



C-3  
(Senate)

**CONFERENCE COMMITTEE REPORT  
DIGEST FOR EHB 1001**

**Citations Affected:** IC 4-4; IC 4-13; IC 4-31; IC 4-33; IC 4-35; IC 5-1; IC 5-1.5; IC 5-10; IC 5-28; IC 6-1.1; IC 6-3; IC 6-3.1; IC 6-3.5; IC 6-5.5; IC 6-7; IC 8-16; IC 11-10; IC 12-8; IC 12-12; IC 12-26; IC 20-19; IC 20-20; IC 20-23; IC 20-24; IC 20-40; IC 20-43; IC 20-45; IC 20-46; IC 20-49; IC 21-29; IC 22-4; IC 25-26; IC 31-19; IC 31-25; IC 31-27; IC 31-33; IC 31-39; IC 33-23; IC 33-24; IC 34-30; IC 35-36; IC 35-48; IC 36-1; IC 36-4.

**Synopsis:** Makes appropriations for the biennium for the operation of state government and various other uses. Authorizes the issuance of bonds for various capital projects. Adds requirements concerning money available under the federal American Recovery and Reinvestment Act of 2009 (ARRA) for: (1) grants to local education agencies based on Title I of the Elementary and Secondary Education Act of 1965; and (2) special education funding. Specifies that the governor is solely authorized to accept on behalf of the state any and all ARRA funds available to the state. Requires the governor to submit a report covering applications filed and any action necessary to qualify the state for the ARRA funds to the executive director of the legislative services agency. Directs the governor to seek a waiver from the Secretary of the federal Department of Education if it is determined that Indiana does not meet the requirements of ARRA concerning the state fiscal stabilization fund administered by the federal Department of Education. Specifies that if the United States Department of Education or any other federal agency determines that the state's school funding formula or fiscal stabilization fund grant formula does not meet the requirements of ARRA or any other federal law, rule, or guideline, then notwithstanding any other law the state budget committee shall revise the state's school funding formula or fiscal stabilization fund grant formula. Authorizes a local unit issuing debt to provide for a repayment schedule that will result in the same or a lower amount of interest being paid on obligations that would be issued using nearly equal payment amounts. Prohibits the Indiana horse racing commission and the Indiana gaming commission from: (1) imposing, charging, or collecting by rule a fee that is not authorized by statute on any party to a proposed transfer of an ownership interest in a license; or (2) making the approval of a proposed transfer of an ownership interest in a license contingent upon the payment of any amount that is not

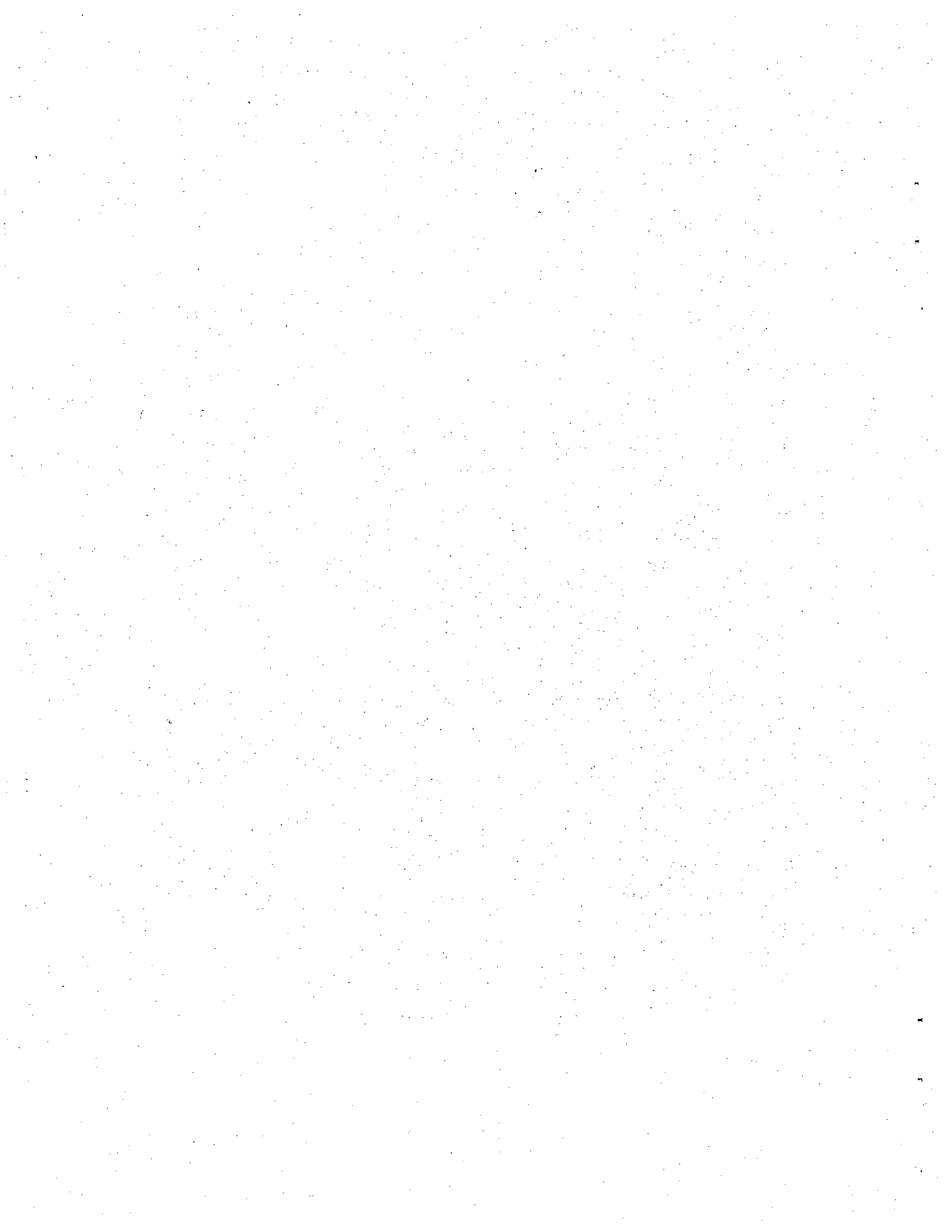
authorized by statute. Authorizes the Indiana bond bank to make a loan to a city for purposes of establishing a youth sports complex. Creates a green industries fund to provide grants and loans to Indiana manufacturers. Provides that the fund is administered by the Indiana economic development corporation (IEDC), and requires the IEDC to give priority to applications that meet three or more green industry purposes based on the number and quality of jobs being created, the community's economic need, and the capital investment being made by the applicant. Provides that a grant may not exceed 50% of the project costs. Requires a feasibility study of the benefits of changing the design and method for verifying, tracking, and tracing cigarette stamps. Amends the definition of "Internal Revenue Code" used in Indiana statutes and regulations to refer to the Internal Revenue Code in effect on February 17, 2009. Requires an add back to Indiana adjusted gross income of any amounts relating to: (1) the first \$2,400 of unemployment compensation excluded from federal income under Section 85(c) of the Internal Revenue Code; (2) the exclusion from income for discharged debt on principal residences; (3) the deferral of income from certain discharged debt under Section 108(i) of the Internal Revenue Code; (4) the additional deduction attributable to the 15-year straight-line depreciation for new restaurants; (5) the additional deduction attributable to the 15-year straight-line depreciation for certain retail improvements; (6) the additional deduction attributable to the special allowance for qualified disaster assistance property; (7) the deduction for an election to expense costs related to certain refineries; (8) the deduction for an election to expense costs for certain qualified film and television productions; (9) ordinary income treatment for the gain or loss from the sale of Fannie Mae or Freddie Mac stock; and (10) the exception for active financing income for insurance companies and financial institutions under Section 953(e) of the Internal Revenue Code (known as the Subpart F exception for active financing income). Provides that when calculating the deduction for unemployment compensation, the first \$2,400 of unemployment compensation excluded from federal income under Section 85(c) of the Internal Revenue Code should be considered. Requires that two years be used instead of five years for the net operating loss carryback period for small businesses. Requires the use of a five year carryback period for net operating losses for qualified disaster losses. Reallocates the cigarette tax revenue that is used to offset the employer health plan tax credit to a new state retiree health benefit trust fund. Provides that any special volume cap regarding bonds issued under a federal act providing the cap is in addition to the volume cap under Section 146 of the Internal Revenue Code. Provides that the Indiana finance authority is responsible for determining any allocation of special volume caps. Provides that a business that had annual worldwide revenues of at least \$20,000,000 (instead of \$100,000,000) is eligible for the headquarters relocation income tax credit if the relocation is to a county having an unemployment rate of at least 15% and the relocation occurs before January 1, 2012. Requires the division of state court administration to establish and administer an electronic system for: (1) receiving information that relates to certain individuals who may be prohibited from possessing a firearm; and (2) transmitting this information to the Federal Bureau of Investigation for inclusion in the federal National Instant Criminal Background Check System (NICS). Provides that, if a court makes an adjudication or a finding concerning a person's mental health that may disqualify the person from possessing a firearm, the court shall transmit certain information concerning the finding or adjudication to the division of state court administration for transmittal to NICS. Provides that the Indiana board of pharmacy shall develop a prescription drug program that includes the establishment of criteria to eliminate or significantly reduce prescription fraud and a standard format for an official tamper resistant prescription drug form for prescriptions. Extends the expiration date of the office of the secretary of family and social services (FSSA), the office of Medicaid policy and planning, the statutes concerning directors of divisions within FSSA, and certain advisory committees under the FSSA statutes. Establishes the office of the department of child services ombudsman. Specifies that the ombudsman may receive, investigate, and attempt to resolve complaints that the department of child services has failed to follow a specific law, rule, or policy, and thereby failed to protect the health or safety of a child. Provides that the ombudsman may review certain records, and prohibits the redisclosure of certain confidential records. Requires a school corporation with an

ADM on January 1, 2012, of less than 100 students to reorganize by consolidating with an adjacent school corporation under the school consolidation provisions. Delays the implementation of fiscal year budgeting for school corporations until the budget year beginning July 1, 2011. Authorizes the Indiana finance authority to provide for the construction, equipping, renovation, refurbishing, or alteration of a building for the Indiana state archives. Establishes the Ohio River bridges project commission. Provides that the purpose of the commission is to facilitate and accelerate the completion of Ohio River bridges projects by reducing cost from further delays and developing legislative proposals as necessary to remove any hindrances that may develop. Provides that the commission expires December 31, 2019. Changes the membership of the statewide independent living council. Phases out the use of a school corporation's expenditures from the capital projects fund for utilities and insurance. Provides that beginning with the school year beginning July 1, 2009, the department of education shall obtain and maintain student test number information in a manner and form that permits any person who is authorized to review the information, to: (1) access the information at any time; and (2) accurately determine where each student is enrolled and attending classes and the number of students enrolled in a school corporation or charter school and residing in the area served by a school corporation. Specifies that the Senator David C. Ford educational technology fund may also be used for a school technology program that is developed by the department of education and that may include grants to school corporations for the purchase of: (1) equipment, hardware, and software; (2) learning and teaching systems; and (3) other materials; that promote student learning, as determined by the department. Requires the department of education to develop a charter school facilities incentive grants program before January 1, 2010, using priority criteria set forth in federal law. Provides that a charter school or conversion charter school that has received an advance for operational costs from the common school fund does not have to make principal or interest payments during the state fiscal years beginning July 1, 2009, and July 1, 2010. Extends the repayment terms by two (2) years to provide for the waiver of payments. Provides that before July 1, 2011, a charter school or conversion charter school sponsor must receive the approval of the department of education before establishing a charter school. Provides that the department of education may not before July 1, 2011, approve the establishment of more than one additional charter school or conversion charter school within the corporate boundaries of a school corporation in a calendar year. Requires the department of education to establish a pilot program to provide funding for up to 100 students who attend a virtual charter school. Specifies that a virtual charter school is entitled to receive funding from the state in an amount equal to the product of: (1) the number of students included in the virtual charter school's ADM who are participating in the pilot program; multiplied by (2) 80% of the statewide average basic tuition support. Creates the Comer school development program. Provides for the establishment of pilot programs to benefit at risk students at public schools having certain characteristics. Appropriates \$1,000,000 to the Comer school development fund. Provides that SSACI may transfer funds between freedom of choice awards, higher education awards, and twenty-first century awards to ensure maximum use of the funds and the awards. Provides that a state educational institution may not enter into, modify, amend, or terminate any swap agreement without the specific approval of the public finance director. Requires Purdue University and Indiana University to report to the budget committee on the status of grants for core life science programs and other research grants. Specifies that the appropriations for higher education and the state student assistance commission that are made from money received under the federal American Recovery and Reinvestment Act of 2009 are intended to be one time appropriations. Authorizes certain industrial development loans. Allows an elected county, city, town, or township officer to waive some or all of the elected officer's compensation for any year. Repeals a statute that allows only an elected town officer to waive compensation. Requires the commission for higher education with the assistance of the state student assistance commission to study the funding of college scholarship programs provided by the state student assistance commission and the state's public universities. Authorizes the Indiana finance authority to issue bonds to provide additional correctional facilities, at a cost of not more than \$45,000,000.

Authorizes a political subdivision or any other public or private to enter into one or more agreements or leases with the Lawrenceburg community school corporation or another public or private entity to provide for the construction or renovation of a school building that will be used by the Lawrenceburg community school corporation. Requires the budget agency to review the costs of providing employee health, vision, and dental insurance for state employees and employees of school corporations and public universities. Provides additional time to file for a property tax exemption for taxes imposed for the 2001-2009 assessment dates. Removes provisions limiting the health facilities subject to the quality assessment fee based on the health facility's Medicaid utilization rate and annual Medicaid revenue. Eliminates the exemption from the quality assessment fee for health facilities that only receive Medicare revenues. Provides an exemption for hospital based health facilities. Eliminates the role of the department of state revenue in collecting quality assessment fees. Specifies the percentage distribution of money collected from the quality assessment depending on whether the state is receiving an adjusted federal medical assistance percentage by the federal American Recovery and Reinvestment Act of 2009. Extends the health facility quality assessment fee until August 1, 2011. Establishes the Indiana Soldiers' and Sailors' Children's Home task force. Requires the task force to submit a report to the governor and the general assembly before January 1, 2010. Requires the legislative council to assign to an interim study committee or a statutory study committee the task of studying the mission, organization, and management structure of the I-Light fiber optic network. Establishes the criminal code evaluation commission to evaluate the criminal laws of Indiana. **(This conference committee report does the following: (1) Adds the provision authorizing the state budget committee to revise the state's school funding formula or fiscal stabilization fund grant formula if the United States Department of Education or any other federal agency determines that the state's school funding formula or fiscal stabilization fund grant formula does not meet the requirements of ARRA or any other federal law, rule, or guideline. (2) Deletes the tax credit for a contribution to a scholarship granting organization. (3) Deletes the provision concerning vehicles transporting an ocean going container. (4) Deletes the provisions concerning the prosecuting attorneys retirement fund (including the provision increasing the court administration fee from \$5 to \$7 and directing that the additional amount be paid into the prosecuting attorneys retirement fund). (5) Deletes the provision specifying 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. (6) Eliminates the changes to the automated record keeping fee in the following amounts and the provisions specifying that the budget agency (rather than the division of state court administration) administers the judicial technology and automation project fund. (7) Adds the provision providing additional time to file for a property tax exemption for taxes imposed for the 2001-2009 assessment dates. (8) Requires a school corporation with an ADM on January 1, 2012 (rather than June 30, 2009) of less than 100 students to reorganize by consolidating with an adjacent school corporation under the school consolidation provisions. (9) Establishes the criminal code evaluation commission. (10) Eliminates a provision providing that the department of education shall use the common school fund interest balance to provide state matching funds for the federal funding for the benefit of charter schools. (11) Deletes the repeal of the statutes allowing school corporations to use money in their capital projects funds for utilities and insurance. Phases out the use of a school corporation's expenditures from the capital projects fund for utilities and insurance. (12) Requires a feasibility study of the benefits of changing the design and method for verifying, tracking, and tracing cigarette stamps. (13) Establishes the Ohio River bridges project commission. (14) Provides that SSACI may transfer funds between freedom of choice awards, higher education awards, and twenty-first century awards to ensure maximum use of the funds and the awards. (15) Requires the department of education to establish a pilot program to provide funding for up to 100 students who attend a virtual charter school, and specifies that a virtual charter school is entitled to receive funding from the state in an amount equal to the product of: (A) the number of students included in the virtual charter school's ADM who are participating in the pilot**

program; multiplied by (B) 80% of the statewide average basic tuition support. (16) Requires the legislative council to assign to an interim study committee or a statutory study committee the task of studying the mission, organization, and management structure of the I-Light fiber optic network. (17) Extends the expiration date of the office of the secretary of family and social services, the office of Medicaid policy and planning, the statutes concerning directors of divisions within FSSA, and certain advisory committees under the FSSA statutes. (18) Adds the language requiring the division of state court administration to establish and administer an electronic system for: (A) receiving information that relates to certain individuals who may be prohibited from possessing a firearm; and (B) transmitting this information to the Federal Bureau of Investigation for inclusion in the federal National Instant Criminal Background Check System (NICS). Provides that, if a court makes an adjudication or a finding concerning a person's mental health that may disqualify the person from possessing a firearm, the court shall transmit certain information concerning the finding or adjudication to the division of state court administration for transmittal to NICS. (19) Adds the quality assessment fee provisions. (20) Adds the provisions concerning the headquarters relocation income tax credit. (21) Establishes the green industries fund, and authorizes the IEDC to make grants and loans from the fund to Indiana manufacturers. (22) Creates the Comer school development program. (23) Authorizes the Indiana bond bank to make a loan to a city for purposes of establishing a youth sports complex. (24) Provides that before July 1, 2011, a charter school or conversion charter school sponsor must receive the approval of the department of education before establishing a charter school. Provides that the department of education may not before July 1, 2011, approve the establishment of more than one additional charter school or conversion charter school within the corporate boundaries of a school corporation in a calendar year. (25) Amends the school funding formula. (26) Authorizes a political subdivision or any other public or private (not just the city of Lawrenceburg) to enter into one or more agreements or leases with the Lawrenceburg community school corporation or another public or private entity to provide for the construction or renovation of a school building that will be used by the Lawrenceburg community school corporation. (27) Provides that no further review by the budget committee or approval by the governor, the budget agency, or the commission for higher education is necessary to issue and sell bonds for certain higher education capital projects approved in the 2007 budget bill. (28) Provides that beginning with the school year beginning July 1, 2009, the department of education shall obtain and maintain student test number information in a manner and form that permits any person who is authorized to review the information, to access the information at any time and accurately determine where each student is enrolled and attending classes and the number of students enrolled in a school corporation or charter school and residing in the area served by a school corporation. (29) Authorizes the Indiana finance authority to provide for the construction, equipping, renovation, refurbishing, or alteration of a building for the Indiana state archives. (30) Provides that the Indiana board of pharmacy shall develop a prescription drug program that includes the establishment of criteria to eliminate or significantly reduce prescription fraud and a standard format for an official tamper resistant prescription drug form for prescriptions.)

