stop only when carrying a passenger.) Authorizes an individual less than 18 years of age to operate a motor vehicle in which there are passengers if the licensed operator is accompanied by a parent, guardian, or stepparent of the operator who is: (1) not a licensed driver; (2) at least 21 years of age; and (3) present in the front seat of the motor vehicle. **Effective:** July 1, 2009.

HB 1335 Stilwell Citations Affected: IC 22-3.

Worker's compensation. Provides that for purposes of the worker's compensation law, the term employer does not include: (1) a person not listed in a written employment contract, if such a contract exists; or (2) a person that is not at least partially responsible for payment of wages or remuneration to the employee. **Effective:** July 1, 2009.

HB 1339 Welch, Soliday, Lawson Citations Affected: IC 9-13-2; IC 9-19-11; IC 20-27-9-5.

Motor vehicle child restraint systems. Repeals and revises the child restraint system law to eliminate certain exceptions for drivers from outside Indiana. Revises the definition of antique motor vehicle for purposes of the child restraint system law to include only motor vehicles that were manufactured without a safety belt as a part of the original manufacturer's equipment. Revises the definition of school bus for purposes of the child restraint system law. Specifies that a person may not be found to have violated the child restraint system law if the court determines that it would be impractical to require that a child be fastened and restrained by a child restraint system because of a physical condition, including physical deformity, a medical condition, or the size of the child. Eliminates the requirement that a special purpose bus must be required to be constructed, equipped, or painted as specified for school buses. Requires the operator of a special purpose bus with a capacity of less than 16 passengers to: (1) hold a valid operator's, chauffeur's, public passenger chauffeur's, or commercial driver's license; and (2) meet the requirements for a school bus driver. **Effective:** July 1, 2009.

HB 1340 VanDenburgh Citations Affected: IC 9-24-2-1; IC 20-20-6-1;
IC 20-33-2.

Compulsory school attendance. Requires a student to be at least 18 years of age in order to drop out of school. Repeals provisions permitting a student less than 18 years of age to drop out of school under certain circumstances. Makes conforming changes. **Effective:** July 1, 2009.

HB 1343 Pryor Citations Affected: IC 20-20-37.

School dropout prevention. Creates the dropout prevention fund, to be administered by the department of education, to: (1) provide money for school corporation programs that identify students who are at risk of dropping out of school; and (2) provide appropriate interventions for those students. Makes a continuous appropriation. **Effective:** July 1, 2009.

HB 1353 Dvorak Citations Affected: IC 22-2-15.

Employee personal leave. Provides that certain employees of certain employers are entitled to take: (1) 40 hours of paid leave; and (2) 16 hours of unpaid leave; in a 12 month period. **Effective:** July 1, 2009.

HB 1354 Dvorak Citations Affected: IC 20-30-2.

Length of school year. Provides that a school corporation shall conduct at least: (1) 900 hours of instructional time for students in grades 1 through 6; and (2) 1,080 hours of instructional time for students in grades 7 through 12; in not less than 170 student instructional days each school term. Provides that the break between consecutive school terms is at least 11 weeks. Provides that, except for year-round schools, a school term may not begin before the fourth Monday in August. Modifies the formula for determining the reduction in the August tuition support distribution to a school corporation that fails to conduct the minimum number of student instructional days during a school term. **Effective:** July 1, 2009.

HB 1359 Sullivan, Torr Citations Affected: IC 3-5-4-11; IC 3-8; IC 3-10-1;
IC 20-23; IC 20-25-3-4; IC 33-33-53-5.

School board elections at general election time. Provides that school board members selected by election must be elected at general elections. Repeals obsolete statutes. **Effective:** July 1, 2009; January 1, 2010.

HB 1369 Hinkle Citations Affected: IC 3-8-1; IC 3-10; IC 3-11-2-12;
IC 3-13-10-3; IC 6-1.1; IC 6-1.5; IC 6-2.5-8-1; IC 32-
21-2-13; IC 36-1-8-14.2; IC 36-2; IC 36-3-2; IC 36-6-
5-1; IC 36-7; IC 36-9-11.1-11.

Property tax assessment. Effective January 1, 2011: (1) eliminates county assessors, township assessors, and county property tax assessment boards of appeal; (2) establishes a state assessment division in the department of local government finance (DLGF) that includes ten regions in Indiana, each with a regional assessor; (3) requires the DLGF to perform property assessment functions throughout Indiana, including the general reassessment of real property effective in 2011 and functions previously performed by the county assessor; (4) provides for payment of regional assessors' salaries from the property reassessment funds of the counties in the region; (5)

establishes a state assessment board; and (6) establishes a county exemption board in each county. Establishes an appointments committee to recommend candidates to the governor for appointment to positions in the state assessment division. Increases the penalty for failure to file a correct sales disclosure form from \$100 to \$500. Effective January 1, 2015: (1) defines fair market value to be based primarily on the most recent sale price; (2) requires the DLGF to assess all real property in Indiana on the basis of fair market value; and (3) permits the DLGF to create a new assessment after 2015 if physical alteration of the property has occurred, but requires a new assessment only upon petition by the property owner. **Effective:** Upon passage; July 1, 2009; January 1, 2010; January 1, 2011.

HB 1373 Delaney, Saunders Citations Affected: IC 3-8-1-1.3; IC 36-1-8-10.5; IC 36-4-4-2; IC 36-8.

Employees of political subdivisions holding office. Provides that an individual may not be a candidate to be elected to or fill a vacancy on the legislative body of a political subdivision that employs the individual. Provides that an individual may be a candidate for election to or be a member of the legislative body of a political subdivision other than the political subdivision that employs the individual. Provides that an individual who, on June 30, 2009, serves on the legislative body of the political subdivision that employs the individual may complete the term to which the individual was elected or appointed. Makes conforming changes in other statutes. **Effective:** July 1, 2009.

HB 1380 Niezgodski Citations Affected: IC 4-13.6-2-13; IC 5-16-1-9; IC 5-22-15-26; IC 5-28-5-16; IC 21-34-3-8; IC 36-1-12-22.

Energy efficient buildings. Requires a building or structure constructed, reconstructed, repaired, altered, or retrofitted with certain public works contracts entered into after December 31, 2009, to be designed with the goal of achieving the silver rating under the United States Green Building Council's Leadership in Energy and Environmental Design (LEED) rating system, the Green Globes Two Globes level, or an equivalent standard under an equivalent rating system that is accredited by the American National Standards Institute. Provides that for state agency purchases, there is a 5% price preference for certain office equipment that is compliant with the United States Environmental Protection Agency Energy Star ratings. Allows the Indiana economic development corporation to adopt rules allowing the corporation to give priority to economic development projects that meet or surpass the standards of the leadership in energy and environmental design ratings systems developed by the U.S. Green Building Council or the Green Building Initiative. **Effective:** July 1, 2009.

HB 1385 Reske Citations Affected: IC 21-12-6.

Twenty-first century scholars program. Removes the requirement that, to be eligible to participate in the twenty-first century scholars program, a student must be eligible for free or reduced price lunches under the national school lunch program. Requires, however, that to be eligible to apply for a scholarship under the twenty-first century scholars program, a student must have been eligible for free or reduced lunches under the national school lunch program in any grade from grade 6 through grade 12. Provides that eligibility to participate in the twenty-first century scholars program does not automatically qualify a student to participate in an early intervention program under the federal Gaining Early Awareness and Readiness for Undergraduate Program (GEAR-UP). **Effective:** July 1, 2009.

HB 1386 Reske Citations Affected: IC 36-9-41-4.

Maximum term of loan to political subdivision. Provides that a political subdivision may execute a note that is payable over a period not exceeding 12 years (as opposed to six years under current law) to finance a public work project of not more than \$2,000,000. **Effective:** July 1, 2009.

HB 1389 Summers, Hinkle Citations Affected: IC 20-33-5-15.

Twenty-first century scholars. Requires each school corporation to provide each student who applies for free or reduced lunches under the national school lunch program with an application for the twenty-first century scholars program. **Effective:** July 1, 2009.