**Effective:** Upon passage; October 1, 2008 (retroactive); December 31, 2008 (retroactive); January 1, 2009 (retroactive); February 1, 2009 (retroactive); July 1, 2009; January 1, 2010.



# CONFERENCE COMMITTEE REPORT

**MADAM PRESIDENT:**

*Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill No. 1001 respectfully reports that said two committees have conferred and agreed as follows to wit:*

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration and to make an appropriation.

Delete everything after the enacting clause and insert the following:

**1 SECTION 1. [EFFECTIVE JULY 1, 2009]**

**2**

**3 (a) The following definitions apply throughout this act:**

**4 (1) "Augmentation allowed" means the governor and the budget agency are**  
**5 authorized to add to an appropriation in this act from revenues accruing to the**  
**6 fund from which the appropriation was made.**

**7 (2) "Biennium" means the period beginning July 1, 2009, and ending June 30, 2011.**  
**8 Appropriations appearing in the biennial column for construction or other permanent**  
**9 improvements do not revert under IC 4-13-2-19 and may be allotted.**

**10 (3) "Deficiency appropriation" or "special claim" means an appropriation available**  
**11 during the 2008-2009 fiscal year.**

**12 (4) "Equipment" includes machinery, implements, tools, furniture,**  
**13 furnishings, vehicles, and other articles that have a calculable period of service**  
**14 that exceeds twelve (12) calendar months.**

**15 (5) "Fee replacement" includes payments to universities to be used to pay indebtedness**  
**16 resulting from financing the cost of planning, purchasing, rehabilitation, construction,**  
**17 repair, leasing, lease-purchasing, or otherwise acquiring land, buildings, facilities,**  
**18 and equipment to be used for academic and instructional purposes.**

**19 (6) "Federally qualified health center" means a community health center that is designated**  
**20 by the Health Resources Services Administration, Bureau of Primary Health Care, as a**  
**21 Federally Qualified Health Center Look Alike under the FED 330 Consolidated**

1 Health Center Program authorization, including Community Health Center (330e),  
2 Migrant Health Center (330g), Health Care for the Homeless (330h), Public Housing  
3 Primary Care (330i), and School Based Health Centers (330).

4 (7) "Other operating expense" includes payments for "services other than personal",  
5 "services by contract", "supplies, materials, and parts", "grants, subsidies, refunds,  
6 and awards", "in-state travel", "out-of-state travel", and "equipment".

7 (8) "Pension fund contributions" means the state of Indiana's contributions to a  
8 specific retirement fund.

9 (9) "Personal services" includes payments for salaries and wages to officers and  
10 employees of the state (either regular or temporary), payments for compensation  
11 awards, and the employer's share of Social Security, health insurance, life insurance,  
12 dental insurance, vision insurance, deferred compensation - state match, leave  
13 conversion, disability, and retirement fund contributions.

14 (10) "SSBG" means the Social Services Block Grant. This was formerly referred to  
15 as "Title XX".

16 (11) "State agency" means:

17 (A) each office, officer, board, commission, department, division, bureau, committee,  
18 fund, agency, authority, council, or other instrumentality of the state;

19 (B) each hospital, penal institution, and other institutional enterprise of the  
20 state;

21 (C) the judicial department of the state; and

22 (D) the legislative department of the state.

23 However, this term does not include cities, towns, townships, school cities, school  
24 townships, school districts, other municipal corporations or political subdivisions  
25 of the state, or universities and colleges supported in whole or in part by state  
26 funds.

27 (12) "State funded community health center" means a public or private not for profit  
28 (501(c)(3)) organization that provides comprehensive primary health care services to  
29 all age groups.

30 (13) "Total operating expense" includes payments for both "personal services" and  
31 "other operating expense".

32 (b) The state board of finance may authorize advances to boards or persons having  
33 control of the funds of any institution or department of the state of a sum of  
34 money out of any appropriation available at such time for the purpose of establishing  
35 working capital to provide for payment of expenses in the case of emergency when  
36 immediate payment is necessary or expedient. Advance payments shall be made by  
37 warrant by the auditor of state, and properly itemized and receipted bills or invoices  
38 shall be filed by the board or persons receiving the advance payments.

39 (c) All money appropriated by this act shall be considered either a direct appropriation  
40 or an appropriation from a rotary or revolving fund.

41 (1) Direct appropriations are subject to withdrawal from the state treasury and  
42 for expenditure for such purposes, at such time, and in such manner as may be prescribed  
43 by law. Direct appropriations are not subject to return and rewithdrawal from the  
44 state treasury, except for the correction of an error which may have occurred in  
45 any transaction or for reimbursement of expenditures which have occurred in the  
46 same fiscal year.

47 (2) A rotary or revolving fund is any designated part of a fund that is set apart  
48 as working capital in a manner prescribed by law and devoted to a specific purpose  
49 or purposes. The fund consists of earnings and income only from certain sources



1 or a combination thereof. The money in the fund shall be used for the purpose designated  
 2 by law as working capital. The fund at any time consists of the original appropriation  
 3 thereto, if any, all receipts accrued to the fund, and all money withdrawn from the  
 4 fund and invested or to be invested. The fund shall be kept intact by separate entries  
 5 in the auditor of state's office, and no part thereof shall be used for any purpose  
 6 other than the lawful purpose of the fund or revert to any other fund at any time.  
 7 However, any unencumbered excess above any prescribed amount shall be transferred  
 8 to the state general fund at the close of each fiscal year unless otherwise specified  
 9 in the Indiana Code.

10  
11 **SECTION 2. [EFFECTIVE JULY 1, 2009]**

12  
13 For the conduct of state government, its offices, funds, boards, commissions, departments,  
 14 societies, associations, services, agencies, and undertakings, and for other appropriations  
 15 not otherwise provided by statute, the following sums in SECTIONS 3 through 10 are  
 16 appropriated for the periods of time designated from the general fund of the state  
 17 of Indiana or other specifically designated funds.

18  
19 In this act, whenever there is no specific fund or account designated, the appropriation  
 20 is from the general fund.

21  
22 **SECTION 3. [EFFECTIVE JULY 1, 2009]**

23  
24 **GENERAL GOVERNMENT**

25  
26 **A. LEGISLATIVE**

27  
28 **FOR THE GENERAL ASSEMBLY**

29 **LEGISLATORS' SALARIES - HOUSE**

Total Operating Expense	6,198,756	6,434,309
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31 **HOUSE EXPENSES**

Total Operating Expense	10,549,327	10,950,339
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33 **LEGISLATORS' SALARIES - SENATE**

Total Operating Expense	2,247,345	2,342,556
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35 **SENATE EXPENSES**

Total Operating Expense	10,413,712	11,812,594
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37  
38 Included in the above appropriations for house and senate expenses are funds for  
 39 a legislative business per diem allowance, meals, and other usual and customary expenses  
 40 associated with legislative affairs. Except as provided below, this allowance is  
 41 to be paid to each member of the general assembly for every day, including Sundays,  
 42 during which the general assembly is convened in regular or special session, commencing  
 43 with the day the session is officially convened and concluding with the day the session  
 44 is adjourned sine die. However, after five (5) consecutive days of recess, the legislative  
 45 business per diem allowance is to be made on an individual voucher basis until the  
 46 recess concludes.

47  
48 Members of the general assembly are entitled, when authorized by the speaker of the  
 49 house or the president pro tempore of the senate, to the legislative business per

1      diem allowance for each and every day engaged in official business.

2  
3      The legislative business per diem allowance that each member of the general assembly  
4      is entitled to receive equals the maximum daily amount allowable to employees of  
5      the executive branch of the federal government for subsistence expenses while away  
6      from home in travel status in the Indianapolis area. The legislative business per  
7      diem changes each time there is a change in that maximum daily amount.

8  
9      In addition to the legislative business per diem allowance, each member of the general  
10     assembly shall receive the mileage allowance in an amount equal to the standard mileage  
11     rates for personally owned transportation equipment established by the federal Internal  
12     Revenue Service for each mile necessarily traveled from the member's usual place  
13     of residence to the state capitol. However, if the member traveled by a means other  
14     than by motor vehicle, and the member's usual place of residence is more than one  
15     hundred (100) miles from the state capitol, the member is entitled to reimbursement  
16     in an amount equal to the lowest air travel cost incurred in traveling from the usual  
17     place of residence to the state capitol. During the period the general assembly is  
18     convened in regular or special session, the mileage allowance shall be limited to  
19     one (1) round trip each week per member.

20  
21     Any member of the general assembly who is appointed, by the governor, speaker  
22     of the house, president or president pro tempore of the senate, house or senate minority  
23     floor leader, or Indiana legislative council to serve on any research, study, or  
24     survey committee or commission, or who attends any meetings authorized or convened  
25     under the auspices of the Indiana legislative council, including pre-session conferences  
26     and federal-state relations conferences, is entitled, when authorized by the legislative  
27     council, to receive the legislative business per diem allowance for each day in actual  
28     attendance and is also entitled to a mileage allowance, at the rate specified above,  
29     for each mile necessarily traveled from the member's usual place of residence to  
30     the state capitol, or other in-state site of the committee, commission, or conference.  
31     The per diem allowance and the mileage allowance permitted under this paragraph shall  
32     be paid from the legislative council appropriation for legislator and lay member  
33     travel unless the member is attending an out-of-state meeting, as authorized by the  
34     speaker of the house of representatives or the president pro tempore of the senate,  
35     in which case the member is entitled to receive:

- 36     (1) the legislative business per diem allowance for each day the member is engaged  
37     in approved out-of-state travel; and  
38     (2) reimbursement for traveling expenses actually incurred in connection with the  
39     member's duties, as provided in the state travel policies and procedures established  
40     by the legislative council.

41  
42     Notwithstanding the provisions of this or any other statute, the legislative council  
43     may adopt, by resolution, travel policies and procedures that apply only to members  
44     of the general assembly or to the staffs of the house of representatives, senate,  
45     and legislative services agency, or both members and staffs. The legislative council  
46     may apply these travel policies and procedures to lay members serving on research,  
47     study, or survey committees or commissions that are under the jurisdiction of the  
48     legislative council. Notwithstanding any other law, rule, or policy, the state travel  
49     policies and procedures established by the Indiana department of administration and

1 approved by the budget agency do not apply to members of the general assembly, to  
2 the staffs of the house of representatives, senate, or legislative services agency,  
3 or to lay members serving on research, study, or survey committees or commissions  
4 under the jurisdiction of the legislative council (if the legislative council applies  
5 its travel policies and procedures to lay members under the authority of this SECTION),  
6 except that, until the legislative council adopts travel policies and procedures,  
7 the state travel policies and procedures established by the Indiana department of  
8 administration and approved by the budget agency apply to members of the general  
9 assembly, to the staffs of the house of representatives, senate, and legislative  
10 services agency, and to lay members serving on research, study, or survey committees  
11 or commissions under the jurisdiction of the legislative council. The executive director  
12 of the legislative services agency is responsible for the administration of travel  
13 policies and procedures adopted by the legislative council. The auditor of state  
14 shall approve and process claims for reimbursement of travel related expenses under  
15 this paragraph based upon the written affirmation of the speaker of the house of  
16 representatives, the president pro tempore of the senate, or the executive director  
17 of the legislative services agency that those claims comply with the travel policies  
18 and procedures adopted by the legislative council. If the funds appropriated for  
19 the house and senate expenses and legislative salaries are insufficient to pay all  
20 the necessary expenses incurred, including the cost of printing the journals of the  
21 house and senate, there is appropriated such further sums as may be necessary to  
22 pay such expenses.

23  
24 **LEGISLATORS' SUBSISTENCE**

25 **LEGISLATORS' EXPENSES - HOUSE**

Total Operating Expense	2,524,980	2,620,929
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27 **LEGISLATORS' EXPENSES - SENATE**

Total Operating Expense	1,126,579	1,004,601
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29  
30 Each member of the general assembly is entitled to a subsistence allowance of forty  
31 percent (40%) of the maximum daily amount allowable to employees of the executive  
32 branch of the federal government for subsistence expenses while away from home in  
33 travel status in the Indianapolis area:

- 34 (1) each day that the general assembly is not convened in regular or special session;  
35 and  
36 (2) each day after the first session day held in November and before the first session  
37 day held in January.

38  
39 However, the subsistence allowance under subdivision (2) may not be paid with respect  
40 to any day after the first session day held in November and before the first session  
41 day held in January with respect to which all members of the general assembly are  
42 entitled to a legislative business per diem.

43  
44 The subsistence allowance is payable from the appropriations for legislators' subsistence.

45  
46 The officers of the senate are entitled to the following amounts annually in addition  
47 to the subsistence allowance: president pro tempore, \$7,000; assistant president  
48 pro tempore, \$3,000; majority floor leader, \$5,500; assistant majority floor leaders,  
49 \$3,500; majority caucus chair, \$5,500; assistant majority caucus chairs, \$1,500;

1      appropriations committee chair, \$5,500; tax and fiscal policy committee chair, \$5,500;  
 2      appropriations committee ranking majority member, \$2,000; tax and fiscal policy committee  
 3      ranking majority member, \$2,000; majority whip, \$4,000; assistant majority whip,  
 4      \$2,000; minority floor leader, \$6,000; minority leader emeritus, \$1,500; minority  
 5      caucus chair, \$5,000; minority assistant floor leader, \$5,000; appropriations committee  
 6      ranking minority member, \$2,000; tax and fiscal policy committee ranking minority  
 7      member, \$2,000; minority whip(s), \$2,000; assistant minority caucus chair(s), \$1,000;  
 8      agriculture and small business committee chair, \$1,000; commerce, public policy,  
 9      and interstate cooperation committee chair, \$1,000; corrections, criminal, and civil  
 10     matters committee chair, \$1,000; education and career development chair, \$1,000;  
 11     elections committee chair, \$1,000; energy and environmental affairs committee chair,  
 12     \$1,000; pensions and labor committee chair, \$1,000; health and provider services  
 13     committee chair, \$1,000; homeland security, transportation, and veterans affairs  
 14     committee chair, \$1,000; insurance and financial institutions committee chair, \$1,000;  
 15     judiciary committee chair, \$1,000; local government committee chair, \$1,000; utilities  
 16     and technology committee chair, \$1,000; and natural resources committee chair, \$1,000.  
 17     If an officer fills more than one leadership position, the officer shall be paid for  
 18     the higher paid position.

19  
 20     Officers of the house of representatives are entitled to the following amounts annually  
 21     in addition to the subsistence allowance: speaker of the house, \$6,500; speaker pro  
 22     tempore, \$5,000; deputy speaker pro tempore, \$1,500; majority leader, \$5,000; majority  
 23     caucus chair, \$5,000; assistant majority caucus chair, \$1,000; ways and means committee  
 24     chair, \$5,000; ways and means committee ranking majority member, \$3,000; ways and  
 25     means committee, chairman of the education subcommittee, \$1,500; speaker pro tempore  
 26     emeritus, \$1,500; budget subcommittee chair, \$3,000; majority whip, \$3,500; assistant  
 27     majority whip, \$1,000; assistant majority leader, \$1,000; minority leader, \$5,500;  
 28     minority caucus chair, \$4,500; ways and means committee ranking minority member,  
 29     \$3,500; minority whip, \$2,500; assistant minority leader, \$4,500; second assistant  
 30     minority leader, \$1,500; and deputy assistant minority leader, \$1,000.

31  
 32     If the senate or house of representatives eliminates a committee or officer referenced  
 33     in this SECTION and replaces the committee or officer with a new committee or position,  
 34     the foregoing appropriations for subsistence shall be used to pay for the new committee  
 35     or officer. However, this does not permit any additional amounts to be paid under  
 36     this SECTION for a replacement committee or officer than would have been spent for  
 37     the eliminated committee or officer. If the senate or house of representatives creates  
 38     a new additional committee or officer, or assigns additional duties to an existing  
 39     officer, the foregoing appropriations for subsistence shall be used to pay for the  
 40     new committee or officer, or to adjust the annual payments made to the existing officer,  
 41     in amounts determined by the legislative council.

42  
 43     If the funds appropriated for legislators' subsistence are insufficient to pay all  
 44     the subsistence incurred, there are hereby appropriated such further sums as may  
 45     be necessary to pay such subsistence.

46  
 47     **FOR THE LEGISLATIVE COUNCIL AND THE LEGISLATIVE SERVICES AGENCY**  
 48             Total Operating Expense                     9,989,200                     10,388,768  
 49             **LEGISLATOR AND LAY MEMBER TRAVEL**

<b>Total Operating Expense</b>	<b>700,000</b>	<b>750,000</b>	
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Included in the above appropriations for the legislative council and legislative services agency expenses are funds for usual and customary expenses associated with legislative services.

If the funds above appropriated for the legislative council and the legislative services agency and legislator and lay member travel are insufficient to pay all the necessary expenses incurred, there are hereby appropriated such further sums as may be necessary to pay those expenses.

Any person other than a member of the general assembly who is appointed by the governor, speaker of the house, president or president pro tempore of the senate, house or senate minority floor leader, or legislative council to serve on any research, study, or survey committee or commission is entitled, when authorized by the legislative council, to a per diem instead of subsistence of \$75 per day during the 2009-2011 biennium. In addition to the per diem, such a person is entitled to mileage reimbursement, at the rate specified for members of the general assembly, for each mile necessarily traveled from the person's usual place of residence to the state capitol or other in-state site of the committee, commission, or conference. However, reimbursement for any out-of-state travel expenses claimed by lay members serving on research, study, or survey committees or commissions under the jurisdiction of the legislative council shall be based on SECTION 14 of this act, until the legislative council applies those travel policies and procedures that govern legislators and their staffs to such lay members as authorized elsewhere in this SECTION. The allowance and reimbursement permitted in this paragraph shall be paid from the legislative council appropriations for legislative and lay member travel unless otherwise provided for by a specific appropriation.

**LEGISLATIVE COUNCIL CONTINGENCY FUND**

<b>Total Operating Expense</b>	<b>225,000</b>
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Disbursements from the fund may be made only for purposes approved by the chairman and vice chairman of the legislative council.

The legislative services agency shall charge the following fees, unless the legislative council sets these or other fees at different rates:

Annual subscription to the session document service for sessions ending in odd-numbered years: \$900

Annual subscription to the session document service for sessions ending in even-numbered years: \$500

Per page charge for copies of legislative documents: \$0.15

Annual charge for interim calendar: \$10

Daily charge for the journal of either house: \$2

**PRINTING AND DISTRIBUTION**

<b>Total Operating Expense</b>	<b>939,400</b>	<b>975,000</b>
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The above funds are appropriated for the printing and distribution of documents published by the legislative council. These documents include journals, bills, resolutions, enrolled documents, the acts of the first and second regular sessions of the 116th general assembly, the supplements to the Indiana Code for fiscal years 2009-2010 and 2010-2011, and the publication of the Indiana Administrative Code and the Indiana Register. Upon completion of the distribution of the Acts and the supplements to the Indiana Code, as provided in IC 2-6-1.5, remaining copies may be sold at a price or prices periodically determined by the legislative council. If the above appropriations for the printing and distribution of documents published by the legislative council are insufficient to pay all of the necessary expenses incurred, there are hereby appropriated such sums as may be necessary to pay such expenses.

**COUNCIL OF STATE GOVERNMENTS ANNUAL DUES**

Other Operating Expense	149,702	155,000
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**NATIONAL CONFERENCE OF STATE LEGISLATURES ANNUAL DUES**

Other Operating Expense	199,031	207,019
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**NATIONAL CONFERENCE OF INSURANCE LEGISLATORS ANNUAL DUES**

Other Operating Expense	10,000	10,000
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**REAPPORTIONMENT SUPPORT AND SERVICES**

<b>Total Operating Expense</b>		<b>250,000</b>
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If the above appropriation for reapportionment support and services is insufficient to pay all of the necessary expenses incurred, there is appropriated such further sums as may be necessary to pay such expenses.

**FOR THE INDIANA LOBBY REGISTRATION COMMISSION**

<b>Total Operating Expense</b>	<b>271,910</b>	<b>271,910</b>
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**B. JUDICIAL**

**FOR THE SUPREME COURT**

Personal Services	7,721,165	7,721,165
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Other Operating Expense	2,195,069	2,195,069
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The above appropriation for the supreme court personal services includes the subsistence allowance as provided by IC 33-38-5-8.

**LOCAL JUDGES' SALARIES**

Personal Services	57,146,053	57,146,053
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Other Operating Expense	39,000	39,000
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**COUNTY PROSECUTORS' SALARIES**

Personal Services	24,785,126	24,785,126
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Other Operating Expense	31,000	31,000
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1 The above appropriations for county prosecutors' salaries represent the amounts authorized  
 2 by IC 33-39-6-5 and that are to be paid from the state general fund.

3  
 4 In addition to the appropriations for local judges' salaries and for county prosecutors'  
 5 salaries, there are hereby appropriated for personal services the amounts that the  
 6 state is required to pay for salary changes or for additional courts created by the  
 7 116th general assembly.

8  
 9 **TRIAL COURT OPERATIONS**

Total Operating Expense	596,075	596,075
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10  
 11 **INDIANA CONFERENCE FOR LEGAL EDUCATION OPPORTUNITY**

Total Operating Expense	778,750	778,750
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12  
 13  
 14 The above funds are appropriated to the division of state court administration in  
 15 compliance with the provisions of IC 33-24-13-7.

16  
 17 **PUBLIC DEFENDER COMMISSION**

Total Operating Expense	13,494,533	13,494,533
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18  
 19  
 20 The above appropriation is made in addition to the distribution authorized by  
 21 IC 33-37-7-9(c) for the purpose of reimbursing counties for indigent defense services  
 22 provided to a defendant. The division of state court administration of the supreme  
 23 court of Indiana shall provide staff support to the commission and shall administer  
 24 the public defense fund. The administrative costs may come from the public defense  
 25 fund. Any balance in the public defense fund is appropriated to the public defender  
 26 commission.

27  
 28 **GUARDIAN AD LITEM**

Total Operating Expense	2,970,248	2,970,248
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29  
 30  
 31 The division of state court administration shall use the foregoing appropriation  
 32 to administer an office of guardian ad litem and court appointed special advocate  
 33 services and to provide matching funds to counties that are required to implement,  
 34 in courts with juvenile jurisdiction, a guardian ad litem and court appointed special  
 35 advocate program for children who are alleged to be victims of child abuse or neglect  
 36 under IC 31-33 and to administer the program. A county may use these matching funds  
 37 to supplement amounts collected as fees under IC 31-40-3 to be used for the operation  
 38 of guardian ad litem and court appointed special advocate programs. The county fiscal  
 39 body shall appropriate adequate funds for the county to be eligible for these matching  
 40 funds.

41  
 42 **CIVIL LEGAL AID**

Total Operating Expense	1,500,000	1,500,000
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43  
 44  
 45 The above funds include the appropriation provide in IC 33-24-12-7.

46  
 47 **SPECIAL JUDGES - COUNTY COURTS**

Personal Services	15,000	15,000
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Other Operating Expense	134,000	134,000
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1  
2 **If the funds appropriated above for special judges of county courts are insufficient**  
3 **to pay all of the necessary expenses that the state is required to pay under IC 34-35-1-4,**  
4 **there are hereby appropriated such further sums as may be necessary to pay these**  
5 **expenses.**

6  
7 **COMMISSION ON RACE AND GENDER FAIRNESS**

8 <b>Total Operating Expense</b>	380,996	380,996
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9  
10 **FOR THE COURT OF APPEALS**

11 <b>Personal Services</b>	9,307,301	9,307,301
12 <b>Other Operating Expense</b>	1,083,440	1,083,440

13  
14 **The above appropriations for the court of appeals personal services include the**  
15 **subsistence allowance provided by IC 33-38-5-8.**

16  
17 **FOR THE TAX COURT**

18 <b>Personal Services</b>	549,418	549,418
19 <b>Other Operating Expense</b>	123,595	123,595

20  
21 **FOR THE JUDICIAL CENTER**

22 <b>Personal Services</b>	1,833,579	1,833,579
23 <b>Other Operating Expense</b>	1,240,419	1,240,419

24  
25 **The above appropriations for the judicial center include the appropriations for the**  
26 **judicial conference.**

27  
28 **DRUG AND ALCOHOL PROGRAMS FUND**

29 <b>Total Operating Expense</b>	299,010	299,010
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30  
31 **The above funds are appropriated under IC 33-37-7-9 for the purpose of administering,**  
32 **certifying, and supporting alcohol and drug services programs under IC 12-23-14.**  
33 **However, if the receipts are less than the appropriation, the center may not spend**  
34 **more than is collected.**

35  
36 **INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION**

37 <b>Total Operating Expense</b>	200,000	200,000
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38  
39 **FOR THE PUBLIC DEFENDER**

40 <b>Personal Services</b>	6,133,410	6,133,410
41 <b>Other Operating Expense</b>	1,031,506	1,031,506

42  
43 **FOR THE PUBLIC DEFENDER COUNCIL**

44 <b>Personal Services</b>	943,769	943,769
45 <b>Other Operating Expense</b>	420,328	420,328

46  
47 **FOR THE PROSECUTING ATTORNEYS' COUNCIL**

48 <b>Personal Services</b>	638,099	638,099
49 <b>Other Operating Expense</b>	577,177	577,177



	<i>FY 2009-2010 Appropriation</i>	<i>FY 2010-2011 Appropriation</i>	<i>Biennial Appropriation</i>
1	<b>DRUG PROSECUTION</b>		
2	<b>Drug Prosecution Fund (IC 33-39-8-6)</b>		
3			
4			
5			
6	<b>FOR THE PUBLIC EMPLOYEES' RETIREMENT FUND</b>		
7	<b>JUDGES' RETIREMENT FUND</b>		
8			
9			
10			
11			
12	<b>C. EXECUTIVE</b>		
13			
14	<b>FOR THE GOVERNOR'S OFFICE</b>		
15			
16			
17	<b>GOVERNOR'S RESIDENCE</b>		
18			
19	<b>GOVERNOR'S CONTINGENCY FUND</b>		
20			
21			
22	Direct disbursements from the above contingency fund are not subject to the provisions		
23	of IC 5-22.		
24			
25	<b>GOVERNOR'S FELLOWSHIP PROGRAM</b>		
26			
27			
28	<b>FOR THE WASHINGTON LIAISON OFFICE</b>		
29			
30			
31	<b>FOR THE LIEUTENANT GOVERNOR</b>		
32			
33			
34	<b>CONTINGENCY FUND</b>		
35			
36			
37	Direct disbursements from the above contingency fund are not subject to the provisions		
38	of IC 5-22.		
39			
40	<b>FOR THE SECRETARY OF STATE</b>		
41	<b>ADMINISTRATION</b>		
42			
43			
44			
45	The above appropriation for other operating expense for FY 2010 includes \$50,000		
46	for web-based redistricting software.		
47			
48	<b>FOR THE ATTORNEY GENERAL</b>		
49	<b>ATTORNEY GENERAL</b>		

1 From the General Fund

2 15,128,969 15,128,969

3 From the Motor Vehicle Odometer Fund (IC 9-29-1-5)

4 90,000 90,000

5 Augmentation allowed.

6 From the Medicaid Fraud Control Unit Fund (IC 4-6-10-1)

7 542,447 542,447

8 Augmentation allowed.

9 From the Address Confidentiality Fund (IC 5-26.5-3-6)

10 59,929 59,929

11 Augmentation allowed.

12 From the Real Estate Appraiser Investigative Fund (IC 25-34.1-8-7.5)

13 64,230 64,230

14 Augmentation allowed.

15 From the Consumer Protection Division Telephone Solicitation Fund (IC 24-4.7-3-6)

16 116,678 116,678

17 Augmentation allowed.

18 From the Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)

19 494,467 494,467

20 Augmentation allowed.

21 From the Abandoned Property Fund (IC 32-34-1-33)

22 318,968 318,968

23 Augmentation allowed.

24  
25 The amounts specified from the General Fund, motor vehicle odometer fund, medicaid  
26 fraud control unit fund, address confidentiality fund, non-consumer settlements fund,  
27 real estate appraisers investigative fund, tobacco master settlement fund, and abandoned  
28 property fund are for the following purposes:

29	Personal Services	15,690,686	15,690,686
30	Other Operating Expense	1,125,002	1,125,002

31  
32  
33 **HOMEOWNER PROTECTION UNIT**

34 Homeowner Protection Unit Account (IC 4-6-12-9)

35	Total Operating Expense	422,000	422,000
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36 **MEDICAID FRAUD UNIT**

37	Total Operating Expense	829,789	829,789
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38  
39 The above appropriations to the Medicaid fraud unit are the state's matching share  
40 of the state Medicaid fraud control unit under IC 4-6-10 as prescribed by 42 U.S.C.  
41 1396b(q). Augmentation allowed from collections.

42  
43 **UNCLAIMED PROPERTY**

44 Abandoned Property Fund (IC 32-34-1-33)

45	Personal Services	1,347,951	1,347,951
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46	Other Operating Expense	3,163,434	3,163,434
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47 Augmentation allowed.

48  
49 **D. FINANCIAL MANAGEMENT**

1  
2 **FOR THE AUDITOR OF STATE**

3 <b>Personal Services</b>	4,587,218	4,587,218
4 <b>Other Operating Expense</b>	1,388,632	1,388,632
5 <b>GOVERNORS' AND GOVERNORS' SURVIVING SPOUSES' PENSIONS</b>		
6 <b>Total Operating Expense</b>	140,246	140,246

7  
8 The above appropriations for governors' and governors' surviving spouses' pensions  
9 are made under IC 4-3-3.

10  
11 **FOR THE STATE BOARD OF ACCOUNTS**

12 <b>Personal Services</b>	20,581,483	20,581,483
13 <b>Other Operating Expense</b>	1,178,717	1,178,717

14  
15 **FOR THE STATE BUDGET COMMITTEE**

16 <b>Total Operating Expense</b>	54,126	54,126
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17  
18 Notwithstanding IC 4-12-1-11(b), the salary per diem of the legislative members of  
19 the budget committee is an amount equal to one hundred fifty percent (150%) of the  
20 legislative business per diem allowance. If the above appropriations are insufficient  
21 to carry out the necessary operations of the budget committee, there are hereby  
22 appropriated such further sums as may be necessary.

23  
24 **FOR THE OFFICE OF MANAGEMENT AND BUDGET**

25 <b>Personal Services</b>	1,000,227	1,000,227
26 <b>Other Operating Expense</b>	153,095	153,095

27  
28 **FOR THE STATE BUDGET AGENCY**

29 <b>Personal Services</b>	2,729,047	2,729,047
30 <b>Other Operating Expense</b>	639,093	639,093

31  
32 **DEPARTMENTAL AND INSTITUTIONAL EMERGENCY CONTINGENCY FUND**

33 <b>Total Operating Expense</b>	10,000,000
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34  
35 The foregoing departmental and institutional emergency contingency fund appropriation  
36 is subject to allotment to departments, institutions, and all state agencies by the  
37 budget agency with the approval of the governor. These allocations may be made upon  
38 written request of proper officials, showing that contingencies exist that require  
39 additional funds for meeting necessary expenses. The budget committee shall be advised  
40 of each transfer request and allotment.

41  
42 **OUTSIDE BILL CONTINGENCY**

43 <b>Total Operating Expense</b>	1
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44  
45 **PERSONAL SERVICESFRINGE BENEFITS CONTINGENCY FUND**

46 <b>Total Operating Expense</b>	56,750,000
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47  
48 The foregoing personal services/fringe benefits contingency fund appropriation is  
49 subject to allotment to departments, institutions, and all state agencies by the

1 budget agency with the approval of the governor.

2  
3 The foregoing personal services/fringe benefits contingency fund appropriation may  
4 be used only for salary increases, fringe benefit increases, an employee leave conversion  
5 program, or a state retiree health program for state employees and may not be used  
6 for any other purpose.

7  
8 The foregoing personal services/fringe benefits contingency fund appropriation does  
9 not revert at the end of the biennium but remains in the personal services/fringe  
10 benefits contingency fund.

11  
12 **STATE RETIREE HEALTH BENEFIT TRUST FUND**

13 State Employee Retiree Health Benefit Trust Fund (IC 5-10-8-8.5)

14 Total Operating Expense	64,400,000
15 Augmentation Allowed.	

16  
17 The foregoing appropriation for the state retiree health plan:

- 18  
19 (1) is to fund employer contributions and benefits provided under IC 5-10-8.5;  
20 (2) does not revert at the end of any state fiscal year but remains available for  
21 the purposes of the appropriation in subsequent state fiscal years; and  
22 (3) is not subject to transfer to any other fund or to transfer, assignment, or reassignment  
23 for any other use or purpose by the state board of finance notwithstanding IC 4-9.1-1-7  
24 and IC 4-13-2-23 or by the budget agency notwithstanding IC 4-12-1-12 or any other  
25 law.

26  
27 The budget agency may transfer appropriations from federal or dedicated funds to  
28 the trust fund to accrue funds to pay benefits to employees that are not paid from  
29 the general fund.

30  
31 **COMPREHENSIVE HEALTH INSURANCE ASSOCIATION STATE SHARE**

32 Total Operating Expense	77,000,000
33 Augmentation Allowed.	

34  
35 **SCHOOL AND LIBRARY INTERNET CONNECTION**

36 Build Indiana Fund (IC 4-30-17)	
37 Total Operating Expense	7,000,000

38  
39 Of the foregoing appropriations, \$2,300,000 each year shall be used for schools under  
40 IC 4-34-3-4, and \$1,200,000 each year shall be used for libraries under IC 4-34-3-2.

41  
42 **INSPIRE (IC 4-34-3-2)**

43 Build Indiana Fund (IC 4-30-17)	
44 Other Operating Expense	3,000,000

45  
46 **FOR THE PUBLIC EMPLOYEES' RETIREMENT FUND**

47 **PUBLIC SAFETY PENSION**

48 Total Operating Expense	96,000,000	112,000,000
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1 **FOR THE TREASURER OF STATE**

2 <b>Personal Services</b>	817,630	817,630
3 <b>Other Operating Expense</b>	52,476	52,476

4  
5 **The treasurer of state, the board for depositories, the Indiana commission for higher**  
6 **education, and the state student assistance commission shall cooperate and provide**  
7 **to the Indiana education savings authority the following:**

- 8 (1) **Clerical and professional staff and related support.**  
9 (2) **Office space and services.**  
10 (3) **Reasonable financial support for the development of rules, policies, programs,**  
11 **and guidelines, including authority operations and travel.**

12  
13 **E. TAX ADMINISTRATION**

14  
15 **FOR THE DEPARTMENT OF REVENUE**  
16 **COLLECTION AND ADMINISTRATION**

17 **From the General Fund**

18 48,831,936 48,831,936

19 **From the Motor Carrier Regulation Fund (IC 8-2.1-23)**

20 794,261 794,261

21 **From the Motor Vehicle Highway Account (IC 8-14-1)**

22 2,449,434 2,449,434

23 **Augmentation allowed from the Motor Carrier Regulation Fund and the Motor Vehicle**  
24 **Highway Account.**

25  
26 **The amounts specified from the General Fund, Motor Carrier Regulation Fund, and the**  
27 **Motor Vehicle Highway Account are for the following purposes:**

28 <b>Personal Services</b>	37,103,377	37,103,377
29 <b>Other Operating Expense</b>	14,972,254	14,972,254

30  
31  
32 **With the approval of the governor and the budget agency, the department shall annually**  
33 **reimburse the state general fund for expenses incurred in support of the collection**  
34 **of dedicated fund revenue according to the department's cost allocation plan.**

35  
36 **With the approval of the governor and the budget agency, the foregoing sums for the**  
37 **department of state revenue may be augmented to an amount not exceeding in total,**  
38 **together with the above specific amounts, one and one-tenth percent (1.1%) of the**  
39 **amount of money collected by the department of state revenue from taxes and fees.**

40  
41 **OUTSIDE COLLECTIONS**

42 <b>Total Operating Expense</b>	4,500,000	4,500,000
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43  
44 **With the approval of the governor and the budget agency, the foregoing sums for the**  
45 **department of state revenue's outside collections may be augmented to an amount not**  
46 **exceeding in total, together with the above specific amounts, one and one-tenth percent**  
47 **(1.1%) of the amount of money collected by the department from taxes and fees.**

48  
49 **MOTOR CARRIER REGULATION**

1	<b>Motor Carrier Regulation Fund (IC 8-2.1-23)</b>		
2	Personal Services	1,744,843	1,744,843
3	Other Operating Expense	3,797,857	3,797,857
4	Augmentation allowed from the Motor Carrier Regulation Fund.		

5  
6 **MOTOR FUEL TAX DIVISION**

7	<b>Motor Vehicle Highway Account (IC 8-14-1)</b>		
8	Personal Services	7,041,830	7,041,830
9	Other Operating Expense	2,561,625	2,561,625
10	Augmentation allowed from the Motor Vehicle Highway Account.		

11  
12 In addition to the foregoing appropriations, there is hereby appropriated to the  
13 department of revenue motor fuel tax division an amount sufficient to pay claims  
14 for refunds on license-fee-exempt motor vehicle fuel as provided by law. The sums  
15 above appropriated from the motor vehicle highway account for the operation of the  
16 motor fuel tax division, together with all refunds for license-fee-exempt motor vehicle  
17 fuel, shall be paid from the receipts of those license fees before they are distributed  
18 as provided by IC 6-6-1.1.

19  
20 **FOR THE INDIANA GAMING COMMISSION**

21	From the State Gaming Fund (IC 4-33-13-3)		
22		3,501,183	3,501,183
23	From the Gaming Investigations		
24		600,000	600,000

25  
26 The amounts specified from the state gaming fund and gaming investigations are  
27 for the following purposes:

28	Personal Services	3,288,542	3,288,542
29	Other Operating Expense	812,641	812,641

30  
31  
32 The foregoing appropriations to the Indiana gaming commission are made from revenues  
33 accruing to the state gaming fund under IC 4-33-13-3 before any distribution is made  
34 under IC 4-33-13-5.

35 Augmentation allowed.

36  
37 The foregoing appropriations to the Indiana gaming commission are made instead of  
38 the appropriation made in IC 4-33-13-4.