HB 1391 Moseley Citations Affected: IC 20-26-11-6.

Public school transfers. Permits a school corporation to accept a request of a student or the student's parents for a transfer of the student from another school corporation without the approval of the other school corporation only if the transfer will meet the standards established by the state board of education. **Effective:** Upon passage.

HB 1392 Moseley Citations Affected: IC 6-1.1-20-3.6.

Cost of referenda for controlled projects. Provides that a referendum on a controlled project may be voted on at a special election only if the fiscal body of the political subdivision that wishes to issue the bonds or enter into the lease agrees to pay the costs of holding the special election, regardless of whether there are any elections scheduled for the year in which the special election is held. (Current law provides that in a year without any elections, the political subdivision that requests the special election is not required to pay the costs of holding the special election.) **Effective:** Upon passage.

HB 1398 Grubb, Friend, Pearson Citations Affected: IC 5-22-5-8; IC 6-2.5-7;
IC 6-6-1.1-301; IC 15-11-11-6.5; IC 15-15-12;
IC 16-44; IC 20-26-17; IC 21-31-9.

Ethanol incentives. Reduces the credit sale of E85 biofuel that a retailer may apply against the amount of gross retail tax that the retailer must deposit with the department of state revenue from \$0.18 to \$0.10 per gallon. Applies to the credit to the sale of E20 and E30 biofuel. Exempts the state and its political subdivisions from the gasoline tax on E85 biofuel. Adds school corporations and state educational institutions to the list of governmental entities that are eligible to apply to the department of agriculture for a grant under the E85 fueling station grant program. Requires the corn marketing council to use revenue received from assessments on the sale of corn to provide grants to assist retailers and governmental entities in purchasing new or converting existing fuel storage tanks to hold E85. Requires gasoline sold for motor vehicles to have a minimum content of 10% ethanol. Requires school corporations and state educational institutions to use gasohol and E85 fuel to the extent possible and to make facilities used to dispense biofuels reasonably available to sell biofuels at retail to the public. **Effective:** Upon passage; July 1, 2009.

HB 1400 Reske Citations Affected: IC 36-7-4.

School impact fees. Authorizes a school corporation to adopt a school impact fee resolution that imposes an impact fee on new residential development. Provides that a

school corporation may not adopt an impact fee unless the school corporation's capital projects plan includes the following components: (1) Projected school capacity needs for the current year and for not less than the succeeding four year period. (2) Estimated capital costs for the additional capacity needs. (3) Identification and general description of each project. (4) The estimated total cost of each project. (5) Identification of all sources of funds expected to be used for each project. (6) The planning, development, and construction schedule of each project. Provides that a school impact fee is equal to the proportionate share of costs incurred or to be incurred by a school corporation to provide school infrastructure that is required by, necessitated by, or needed to serve the new residential development, minus the sum of any nonlocal revenues, taxes, and charges that the fee payer and future owners of the development will pay for use of the school infrastructure. **Effective:** July 1, 2009.

HB 1405 Stevenson Citations Affected: IC 5-8-7; IC 36-8-3.5-7.
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 at least 10% of the total vote 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, 2009.

HB 1418 Smith, V. Citations Affected: IC 20-43-1; IC 20-43-4.

K-12 student enrollment counts. Requires the department of education to count student enrollment or average daily membership (ADM) in school corporations on the first school day in December. Requires the department to use the average of two ADM counts for purposes of state tuition support. **Effective:** July 1, 2009.

HB 1419 Smith, V. Citations Affected: IC 20-26-5-32; IC 20-31-5-6;
IC 20-33-8.

Student discipline. Requires the governing body of a school corporation to develop a plan for improving behavior and discipline in the school corporation, and a school within the school corporation to comply with the plan in developing the school's plan. Requires school corporation discipline rules to incorporate a graduated system of discipline, which includes actions that may be taken in lieu of suspension or expulsion. Requires the department of education to develop a master plan for improving student behavior and discipline upon which school corporations may base plans. **Effective:** July 1, 2009.

HB 1420 Smith, V. Citations Affected: IC 20-20-22.2.

Teacher recruitment program. Establishes the teacher recruitment program and fund: (1) to encourage and promote qualified African American and Hispanic male teachers to pursue a career in teaching in accredited schools in Indiana; (2) to enhance the number of individuals who may serve as role models for African American and Hispanic students in Indiana; and (3) to rectify the shortage of African American and Hispanic

male teachers teaching in accredited schools in Indiana. Requires the state student assistance commission to administer the fund. **Effective:** July 1, 2009.

HB 1431 Riecken Citations Affected: IC 20.

Free textbooks. Eliminates a program that provides state reimbursement and township assistance for costs incurred by public schools to provide textbooks and certain other instructional material without charge to students eligible for free or reduced price lunches or other public assistance. Establishes a requirement that public schools provide textbooks and certain other instructional material without charge to all students. Provides an annual state textbook grant to public schools to pay for the purchase and repair of textbooks and instructional material. Requires that the revenue for the grant be deposited in a textbook fund. Repeals authority for public schools to engage in a public school textbook rental program and the requirement that residents petition a school corporation to establish a school textbook library program to provide textbooks without charge to students. Makes conforming changes, and adds transitional provisions. **Effective:** July 1, 2009.

HB1437 Noe, Friend Citations Affected: IC 20-28-5-8; IC 35-46-9.

Inappropriate relationships with students. Provides that a teacher or coach in a primary or secondary school who knowingly or intentionally has sexual contact with an individual who is less than 19 years of age and who is a student in the primary or secondary school commits having an inappropriate relationship with a student, a Class A misdemeanor. Requires the department of education to revoke a teacher's teaching license if the teacher is convicted of having an inappropriate relationship with a student. **Effective:** July 1, 2009.

HB 1447 Welch, Crawford, Turner, Davis Citations Affected: IC 6-1.1; IC 6-3.5; IC 12-20-25; IC 36-8-19-8; P.L.146-2008, SECTION 840.

Property taxation. Exempts nonelected school boards from the law requiring taxing units with nonelected governing bodies to have bond issues and leases approved by the fiscal body of a county, city, or town. **Effective:** Upon passage; March 1, 2008 (retroactive); July 1, 2008 (retroactive); December 31, 2008 (retroactive); January 1, 2009 (retroactive); July 1, 2009.

HB 1448 Welch, Turner Citations Affected: IC 5-10.3-3; IC 6-3-2-22; IC 6-8-13.

Indiana long term care savings plan. Establishes a long term care savings plan (plan) for a participant to fund an account to pay eligible long term care expenses of the participant. Authorizes the board of trustees of the public employees' retirement fund (PERF board) to administer the plan or enter into agreements with financial institutions to receive participant contributions in the form of account deposits. Limits plan contributions to \$165,000 during a participant's lifetime. Indexes the limitation for inflation. Provides a state income tax deduction of \$1,000 for an individual and \$2,000 for a joint return for contributions to the plan in a taxable year. Provides that qualified withdrawals from the plan to pay eligible long term care expenses are exempt from state income tax, and nonqualified withdrawals are subject to a 10% penalty and state income tax on the amount withdrawn. Establishes a long term care savings plan trust (trust) administered and managed by the PERF board to invest participants'

contributions to the plan. Provides that the plan and the trust are not obligations of the state. **Effective:** July 1, 2009.

HB 1461 Kersey Citations Affected: IC 20-29-10.

Collective bargaining for school employees. Creates a meet and confer provision for noncertificated school employees. **Effective:** July 1, 2009.

HB 1462 Kersey, Porter Citations Affected: IC 10-13-3-36; IC 20-28; IC 20-33-8; IC 34-30-2-84.7.

Criminal history checks. Exempts a postsecondary educational institution from paying a fee for a limited criminal history record of a student in the institution's school of education before the student begins the student's field or classroom experience. Requires an expanded criminal history background check for a person seeking to obtain or renew a teaching license or certificate. Gives civil immunity for certain school employees for certain acts or omissions during the course of their employment. Adds the professional standards division to the list of entities to be given notice when a licensed employee of a school is convicted of certain felonies and adds possession of child pornography to the list of felonies to be reported. **Effective:** Upon passage; July 1, 2009; January 1, 2010.

HB 1467 Espich, Smith, M., Noe Citations Affected: IC 6-1.1-4-4.5.

Property tax trending formula. Indicates that annual adjustments in the assessed value of real property for property tax purposes must be based on appropriate market factors. Transfers the responsibility of establishing market factors for the annual adjustment of property assessments to the department of local government finance. Requires the department of local government finance to base adjustment factors on an analysis of value changes occurring to large samples of similarly situated properties located in more than one county. Makes other related changes. **Effective:** July 1, 2009.

HB 1471 Pelath Citations Affected: IC 6-1.1.

Assessment rules. Prohibits the department of local government finance from changing the standards used to assess tangible property for property tax purposes except as necessary to bring a rule into conformity with a statute. Changes the valuation date used in the last reassessment to January 1 of the year immediately preceding the reassessment date. Repeals a law requiring the state board of tax commissioners (which no longer exists) to adopt rules. **Effective:** Upon passage.

HB 1472 Pelath Citations Affected: IC 2-5-1.1-19; IC 4-3-22; IC 4-22; IC 5-2-6-23; IC 6-1.1-20.3-4; IC 6-3-4-17; IC 8-14-14-6; IC 8-15-2-14.7; IC 13-14-9; IC 20-19-2-12; IC 20-42.5; IC 22-4-18.1-7; IC 28-11-1-1; IC 36-7.5; IC 36-7.6.

Elimination of office of management and budget. Terminates the office of management and budget. Transfers the functions of the office of management and budget ("office") to the budget agency. Repeals an obsolete definition, a provision establishing the office, and a provision designating the director of the office as the budget director. **Effective:** June 30, 2009; July 1, 2009.

HB 1476 Walorski Citations Affected: IC 8-14-16-5; IC 36-1-14-1.

Donations by local units to community foundations. Allows a unit of local government (unit) to donate money in the unit's local major moves construction fund to a charitable nonprofit community foundation. (Current law allows the proceeds from the sale of a utility or facility or from a grant, a gift, a donation, an endowment, a bequest, a trust, or riverboat gaming revenue to be donated.) Allows a donation by a unit to be held by a charitable nonprofit community foundation as either a permanent endowed designated fund or as a nonendowed designated fund. Requires a unit to specify whether a donation shall be held by the charitable nonprofit community foundation as a permanent endowed designated fund or as a nonendowed designated fund. Provides that if a unit specifies that a donation shall be held as a nonendowed designated fund, the unit has access to the donation and income at any time. **Effective:** July 1, 2009.

HB 1477 Porter Citations Affected: IC 20-20-37.

Establishment of online learning cooperative. Authorizes the department of education to establish an online learning cooperative. **Effective:** July 1, 2009.

HB 1478 Porter Citations Affected: IC 20-20-38.

Commission for early learning and school readiness. Creates the commission for early learning and school readiness. **Effective:** July 1, 2009.

HB 1479 Porter Citations Affected: IC 20-28-2-11.

Recruitment of educators from underrepresented populations. Requires the department of education to collaborate with nonprofit entities, the commission for higher education, and state educational institutions to develop initiatives focusing on the recruitment and retention of qualified educators from underrepresented populations. **Effective:** July 1, 2009.

HB 1480 Porter Citations Affected: IC 20-28; IC 20-31.

Cultural competency training. Requires the department of education to develop standards for cultural competency training for teachers. Requires school corporations and accredited nonpublic schools to develop policies concerning cultural competency training for school staff and students. **Effective:** July 1, 2009.

HB 1481 Porter Citations Affected: IC 20-19-6; IC 20-31-5-4.

Office of educational equity. Establishes the office of educational equity within the department of education. **Effective:** Upon passage.

HB 1493 Bischoff Citations Affected: IC 5-22-15-26.

Manufacture of flags used in public buildings. Provides an absolute purchasing preference for United States and Indiana flags manufactured in the United States. Provides that if there are no flags manufactured in the United States that meet the specifications of the purchasing agent, the purchasing agent may purchase flags manufactured outside the United States. **Effective:** July 1, 2009.

HB 1498 Ruppel, Niezgodski Citations Affected: IC 5-10.2-3-7.5;
IC 5-10.2-3-7.6.

PERF and TRF death benefit. Reduces from 15 to ten the number of years of creditable service that a member of the public employees' retirement fund (PERF) must

earn for a surviving spouse or surviving dependent to receive a survivor benefit. Removes the requirement that a member of the Indiana state teachers' retirement fund (TRF), with ten years of creditable service, must be 65 years of age at the time of death for a surviving spouse or surviving dependent to be eligible for a survivor benefit. Provides that a surviving spouse or surviving dependent of an active or inactive member of PERF or TRF is entitled to a survivor benefit. (Current law provides that a surviving spouse or surviving dependent of an active service member of PERF or TRF is entitled to a survivor benefit.) Makes the changes retroactive to January 1, 2007. Provides that PERF and TRF are required to make a reasonable effort to notify certain surviving spouses or surviving dependents of changes made by this act. **Effective:** Upon passage; January 1, 2007 (retroactive).

HB 1501 Richardson Citations Affected: IC 35-38-2-2.2.

Certain sex offenders and school property. Provides that, as a condition of probation, a sex offender who is a sexually violent predator or an offender against children (sex offender) shall be prohibited from being on the property of a primary or secondary school. Provides, however, that: (1) if the sex offender attends a primary or secondary school, the sex offender shall be prohibited from being on the property of a primary or secondary school other than the school that the sex offender attends; and (2) if the sex offender is a parent or guardian of a child who attends a primary or secondary school, the sex offender shall be required to notify the school (and if the school is a public school, the school corporation) in writing that the sex offender is a sexually violent predator or an offender against children, and shall be prohibited from being on the property of the school that the child attends unless the sex offender is attending a meeting with a teacher or school administrator and is escorted by an employee of the school or school district while on school property. **Effective:** July 1, 2009.

HB 1502 Richardson Citations Affected: IC 5-4-1-18; IC 5-11; IC 5-14-1.5-6.1; IC 5-24; IC 9-14-3-0.3; IC 13-14-13.

State board of accounts matters. Increases the amount of the surety bond that must be filed by various local government officials. Provides that the periodic financial reports filed by state and local government entities with the state examiner of the state board of accounts (SBOA) must be filed electronically. Permits the state examiner to conduct performance audits of the same public offices and officers, state offices, state institutions, and entities that are currently subject to financial audits by the SBOA. Removes certain restrictions on the payment of travel expenses to field examiners of the SBOA for assignments within their county of residence. Permits the governing body of a public agency to conduct an executive session for purposes of meeting with the SBOA in an entrance conference or exit conference during the audit process. Repeals a statute requiring the SBOA to implement and administer a method to be used by the state to conduct authenticated electronic transactions using digital signatures. Makes conforming changes to reflect the repeal of the digital signature statute. **Effective:** July 1, 2009.

HB 1506 GiaQuinta Citations Affected: IC 20-26-4-4.7.

School board members. Provides that a vacancy is created in the governing body of a school corporation when a member moves out of the school district from which the member was elected or appointed. **Effective:** July 1, 2009.

HB 1512 GiaQuinta Citations Affected: IC 10-13-5; IC 12-10-18-3; IC 12-17.2; IC 16-37-1-8; IC 20-26-13-10; IC 20-33-2-10; IC 31-34; IC 31-36; IC 34-30-2-35.7.

Silver alert. Creates the silver alert program to inform the public about missing endangered adults. Defines "missing endangered adult" as an individual who is over 65 years of age and has Alzheimer's disease or dementia. Renames the Indiana clearinghouse for information on missing children as the Indiana clearinghouse for information on missing children and missing endangered adults (clearinghouse). Requires the clearinghouse to operate the amber alert program and the silver alert program. Makes conforming changes. **Effective:** July 1, 2009.