39  
40 **FOR THE INDIANA DEPARTMENT OF GAMING RESEARCH**

41	Personal Services	120,394	120,394
42	Other Operating Expense	104,312	104,312

43 Augmentation allowed from fees accruing under IC 4-33-18-8.

44  
45 **FOR THE INDIANA HORSE RACING COMMISSION**

46	<b>Indiana Horse Racing Commission Operating Fund (IC 4-31-10-2)</b>		
47	Personal Services	2,126,562	2,126,562
48	Other Operating Expense	627,890	627,890

1 The foregoing appropriations to the Indiana horse racing commission are made from  
 2 revenues accruing to the Indiana horse racing commission before any distribution  
 3 is made under IC 4-31-9.

4 Augmentation allowed.

5  
 6 **STANDARD BRED ADVISORY BOARD**

7 Standardbred Horse Fund (IC 15-19-2-10)

8 Total Operating Expense	193,500	193,500
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9  
 10 The foregoing appropriations to the standardbred advisory board are made from  
 11 revenues accruing to the Indiana horse racing commission before any distribution  
 12 is made under IC 4-31-9.

13 Augmentation allowed.

14  
 15 **STANDARD BRED BREED DEVELOPMENT**

16 Indiana Horse Racing Commission Operating Fund (IC 4-31-10-2)

17 Total Operating Expense	4,049,719	4,049,719
----------------------------	-----------	-----------

18 Augmentation allowed.

19 **THOROUGHBRED BREED DEVELOPMENT**

20 Indiana Horse Racing Commission Operating Fund (IC 4-31-10-2)

21 Total Operating Expense	2,904,012	2,904,012
----------------------------	-----------	-----------

22 Augmentation allowed.

23 **QUARTER HORSE BREED DEVELOPMENT**

24 Indiana Horse Racing Commission Operating Fund (IC 4-31-10-2)

25 Total Operating Expense	228,896	228,896
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26 Augmentation allowed.

27 **FINGERPRINT FEES**

28 Indiana Horse Racing Commission Operating Fund (IC 4-31-10-2)

29 Total Operating Expense	52,110	52,110
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30 Augmentation allowed.

31 **GAMING INTEGRITY FUND - IHRC**

32 Gaming Integrity Fund - IHRC (IC 4-35-8.7-3)

33 Total Operating Expense	500,000	500,000
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34 Augmentation allowed.

35  
 36 **FOR THE DEPARTMENT OF LOCAL GOVERNMENT FINANCE**

37 Personal Services	3,927,361	3,926,359
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38 Other Operating Expense	722,957	722,957
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39  
 40 From the above appropriations for the department of local government finance, travel  
 41 subsistence and mileage allowances may be paid for members of the local government  
 42 tax control board created by IC 6-1.1-18.5-11 and the state school property tax control  
 43 board created by IC 6-1.1-19-4.1, under state travel regulations.

44  
 45 **DISTRESSED UNIT APPEAL BOARD**

46 Total Operating Expense	20,600	20,600
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47  
 48 **FOR THE INDIANA BOARD OF TAX REVIEW**

49 Personal Services	1,209,019	1,209,019
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	<i>FY 2009-2010 Appropriation</i>	<i>FY 2010-2011 Appropriation</i>	<i>Biennial Appropriation</i>
1	Other Operating Expense	63,510	63,510
2			
3	<b>F. ADMINISTRATION</b>		
4			
5	<b>FOR THE DEPARTMENT OF ADMINISTRATION</b>		
6	Personal Services	11,562,865	11,562,865
7	Other Operating Expense	14,718,815	14,718,815
8			
9	<b>FOR THE STATE PERSONNEL DEPARTMENT</b>		
10	Personal Services	3,405,686	3,405,686
11	Other Operating Expense	320,200	320,200
12			
13	The department may establish an internal service fund to perform the functions of the		
14	department.		
15			
16	The state must provide a variety of healthcare plan options to the extent such plans		
17	are reasonably available and not restrict employees to health savings account plans.		
18			
19	<b>FOR THE STATE EMPLOYEES APPEALS COMMISSION</b>		
20	Personal Services	169,653	169,653
21	Other Operating Expense	10,086	10,086
22			
23	<b>FOR THE OFFICE OF TECHNOLOGY</b>		
24	Total Operating Expense	1,900,000	1,900,000
25			
26	<b>FOR THE COMMISSION ON PUBLIC RECORDS</b>		
27	Personal Services	1,325,220	1,325,220
28	Other Operating Expense	141,446	141,446
29			
30	<b>FOR THE OFFICE OF THE PUBLIC ACCESS COUNSELOR</b>		
31	Personal Services	153,041	153,041
32	Other Operating Expense	3,688	3,688
33			
34	<b>FOR THE OFFICE OF FEDERAL GRANTS AND PROCUREMENT</b>		
35	Total Operating Expense	95,039	95,039
36			
37	<b>G. OTHER</b>		
38			
39	<b>FOR THE COMMISSION ON UNIFORM STATE LAWS</b>		
40	Total Operating Expense	43,584	43,584
41			
42	<b>FOR THE OFFICE OF INSPECTOR GENERAL</b>		
43	Personal Services	1,212,488	1,212,488
44	Other Operating Expense	229,383	229,383
45			
46	<b>STATE ETHICS COMMISSION</b>		
47	Personal Services	2,668	2,668
48	Other Operating Expense	6,297	6,297
49			



1 **FOR THE SECRETARY OF STATE**  
2 **ELECTION DIVISION**

3	Personal Services	701,510	701,510
4	Other Operating Expense	196,242	196,242

5 **VOTER LIST MAINTENANCE**

6	Total Operating Expense	2,500,000	2,500,000
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7  
8 The secretary of state shall use federal funding available for voter list maintenance  
9 before using the above appropriations.

10  
11 **H. COMMUNITY SERVICES**

12  
13 **FOR THE GOVERNOR'S OFFICE OF FAITH BASED & COMMUNITY INITIATIVES**

14	Personal Services	240,327	240,327
15	Other Operating Expense	50,225	50,225

16  
17 **SECTION 4. [EFFECTIVE JULY 1, 2009]**

18  
19 **PUBLIC SAFETY**

20  
21 **A. CORRECTION**

22  
23 **FOR THE DEPARTMENT OF CORRECTION**

24 **CENTRAL OFFICE**

25	Personal Services	9,376,633	9,376,633
26	Other Operating Expense	4,258,981	4,258,981

27 **TECHNOLOGY UPGRADES AND IMPROVEMENTS**

28 **Correctional Facilities Calling System Fund (IC 5-22-23-7)**

29	Other Operating Expense	1,900,000	1,900,000
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30 **ESCAPEE COUNSEL AND TRIAL EXPENSE**

31	Other Operating Expense	198,000	198,000
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32 **COUNTY JAIL MISDEMEANANT HOUSING**

33	Total Operating Expense	4,281,101	4,281,101
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34 **ADULT CONTRACT BEDS**

35	Total Operating Expense	2,831,443	2,831,443
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36 **STAFF DEVELOPMENT AND TRAINING**

37	Personal Services	1,084,457	1,084,457
38	Other Operating Expense	132,885	132,885

39 **PAROLE DIVISION**

40	Personal Services	8,337,627	8,337,627
41	Other Operating Expense	905,405	905,405

42 **PAROLE BOARD**

43	Personal Services	657,976	657,976
44	Other Operating Expense	23,741	23,741

45 **INFORMATION MANAGEMENT SERVICES**

46	Personal Services	1,048,752	1,048,752
47	Other Operating Expense	432,534	432,534

48 **JUVENILE TRANSITION**

49	Personal Services	662,692	662,692
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1	Other Operating Expense	908,545	908,545	
2	<b>COMMUNITY CORRECTIONS PROGRAMS</b>			
3	Total Operating Expense			78,000,000

4  
5 The above appropriation for community corrections programs is not subject to transfer  
6 to any other fund or to transfer, assignment, or reassignment for any other use or  
7 purpose by the state board of finance notwithstanding IC 4-9.1-1-7 and IC 4-13-2-23  
8 or by the budget agency notwithstanding IC 4-12-1-12 or any other law.

9  
10 Notwithstanding IC 4-13-2-19 and any other law, the above appropriation for community  
11 corrections programs does not revert to the general fund or another fund at the close  
12 of a state fiscal year but remains available in subsequent state fiscal years for  
13 the purposes of the appropriation.

14	<b>DRUG PREVENTION AND OFFENDER TRANSITION</b>			
15	Total Operating Expense	206,824	206,824	

16  
17  
18 The above appropriation shall be used for minimum security release programs, transition  
19 programs, mentoring programs, and supervision of and assistance to adult and juvenile  
20 offenders to promote the successful integration of the offender into the community.

21	<b>CENTRAL EMERGENCY RESPONSE</b>			
22	Personal Services	1,159,005	1,159,005	
23	Other Operating Expense	120,174	120,174	
24	<b>MEDICAL SERVICES</b>			
25	Other Operating Expense	76,130,153	86,032,783	

26  
27  
28 The above appropriations for medical services shall be used only for services that are determined  
29 to be medically necessary.

30	<b>DRUG ABUSE PREVENTION</b>			
31	Corrections Drug Abuse Fund (IC 11-8-2-11)			
32	Personal Services	740,000	740,000	
33	Other Operating Expense	2,600	2,600	
34	Augmentation allowed.			
35	<b>COUNTY JAIL MAINTENANCE CONTINGENCY FUND</b>			
36	Other Operating Expense	20,000,000	20,000,000	

37  
38  
39 Disbursements from the fund shall be made for the purpose of reimbursing sheriffs  
40 for the cost of incarcerating in county jails persons convicted of felonies to the  
41 extent that such persons are incarcerated for more than five (5) days after the day  
42 of sentencing, at the rate of \$35 per day. In addition to the per diem, the state  
43 shall reimburse the sheriffs for expenses determined by the sheriff to be medically  
44 necessary medical care to the convicted persons. However, if the sheriff or county  
45 receives money with respect to a convicted person (from a source other than the county),  
46 the per diem or medical expense reimbursement with respect to the convicted person  
47 shall be reduced by the amount received. A sheriff shall not be required to comply  
48 with IC 35-38-3-4(a) or transport convicted persons within five (5) days after the  
49 day of sentencing if the department of correction does not have the capacity to receive

1 the convicted person.

2  
3 Augmentation allowed.

4  
5 **FOOD SERVICES**

6 Total Operating Expense	36,652,458	40,281,856
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7  
8 **FOR THE STATE BUDGET AGENCY**

9 **MEDICAL SERVICE PAYMENTS**

10 Total Operating Expense	25,000,000	25,000,000
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11  
12 These appropriations for medical service payments are made to pay for services determined  
13 to be medically necessary for committed individuals, patients and students of institutions  
14 under the jurisdiction of the department of correction, the state department of health,  
15 the division of mental health and addiction, the school for the blind and visually  
16 impaired, the school for the deaf, the division of disability and rehabilitative  
17 services, or the division of aging if the services are provided outside these institutions.  
18 These appropriations may not be used for payments for medical services that are covered  
19 by IC 12-16 unless these services have been approved under IC 12-16. These appropriations  
20 shall not be used for payment for medical services which are payable from an appropriation  
21 in this act for the state department of health, the division of mental health and  
22 addiction, the school for the blind and visually impaired, the school for the deaf,  
23 the division of disability and rehabilitative services, the division of aging, or  
24 the department of correction, or that are reimbursable from funds for medical assistance  
25 under IC 12-15. If these appropriations are insufficient to make these medical service  
26 payments, there is hereby appropriated such further sums as may be necessary.

27  
28 Direct disbursements from the above contingency fund are not subject to the provisions  
29 of IC 4-13-2.

30  
31 **FOR THE DEPARTMENT OF ADMINISTRATION**

32 **DEPARTMENT OF CORRECTION OMBUDSMAN BUREAU**

33 Personal Services	134,554	134,554
34 Other Operating Expense	7,328	7,328

35  
36 **FOR THE DEPARTMENT OF CORRECTION**

37 **INDIANA STATE PRISON**

38 Personal Services	32,867,370	32,867,370
39 Other Operating Expense	6,751,252	6,751,252

40 **PENDLETON CORRECTIONAL FACILITY**

41 Personal Services	27,299,395	27,299,395
42 Other Operating Expense	7,070,626	7,070,626

43 **CORRECTIONAL INDUSTRIAL FACILITY**

44 Personal Services	20,245,770	20,245,770
45 Other Operating Expense	997,243	997,243

46 **INDIANA WOMEN'S PRISON**

47 Personal Services	8,612,523	8,612,523
48 Other Operating Expense	1,059,099	1,059,099

49 **PUTNAMVILLE CORRECTIONAL FACILITY**

	<i>FY 2009-2010 Appropriation</i>	<i>FY 2010-2011 Appropriation</i>	<i>Biennial Appropriation</i>
1	Personal Services	30,333,741	30,333,741
2	Other Operating Expense	4,329,691	4,329,691
3	<b>WABASH VALLEY CORRECTIONAL FACILITY</b>		
4	Personal Services	35,452,554	36,957,852
5	Other Operating Expense	5,409,888	5,810,040
6	<b>PLAINFIELD EDUCATION RE-ENTRY FACILITY</b>		
7	Personal Services	7,055,354	7,055,354
8	Other Operating Expense	3,235,412	3,235,412
9	<b>INDIANAPOLIS JUVENILE CORRECTIONAL FACILITY</b>		
10	Personal Services	10,906,670	10,906,670
11	Other Operating Expense	1,090,070	1,090,070
12	<b>BRANCHVILLE CORRECTIONAL FACILITY</b>		
13	Personal Services	16,560,275	16,560,275
14	Other Operating Expense	2,361,080	2,361,080
15	<b>WESTVILLE CORRECTIONAL FACILITY</b>		
16	Personal Services	42,786,893	42,786,893
17	Other Operating Expense	5,980,703	5,980,703
18	<b>ROCKVILLE CORRECTIONAL FACILITY FOR WOMEN</b>		
19	Personal Services	14,998,655	14,998,655
20	Other Operating Expense	1,927,015	1,927,015
21	<b>PLAINFIELD CORRECTIONAL FACILITY</b>		
22	Personal Services	22,950,007	22,950,007
23	Other Operating Expense	2,619,303	2,619,303
24	<b>RECEPTION AND DIAGNOSTIC CENTER</b>		
25	Personal Services	11,799,385	11,799,385
26	Other Operating Expense	695,865	695,865
27	<b>MIAMI CORRECTIONAL FACILITY</b>		
28	Personal Services	28,891,409	30,302,909
29	Other Operating Expense	5,231,704	5,595,103
30	<b>NEW CASTLE CORRECTIONAL FACILITY</b>		
31	Other Operating Expense	31,587,079	32,328,736
32	<b>SOCIAL SERVICES BLOCK GRANT</b>		
33	General Fund		
34	Total Operating Expense	5,029,318	5,029,318
35	Work Release - Study Release Special Revenue Fund (IC 11-10-8-6.5)		
36	Total Operating Expense	1,328,704	1,328,704
37	Augmentation allowed from Work Release - Study Release Special Revenue Fund		
38	and Social Services Block Grant.		
39	<b>HENRYVILLE CORRECTIONAL FACILITY</b>		
40	Personal Services	2,355,124	2,355,124
41	Other Operating Expense	271,599	271,599
42	<b>CHAIN O' LAKES CORRECTIONAL FACILITY</b>		
43	Personal Services	1,743,782	1,743,782
44	Other Operating Expense	261,355	261,355
45	<b>MADISON CORRECTIONAL FACILITY</b>		
46	Personal Services	4,835,168	4,835,168
47	Other Operating Expense	962,558	962,558
48	<b>EDINBURGH CORRECTIONAL FACILITY</b>		
49	Personal Services	3,614,415	3,614,415

	<i>FY 2009-2010 Appropriation</i>	<i>FY 2010-2011 Appropriation</i>	<i>Biennial Appropriation</i>
1	Other Operating Expense	388,295	388,295
2	<b>SOUTH BEND JUVENILE CORRECTIONAL FACILITY</b>		
3	Personal Services	4,739,483	4,739,483
4	Other Operating Expense	2,826,481	2,826,481
5	<b>NORTH CENTRAL JUVENILE CORRECTIONAL FACILITY</b>		
6	Personal Services	9,213,446	9,213,446
7	Other Operating Expense	1,243,603	1,243,603
8	<b>CAMP SUMMIT</b>		
9	Personal Services	2,258,110	2,258,110
10	Other Operating Expense	217,833	217,833
11	<b>PENDLETON JUVENILE CORRECTIONAL FACILITY</b>		
12	Personal Services	15,807,771	15,807,771
13	Other Operating Expense	1,633,941	1,633,941
14			
15	<b>B. LAW ENFORCEMENT</b>		
16			
17	<b>FOR THE INDIANA STATE POLICE AND MOTOR CARRIER INSPECTION</b>		
18	From the General Fund		
19	62,391,905	62,391,905	
20	From the Motor Vehicle Highway Account (IC 8-14-1)		
21	62,391,904	62,391,904	
22	From the Motor Carrier Regulation Fund (IC 8-2.1-23)		
23	4,391,978	4,391,978	
24	Augmentation allowed from the general fund, the motor vehicle highway account,		
25	and the motor carrier regulation fund.		
26			
27	The amounts specified from the General Fund, the Motor Vehicle Highway Account, and the		
28	Motor Carrier Regulation Fund are for the following purposes:		
29			
30	Personal Services	115,028,075	115,028,075
31	Other Operating Expense	14,147,712	14,147,712
32			
33	The above appropriations for personal services and other operating expense include		
34	funds to continue the state police minority recruiting program.		
35			
36	The foregoing appropriations for the Indiana state police and motor carrier inspection		
37	include funds for the police security detail to be provided to the Indiana state		
38	fair board. However, amounts actually expended to provide security for the Indiana state		
39	fair board as determined by the budget agency shall be reimbursed by the Indiana		
40	state fair board to the state general fund.		
41			
42	<b>ODOMETER FRAUD INVESTIGATION</b>		
43	Motor Vehicle Odometer Fund (IC 9-29-1-5)		
44	Total Operating Expense	25,000	25,000
45	Augmentation allowed.		
46			
47	<b>STATE POLICE TRAINING</b>		
48	State Police Training Fund (IC 5-2-8-5)		
49	Total Operating Expense	502,875	502,875

1           Augmentation allowed.

2  
3           **FORENSIC AND HEALTH SCIENCES LABORATORIES**

4           From the General Fund

5                               3,888,671    3,888,671

6           From the Motor Carrier Regulation Fund (IC 8-2.1-23)

7                               375,611    375,611

8           From the Motor Vehicle Highway Account (IC 8-14-1)

9                               6,783,078   6,783,078

10          Augmentation allowed from the general fund, the motor vehicle highway account,  
11          and the motor carrier regulation fund.

12  
13          The amounts specified from the General Fund, the Motor Vehicle Highway Account, and the  
14          Motor Carrier Regulation Fund are for the following purposes:

16          Personal Services	10,572,562	10,572,562
17          Other Operating Expense	474,798	474,798

18  
19          **ENFORCEMENT AID**

20          General Fund

21          Total Operating Expense	40,000	40,000
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22          Motor Vehicle Highway Account (IC 8-14-1)

23          Total Operating Expense	40,000	40,000
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24  
25          The above appropriations for enforcement aid are to meet unforeseen emergencies  
26          of a confidential nature. They are to be expended under the direction of the superintendent  
27          and to be accounted for solely on the superintendent's authority.