HB 1513 GiaQuinta Citations Affected: IC 36-7-14-6.1; IC 36-7-14-10.
Redevelopment commission membership. Makes a nonvoting adviser to a redevelopment commission a voting member of the commission, and allows a designee to be appointed by the school board. Reduces the member's term from two years to one year (consistent with the other commissioners' terms). Provides that a nonvoting adviser appointed to the commission: (1) serves the remainder of the person's initial two year term as a voting member; and (2) may appoint a designee. **Effective:** July 1, 2009.

HB 1514 GiaQuinta Citations Affected: IC 5-4-1-18; IC 5-11-5-1.
Accounting for public funds. Increases the required surety bond for certain officials, and provides that the state board of accounts may require a higher surety bond for officials who have engaged in malfeasance, misfeasance, or nonfeasance that resulted in the misappropriation of, diversion of, or inability to account for public funds. Requires a deputy examiner, field examiner, or private examiner to make a preliminary report to the state examiner if: (1) a substantial amount of public funds has been misappropriated or diverted or is unaccounted for; (2) there is a reasonable likelihood that the final examination report will include a finding that the entity that is the subject of the report failed to observe a uniform compliance guideline or failed to comply with a specific law; or (3) the malfeasance, misfeasance, or nonfeasance that resulted in the misappropriation of, diversion of, or inability to account for the public funds was committed by the officer or employee who is primarily responsible for ensuring compliance with laws regarding maintaining and accounting for the funds. Requires the state examiner to provide a copy of the report to the attorney general, and requires the attorney general to bring a civil action against the delinquent employee or the official bond to recover misappropriated funds. Authorizes the attorney general to petition a court to freeze the assets of the delinquent employee. Makes other changes. **Effective:** July 1, 2009.

HB 1516 Barnes Citations Affected: IC 3-8; IC 3-10; IC 20-23; IC 20-25-3-4; IC 33-33-53-5.

School board elections at general election time. Requires that school board members selected by election must be elected at general elections and take office the following July 1. Repeals superseded statutes. **Effective:** January 1, 2010.

HB 1517 Bell, Smith, V., Clere, VanDenburgh Citations Affected: IC 2-5-29.
Youth advisory council. Changes the age of eligibility to be a youth advisory council (council) member from 14 to 18 years of age to 16 to 20 years of age. Staggers the terms of the council members. Provides that the appointing authority may remove an

appointed member of the council for cause, including the failure to attend at least two meetings within a one year period. Provides that a member who attends a meeting of the council has a lawful excuse to be absent from school. Establishes the youth advisory council fund (fund) to receive appropriations, grants, gifts, and donations. Provides that money in the fund is available, with the approval of the budget agency, to augment and supplement the funds appropriated to the department of education to implement the council. **Effective:** July 1, 2009.

HB 1519 Culver Citations Affected: IC 6-1.1-17-0.5.

Assessed value for setting property tax rates. Permits the county auditor, in reducing a taxing unit's assessed value used to set tax rates for the taxing unit, to take into account any property tax deduction allowed after assessed values are certified. Extends the deadline for the county auditor to report the reduction from December 31 to January 15 to allow accounting for deduction applications filed at the end of the year. **Effective:** July 1, 2009.

HB 1521 Truitt, Messmer Citations Affected: IC 3-14-1-17.

False campaign material. Makes it a Class A misdemeanor for a person to intentionally participate in the preparation, dissemination, or broadcast of paid political advertising or campaign material, or in the drafting of a letter to the editor, that: (1) concerns the personal or political character or act of a candidate or the effect of a ballot question; and (2) is designed to or tends to elect, injure, promote, or defeat the candidate or promote or defeat the public question; if the advertising or campaign material or the letter contains information or a statement that was false and the person knew of the falsity or acted with reckless disregard as to truth or falsity. Exempts a person who merely disseminates or broadcasts the material or letter in the normal course of business. Provides that a candidate for nomination or election to public office (if successful) forfeits the nomination or public office if the candidate commits a violation, unless the candidate's violation was trivial or occurred despite the candidate's good faith. **Effective:** July 1, 2009.

HB 1523 Goodin Citations Affected: IC 4-30-16-3; IC 20-18-2-23;
IC 20-26-12; IC 20-33-5; IC 20-40; IC 20-41; IC 20-43-2-3; IC 20-43-11.

School textbook funding. Expands the definition of "textbook" to include certain materials used in student instruction. Transfers and distributes \$70,000,000 annually from the administrative trust fund of the state lottery to the state textbook grant fund. Requires school corporations to establish a textbook fund and to use money from the fund to purchase textbooks. Appropriates an annual state textbook grant to each school corporation equal to: (1) \$83; multiplied by (2) the average daily membership of the school corporation. Requires the deposit of grant funds in a school corporation's textbook fund. Limits a student textbook rental fee to: (1) 25% of the total purchase price of the textbooks; minus (2) \$83. Makes conforming changes. **Effective:** July 1, 2009.

HB 1527 Candelaria Reardon Citations Affected: IC 36-7-14.

Tax increment financing. Provides that in counties other than Marion County, property tax proceeds allocated under tax increment financing (TIF) may be used for: (1) improvements that are located in or serve the TIF allocation area; or (2) in the case of a

redevelopment commission established by a municipality, improvements that are located within the municipality. (Current law provides that the property tax proceeds allocated under TIF may be used for improvements that are physically located in or physically connected to the TIF allocation area.) Specifies certain improvements that may be financed with property tax proceeds allocated under TIF. Provides that in counties other than Marion County, property tax proceeds allocated under a TIF housing program may be used for specified purposes: (1) within the TIF allocation area; or (2) in the case of a redevelopment commission established by a municipality, within the municipality. (Current law provides that the property tax proceeds must be used within the TIF allocation area for the specified purposes.) **Effective:** July 1, 2009.

HB 1530 Candelaria Reardon Citations Affected: IC 8-1.5-3-12; IC 36-7;
IC 36-9-41.

Funding of local government projects. Amends the provisions authorizing political subdivisions to borrow the money necessary to finance a public work project from a financial institution to allow political subdivisions to also borrow to finance an eligible efficiency project that costs not more than \$2,000,000. Defines "eligible efficiency project" as a project that is necessary or useful to: (1) carrying out an interlocal cooperation agreement entered into by two or more political subdivisions or governmental entities; or (2) the consolidation of local government services. Authorizes a municipality to borrow money from a municipally owned utility to carry out an eligible efficiency project within the municipality. Provides that property tax proceeds allocated under tax increment financing (TIF) may be used to carry out an eligible efficiency project. **Effective:** July 1, 2009.

HB 1532 Candelaria Reardon Citations Affected: IC 21-43-5-2.

Dual enrollment programs. Requires school corporations and state educational institutions to collaborate to offer early college, dual credit, or dual enrollment programs. **Effective:** July 1, 2009.

HB 1538 Noe Citations Affected: IC 20-26-12-24; IC 20-33-5-7.

Supplemental teaching materials. Provides that a school committee of teachers and parents may make recommendations to a governing body for supplemental materials to be used in the classroom to encourage students to develop critical thinking skills regarding controversial issues. Provides that supplemental teaching materials are eligible for reimbursement in the same manner as developmentally appropriate materials. **Effective:** July 1, 2009.

HB 1546 Niezgodski Citations Affected: IC 5-10.2-5-44.

PERF cost of living adjustment. Provides for a cost of living adjustment payable after December 31, 2009, for members (or the survivors or beneficiaries of members) of the public employees' retirement fund (PERF). **Effective:** July 1, 2009.

HB 1547 Niezgodski Citations Affected: IC 5-10.2-10; IC 34-30-2-11.4.

Divestment of public pension investments. Requires the public employees' retirement fund (PERF) and the state teachers' retirement fund (TRF), in the capacity of shareholders, to contact companies with certain business activities in states that sponsor terror and request that the companies cease those business activities. Prohibits PERF and TRF from investing in companies that are unresponsive to the requests.

Requires PERF and TRF to sell or transfer any investments in a company that is unresponsive to the requests. Requires PERF and TRF to report to the general assembly any investments with a company with business operations in states that sponsor terror. (The introduced version of this bill was prepared by the pension management oversight commission.) **Effective:** July 1, 2009.

HB 1548 Thompson Citations Affected: IC 6-1.1-22-8.1; IC 6-8.1-1-1; IC 6-10; IC 36-1-2-7.

Variable local option income taxes. Authorizes a taxing unit to impose variable local option income taxes to replace revenue lost to the local unit as a result of: (1) the application of the circuit breaker credit; or (2) the elimination of property taxes on real property wholly owned by individuals residing in the local unit where the individuals pay a variable local option income tax. **Effective:** July 1, 2009; January 1, 2010.

HB 1549 Thompson Citations Affected: IC 6-1.1-10-44; IC 6-1.2; IC 6-1.6; IC 6-1.7; IC 6-1.8; IC 6-1.9; IC 6-2.5; IC 6-3-2-1; IC 6-8.1-1-1; P.L.146-2008, SECTION 850.

Elimination of property taxes. Eliminates all ad valorem property taxes. Provides for the implementation of a local residential income tax, a local fire and safety benefit tax, a state commercial activity tax, and a state employer payroll expense tax to replace revenue lost to political subdivisions from the elimination of property taxes. Increases the state gross retail and use tax. Reduces the state adjusted gross income tax rate. Makes other changes to the tax laws. Repeals a temporary property tax homestead credit and appropriation for 2010. Makes appropriations. **Effective:** July 1, 2009; January 1, 2010; July 1, 2010.

HB 1557 Battles **Citations Affected:** IC 3-5; IC 3-6; IC 3-7; IC 3-8; IC 3-9-1-12; IC 3-10; IC 3-11; IC 3-11.5; IC 3-11.7; IC 3-12; IC 3-13; IC 3-14-2-29; IC 9-24-2.5; IC 20-23-8; IC 36-2-9-9.

Various election law matters. (34) Provides for the initiation of the change of a school corporation's organization plan if 10% of the active voters in the school corporation sign a petition for the change. (Under current law, 20% of the voters in a school corporation must support a petition for a change in the school corporation's organization plan.)

HB 1565 Bell, Dobis, Borrer Citations Affected: IC 20-24-8-5; IC 20-30-5.

Financial literacy curriculum and fund. Requires public schools (including charter schools) and accredited nonpublic schools to provide instruction in personal financial responsibility to students in grades 9 through 12. **Effective:** July 1, 2009.

HB 1574 Lehman, Welch Citations Affected: IC 20-27.

Special purpose bus drivers. Requires the department of education by July 1, 2010, to develop and implement a preservice special purpose bus operator safety education training course. Makes it a Class C misdemeanor after July 1, 2010, for a person to knowingly, recklessly, or intentionally operate a special purpose bus for a public or nonpublic school that is accredited by the state board of education without having satisfactorily completed the preservice special purpose bus operator safety education training course. **Effective:** July 1, 2009.

HB 1577 Clere, Noe Citations Affected: IC 2-2.1; IC 4-10-21; IC 4-13-2-18.
State spending cap. Imposes general expenditure controls on the state. Provides procedures for the implementation of the spending controls. Permits the general assembly to appropriate and the state to expend an amount exceeding the general expenditure limit if at least two-thirds of the members of the senate and two-thirds of the members of the house of representatives adopt a resolution declaring the general assembly's intent to authorize the additional expenditure. Repeals the business cycle state spending controls. **Effective:** Upon passage; June 30, 2009.

HB 1581 Porter Citations Affected: IC 20-24-8-5; IC 20-30-5-19.
Financial responsibility curriculum. Requires public schools (including charter schools) and accredited nonpublic schools to provide instruction in personal financial responsibility to students in grades 9 through 12. **Effective:** July 1, 2009.

HB 1582 Porter Citations Affected: IC 9-18-31-6; IC 20-20.
School counselors. Expands school intervention and career counseling development programs for which grants may be awarded from kindergarten through grade 6 to kindergarten through grade 12. Increases maximum allowable grant amounts awarded from the school intervention or career counseling development fund. Specifies target counselor - student ratios to be used for the hiring of school counselors, social workers, and psychologists with grant money. Makes a technical correction. **Effective:** July 1, 2009.

HB 1583 Culver Citations Affected: IC 6-1.1-18.5-4.7; IC 36-1-7-3; IC 36-2-5-2.
County and municipal property taxes. Allows political subdivisions to finance an interlocal agreement for provision of a service by increasing the maximum levy of the political subdivision that provides the service and decreasing the maximum levy of the political subdivision to which the service is provided. Provides for the same levy adjustments in the absence of an interlocal agreement upon petition to the department of local government finance. Provides that a county may not levy property taxes in a municipality for services the municipality provides itself. **Effective:** Upon passage.

HB 1584 Friend, Clements Citations Affected: IC 35-42-4-4.
Child exploitation. Enhances child exploitation to a Class B felony if the photograph, film, videotape, or digitized image was taken at or created in a public building, school, or library. **Effective:** July 1, 2009.

HB 1587 Avery Citations Affected: IC 2-3.5-5-3; IC 5-10.2-2-3; IC 5-10.2-4-2; P.L.180-2007, SECTION 13.
PERF and TRF investment option changes. Permits members of the teachers' retirement fund (TRF) and the public employees' retirement fund (PERF) to change investment selections once each day, with the change being effective on the next business day after the fund receives the change notice. Establishes the market valuation date of a member's investment as of five business days before the date of the member's distribution or annuitization at retirement, disability, or suspension and withdrawal. Codifies a noncode provision that permits members of the legislator's retirement system to change investment selections once each day. Repeals the noncode provision. **Effective:** January 1, 2010.

HB 1591 Hinkle Citations Affected: IC 22-2-13-5.

Military family leave. Provides that the law allowing certain employees to take unpaid leave of absence from their employment when a member of their family is ordered to active duty in the armed forces applies to an employee who is a grandparent of the person called to active duty by virtue of being a biological or adoptive father or mother of the person's adoptive father or mother. **Effective:** July 1, 2009.

HB 1601 Richardson Citations Affected: IC 3-5-3; IC 3-10; IC 6-1.1-20; IC 20-23; IC 20-46-1-14; IC 36-2-1-2; IC 36-4-1.5-2; IC 36-10-3-35.

Public questions. Provides that a political subdivision shall pay for all election supplies, equipment, and expenses of a special election held for the voters of the political subdivision at a time other than the time of a primary, municipal, or general election. Provides that a special election may be held only on the: (1) date of a general election; (2) date of a primary election; (3) first Tuesday after the first Monday in May of an odd-numbered year; or (4) first Tuesday after the first Monday in November of an odd-numbered year. Provides that a county voter registration office (rather than the county auditor) certifies to the county election board when a public question regarding the issuance of bonds by a political subdivision is required to be placed on the ballot. **Effective:** July 1, 2009.

HB 1603 Leonard Citations Affected: IC 16-32-3-2; IC 22-9-5-20.

Service animals. For purposes of the law providing that a person with a disability is entitled to be accompanied by a guide dog in any public accommodation without an extra charge, expands the definition of "public accommodation" to include various educational entities. Provides that an employer, employment agency, labor organization, or joint labor-management committee must allow an employee with a disability to keep a guide dog, hearing dog, or assistance dog with the employee at all times. **Effective:** July 1, 2009.

HB 1606 Harris Citations Affected: IC 20-20-37.

Comer school development program. Creates the Comer school development program. Provides for the establishment of pilot programs to benefit at risk students at public schools having certain characteristics, and requires a pilot program to include professional development for teachers, curriculum development, and other elements. Establishes the school development pilot program fund to provide grants to enable participating school corporations to establish and operate pilot programs. **Effective:** July 1, 2009.

HB 1608 Murphy, Reske, Clere Citations Affected: IC 20-19-3-9.

School Internet connection. Requires the department of education to develop a strategic plan that provides for an increase in the bandwidth of all public high school computer systems to a minimum of 100 megabits by December 31, 2012. **Effective:** July 1, 2009.

HB 1609 Soliday, Lawson Citations Affected: IC 35-41-1; IC 35-42-2-1.