28  
29          **PENSION FUND**

30          General Fund

31          Total Operating Expense	4,736,247	4,736,247
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32          Motor Vehicle Highway Account (IC 8-14-1)

33          Total Operating Expense	4,736,246	4,736,246
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34  
35          The above appropriations shall be paid into the state police pension fund provided  
36          for in IC 10-12-2 in twelve (12) equal installments on or before July 30 and on or  
37          before the 30th of each succeeding month thereafter.

38  
39          **BENEFIT FUND**

40          General Fund

41          Total Operating Expense	1,713,151	1,713,151
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42          Augmentation allowed.

43  
44          Motor Vehicle Highway Account (IC 8-14-1)

45          Total Operating Expense	1,713,151	1,713,151
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46          Augmentation allowed.

47  
48          All benefits to members shall be paid by warrant drawn on the treasurer  
49          of state by the auditor of state on the basis of claims filed and approved by the

1 trustees of the state police pension and benefit funds created by IC 10-12-2.

2  
3 **SUPPLEMENTAL PENSION**

4 **General Fund**

5 <b>Total Operating Expense</b>	1,900,753	1,900,753
6 <b>Augmentation allowed.</b>		

7  
8 **Motor Vehicle Highway Account (IC 8-14-1)**

9 <b>Total Operating Expense</b>	1,900,753	1,900,753
10 <b>Augmentation allowed.</b>		

11  
12 If the above appropriations for supplemental pension for any one (1) year are greater  
13 than the amount actually required under the provisions of IC 10-12-5, then the excess  
14 shall be returned proportionately to the funds from which the appropriations were  
15 made. If the amount actually required under IC 10-12-5 is greater than the above  
16 appropriations, then, with the approval of the governor and the budget agency, those  
17 sums may be augmented from the general fund and the motor vehicle highway account.

18  
19 **ACCIDENT REPORTING**

20 **Accident Report Account (IC 9-29-11-1)**

21 <b>Total Operating Expense</b>	30,000	30,000
22 <b>Augmentation allowed.</b>		

23 **DRUG INTERDICTION**

24 **Drug Interdiction Fund (IC 10-11-7)**

25 <b>Total Operating Expense</b>	273,420	273,420
26 <b>Augmentation allowed.</b>		

27 **DNA SAMPLE PROCESSING FUND**

28 **DNA Sample Processing Fund (IC 10-13-6-9.5)**

29 <b>Total Operating Expense</b>	1,327,777	1,327,777
30 <b>Augmentation allowed.</b>		

31  
32 **FOR THE INTEGRATED PUBLIC SAFETY COMMISSION**

33 **PROJECT SAFE-T**

34 **Integrated Public Safety Communications Fund (IC 5-26-4-1)**

35 <b>Total Operating Expense</b>	13,000,000	13,000,000
36 <b>Augmentation allowed.</b>		

37  
38 **FOR THE ADJUTANT GENERAL**

39 **CAMP ATTERBURY MUSCATATUCK CENTER FOR COMPLEX OPERATIONS**

40 <b>Personal Services</b>	653,456	653,456
41 <b>Other Operating Expense</b>	362,134	362,134

42 **ADJUTANT GENERAL FEDERAL COOP AGREEMENT**

43 <b>Total Operating Expense</b>	9,653,699	9,653,699
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44 **BAER FIELD FEDERAL COOP AGREEMENT**

45 <b>Total Operating Expense</b>	370,161	370,161
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46 **HULMAN FIELD FEDERAL COOP AGREEMENT**

47 <b>Total Operating Expense</b>	306,453	306,453
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48 **DISABLED SOLDIERS' PENSION**

49 <b>Other Operating Expense</b>	1	1
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1	<b>Augmentation allowed.</b>		
2	<b>MUTC - MUSCATATUCK URBAN TRAINING CENTER</b>		
3	<b>Total Operating Expense</b>	1,386,906	1,386,906
4	<b>HOOSIER YOUTH CHALLENGE ACADEMY</b>		
5	<b>Total Operating Expense</b>	1,148,948	1,148,948
6	<b>GOVERNOR'S CIVIL AND MILITARY CONTINGENCY FUND</b>		
7	<b>Total Operating Expense</b>		288,672
8			

9 The above appropriations for the governor's civil and military contingency fund are  
10 made under IC 10-16-11-1.

11  
12 **FOR THE CRIMINAL JUSTICE INSTITUTE**

13 **ADMINISTRATIVE MATCH**

14 **Total Operating Expense** 427,253 427,253

15 **DRUG ENFORCEMENT MATCH**

16 **Total Operating Expense** 1,571,760 1,571,760

17 **VICTIM AND WITNESS ASSISTANCE FUND**

18 **Victim and Witness Assistance Fund (IC 5-2-6-14)**

19 **Total Operating Expense** 629,689 629,689

20 **Augmentation allowed.**

21 **ALCOHOL AND DRUG COUNTERMEASURES**

22 **Alcohol and Drug Countermeasures Fund (IC 9-27-2-11)**

23 **Total Operating Expense** 348,211 348,211

24 **Augmentation allowed.**

25 **STATE DRUG FREE COMMUNITIES FUND**

26 **State Drug Free Communities Fund (IC 5-2-10-2)**

27 **Total Operating Expense** 526,585 526,585

28 **Augmentation allowed.**

29 **INDIANA SAFE SCHOOLS**

30 **General Fund**

31 **Total Operating Expense** 1,497,756 1,497,756

32 **Indiana Safe Schools Fund (IC 5-2-10.1-2)**

33 **Total Operating Expense** 514,397 514,397

34 **Augmentation allowed from Indiana Safe Schools Fund.**

35  
36 **Of the above appropriations for the Indiana safe schools program, \$1,262,153 is appropriated**  
37 **annually to provide grants to school corporations for school safe haven programs,**  
38 **emergency preparedness programs, and school safety programs, and \$750,000 is appropriated**  
39 **annually for use in providing training to school safety specialists.**

40  
41 **CHILD RESTRAINT SYSTEM FUND**

42 **Total Operating Expense** 100,000 100,000

43 **COMMUNITY DRIVER TRAINING SCHOOLS & INSTRUCTION**

44 **Motor Vehicle Highway Account (IC 8-14-1)**

45 **Total Operating Expense** 63,359 63,359

46 **Augmentation allowed.**

47 **OFFICE OF TRAFFIC SAFETY**

48 **Motor Vehicle Highway Account (IC 8-14-1)**

49 **Personal Services** 575,778 575,778



1 <b>Other Operating Expense</b>	13,211,355	13,211,355	
2 <b>Augmentation allowed.</b>			

3  
4        The above appropriation for the office of traffic safety is from the motor vehicle  
5        highway account and may be used to fund traffic safety projects that are included  
6        in a current highway safety plan approved by the governor and the budget agency.  
7        The department shall apply to the national highway traffic safety administration  
8        for reimbursement of all eligible project costs. Any federal reimbursement received  
9        by the department for the highway safety plan shall be deposited into the motor vehicle  
10       highway account.

11  
12        **PROJECT IMPACT**

13 <b>Total Operating Expense</b>	196,000	196,000	
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14  
15        **SEXUAL ASSAULT VICTIMS' ASSISTANCE**

16        **Sexual Assault Victims' Assistance Account (IC 5-2-6-23(h))**

17 <b>Total Operating Expense</b>	49,000	49,000	
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18  
19        **Augmentation allowed. The full amount of the above appropriations shall be distributed**  
20        **to rape crisis centers in Indiana without any deduction of personal services or other**  
21        **operating expenses of any state agency.**

22  
23        **VICTIMS OF VIOLENT CRIME ADMINISTRATION**

24        **Violent Crime Victims Compensation Fund (IC 5-2-6.1-40)**

25 <b>Personal Services</b>	112,122	112,122	
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26 <b>Other Operating Expense</b>	2,407,402	2,407,402	
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27        **Augmentation allowed.**

28  
29        **FOR THE CORONERS' TRAINING BOARD**

30        **Coroners' Training and Continuing Education Fund (IC 4-23-6.5-8)**

31 <b>Total Operating Expense</b>	361,229	361,229	
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32        **Augmentation allowed.**

33  
34        **FOR THE LAW ENFORCEMENT TRAINING ACADEMY**

35        **From the General Fund**

36        2,190,933	2,190,933		
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37        **From the Law Enforcement Training Fund (IC 5-2-1-13(b))**

38        2,220,048	2,220,048		
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39        **Augmentation allowed from the Law Enforcement Training Fund.**

40  
41        **The amounts specified from the General Fund and the Law Enforcement Training Fund**  
42        **are for the following purposes:**

44 <b>Personal Services</b>	3,608,441	3,608,441	
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45 <b>Other Operating Expense</b>	802,540	802,540	
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46  
47        **C. REGULATORY AND LICENSING**

48  
49        **FOR THE BUREAU OF MOTOR VEHICLES**

	<i>FY 2009-2010 Appropriation</i>	<i>FY 2010-2011 Appropriation</i>	<i>Biennial Appropriation</i>
1	<b>Motor Vehicle Highway Account (IC 8-14-1)</b>		
2	Personal Services	17,446,403	17,446,403
3	Other Operating Expense	13,493,000	13,493,000
4	Augmentation allowed.		
5	<b>LICENSE PLATES</b>		
6	<b>Motor Vehicle Highway Account (IC 8-14-1)</b>		
7	Total Operating Expense	5,600,000	5,600,000
8	Augmentation allowed.		
9	<b>FINANCIAL RESPONSIBILITY COMPLIANCE VERIFICATION</b>		
10	<b>Financial Responsibility Compliance Verification Fund (IC 9-25-9-7)</b>		
11	Total Operating Expense	6,571,932	6,571,932
12	Augmentation allowed.		
13	<b>STATE MOTOR VEHICLE TECHNOLOGY</b>		
14	<b>State Motor Vehicle Technology Fund (IC 9-29-16-1)</b>		
15	Total Operating Expense	5,261,692	5,261,692
16	Augmentation allowed.		
17			
18	<b>FOR THE DEPARTMENT OF LABOR</b>		
19	Personal Services	871,619	871,619
20	Other Operating Expense	141,615	141,615
21	<b>BUREAU OF MINES AND MINING</b>		
22	Personal Services	150,554	150,554
23	Other Operating Expense	20,104	20,104
24	<b>M.I.S. RESEARCH AND STATISTICS</b>		
25	Personal Services	207,354	207,354
26	Other Operating Expense	22,360	22,360
27	<b>OCCUPATIONAL SAFETY AND HEALTH</b>		
28	Personal Services	3,237,073	3,237,073
29	Other Operating Expense	568,548	568,548
30			
31	<b>The above funds are appropriated to occupational safety and health</b>		
32	<b>and management information services research and statistics to provide the total</b>		
33	<b>program cost of the Indiana occupational safety and health plan as approved by the</b>		
34	<b>United States Department of Labor. Inasmuch as the state is eligible to receive</b>		
35	<b>from the federal government partial reimbursement of the state's total Indiana occupational</b>		
36	<b>safety and health plan program cost, it is the intention of the general assembly</b>		
37	<b>that the department of labor make application to the federal government for the federal</b>		
38	<b>share of the total program cost. Federal funds received shall be considered a reimbursement</b>		
39	<b>of state expenditures and as such shall be deposited into the state general fund.</b>		
40			
41	<b>EMPLOYMENT OF YOUTH</b>		
42	<b>Employment of Youth Fund (IC 20-33-3-42)</b>		
43	Total Operating Expense	183,555	183,555
44	Augmentation allowed.		
45	<b>INSAFE</b>		
46	<b>Special Fund for Safety and Health Consultation, Education, and</b>		
47	<b>Training Services (IC 22-8-1.1-48)</b>		
48	Personal Services	874,587	874,587
49	Other Operating Expense	217,752	217,752

1           Augmentation allowed.

2  
3           Federal cost reimbursements for expenses attributable to INSafe appropriations shall be  
4           deposited into the special fund for safety and health consultation, education, and  
5           training services.

6  
7           **FOR THE DEPARTMENT OF INSURANCE**

8           Department of Insurance Fund (IC 27-1-3-28)

9           Personal Services	5,318,138	5,318,138
10          Other Operating Expense	1,195,519	1,195,519

11          Augmentation allowed.

12          **BAIL BOND DIVISION**

13          Bail Bond Enforcement and Administration Fund (IC 27-10-5-1)

14          Personal Services	171,597	171,597
15          Other Operating Expense	8,832	8,832

16          Augmentation allowed.

17          **PATIENTS' COMPENSATION AUTHORITY**

18          Patients' Compensation Fund (IC 34-18-6-1)

19          Personal Services	490,135	490,135
20          Other Operating Expense	1,346,870	1,346,870

21          Augmentation allowed.

22          **POLITICAL SUBDIVISION RISK MANAGEMENT**

23          Political Subdivision Risk Management Fund (IC 27-1-29-10)

24          Personal Services	44,195	44,195
25          Other Operating Expense	782,960	782,960

26          Augmentation allowed.

27          **MINE SUBSIDENCE INSURANCE**

28          Mine Subsidence Insurance Fund (IC 27-7-9-7)

29          Personal Services	62,116	62,116
30          Other Operating Expense	827,283	827,283

31          Augmentation allowed.

32          **TITLE INSURANCE ENFORCEMENT OPERATING**

33          Title Insurance Enforcement Fund (IC 27-7-3.6-1)

34          Personal Services	288,370	288,370
35          Other Operating Expense	80,921	80,921

36          Augmentation allowed.

37  
38          **FOR THE ALCOHOL AND TOBACCO COMMISSION**

39          Enforcement and Administration Fund (IC 7.1-4-10-1)

40          Personal Services	8,612,469	8,612,469
41          Other Operating Expense	1,780,699	1,780,699

42          Augmentation allowed.

43  
44          **ALCOHOLIC BEVERAGE ENFORCEMENT OFFICERS' TRAINING**

45          Alcoholic Beverage Commission Enforcement Officers' Training Fund (IC 5-2-8-8)

46          Total Operating Expense	4,200	4,200
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47          Augmentation allowed.

48          **YOUTH TOBACCO EDUCATION AND ENFORCEMENT**

49          Richard D. Doyle Youth Tobacco Education and Enforcement Fund (IC 7.1-6-2-6)

	<i>FY 2009-2010 Appropriation</i>	<i>FY 2010-2011 Appropriation</i>	<i>Biennial Appropriation</i>
1	<b>Total Operating Expense</b>	<b>25,000</b>	<b>25,000</b>
2	<b>Augmentation allowed.</b>		
3			
4	<b>FOR THE DEPARTMENT OF FINANCIAL INSTITUTIONS</b>		
5	<b>Financial Institutions Fund (IC 28-11-2-9)</b>		
6	Personal Services	6,972,935	6,972,935
7	Other Operating Expense	1,518,119	1,518,119
8	<b>Augmentation allowed.</b>		
9			
10	<b>FOR THE PROFESSIONAL LICENSING AGENCY</b>		
11	Personal Services	4,669,317	4,669,317
12	Other Operating Expense	867,325	867,325
13	<b>PRENEED CONSUMER PROTECTION</b>		
14	<b>Preneed Consumer Protection Fund (IC 30-2-13-28)</b>		
15	Total Operating Expense	72,750	72,750
16	<b>Augmentation allowed.</b>		
17	<b>BOARD OF FUNERAL AND CEMETERY SERVICE</b>		
18	<b>Funeral Service Education Fund (IC 25-15-9-13)</b>		
19	Total Operating Expense	4,850	4,850
20	<b>Augmentation allowed.</b>		
21			
22	<b>FOR THE CIVIL RIGHTS COMMISSION</b>		
23	Personal Services	1,916,298	1,916,298
24	Other Operating Expense	270,632	270,632
25			
26	It is the intention of the general assembly that the civil rights commission shall		
27	apply to the federal government for funding based upon the processing of employment		
28	and housing discrimination complaints by the civil rights commission. Such federal		
29	funds received by the state shall be considered as a reimbursement of state expenditures		
30	and shall be deposited into the state general fund.		
31			
32	<b>MARTIN LUTHER KING JR. HOLIDAY COMMISSION</b>		
33	Total Operating Expense	20,000	20,000
34			
35	<b>FOR THE UTILITY CONSUMER COUNSELOR</b>		
36	<b>Public Utility Fund (IC 8-1-6-1)</b>		
37	Personal Services	4,485,790	4,485,790
38	Other Operating Expense	687,910	687,910
39	<b>Augmentation allowed.</b>		
40			
41	<b>EXPERT WITNESS FEES AND AUDIT</b>		
42	<b>Public Utility Fund (IC 8-1-6-1)</b>		
43	Total Operating Expense		1,503,500
44	<b>Augmentation allowed.</b>		
45			
46	<b>FOR THE UTILITY REGULATORY COMMISSION</b>		
47	<b>Public Utility Fund (IC 8-1-6-1)</b>		
48	Personal Services	6,729,019	6,729,019
49	Other Operating Expense	1,917,752	1,917,752

1           Augmentation allowed.

2  
3       **FOR THE WORKERS' COMPENSATION BOARD**

4           From the General Fund

5                           1,918,782    1,918,782

6           From the Workers' Compensation Supplemental Administration Fund (IC 22-3-5-6)

7                           145,007    145,007

8           Augmentation allowed.

9  
10       The amounts specified from the general fund and the workers' compensation supplemental  
11       administrative fund are for the following purposes:

12	Personal Services	1,927,761	1,927,761
13	Other Operating Expense	136,028	136,028

14  
15  
16       **FOR THE STATE BOARD OF ANIMAL HEALTH**

17	Personal Services	4,021,557	4,021,557
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18	Other Operating Expense	865,228	865,228
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19       **INDEMNITY FUND**

20	Total Operating Expense		9,700
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21       Augmentation allowed.

22       **MEAT & POULTRY INSPECTION**

23	Total Operating Expense	1,884,049	1,884,049
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24  
25       **FOR THE DEPARTMENT OF HOMELAND SECURITY**

26       **FIRE AND BUILDING SERVICES**

27       From the Fire and Building Services Fund (IC 22-12-6-1)

28                           15,251,362    15,251,362

29       From the Medical Services Education Fund (IC 16-31-7-1)

30                           23,437    23,437

31       Augmentation allowed from the fire and building services fund and medical services  
32       education fund.

33  
34       The amounts specified from the fire and building services fund and medical services  
35       education fund are for the following purposes:

36	Personal Services	12,467,711	12,467,711
37	Other Operating Expense	2,807,088	2,807,088

38  
39  
40       **REGIONAL PUBLIC SAFETY TRAINING**

41       Regional Public Safety Training Fund (IC 10-15-3-12)

42	Total Operating Expense	1,902,047	1,902,047
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43       Augmentation allowed.

44  
45       **EMERGENCY MANAGEMENT CONTINGENCY FUND**

46	Total Operating Expense	221,645	221,645
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47  
48       The above appropriations for the emergency management contingency fund are made under  
49       IC 10-14-3-28.