Battery on a sports official or utility worker. Makes battery on a: (1) sports official at a sports contest; or (2) utility worker engaged in the execution of the utility worker's

official duty; a Class D felony instead of a Class B misdemeanor if it results in bodily injury to the sports official or utility worker. **Effective:** July 1, 2009.

HB 1620 Pierce, Austin Citations Affected: IC 4-13-19.

Energy efficient buildings. Requires a government building to be designed, constructed, operated, and maintained to achieve or exceed the level of energy efficiency required under certain rating systems. Provides that Indiana hardwood lumber may be considered for use as a local source material in any project in which the use of Indiana hardwood lumber is practicable. Requires the fire prevention and building safety commission to revise the Indiana Energy Conservation Code before January 1, 2010. Requires the revised Indiana Energy Conservation Code to contain standards that exceed or are substantially equivalent to the standards set forth in the ASHRAE 100-2006 and ASHRAE 90.1-2007 standards. **Effective:** Upon passage; July 1, 2009.

HB 1641 Bell, VanDenbaugh, Clere Citations Affected: IC 20-33-8-35.

Violent crimes committed at school. Provides that if a violent crime is committed by a student against another student on school grounds or during school activities, including traveling to or from school or an activity, the superintendent of the school corporation shall transfer either the victim or the offender to another school in the school corporation, as requested by the victim's parent. **Effective:** July 1, 2009.

HB 1643 Dermody Citations Affected: IC 20-46-4-10.

School transportation fund levy appeal. Authorizes a school corporation to appeal to the department of local government finance for an increase in the school corporation's maximum permissible transportation fund property tax levy if the school corporation's maximum permissible transportation fund property tax levy for property taxes first due and payable in 2004 was at least 10% lower than the school corporation's maximum permissible transportation fund property tax levy for property taxes first due and payable in 2003. **Effective:** July 1, 2009.

HB 1658 Sullivan, Rieken Citations Affected: IC 20-20-8-8; IC 20-30-10-4; IC 20-36-3-8; IC 21-14-8-1; IC 21-43.

International baccalaureate; dual enrollment. Provides that information concerning international baccalaureate and dual enrollment participation must be included in a school corporation's annual performance report. Provides that a high school that enrolls more than 50% of its students in the international baccalaureate program is required to provide at least two course offerings in either dual credit or advanced placement courses, but not both. Provides for the distribution of funds available to pay fees associated with advanced placement examinations and international baccalaureate examinations. Provides that a student who is participating in the twenty-first century scholars program is eligible for tuition waiver in a dual enrollment program. Defines "concurrent enrollment". Allows a student in grade 9 or 10 to participate in concurrent enrollment programs with the permission of the student's principal. Provides that a secondary student who passes a course included in the statewide core transfer library is entitled to have credit transfer in the same manner as a course taken during college. **Effective:** July 1, 2009.

HB 1669 Michael, Moses, Niezgodski Citations Affected: IC 6-1.1-20-1.1;
IC 20-20-37.

Geothermal conversion loans. Provides that for purposes of the referendum statutes and the petition and remonstrance statutes, a project for the installation of a geothermal heating and cooling system in a new school facility or the replacement of a conventional heating and cooling system in a school facility is not a "controlled project". (Under current law, only controlled projects are subject to the referendum statutes and the petition and remonstrance statutes.) Establishes the geothermal conversion revolving fund (fund) for the purpose of making loans to school corporations that: (1) install a geothermal heating and cooling system in a new facility; or (2) install a geothermal heating and cooling system that replaces a conventional heating and cooling system. Provides that the fund is administered by the department of education (department). Requires the department to establish a written procedure for providing loans from the fund to school corporations. Specifies that a loan from the fund may not exceed the difference between: (1) the cost of installing a geothermal heating and cooling system; and (2) the cost of installing a conventional heating and cooling system. Requires a school corporation to enter into a loan agreement with the department before receiving a loan from the fund. Requires the department to report annually to the budget committee concerning the projects funded with loans from the fund. Appropriates \$2,000,000 to the fund from the state general fund. **Effective:** July 1, 2009.

HB 1672 Smith, V. Citations Affected: IC 21-13-2-4.

Minority teacher scholarships. Allows an individual to qualify for an initial minority teacher scholarship if the individual meets certain criteria, including acceptance into an eligible institution as a full-time student. Makes an appropriation from the state general fund to the state student assistance commission for operating expenses for minority teacher scholarships for state fiscal years 2010 and 2011. **Effective:** July 1, 2009.

HB 1692 Borrer Citations Affected: IC 4-23-30.

Sunset state boards and commissions. Terminates numerous statutory boards, commissions, committees, and other governmental entities on July 1, 2012. Directs the legislative services agency, under the direction of the legislative council, to prepare legislation to bring affected statutes into compliance with this act. **Effective:** July 1, 2009.

HB 1699 Robertson Citations Affected: IC 9-13-2; IC 9-21-22.

Cell phone use while driving. Makes it a Class D infraction for a person less than 18 years of age to operate a motor vehicle while using a hand held mobile telephone. Exempts: (1) a person who uses a mobile telephone in an emergency situation; (2) the operator of an authorized emergency vehicle; (3) the operator of a medical services vehicle; and (4) a volunteer firefighter and certain emergency services professionals en route to the scene of an emergency. **Effective:** July 1, 2009.

HB 1700 Murphy, Barnes, Clere Citations Affected: IC 4-4-11-14.5; IC 4-12;
IC 4-37; IC 5-1.5; IC 5-13-12-7; IC 14-8-2;
IC 14-10-2-1; IC 14-20; IC 20-29;
IC 36-7.6-4-3.

Consolidation of agencies. Transfers the powers and duties of the Indiana bond bank to the Indiana finance authority.... Converts the Indiana education employment relations board to a division of the department of education. **Effective:** July 1, 2009.

HB 1705 Dermody Citations Affected: IC 20-33-2.

Withdrawal from school. Allows a student who is at least 17 years of age to withdraw from school with the consent of the student's parent and principal following an exit interview, if the student plans to obtain a general educational development (GED) diploma before reaching the age of 18 in order to attend a postsecondary educational institution or join the armed forces. **Effective:** July 1, 2009.

HB 1708 Culver Citations Affected: IC 20-30-2.

School year. Provides that a school year for grades 1 through 6 consists of at least 54,000 minutes. Provides that a school year for grades 7 through 12 consists of at least 64,800 minutes. Makes corresponding changes to related sections. **Effective:** July 1, 2009.

HB 1714 Borrow, Culver, Lehman, Yarde Citations Affected: IC 2-2.1;
IC 4-10-21-0.5; IC 4-13-2-18.

State spending cap. Provides a control on state expenditures for state fiscal years beginning after June 30, 2011, that is based on the change in gross Indiana nonfarm personal income as reported by the United States Department of Commerce, Bureau of Economic Analysis. Requires the budget agency to determine and publish the Indiana nonfarm personal income growth quotient (the IPI growth quotient) in the Indiana Register. Provides for emergency expenditures. Provides for mandatory reductions in expenditures. Requires that the digest of a budget bill or a conference committee report on a budget bill must contain certain information concerning state appropriations and expenditures. Provides that the current law concerning business cycle state spending controls expires June 30, 2011. **Effective:** July 1, 2009.

HB 1719 Thompson Citations Affected: IC 20-30-2.

Student instructional days. Allows the governing body of a school corporation to adopt a school calendar that has at least 170 and not more than 179 student instructional days (currently, a minimum of 180 student instructional days are required) if the total number of student instructional minutes conducted equals or exceeds certain minimum standards. **Effective:** July 1, 2009.

HB 1720 Thompson Citations Affected: IC 20-26-5-32.

Public school compensation payment schedules. Permits a public school corporation to enter into a 12 month compensation payment schedule for work performed during a normal nine or ten month school year. **Effective:** July 1, 2009.

HB 1723 Goodin Citations Affected: The Indiana Code.

Vehicle Bill. **Effective:** July 1, 2009.

2009 Legislative Action List

SENATE			
Bill #	Title	Sponsor	Action
SJR 1	Circuit breakers and other property tax matters	Kenley	2 nd Reading
SJR 6	Prohibition against property taxation	Waltz	
SCR 10	Early childhood education	Becker, Deig	2 nd Reading
SB 2	Internet safety education in schools	Arnold	Committee
SB 11	Firearms in locked vehicles	Nugent	
SB 13	Teachers on school committees	Kenley	Passed 28-21
SB 16	Learner's permits and graduated licenses	Holdman, Wyss, Tallian	3 rd Reading
SB 27	David Ford educational technology fund	Lubbers, Boots, Buck, Sipes, Arnold, Breaux	Passed 49-0
SB 28	School board elections at general election time	Lubbers	
SB 32	Notice of meetings	Mrvan	
SB 33	Equivalent jobs and wage discrimination	Mrvan	
SB 55	Retirement benefit adjustment	Becker	
SB 57	Sign language interpreters in schools	Lubbers	Passed 49-0
SB 61	Notice of appropriation and revenue measures	Walker	
SB 66	PERF vesting period	Young, Michael	
SB 71	Teacher licensing	Lubbers	
SB 81	School year	Kruse	
SB 82	Minimum retirement age	Kruse	
SB 95	Student expression of religious viewpoints	Lewis	
SB 97	Limit on real property assessment increases	Lawson, C.	
SB 125	Income tax credit	Waltz	
SB 126	Financial responsibility curriculum	Waltz	3 rd Reading
SB 180	Candidate challenges	Lanane	
SB 181	Child seduction	Lubbers	Committee
SB 182	Criminal history checks	Lubbers	
SB 183	False statements to state agencies	Mrvan	
SB 191	Alternative placements for certain students	Miller	Committee

SENATE

Bill #	Title	Sponsor	Action
SB 205	Corporal punishment by parents and guardians	Randolph	
SB 213	Assessment of real property	Randolph	
SB 224	Virtual education	Lubbers	
SB 226	Charter school services for children	Lubbers	
SB 227	Access of charter schools to various funds	Lubbers	
SB 228	End of route inspection by bus drivers	Lubbers, Wyss	2 nd Reading
SB 230	Energy savings contracts	Deig	
SB 232	Public access issues	Gard	Committee
SB 240	Public works procedures	Merritt	2 nd Reading
SB 246	State board of accounts matters	Lawson, C.	Passed 47-1
SB 263	Public school compensation payment schedules.	Walker	Committee
SB 275	Definition of "textbook"	Head	
SB 282	Prohibit smoking in public places	Errington	
SB 286	Cultural competency in schools	Taylor	
SB 316	Penalties imposed by public access counselor	Mrvan	
SB 318	Adjustment of assessed values	Mrvan	
SB 320	Student instructional days	Charbonneau	
SB 321	Withdrawal from school	Charbonneau	
SB 325	Teacher immunity regarding disciplinary action	Walker	
SB 326	Optional four day school week calendar	Walker	
SB 327	Transfers between contiguous school corporations	Walker	
SB 328	School debt	Walker	
SB 330	Student expression of religious viewpoints	Walker, Kruse	
SB 334	Credit for teachers purchasing classroom supplies	Lubbers, Kruse	
SB 335	Student discipline	Lubbers, Kruse	Committee
SB 338	Contributions to PERF pension benefit	Kruse	
SB 340	Renewable biomass fuel for motor vehicles	Kruse, Mishler	Committee
SB 353	Recovery of public money	Bray	2 nd Reading
SB 356	Military family leave	Delph	

SENATE

Bill #	Title	Sponsor	Action
SB 361	Firearms in locked vehicles	Stutzman	
SB 370	PERF/TRF administrative matters	Kruse	
SB 378	Amber alert	Boots	
SB 380	Teacher professional development days	Hume, Charbonneau	
SB 394	Sales tax holiday	Simpson	
SB 396	Dating violence policy and instruction	Simpson	
SB 399	Smoking ban in public places	Dillon	
SB 403	Adult education programs	Rogers	
SB 410	Autism training	Sipes	
SB 411	Determination of graduation rate	Sipes	
SB 412	School resource officers	Sipes	
SB 413	Imagination library program	Sipes	
SB 427	Parental leave for school conferences	Errington	
SB 440	Indoor air quality	Gard, Landske	Committee
SB 441	School air quality	Randolph, Mrvan	
SB 443	Student health measurements	Dillon	
SB 451	Energy savings contracts	Lawson, C.	3 rd Reading
SB 452	Kernan-Shepard election provisions	Lawson, C.	Committee
SB 453	Use of gold by the state and local government	Walker	
SB 465	Department of labor administrative matters	Buck	Committee
SB 467	Enforcement of wage requirements	Mrvan	
SB 471	Electronic filing of campaign finance reports	Hershman	Committee
SB 484	Youth advisory council	Lawson, C.	
SB 491	Public school transfers	Kenley	Committee
SB 502	Government reorganization	Delph	
SB 507	Financial responsibility curriculum	Dillon	
SB 509	Commission on career and technical education	Lubbers	
SB 510	Compact for education for military children	Wyss	Committee
SB 518	State and Local spending caps	Delph	
SB 520	Specifications in public work projects	Boots	

SENATE

Bill #	Title	Sponsor	Action
SB 521	School corporation reorganization	Dillon	
SB 525	Education issues	Lubbers, Kruse	
SB 526	School performance consequences	Lubbers, Kruse	Committee
SB 528	School scholarship tax credit	Yoder, Stutzman	Committee
SB 529	Sale of public buildings	Stutzman	
SB 535	Indiana public retirement system	Kruse	Committee
SB 536	PERF/TRF annuity savings accounts	Kruse	
SB 541	Various tax matters	Hershman	2 nd Reading
SB 559	Worker's compensation matters	Kruse	
SB 578	Truancy	Taylor	
SB 561	Property tax matters	Hershman	Committee
SB 562	Divestment from states that sponsor terror	Alting	
SB 563	School dropout prevention	Breaux	
SB 565	Crimes near schools and other facilities	Breaux	
SB 566	Sex education	Breaux	
SB 568	Office of educational equity	Breaux	
SB 579	Investigation of election law violations	Young, R. Michael	
SB 582	School corporation governing bodies	Mishler	

HOUSE

Bill #	Title	Sponsor	Action
HJR 4	Government spending limitation	Murphy	
HJR 5	County officers	Torr	
HJR 11	Circuit breakers and other property tax matters	Bosma, Espich	
HB 1001	Budget bill	Crawford, Pelath	
HB 1014	Age discrimination	Smith, V., Niezgodski	Committee
HB 1015	Charter schools; moratorium and data compilation	Smith, V.	
HB 1016	Disciplinary plan	Smith, V.	
HB 1018	Teacher certification	Smith, V.	

HOUSE			
Bill #	Title	Sponsor	Action
HB 1019	Limitation on school starting date	Lehe	
HB 1021	Disregarding school bus stop sign	Crouch, Lawson	Committee
HB 1022	Teachers' retirement fund cost of living adjustment	Avery, Niezgodski	
HB 1027	Prekindergarten grant pilot program	Day	Committee
HB 1036	Lifelong learning account pilot program	Klinker, Thompson, VanDenburgh, Behning	Committee
HB 1045	Transportation of school children	Pond	
HB 1048	PERF board membership	Niezgodski	Committee
HB 1056	Military service for TRF members	Kersey	
HB 1057	Collective bargaining for public employees	Kersey	Ways & Means
HB 1067	Public works projects	Torr	
HB 1072	Review of ISTEP program	Cheatham	
HB 1076	Public school collective bargaining agreements	Cheatham	2 nd Reading
HB 1092	David Ford educational technology fund	Porter	2 nd Reading
HB 1093	Medically accurate information in curriculum	Porter	
HB 1097	Air and water quality for schools	Barnes	
HB 1103	Indiana worker preference on public works projects	Tincher	
HB 1105	PERF vesting for local elected officials	Tincher	
HB 1107	Compact for education for military children	Tincher	2 nd Reading
HB 1123	School zone and signs	Cherry	Committee
HB 1125	School corporation health coverage	Cherry	2 nd Reading
HB 1129	Adult education	Klinker, Thompson, VanDenburgh, Behning	
HB 1134	Medical waste incineration near schools	Reske	Committee
HB 1136	Testing of special education students	Reske	
HB 1139	Compact for education for military children	Reske	
HB 1144	K-12 school building plans	Pond	