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49

<b>PUBLIC ASSISTANCE</b>		
Total Operating Expense	1	1
<b>HOMELAND SECURITY FUND - FOUNDATION</b>		
Homeland Security Fund - Foundation (IC 10-15-3-1)		
Total Operating Expense	224,423	224,423
Augmentation allowed.		
<b>INDIANA EMERGENCY RESPONSE COMMISSION</b>		
Emergency Planning and Right to Know Fund (IC 6-6-10-5 & IC 6-6-10-7)		
Total Operating Expense	40,962	40,962
Augmentation allowed.		
<b>STATE DISASTER RELIEF FUND</b>		
State Disaster Relief Fund (IC 10-14-4-5)		
Total Operating Expense	500,000	500,000
Augmentation allowed, not to exceed revenues collected from the public safety fee imposed by IC 22-11-14-12.		
Augmentation allowed from the general fund to match federal disaster relief funds.		
<b>REDUCED IGNITION PROPENSITY STANDARDS FOR CIGARETTES FUND</b>		
Reduced Ignition Propensity Standards for Cigarettes Fund (IC 22-14-7-22(a))		
Total Operating Expense	80,000	80,000
Augmentation allowed.		
<b>INDIANA INTELLIGENCE FUSION CENTER</b>		
Total Operating Expense	969,252	969,252
<b>STATEWIDE FIRE AND BUILDING SAFETY EDUCATION FUND</b>		
Statewide Fire and Building Safety Education Fund (IC 22-12-6-3)		
Total Operating Expense	117,162	117,162
Augmentation allowed.		
<b>SECTION 5. [EFFECTIVE JULY 1, 2009]</b>		
<b>CONSERVATION AND ENVIRONMENT</b>		
<b>A. NATURAL RESOURCES</b>		
<b>FOR THE DEPARTMENT OF NATURAL RESOURCES - ADMINISTRATION</b>		
Personal Services	8,179,372	8,179,372
Other Operating Expense	1,358,733	1,358,733
<b>ENTOMOLOGY AND PLANT PATHOLOGY DIVISION</b>		
Personal Services	588,850	588,850
Other Operating Expense	151,997	151,997
<b>ENTOMOLOGY AND PLANT PATHOLOGY FUND</b>		
Entomology and Plant Pathology Fund (IC 14-24-10-3)		
Total Operating Expense		662,868
Augmentation allowed.		
<b>ENGINEERING DIVISION</b>		
Personal Services	1,728,557	1,728,557
Other Operating Expense	99,232	99,232

	<i>FY 2009-2010 Appropriation</i>	<i>FY 2010-2011 Appropriation</i>	<i>Biennial Appropriation</i>
1	<b>STATE MUSEUM</b>		
2	5,020,180	5,020,180	
3	1,251,406	1,251,406	
4	<b>HISTORIC PRESERVATION DIVISION</b>		
5	755,246	755,246	
6	70,346	70,346	
7	<b>HISTORIC PRESERVATION - FEDERAL</b>		
8	32,559	32,559	
9	<b>STATE HISTORIC SITES</b>		
10	2,400,530	2,400,530	
11	499,789	499,789	

12  
13 From the above appropriations, \$75,000 in each state fiscal year shall be used for  
14 the Grissom Museum.

15  
16 **INDIANA FLOOD CONTROL SUMMIT**

17 Total Operating Expense 5,000 0

18  
19 The department of natural resources shall schedule, organize, and conduct an Indiana  
20 flood control summit for one (1) or more days in Indiana before November 1, 2009.

21  
22 **WABASH RIVER HERITAGE CORRIDOR**

23 Total Operating Expense 80,246 80,246

24 **OUTDOOR RECREATION DIVISION**

25 Personal Services 615,004 615,004

26 Other Operating Expense 41,931 41,931

27 **NATURE PRESERVES DIVISION**

28 Personal Services 923,068 923,068

29 Other Operating Expense 46,569 46,569

30 **WATER DIVISION**

31 Personal Services 4,417,754 4,417,754

32 Other Operating Expense 405,079 405,079

33  
34 All revenues accruing from state and local units of government and from private utilities  
35 and industrial concerns as a result of water resources study projects, and as a result  
36 of topographic and other mapping projects, shall be deposited into the state general  
37 fund, and such receipts are hereby appropriated, in addition to the foregoing amounts,  
38 for water resources studies.

39  
40 **DEER RESEARCH AND MANAGEMENT**

41 Deer Research and Management Fund (IC 14-22-5-2)

42 Total Operating Expense 189,160 189,160

43 Augmentation allowed.

44 **OIL AND GAS DIVISION**

45 Oil and Gas Fund (IC 6-8-1-27)

46 Personal Services 1,300,410 1,300,410

47 Other Operating Expense 322,789 322,789

48 Augmentation allowed.

**STATE PARKS AND RESERVOIRS**

From the General Fund

11,343,213 11,343,213

From the State Parks and Reservoirs Special Revenue Fund (IC 14-19-8-2)

20,644,742 20,644,742

Augmentation allowed from the State Parks and Reservoirs Special Revenue Fund.

The amounts specified from the General Fund and the State Parks and Reservoirs Special Revenue Fund are for the following purposes:

Personal Services	23,781,129	23,781,129
Other Operating Expense	8,206,826	8,206,826

**OFF-ROAD VEHICLE AND SNOWMOBILE FUND**

Off-Road Vehicle and Snowmobile Fund (IC 14-16-1-30)

Total Operating Expense	291,001	291,001
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Augmentation allowed.

**LAW ENFORCEMENT DIVISION**

From the General Fund

9,936,748 9,936,748

From the Fish and Wildlife Fund (IC 14-22-3-2)

13,381,894 13,381,894

Augmentation allowed from the Fish and Wildlife Fund.

The amounts specified from the General Fund and the Fish and Wildlife Fund are for the following purposes:

Personal Services	19,396,301	19,396,301
Other Operating Expense	3,922,341	3,922,341

**FISH AND WILDLIFE DIVISION**

Fish and Wildlife Fund (IC 14-22-3-2)

Personal Services	13,124,471	13,124,471
Other Operating Expense	4,377,957	4,377,957

Augmentation allowed.

**FORESTRY DIVISION**

From the General Fund

4,494,586 4,494,586

From the State Forestry Fund (IC 14-23-3-2)

7,492,186 7,492,186

Augmentation allowed from the State Forestry Fund.

The amounts specified from the General Fund and the State Forestry Fund are for the following purposes:

Personal Services	7,796,996	7,796,996
Other Operating Expense	4,189,776	4,189,776

All money expended by the division of forestry of the department of natural resources



1 for the detention and suppression of forest, grassland, and wasteland fires shall  
 2 be through the enforcement division of the department, and the employment with such  
 3 money of all personnel, with the exception of emergency labor, shall be in accordance  
 4 with IC 14-9-8.

5  
 6 **RECLAMATION DIVISION**

7 **Natural Resources Reclamation Division Fund (IC 14-34-14-2)**

8 **Personal Services** 1,496,777 1,496,777

9 **Other Operating Expense** 393,565 393,565

10 **Augmentation allowed.**

11  
 12 In addition to any of the foregoing appropriations for the department of natural  
 13 resources, any federal funds received by the state of Indiana for support of approved  
 14 outdoor recreation projects for planning, acquisition, and development under the  
 15 provisions of the federal Land and Water Conservation Fund Act, P.L.88-578, are appropriated  
 16 for the uses and purposes for which the funds were paid to the state, and shall be  
 17 distributed by the department of natural resources to state agencies and other governmental  
 18 units in accordance with the provisions under which the funds were received.

19  
 20 **LAKE MICHIGAN COASTAL PROGRAM**

21 **Cigarette Tax Fund (IC 6-7-1-29.1)**

22 **Total Operating Expense** 142,283 142,283

23 **Augmentation allowed.**

24 **LAKE AND RIVER ENHANCEMENT**

25 **Lake and River Enhancement Fund (IC 6-6-11-12.5)**

26 **Total Operating Expense** 4,603,882

27 **Augmentation allowed.**

28 **CONSERVATION OFFICERS' MARINE ENFORCEMENT FUND**

29 **Lake and River Enhancement Fund (IC 6-6-11-12.5)**

30 **Total Operating Expense** 795,400 795,400

31 **Augmentation allowed.**

32 **HERITAGE TRUST**

33 **Build Indiana Fund (IC 4-30-17)**

34 **Total Operating Expense** 1,000,000 1,000,000

35 **LAKE MICHIGAN MARINA DEVELOPMENT COMMISSION**

36 **Total Operating Expense** 2,000,000

37  
 38 **Budget committee review is required for the above appropriation for the Lake Michigan**  
 39 **Marina Development Commission.**

40  
 41 **B. OTHER NATURAL RESOURCES**

42  
 43 **FOR THE WORLD WAR MEMORIAL COMMISSION**

44 **Personal Services** 735,437 735,437

45 **Other Operating Expense** 302,381 302,381

46  
 47 **All revenues received as rent for space in the buildings located at 777 North Meridian**  
 48 **Street and 700 North Pennsylvania Street, in the city of Indianapolis, that exceed**  
 49 **the costs of operation and maintenance of the space rented, shall be paid into the**

1 general fund. The American Legion shall provide for the complete maintenance of  
2 the interior of these buildings.

3  
4 **FOR THE WHITE RIVER PARK COMMISSION**

5 <b>Total Operating Expense</b>	998,999	998,999
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6  
7 **FOR THE MAUMEE RIVER BASIN COMMISSION**

8 <b>Total Operating Expense</b>	67,658	67,658
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9  
10 **FOR THE ST. JOSEPH RIVER BASIN COMMISSION**

11 <b>Total Operating Expense</b>	58,751	58,751
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12  
13 **FOR THE KANKAKEE RIVER BASIN COMMISSION**

14 <b>Total Operating Expense</b>	67,658	67,658
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15  
16 **C. ENVIRONMENTAL MANAGEMENT**

17  
18 **FOR THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**  
19 **ADMINISTRATION**

20 **From the General Fund**

21 3,363,457	3,363,457
--------------	-----------

22 **From the State Solid Waste Management Fund (IC 13-20-22-2)**

23 66,480	66,480
-----------	--------

24 **From the Indiana Recycling Promotion and Assistance Fund (IC 4-23-5.5-14)**

25 57,475	57,475
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26 **From the Waste Tire Management Fund (IC 13-20-13-8)**

27 101,519	101,519
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28 **From the Title V Operating Permit Program Trust Fund (IC 13-17-8-1)**

29 639,953	639,953
------------	---------

30 **From the Environmental Management Permit Operation Fund (IC 13-15-11-1)**

31 608,752	608,752
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32 **From the Environmental Management Special Fund (IC 13-14-12-1)**

33 88,128	88,128
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34 **From the Hazardous Substances Response Trust Fund (IC 13-25-4-1)**

35 179,093	179,093
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36 **From the Asbestos Trust Fund (IC 13-17-6-3)**

37 23,089	23,089
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38 **From the Underground Petroleum Storage Tank Trust Fund (IC 13-23-6-1)**

39 51,616	51,616
-----------	--------

40 **From the Underground Petroleum Storage Tank Excess Liability Trust Fund (IC 13-23-7-1)**

41 1,761,099	1,761,099
--------------	-----------

42 **Augmentation allowed from the State Solid Waste Management Fund, Indiana**  
43 **Recycling Promotion and Assistance Fund, Waste Tire Management Fund, Title**  
44 **V Operating Permit Program Trust Fund, Environmental Management Permit**  
45 **Operation Fund, Environmental Management Special Fund, Hazardous**  
46 **Substances Response Trust Fund, Asbestos Trust Fund, Underground Petroleum**  
47 **Storage Tank Trust Fund, and Underground Petroleum Storage Tank Excess**  
48 **Liability Trust Fund.**

1 The amounts specified from the General Fund, State Solid Waste Management Fund,  
 2 Indiana Recycling Promotion and Assistance Fund, Waste Tire Management Fund,  
 3 Title V Operating Permit Program Trust Fund, Environmental Management Permit  
 4 Operation Fund, Environmental Management Special Fund, Hazardous Substances  
 5 Response Trust Fund, Asbestos Trust Fund, Underground Petroleum Storage Tank  
 6 Trust Fund, and Underground Petroleum Storage Tank Excess Liability Trust Fund  
 7 are for the following purposes:

8 Personal Services	5,241,508	5,241,508
9 Other Operating Expense	1,699,153	1,699,153

11 **LABORATORY CONTRACTS**

12 Environmental Management Special Fund (IC 13-14-12-1)		
13 Total Operating Expense	461,424	461,424
14 Augmentation allowed.		
15 Hazardous Substances Response Trust Fund (IC 13-25-4-1)		
16 Total Operating Expense	200,747	200,747
17 Augmentation allowed.		

19 **OWQ LABORATORY CONTRACTS**

20 Environmental Management Special Fund (IC 13-14-12-1)		
21 Total Operating Expense	340,470	340,470
22 Augmentation allowed.		
23 Hazardous Substances Response Trust Fund (IC 13-25-4-1)		
24 Total Operating Expense	794,430	794,430
25 Augmentation allowed.		

27 **NORTHWEST REGIONAL OFFICE**

28 From the General Fund		
29 308,229	308,229	
30 From the State Solid Waste Management Fund (IC 13-20-22-2)		
31 6,760	6,760	
32 From the Indiana Recycling Promotion and Assistance Fund (IC 4-23-5.5-14)		
33 5,844	5,844	
34 From the Waste Tire Management Fund (IC 13-20-13-8)		
35 12,094	12,094	
36 From the Title V Operating Permit Program Trust Fund (IC 13-17-8-1)		
37 143,845	143,845	
38 From the Environmental Management Permit Operation Fund (IC 13-15-11-1)		
39 69,339	69,339	
40 From the Environmental Management Special Fund (IC 13-14-12-1)		
41 10,760	10,760	
42 From the Hazardous Substances Response Trust Fund (IC 13-25-4-1)		
43 23,294	23,294	
44 From the Asbestos Trust Fund (IC 13-17-6-3)		
45 5,190	5,190	
46 From the Underground Petroleum Storage Tank Trust Fund (IC 13-23-6-1)		
47 7,396	7,396	
48 Augmentation allowed from the State Solid Waste Management Fund, Indiana		
49		

1        **Recycling Promotion and Assistance Fund, Waste Tire Management Fund, Title**  
2        **V Operating Permit Program Trust Fund, Environmental Management Permit**  
3        **Operation Fund, Environmental Management Special Fund, Hazardous Substances**  
4        **Response Trust Fund, Asbestos Trust Fund, and Underground Petroleum Storage**  
5        **Tank Trust Fund.**

6  
7        **The amounts specified from the General Fund, State Solid Waste Management**  
8        **Fund, Indiana Recycling Promotion and Assistance Fund, Waste Tire Management**  
9        **Fund, Title V Operating Permit Program Trust Fund, Environmental Management**  
10       **Permit Operation Fund, Environmental Management Special Fund, Hazardous**  
11       **Substances Response Trust Fund, Asbestos Trust Fund, and Underground**  
12       **Petroleum Storage Tank Trust Fund are for the following purposes:**

Personal Services	255,609	255,609
Other Operating Expense	337,142	337,142

13  
14  
15  
16  
17        **NORTHERN REGIONAL OFFICE**

18        **From the General Fund**

19                                190,702        190,702

20        **From the State Solid Waste Management Fund (IC 13-20-22-2)**

21                                8,067        8,067

22        **From the Indiana Recycling Promotion and Assistance Fund (IC 4-23-5.5-14)**

23                                6,972        6,972

24        **From the Waste Tire Management Fund (IC 13-20-13-8)**

25                                12,143        12,143

26        **From the Title V Operating Permit Program Trust Fund (IC 13-17-8-1)**

27                                118,951        118,951

28        **From the Environmental Management Permit Operation Fund (IC 13-15-11-1)**

29                                74,143        74,143

30        **From the Environmental Management Special Fund (IC 13-14-12-1)**

31                                11,395        11,395

32        **From the Hazardous Substances Response Trust Fund (IC 13-25-4-1)**

33                                21,336        21,336

34        **From the Asbestos Trust Fund (IC 13-17-6-3)**

35                                4,290        4,290

36        **From the Underground Petroleum Storage Tank Trust Fund (IC 13-23-6-1)**

37                                6,050        6,050

38        **Augmentation allowed from the State Solid Waste Management Fund, Indiana**  
39        **Recycling Promotion and Assistance Fund, Waste Tire Management Fund, Title**  
40        **V Operating Permit Program Trust Fund, Environmental Management Permit**  
41        **Operation Fund, Environmental Management Special Fund, Hazardous Substances**  
42        **Response Trust Fund, Asbestos Trust Fund, and Underground Petroleum Storage**  
43        **Tank Trust Fund.**

44  
45        **The amounts specified from the General Fund, State Solid Waste Management Fund,**  
46        **Indiana Recycling Promotion and Assistance Fund, Waste Tire Management Fund,**  
47        **Title V Operating Permit Program Trust Fund, Environmental Management Permit**  
48        **Operation Fund, Environmental Management Special Fund, Hazardous Substances**  
49        **Response Trust Fund, Asbestos Trust Fund, and Underground Petroleum Storage**

1 Tank Trust Fund are for the following purposes:

2			
3	Personal Services	204,566	204,566
4	Other Operating Expense	249,483	249,483

5  
6 **SOUTHWEST REGIONAL OFFICE**

7 From the General Fund

8 152,909 152,909

9 From the State Solid Waste Management Fund (IC 13-20-22-2)

10 16,615 16,615

11 From the Indiana Recycling Promotion and Assistance Fund (IC 4-23-5.5-14)

12 14,363 14,363

13 From the Waste Tire Management Fund (IC 13-20-13-8)

14 20,150 20,150

15 From the Title V Operating Permit Program Trust Fund (IC 13-17-8-1)

16 69,085 69,085

17 From the Environmental Management Permit Operation Fund (IC 13-15-11-1)

18 65,400 65,400

19 From the Environmental Management Special Fund (IC 13-14-12-1)

20 11,913 11,913

21 From the Hazardous Substances Response Trust Fund (IC 13-25-4-1)

22 22,794 22,794

23 From the Asbestos Trust Fund (IC 13-17-6-3)

24 2,490 2,490

25 From the Underground Petroleum Storage Tank Trust Fund (IC 13-23-6-1)

26 6,564 6,564

27 Augmentation allowed from the State Solid Waste Management Fund, Indiana  
28 Recycling Promotion and Assistance Fund, Waste Tire Management Fund, Title  
29 V Operating Permit Program Trust Fund, Environmental Management Permit  
30 Operation Fund, Environmental Management Special Fund, Hazardous Substances  
31 Response Trust Fund, Asbestos Trust Fund, and Underground Petroleum Storage  
32 Tank Trust Fund.