HOUSE			
Bill #	Title	Sponsor	Action
HB 1145	Student instructional days	Pond, Ruppel	
HB 1150	End of route inspection by bus drivers	Battles	
HB 1152	Child seduction	Battles	
HB 1158	Income tax credit for textbook fees	VanDenburgh	
HB 1159	Donation of income tax refund to public schools	VanDenburgh	
HB 1162	Environmental permits and local governments	Tyler	
HB 1168	Unemployment insurance benefits	Tyler	
HB 1187	Cultural competency	Porter	2 nd Reading
HB 1188	College head start program	Porter	
HB 1193	E85 fueling station grant program	Pearson	Committee
HB 1197	PERF vesting period	Crawford	
HB 1200	Physical examinations of bus drivers	Bischoff	
HB 1211	Recall of elected and appointed officials	Brown, C.	
HB 1212	Nonpartisan school board elections	Brown, C.	
HB 1213	Smoking ban in public places	Brown, C.	Committee
HB 1230	Publication of notices	Hinkle, Moses	
HB 1248	Physical characteristics of school bus monitors	Herrell	
HB 1250	Civil rights	Sullivan	
HB 1252	Amber alerts for high risk missing persons	Blanton	
HB 1254	Energy savings contracts	Thompson	Passed 96-0
HB 1257	Teacher background checks	Barnes	
HB 1268	Compact for education for military children	Koch	
HB 1269	Benefits while on state active duty	Koch	
HB 1274	Loans and gifts between political subdivisions	Pelath	
HB 1280	State budget and spending information on Internet	Welch, Turner, Pearson, Michael	
HB 1284	Battery	Van Haften	
HB 1291	Elimination of textbook rental programs	Oxley	
HB 1297	School start and end dates	Ruppel, Pond	
HB 1302	Behavioral health program	Pryor	
HB 1307	Public school compensation payment schedules	Niezgodski	Committee

HOUSE			
Bill #	Title	Sponsor	Action
HB 1316	Taking a child into custody	Lawson, L., Hinkle	
HB 1317	Parental notice of abstinence only education	Lawson, L.	
HB 1320	Criminal background checks for teachers	Duncan	
HB 1323	Various motor vehicle matters	Duncan	
HB 1335	Worker's compensation	Stilwell	
HB 1339	Motor vehicle child restraint systems	Welch, Soliday, Lawson	
HB 1340	Compulsory school attendance	VanDenburgh	
HB 1343	School dropout prevention	Pryor	Committee
HB 1353	Employee personal leave	Dvorak	
HB 1354	Length of school year	Dvorak	
HB 1359	School board elections at general election time	Sullivan, Torr	
HB 1369	Property tax assessment	Hinkle	
HB 1373	Employees of political subdivisions holding office	DeLaney, Saunders	
HB 1386	Maximum term of loan to political subdivision	Reske	
HB 1380	Energy efficient buildings	Niezgodski	
HB 1385	Twenty-first century scholars program	Reske	
HB 1389	Twenty-first century scholars	Summers, Hinkle	
HB 1391	Public school transfers	Moseley	
HB 1392	Cast of referenda for controlled projects	Moseley	
HB 1398	Ethanol incentives	Grubb, Friend, Pearson	
HB 1400	School impact fees	Reske	
HB 1405	Recall of elected and appointed officials	Stevenson	
HB 1418	K-12 student enrollment counts	Smith, V.	Committee
HB 1419	Student discipline	Smith, V.	
HB 1420	Teacher recruitment program	Smith, V.	
HB 1431	Free textbooks	Riecken	
HB 1437	Inappropriate relationships with students	Noe, Friend	
HB 1447	Property taxation	Welch, Crawford, Turner, Davis	

HOUSE			
Bill #	Title	Sponsor	Action
HB 1448	Indiana long term care savings plan	Welch, Turner	
HB 1461	Collective bargaining for school employees	Kersey	
HB 1462	Criminal history checks	Kersey, Porter	Committee
HB 1467	Property tax trending formula	Espich, Smith, M., Noe	
HB 1471	Assessment rules	Pelath	Committee
HB 1472	Elimination of office of management and budget	Pelath	3 rd Reading
HB 1473	Recruitment of educators from underrepresented populations	Porter	
HB 1476	Donations by local units to community foundations	Walorski	
HB 1477	Establishment of unique learning cooperative	Porter	
HB 1478	Commission for early learning and school readiness	Porter	
HB 1479	Recruitment of educators from underrepresented populations	Porter	2 nd Reading
HB 1480	Cultural competency training	Porter	
HB 1481	Office of educational equity	Porter	Committee
HB 1493	Manufacture of flags used in public buildings	Bischoff	2 nd Reading
HB 1498	PERF and TRF death benefit	Ruppel, Niezgodski	
HB 1501	Certain sex offenders and school property	Richardson	
HB 1502	State board of accounts matters	Richardson	
HB 1506	School board members	GiaQuinta	
HB 1512	Silver alert	GiaQuinta	
HB 1513	Redevelopment commission membership	GiaQuinta	
HB 1514	Accounting for public funds	GiaQuinta	
HB 1516	School board elections at general election time	Barnes	
HB 1517	Youth advisory council	Bell, Smith, V., Clere, VanDenbaugh	
HB 1519	Assessed value for setting property tax rates	Culver	
HB 1521	False campaign material	Truitt	
HB 1523	School textbook funding	Goodin	

HOUSE			
Bill #	Title	Sponsor	Action
HB 1527	Tax increment financing	Candelaria Reardon	
HB 1530	Funding of local government projects	Candelaria Reardon	Committee
HB 1532	Dual enrollment programs	Candelaria Reardon	
HB 1538	Supplemental teaching materials	Noe	
HB 1546	PERF cost of living adjustment	Niezdowski	
HB 1547	Divestment of public pension investments	Niezdowski	Committee
HB 1548	Variable local option income taxes	Thompson	
HB 1549	Elimination of property taxes	Thompson	
HB 1557	Various election law matters	Battles	
HB 1565	Financial literacy curriculum and fund	Bell, Dobis, Borrer	
HB 1574	Special purpose bus drivers	Lehman, Welch	
HB 1577	State spending cap	Clere, Noe	
HB 1581	Financial responsibility curriculum	Porter	
HB 1582	School counselors	Porter	
HB 1583	County and municipal property taxes	Culver	
HB 1584	Child exploitation	Friend, Clements	
HB 1587	PERF and TRF investment option changes	Avery	
HB 1591	Military family leave	Hinkle	
HB 1601	Public questions	Richardson	
HB 1603	Service animals	Leonard	
HB 1606	Comer school development program	Harris	2 nd Reading
HB 1608	School Internet connection	Murphy, Reske, Clere	
HB 1609	Battery on a sports official utility worker	Soliday, Lawson	
HB 1620	Energy efficient buildings	Pierce, Austin	
HB 1641	Violent crimes committed at school	Bell, VanDenburgh, Clere	
HB 1643	School transportation fund levy appeal	Dermody	
HB 1658	International baccalaureate; dual enrollment	Sullivan, Riecken	

HOUSE			
Bill #	Title	Sponsor	Action
HB 1669	Geothermal conversion loans	Michael, Moses, Niezgodski	2 nd Reading
HB 1672	Minority teacher scholarships	Smith, V.	
HB 1692	Sunset state boards and commissions	Borrer	
HB 1699	Cell phone use while driving	Robertson	
HB 1700	Consolidation of agencies	Murphy, Barnes, Clere	
HB 1705	Withdrawal from school	Dermody	
HB 1708	School year	Culver	
HB 1719	Student instructional days	Thompson	
HB 1714	State spending cap	Borrer, Lehman, Yarde, Culver	
HB 1720	Public school compensation payment schedules	Thompson	
HB 1723	Education funding	Goodin	2 nd Reading