33  
34 The amounts specified from the General Fund, State Solid Waste Management Fund,  
35 Indiana Recycling Promotion and Assistance Fund, Waste Tire Management Fund,  
36 Title V Operating Permit Program Trust Fund, Environmental Management Permit  
37 Operation Fund, Environmental Management Special Fund, Hazardous Substances  
38 Response Trust Fund, Asbestos Trust Fund, and Underground Petroleum Storage  
39 Tank Trust Fund are for the following purposes:

40			
41	Personal Services	200,171	200,171
42	Other Operating Expense	182,112	182,112

43  
44 **LEGAL AFFAIRS**

45 From the General Fund

46 493,113 493,113

47 From the Waste Tire Management Fund (IC 13-20-13-8)

48 8,168 8,168

49 From the Title V Operating Permit Program Trust Fund (IC 13-17-8-1)

1		217,015	217,015	
2	From the Environmental Management Permit Operation Fund (IC 13-15-11-1)			
3		159,037	159,037	
4	From the Environmental Management Special Fund (IC 13-14-12-1)			
5		19,518	19,518	
6	From the Hazardous Substances Response Trust Fund (IC 13-25-4-1)			
7		36,872	36,872	
8	From the Asbestos Trust Fund (IC 13-17-6-3)			
9		7,829	7,829	
10	From the Underground Petroleum Storage Tank Trust Fund (IC 13-23-6-1)			
11		9,907	9,907	
12	From the Underground Petroleum Storage Tank Excess Liability Trust Fund (IC 13-23-7-1)			
13		337,980	337,980	
14	Augmentation allowed from the Waste Tire Management Fund, Title V Operating			
15	Permit Program Trust Fund, Environmental Management Permit Operation Fund,			
16	Environmental Management Special Fund, Hazardous Substances Response Trust			
17	Fund, Asbestos Trust Fund, Underground Petroleum Storage Tank Trust Fund,			
18	and Underground Petroleum Storage Tank Excess Liability Trust Fund.			

19  
20 The amounts specified from the General Fund, Waste Tire Management Fund, Title V  
21 Operating Permit Program Trust Fund, Environmental Management Permit Operation  
22 Fund, Environmental Management Special Fund, Hazardous Substances Response Trust  
23 Fund, Asbestos Trust Fund, Underground Petroleum Storage Tank Trust Fund, and  
24 Underground Petroleum Storage Tank Excess Liability Trust Fund are for the  
25 following purposes:

26				
27	Personal Services	1,173,821	1,173,821	
28	Other Operating Expense	115,618	115,618	
29				

30 **ENFORCEMENT**

31	From the General Fund			
32		199,909	199,909	
33	From the Waste Tire Management Fund (IC 13-20-13-8)			
34		14,231	14,231	
35	From the Title V Operating Permit Program Trust Fund (IC 13-17-8-1)			
36		55,898	55,898	
37	From the Environmental Management Special Fund (IC 13-14-12-1)			
38		15,847	15,847	
39	From the Hazardous Substances Response Trust Fund (IC 13-25-4-1)			
40		51,200	51,200	
41	From the Asbestos Trust Fund (IC 13-17-6-3)			
42		2,016	2,016	
43	From the Underground Petroleum Storage Tank Trust Fund (IC 13-23-6-1)			
44		17,255	17,255	
45	Augmentation allowed from the Waste Tire Management Fund, Title V Operating			
46	Permit Program Trust Fund, Environmental Management Special Fund, Hazardous			
47	Substances Response Trust Fund, Asbestos Trust Fund, and Underground Petroleum			
48	Storage Tank Trust Fund.			
49				

The amounts specified from the General Fund, Waste Tire Management Fund, Title V Operating Permit Program Trust Fund, Environmental Management Special Fund, Hazardous Substances Response Trust Fund, Asbestos Trust Fund, and Underground Petroleum Storage Tank Trust Fund are for the following purposes:

Personal Services	289,276	289,276
Other Operating Expense	67,080	67,080

**INVESTIGATIONS**

From the General Fund

173,097	173,097
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From the State Solid Waste Management Fund (IC 13-20-22-2)

6,622	6,622
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From the Indiana Recycling Promotion and Assistance Fund (IC 4-23-5.5-14)

5,725	5,725
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From the Waste Tire Management Fund (IC 13-20-13-8)

15,565	15,565
--------	--------

From the Title V Operating Permit Program Trust Fund (IC 13-17-8-1)

57,883	57,883
--------	--------

From the Environmental Management Permit Operation Fund (IC 13-15-11-1)

83,397	83,397
--------	--------

From the Environmental Management Special Fund (IC 13-14-12-1)

10,405	10,405
--------	--------

From the Hazardous Substances Response Trust Fund (IC 13-25-4-1)

33,468	33,468
--------	--------

From the Asbestos Trust Fund (IC 13-17-6-3)

2,088	2,088
-------	-------

From the Underground Petroleum Storage Tank Trust Fund (IC 13-23-6-1)

11,753	11,753
--------	--------

Augmentation allowed from the State Solid Waste Management Fund, Indiana Recycling Promotion and Assistance Fund, Waste Tire Management Fund, Title V Operating Permit Program Trust Fund, Environmental Management Permit Operation Fund, Environmental Management Special Fund, Hazardous Substances Response Trust Fund, Asbestos Trust Fund, and Underground Petroleum Storage Tank Trust Fund.

The amounts specified from the General Fund, State Solid Waste Management Fund, Indiana Recycling Promotion and Assistance Fund, Waste Tire Management Fund, Title V Operating Permit Program Trust Fund, Environmental Management Permit Operation Fund, Environmental Management Special Fund, Hazardous Substances Response Trust Fund, Asbestos Trust Fund, and Underground Petroleum Storage Tank Trust Fund are for the following purposes:

Personal Services	330,556	330,556
Other Operating Expense	69,447	69,447

**MEDIA AND COMMUNICATIONS**

From the General Fund

417,794	417,794
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From the State Solid Waste Management Fund (IC 13-20-22-2)

1		8,437	8,437	
2	From the Indiana Recycling Promotion and Assistance Fund (IC 4-23-5.5-14)			
3		7,294	7,294	
4	From the Waste Tire Management Fund (IC 13-20-13-8)			
5		12,595	12,595	
6	From the Title V Operating Permit Program Trust Fund (IC 13-17-8-1)			
7		73,727	73,727	
8	From the Environmental Management Permit Operation Fund (IC 13-15-11-1)			
9		64,768	64,768	
10	From the Environmental Management Special Fund (IC 13-14-12-1)			
11		9,757	9,757	
12	From the Hazardous Substances Response Trust Fund (IC 13-25-4-1)			
13		20,693	20,693	
14	From the Asbestos Trust Fund (IC 13-17-6-3)			
15		2,657	2,657	
16	From the Underground Petroleum Storage Tank Trust Fund (IC 13-23-6-1)			
17		6,208	6,208	
18	From the Underground Petroleum Storage Tank Excess Liability Trust Fund (IC 13-23-7-1)			
19		211,660	211,660	
20	Augmentation allowed from the State Solid Waste Management Fund, Indiana			
21	Recycling Promotion and Assistance Fund, Waste Tire Management Fund, Title V			
22	Operating Permit Program Trust Fund, Environmental Management Permit Operation			
23	Fund, Environmental Management Special Fund, Hazardous Substances Response			
24	Trust Fund, Asbestos Trust Fund, Underground Petroleum Storage Tank Trust			
25	Fund, and Underground Petroleum Storage Tank Excess Liability Trust Fund.			
26				
27	The amounts specified from the General Fund, State Solid Waste Management Fund,			
28	Indiana Recycling Promotion and Assistance Fund, Waste Tire Management Fund,			
29	Title V Operating Permit Program Trust Fund, Environmental Management Permit			
30	Operation Fund, Environmental Management Special Fund, Hazardous Substances			
31	Response Trust Fund, Asbestos Trust Fund, Underground Petroleum Storage Tank			
32	Trust Fund, and Underground Petroleum Storage Tank Excess Liability Trust Fund,			
33	are for the following purposes:			
34				
35	Personal Services	780,640	780,640	
36	Other Operating Expense	54,950	54,950	
37				
38	<b>COMMUNITY RELATIONS</b>			
39	From the General Fund			
40		480,081	480,081	
41	From the State Solid Waste Management Fund (IC 13-20-22-2)			
42		13,954	13,954	
43	From the Indiana Recycling Promotion and Assistance Fund (IC 4-23-5.5-14)			
44		12,061	12,061	
45	From the Waste Tire Management Fund (IC 13-20-13-8)			
46		20,830	20,830	
47	From the Title V Operating Permit Program Trust Fund (IC 13-17-8-1)			
48		121,916	121,916	
49	From the Environmental Management Permit Operation Fund (IC 13-15-11-1)			



1		107,104	107,104	
2	From the Environmental Management Special Fund (IC 13-14-12-1)			
3		16,124	16,124	
4	From the Hazardous Substances Response Trust Fund (IC 13-25-4-1)			
5		34,215	34,215	
6	From the Asbestos Trust Fund (IC 13-17-6-3)			
7		4,398	4,398	
8	From the Underground Petroleum Storage Tank Trust Fund (IC 13-23-6-1)			
9		10,260	10,260	
10	From the Underground Petroleum Storage Tank Excess Liability Trust Fund (IC 13-23-7-1)			
11		349,996	349,996	
12	Augmentation allowed from the State Solid Waste Management Fund, Indiana			
13	Recycling Promotion and Assistance Fund, Waste Tire Management Fund, Title V			
14	Operating Permit Program Trust Fund, Environmental Management Permit Operation			
15	Fund, Environmental Management Special Fund, Hazardous Substances Response			
16	Trust Fund, Asbestos Trust Fund, Underground Petroleum Storage Tank Trust			
17	Fund, and Underground Petroleum Storage Tank Excess Liability Trust Fund.			

18  
19 The amounts specified from the General Fund, State Solid Waste Management Fund,  
20 Indiana Recycling Promotion and Assistance Fund, Waste Tire Management Fund,  
21 Title V Operating Permit Program Trust Fund, Environmental Management Permit  
22 Operation Fund, Environmental Management Special Fund, Hazardous Substances  
23 Response Trust Fund, Asbestos Trust Fund, Underground Petroleum Storage Tank  
24 Trust Fund, and Underground Petroleum Storage Tank Excess Liability Trust Fund  
25 are for the following purposes:

26	Personal Services	1,080,148	1,080,148	
27	Other Operating Expense	90,791	90,791	

29	<b>OHIO RIVER VALLEY WATER SANITATION COMMISSION</b>			
30	Environmental Management Special Fund (IC 13-14-12-1)			
31	Total Operating Expense	270,242	270,242	
32	Augmentation allowed.			

33	<b>OFFICE OF ENVIRONMENTAL RESPONSE</b>			
34	Personal Services	3,000,468	3,000,468	
35	Other Operating Expense	319,013	319,013	

36	<b>POLLUTION PREVENTION AND TECHNICAL ASSISTANCE</b>			
37	Personal Services	1,456,036	1,456,036	
38	Other Operating Expense	437,489	437,489	

39	<b>PCB INSPECTIONS</b>			
40	Environmental Management Permit Operation Fund (IC 13-15-11-1)			
41	Total Operating Expense	30,562	30,562	
42	Augmentation allowed.			

43	<b>U.S. GEOLOGICAL SURVEY CONTRACTS</b>			
44	Environmental Management Special Fund (IC 13-14-12-1)			
45	Total Operating Expense	64,398	64,398	
46	Augmentation allowed.			

47	<b>STATE SOLID WASTE GRANTS MANAGEMENT</b>			
48	State Solid Waste Management Fund (IC 13-20-22-2)			
49				

		<i>FY 2009-2010 Appropriation</i>	<i>FY 2010-2011 Appropriation</i>	<i>Biennial Appropriation</i>
1	Personal Services	391,814	391,814	
2	Other Operating Expense	337,443	337,443	
3	Augmentation allowed.			
4	<b>RECYCLING OPERATING</b>			
5	Indiana Recycling Promotion and Assistance Fund (IC 4-23-5.5-14)			
6	Personal Services	325,931	325,931	
7	Other Operating Expense	312,525	312,525	
8	Augmentation allowed.			
9	<b>RECYCLING PROMOTION AND ASSISTANCE PROGRAM</b>			
10	Indiana Recycling Promotion and Assistance Fund (IC 4-23-5.5-14)			
11	Total Operating Expense	770,000	770,000	
12	Augmentation allowed.			
13	<b>VOLUNTARY CLEAN-UP PROGRAM</b>			
14	Voluntary Remediation Fund (IC 13-25-5-21)			
15	Personal Services	739,322	739,322	
16	Other Operating Expense	179,935	179,935	
17	Augmentation allowed.			
18	<b>TITLE V AIR PERMIT PROGRAM</b>			
19	Title V Operating Permit Program Trust Fund (IC 13-17-8-1)			
20	Personal Services	12,041,882	12,041,882	
21	Other Operating Expense	2,798,196	2,798,196	
22	Augmentation allowed.			
23	<b>WATER MANAGEMENT PERMITTING</b>			
24	From the General Fund			
25		1,923,612	1,923,612	
26	From the Environmental Management Permit Operation Fund (IC 13-15-11-1)			
27		4,867,843	4,867,843	
28	Augmentation allowed from the Environmental Management Permit Operation Fund.			
29				
30	The amounts specified from the General Fund and the Environmental Management Permit			
31	Operation Fund are for the following purposes:			
32				
33	Personal Services	6,136,065	6,136,065	
34	Other Operating Expense	655,390	655,390	
35				
36	<b>SOLID WASTE MANAGEMENT PERMITTING</b>			
37	From the General Fund			
38		2,221,388	2,221,388	
39	From the Environmental Management Permit Operation Fund (IC 13-15-11-1)			
40		3,409,461	3,409,461	
41	Augmentation allowed from the Environmental Management Permit Operation Fund.			
42				
43	The amounts specified from the General Fund and the Environmental Management Permit			
44	Operation Fund are for the following purposes:			
45				
46	Personal Services	5,310,601	5,310,601	
47	Other Operating Expense	320,248	320,248	
48				
49	<b>CFO/CAFO INSPECTIONS</b>			

FY 2009-2010  
Appropriation

FY 2010-2011  
Appropriation

Biennial  
Appropriation

Total Operating Expense 450,000 450,000

**HAZARDOUS WASTE MANAGEMENT PERMITTING**

From the General Fund

2,319,283 2,319,283

From the Environmental Management Permit Operation Fund (IC 13-15-11-1)

2,762,897 2,762,897

Augmentation allowed from the Environmental Management Permit Operation Fund.

The amounts specified from the General Fund and the Environmental Management Permit Operation Fund are for the following purposes:

Personal Services 4,156,730 4,156,730

Other Operating Expense 925,450 925,450

**SAFE DRINKING WATER PROGRAM**

From the General Fund

371,290 371,290

From the Environmental Management Permit Operation Fund (IC 13-15-11-1)

2,421,272 2,421,272

Augmentation allowed from the Environmental Management Permit Operation Fund.

The amounts specified from the General Fund and the Environmental Management Permit Operation Fund are for the following purposes:

Personal Services 2,301,996 2,301,996

Other Operating Expense 490,566 490,566

**CLEAN VESSEL PUMPOUT**

Environmental Management Special Fund (IC 13-14-12-1)

Total Operating Expense 77,588 77,588

Augmentation allowed.

**GROUNDWATER PROGRAM**

Environmental Management Special Fund (IC 13-14-12-1)

Total Operating Expense 122,150 122,150

Augmentation allowed.

**UNDERGROUND STORAGE TANK PROGRAM**

Underground Petroleum Storage Tank Trust Fund (IC 13-23-6-1)

Total Operating Expense 656,973 656,973

Augmentation allowed.

Underground Petroleum Storage Tank Excess Liability Trust Fund (IC 13-23-7-1)

Total Operating Expense 282,669 282,669

Augmentation allowed.

**AIR MANAGEMENT OPERATING**

From the General Fund

620,477 620,477

From the Environmental Management Special Fund (IC 13-14-12-1)

248,424 248,424

Augmentation allowed from the Environmental Management Special Fund.

The amounts specified from the General Fund and the Environmental Management Special Fund are for the following purposes:

Personal Services	518,018	518,018	
Other Operating Expense	350,883	350,883	
<b>WATER MANAGEMENT NONPERMITTING</b>			
Personal Services	3,291,009	3,291,009	
Other Operating Expense	719,538	719,538	
<b>GREAT LAKES INITIATIVE</b>			
Environmental Management Special Fund (IC 13-14-12-1)			
Total Operating Expense	57,207	57,207	
Augmentation allowed.			
<b>OUTREACH OPERATOR TRAINING</b>			
General Fund			
Total Operating Expense	2,963	2,963	
Environmental Management Special Fund (IC 13-14-12-1)			
Total Operating Expense	5,924	5,924	
Augmentation allowed.			
<b>LEAKING UNDERGROUND STORAGE TANKS</b>			
Underground Petroleum Storage Tank Trust Fund (IC 13-23-6-1)			
Personal Services	161,311	161,311	
Other Operating Expense	31,718	31,718	
Augmentation allowed.			
<b>CORE SUPERFUND</b>			
Hazardous Substances Response Trust Fund (IC 13-25-4-1)			
Total Operating Expense	12,967	12,967	
Augmentation allowed.			
<b>AUTO EMISSIONS TESTING PROGRAM</b>			
Personal Services	86,983	86,983	
Other Operating Expense	5,672,829	5,672,829	

The above appropriations for auto-emissions testing are the maximum amounts available for this purpose. If it becomes necessary to conduct additional tests in other locations, the above appropriations shall be prorated among all locations.

<b>HAZARDOUS WASTE SITE - STATE CLEAN-UP</b>			
Hazardous Substances Response Trust Fund (IC 13-25-4-1)			
Personal Services	1,425,495	1,425,495	
Other Operating Expense	515,152	515,152	
Augmentation allowed.			
<b>HAZARDOUS WASTE SITES - NATURAL RESOURCE DAMAGES</b>			
Hazardous Substances Response Trust Fund (IC 13-25-4-1)			
Personal Services	141,408	141,408	
Other Operating Expense	289,544	289,544	
Augmentation allowed.			
<b>SUPERFUND MATCH</b>			
Hazardous Substances Response Trust Fund (IC 13-25-4-1)			

	<i>FY 2009-2010 Appropriation</i>	<i>FY 2010-2011 Appropriation</i>	<i>Biennial Appropriation</i>
1	Total Operating Expense	511,675	511,675
2	Augmentation allowed.		
3	<b>HOUSEHOLD HAZARDOUS WASTE</b>		
4	Hazardous Substances Response Trust Fund (IC 13-25-4-1)		
5	Other Operating Expense	278,293	278,293
6	Augmentation allowed.		
7	<b>ASBESTOS TRUST - OPERATING</b>		
8	Asbestos Trust Fund (IC 13-17-6-3)		
9	Personal Services	415,391	415,391
10	Other Operating Expense	132,292	132,292
11	Augmentation allowed.		
12	<b>UNDERGROUND PETROLEUM STORAGE TANK - OPERATING</b>		
13	Underground Petroleum Storage Tank Excess Liability Trust Fund (IC 13-23-7-1)		
14	Personal Services	874,215	874,215
15	Other Operating Expense	42,446,857	42,446,857
16	Augmentation allowed.		
17	<b>WASTE TIRE MANAGEMENT</b>		
18	Waste Tire Management Fund (IC 13-20-13-8)		
19	Total Operating Expense	563,887	563,887
20	Augmentation allowed.		
21	<b>WASTE TIRE RE-USE</b>		
22	Waste Tire Management Fund (IC 13-20-13-8)		
23	Total Operating Expense	907,796	907,796
24	Augmentation allowed.		
25	<b>VOLUNTARY COMPLIANCE</b>		
26	Environmental Management Special Fund (IC 13-14-12-1)		
27	Personal Services	293,070	293,070
28	Other Operating Expense	170,394	170,394
29	Augmentation allowed.		
30	<b>ENVIRONMENTAL MANAGEMENT SPECIAL FUND - OPERATING</b>		
31	Environmental Management Special Fund (IC 13-14-12-1)		
32	Total Operating Expense	961,315	961,315
33	Augmentation allowed.		
34	<b>SMALL TOWN COMPLIANCE</b>		
35	Environmental Management Special Fund (IC 13-14-12-1)		
36	Total Operating Expense	58,200	58,200
37	Augmentation allowed.		
38	<b>WETLANDS PROTECTION</b>		
39	Environmental Management Special Fund (IC 13-14-12-1)		
40	Total Operating Expense	22,148	22,148
41	Augmentation allowed.		
42	<b>PETROLEUM TRUST - OPERATING</b>		
43	Underground Petroleum Storage Tank Trust Fund (IC 13-23-6-1)		
44	Personal Services	121,790	121,790
45	Other Operating Expense	350,689	350,689
46	Augmentation allowed.		

47  
48 Notwithstanding any other law, with the approval of the governor and the budget agency,  
49 the above appropriations for hazardous waste management permitting, wetlands

1 protection, groundwater program, underground storage tank program, air management  
 2 operating, asbestos trust operating, water management nonpermitting, safe drinking water  
 3 program, and any other appropriation eligible to be included in a performance  
 4 partnership grant may be used to fund activities incorporated into a performance  
 5 partnership grant between the United States Environmental Protection Agency and the  
 6 department of environmental management.

7  
 8 **FOR THE OFFICE OF ENVIRONMENTAL ADJUDICATION**

9	Personal Services	308,690	308,690
10	Other Operating Expense	59,560	59,560

11  
 12 **SECTION 6. [EFFECTIVE JULY 1, 2009]**

13  
 14 **ECONOMIC DEVELOPMENT**

15  
 16 **A. AGRICULTURE**

17  
 18 **FOR THE DEPARTMENT OF AGRICULTURE**

19	Personal Services	1,930,284	1,930,284
20	Other Operating Expense	456,387	456,387

21  
 22 **DISTRIBUTIONS TO FOOD BANKS**

23	Total Operating Expense	300,000	300,000
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24 **CLEAN WATER INDIANA**

25 **Build Indiana Fund (IC 4-30-17)**

26	Total Operating Expense	500,000	500,000
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27 **Cigarette Tax Fund (IC 6-7-1-29.1)**

28	Total Operating Expense	3,666,425	3,666,425
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29 Augmentation allowed.

30 **SOIL CONSERVATION DIVISION**

31 **Cigarette Tax Fund (IC 6-7-1-29.1)**

32	Total Operating Expense	1,862,216	1,862,216
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33 Augmentation allowed.

34 **GRAIN BUYERS AND WAREHOUSE LICENSING**

35 **Grain Buyers and Warehouse Licensing Agency License Fee Fund (IC 26-3-7-6.3)**

36	Total Operating Expense	165,050	165,050
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37 Augmentation allowed.

38  
 39 **B. COMMERCE**

40  
 41 **FOR THE LIEUTENANT GOVERNOR**

42 **RURAL ECONOMIC DEVELOPMENT FUND**

43 **Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)**

44	Total Operating Expense	1,747,688	1,747,688
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45 **OFFICE OF TOURISM**

46 **General Fund**

47	3,406,684	3,406,684
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48 **ARRA State Fiscal Stabilization Fund (Section 14002(b))**

49	1,000,000	1,000,000
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	<i>FY 2009-2010 Appropriation</i>	<i>FY 2010-2011 Appropriation</i>	<i>Biennial Appropriation</i>
1	<b>Total Operating Expense</b>	<b>4,406,684</b>	<b>4,406,684</b>
2			
3	<b>Of the above appropriations, the office of tourism shall distribute \$1,000,000 each</b>		
4	<b>year to the Indiana Sports Corporation to promote the hosting of amateur sporting</b>		
5	<b>events in Indiana cities. Funds may be released after review by the budget committee.</b>		
6	<b>The above appropriations include \$1,000,000 for grants for local convention and visitors</b>		
7	<b>bureaus and other local organizations that exist to promote tourism. The office of</b>		
8	<b>tourism shall develop standards for application for grants and award of grants, including</b>		
9	<b>a local match requirement. The maximum amount of a grant is \$50,000. Funds may be</b>		
10	<b>released only after review by the budget committee.</b>		
11			
12	<b>STATE ENERGY PROGRAM</b>		
13	<b>Total Operating Expense</b>	<b>237,963</b>	<b>237,963</b>
14	<b>FOOD ASSISTANCE PROGRAM</b>		
15	<b>Total Operating Expense</b>	<b>131,261</b>	<b>131,261</b>
16			
17	<b>FOR THE INDIANA ECONOMIC DEVELOPMENT CORPORATION</b>		
18	<b>ADMINISTRATIVE AND FINANCIAL SERVICES</b>		
19	<b>General Fund</b>		
20	<b>Total Operating Expense</b>	<b>6,423,392</b>	<b>6,423,392</b>
21	<b>Training 2000 Fund (IC 5-28-7-5)</b>		
22	<b>Total Operating Expense</b>	<b>185,630</b>	<b>185,630</b>
23	<b>Industrial Development Grant Fund (IC 5-28-25-4)</b>		
24	<b>Total Operating Expense</b>	<b>52,139</b>	<b>52,139</b>
25	<b>21ST CENTURY RESEARCH &amp; TECHNOLOGY FUND</b>		
26	<b>From the General Fund</b>		
27	<b>12,500,000</b>	<b>12,500,000</b>	
28	<b>From the ARRA State Fiscal Stabilization Fund (Section 14002(b))</b>		
29	<b>12,500,000</b>	<b>12,500,000</b>	
30	<b>Total Operating Expense</b>	<b>25,000,000</b>	<b>25,000,000</b>
31	<b>INTERNATIONAL TRADE</b>		
32	<b>Total Operating Expense</b>	<b>1,297,049</b>	<b>1,297,049</b>
33	<b>ENTERPRISE ZONE PROGRAM</b>		
34	<b>Enterprise Zone Fund (IC 5-28-15-6)</b>		
35	<b>Total Operating Expense</b>	<b>215,536</b>	<b>215,536</b>
36	<b>Augmentation allowed.</b>		
37	<b>LOCAL ECONOMIC DEVELOPMENT ORGANIZATION/ REGIONAL ECONOMIC DEVELOPMENT ORGANIZATION (LEDO/REDO) MATCHING GRANT PROGRAM</b>		
38			
39			
40	<b>Total Operating Expense</b>		<b>1,713,990</b>
41	<b>TRAINING 2000</b>		
42	<b>General Fund</b>		
43	<b>Total Operating Expense</b>		<b>19,401,660</b>
44	<b>Training 2000 Fund (IC 5-28-7-5)</b>		
45	<b>Total Operating Expense</b>		<b>3,858,206</b>
46	<b>Augmentation allowed.</b>		
47	<b>BUSINESS PROMOTION PROGRAM</b>		
48	<b>Total Operating Expense</b>		<b>2,049,126</b>
49	<b>TRADE PROMOTION PROGRAM</b>		

	<i>FY 2009-2010 Appropriation</i>	<i>FY 2010-2011 Appropriation</i>	<i>Biennial Appropriation</i>
1	<b>Total Operating Expense</b>		
2	167,791	167,791	
3	<b>BUSINESS DEVELOPMENT LOAN PROGRAM</b>		
4	<b>Total Operating Expense</b>		
5	838,953	838,953	
6	<b>AG LOAN AND RURAL DEVELOP GUARANTEE FUND</b>		
7	<b>Economic Development Fund (IC 5-28-8-5)</b>		
8	<b>Total Operating Expense</b>		
9	200,000	200,000	
10	<b>Augmentation allowed.</b>		
11	<b>ECONOMIC DEVELOPMENT GRANT AND LOAN PROGRAM</b>		
12	<b>General Fund</b>		
13	<b>Total Operating Expense</b>		
14			1,006,744
15	<b>Economic Development Fund (IC 5-28-8-5)</b>		
16	<b>Total Operating Expense</b>		
17			448,256
18	<b>Augmentation allowed.</b>		
19	<b>INDUSTRIAL DEVELOPMENT GRANT PROGRAM</b>		
20	<b>General Fund</b>		
21	<b>Total Operating Expense</b>		
22			6,500,000
23	<b>Industrial Development Grant Fund (IC 5-28-25-4)</b>		
24	<b>Total Operating Expense</b>		
25			4,500,000
26	<b>Augmentation allowed.</b>		
27	<b>TECHNOLOGY DEVELOPMENT GRANT PROGRAM</b>		
28	<b>Total Operating Expense</b>		
29	1,894,410	1,894,410	
30	<b>FOR THE INDIANA FINANCE AUTHORITY (IFA)</b>		
31	<b>ENVIRONMENTAL REMEDIATION REVOLVING LOAN PROGRAM</b>		
32	<b>Total Operating Expense</b>		
33			2,097,382
34	<b>FOR THE HOUSING AND COMMUNITY DEVELOPMENT AUTHORITY</b>		
35	<b>INDIANA INDIVIDUAL DEVELOPMENT ACCOUNTS</b>		
36	<b>Total Operating Expense</b>		
37	1,600,000	1,600,000	
38	<b>The housing and community development authority shall collect and report to the family and social services administration (FSSA) all data required for FSSA to meet the data collection and reporting requirements in 45 CFR Part 265.</b>		
39	<b>Family and social services administration, division of family resources shall apply all qualifying expenditures for individual development accounts deposits toward Indiana's maintenance of effort under the federal Temporary Assistance to Needy Families (TANF) program (45 CFR 260 et seq.).</b>		
40	<b>MORTGAGE FORECLOSURE COUNSELING</b>		
41	<b>Home Ownership Education Fund (IC 5-20-1-27)</b>		
42	<b>Total Operating Expense</b>		
43	2,000,000	2,000,000	
44	<b>Augmentation Allowed.</b>		
45	<b>FOR THE STATE BUDGET AGENCY</b>		
46	<b>MIDWEST INSTITUTE FOR NANOELECTRONICS DISCOVERY (MIND)</b>		
47	<b>ARRA State Fiscal Stabilization Fund (Section 14002(b))</b>		
48	<b>Total Operating Expense</b>		
49			10,000,000



1 **C. EMPLOYMENT SERVICES**

2  
3 **FOR THE DEPARTMENT OF WORKFORCE DEVELOPMENT**

4 **ADMINISTRATION**

Total Operating Expense	855,000	855,000
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6 **WOMEN'S COMMISSION**

Personal Services	106,824	106,824
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Other Operating Expense	12,175	12,175
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9 **NATIVE AMERICAN INDIAN AFFAIRS COMMISSION**

Total Operating Expense	90,211	90,211
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11  
12 The above appropriations may be used by the American Indian Center of Indiana for  
13 educational projects for K-5 students.

15 **COMMISSION ON HISPANIC/LATINO AFFAIRS**

Total Operating Expense	124,235	124,235
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17  
18 The above appropriations are in addition to any funding for the commission derived  
19 from funds appropriated to the department of workforce development.

21 **D. OTHER ECONOMIC DEVELOPMENT**

22  
23 **FOR THE INDIANA STATE FAIR BOARD**

24 **STATE FAIR**

Total Operating Expense	2,119,124	2,119,124
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26  
27 **SECTION 7. [EFFECTIVE JULY 1, 2009]**

28  
29 **TRANSPORTATION**

30  
31 **FOR THE DEPARTMENT OF TRANSPORTATION**

32  
33 For the conduct and operation of the department of transportation, the following  
34 sums are appropriated for the periods designated, from federal funds, the state general  
35 fund, the public mass transportation fund, the industrial rail service fund, the  
36 state highway fund, the motor vehicle highway account, the distressed road fund,  
37 the state highway road construction and improvement fund, the motor carrier regulation  
38 fund, and the crossroads 2000 fund.

39  
40 **INTERMODAL GRANT PROGRAM**

41 **Public Mass Transportation Fund (IC 8-23-3-8)**

Total Operating Expense	50,000	50,000
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43 Augmentation allowed.

44 **RAILROAD GRADE CROSSING IMPROVEMENT**

45 **Motor Vehicle Highway Account (IC 8-14-1)**

Total Operating Expense	500,000	500,000
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47 **HIGH SPEED RAIL**

48 **Industrial Rail Service Fund (IC 8-3-1.7-2)**

Matching Funds		40,000
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Augmentation allowed.

**PUBLIC MASS TRANSPORTATION**

Public Mass Transportation Fund (IC 8-23-3-8)

Total Operating Expense	43,740,000	45,980,000
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Augmentation allowed.

Any unencumbered amount remaining from this appropriation at the end of a state fiscal year remains available in subsequent state fiscal years for the purposes for which it is appropriated.

The appropriations are to be used solely for the promotion and development of public transportation. The department of transportation shall allocate funds based on a formula approved by the commissioner of the department of transportation.

The department of transportation may distribute public mass transportation funds to an eligible grantee that provides public transportation in Indiana.

The state funds can be used to match federal funds available under the Federal Transit Act (49 U.S.C. 1601, et seq.) or local funds from a requesting grantee.

Before funds may be disbursed to a grantee, the grantee must submit its request for financial assistance to the department of transportation for approval. Allocations must be approved by the governor and the budget agency after review by the budget committee and shall be made on a reimbursement basis. Only applications for capital and operating assistance may be approved. Only those grantees that have met the reporting requirements under IC 8-23-3 are eligible for assistance under this appropriation.

**HIGHWAY OPERATING**

State Highway Fund (IC 8-23-9-54)		
Personal Services	256,703,031	252,219,117
Other Operating Expense	63,309,536	63,309,536

**HIGHWAY VEHICLE AND ROAD MAINTENANCE EQUIPMENT**

State Highway Fund (IC 8-23-9-54)		
Other Operating Expense	8,800,000	18,000,000

The above appropriations for highway operating and highway vehicle and road maintenance equipment may be used for personal services, equipment, and other operating expense, including the cost of transportation for the governor.

**HIGHWAY MAINTENANCE WORK PROGRAM**

State Highway Fund (IC 8-23-9-54)		
Other Operating Expense	63,000,000	70,000,000

The above appropriations for the highway maintenance work program may be used for:

- (1) materials for patching roadways and shoulders;
- (2) repairing and painting bridges;
- (3) installing signs and signals and painting roadways for traffic control;
- (4) mowing, herbicide application, and brush control;

- 1 (5) drainage control;
- 2 (6) maintenance of rest areas, public roads on properties of the department of natural
- 3 resources, and driveways on the premises of all state facilities;
- 4 (7) materials for snow and ice removal;
- 5 (8) utility costs for roadway lighting; and
- 6 (9) other special maintenance and support activities consistent with the highway
- 7 maintenance work program.

8

9 **HIGHWAY CAPITAL IMPROVEMENTS**

10 **State Highway Fund (IC 8-23-9-54)**

11 <b>Right-of-Way Expense</b>	38,250,000	24,800,000
12 <b>Formal Contracts Expense</b>	47,181,225	72,307,207
13 <b>Consulting Services Expense</b>	18,600,000	24,736,741
14 <b>Institutional Road Construction</b>	5,000,000	5,000,000

15

16 The above appropriations for the capital improvements program may be used for:

- 17 (1) bridge rehabilitation and replacement;
- 18 (2) road construction, reconstruction, or replacement;
- 19 (3) construction, reconstruction, or replacement of travel lanes, intersections,
- 20 grade separations, rest parks, and weigh stations;
- 21 (4) relocation and modernization of existing roads;
- 22 (5) resurfacing;
- 23 (6) erosion and slide control;
- 24 (7) construction and improvement of railroad grade crossings, including the use of
- 25 the appropriations to match federal funds for projects;
- 26 (8) small structure replacements;
- 27 (9) safety and spot improvements; and
- 28 (10) right-of-way, relocation, and engineering and consulting expenses associated
- 29 with any of the above types of projects.

30

31 The appropriations for highway operating, highway vehicle and road maintenance

32 equipment, highway buildings and grounds, the highway planning and research program,

33 the highway maintenance work program, and highway capital improvements are appropriated

34 from estimated revenues, which include the following:

- 35 (1) Funds distributed to the state highway fund from the motor vehicle highway account
- 36 under IC 8-14-1-3(4).
- 37 (2) Funds distributed to the state highway fund from the highway, road and street
- 38 fund under IC 8-14-2-3.
- 39 (3) All fees and miscellaneous revenues deposited in or accruing to the state highway
- 40 fund under IC 8-23-9-54.
- 41 (4) Any unencumbered funds carried forward in the state highway fund from any previous
- 42 fiscal year.
- 43 (5) All other funds appropriated or made available to the department of transportation
- 44 by the general assembly.

45

46 If funds from sources set out above for the department of transportation exceed appropriations

47 from those sources to the department, the excess amount is hereby appropriated to

48 be used for formal contracts with approval of the governor and the budget agency.

49

1      **If there is a change in a statute reducing or increasing revenue for department use,**  
 2      **the budget agency shall notify the auditor of state to adjust the above appropriations**  
 3      **to reflect the estimated increase or decrease. Upon the request of the department,**  
 4      **the budget agency, with the approval of the governor, may allot any increase in appropriations**  
 5      **to the department for formal contracts.**

6  
 7      **If the department of transportation finds that an emergency exists or that an appropriation**  
 8      **will be insufficient to cover expenses incurred in the normal operation of the department,**  
 9      **the budget agency may, upon request of the department, and with the approval of the**  
 10     **governor, transfer funds from revenue sources set out above from one (1) appropriation**  
 11     **to the deficient appropriation. No appropriation from the state highway fund may**  
 12     **be used to fund any toll road or toll bridge project except as specifically provided**  
 13     **for under IC 8-15-2-20.**

14  
 15      **HIGHWAY PLANNING AND RESEARCH PROGRAM**

16      **State Highway Fund (IC 8-23-9-54)**

17 <b>Total Operating Expense</b>	2,500,000	2,500,000
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18  
 19      **STATE HIGHWAY ROAD CONSTRUCTION AND IMPROVEMENT PROGRAM**

20      **State Highway Road Construction Improvement Fund (IC 8-14-10-5)**

21 <b>Lease Rental Payments Expense</b>	61,524,711	62,139,958
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22      **Augmentation allowed.**

23  
 24      **The above appropriations for the state highway road construction and improvement**  
 25      **program are appropriated from the state highway road construction and improvement**  
 26      **fund provided in IC 8-14-10-5 and may include any unencumbered funds carried forward**  
 27      **from any previous fiscal year. The funds shall be first used for payment of rentals**  
 28      **and leases relating to projects under IC 8-14.5. If any funds remain, the funds may**  
 29      **be used for the following purposes.**

- 30      **(1) road and bridge construction, reconstruction, or replacement;**  
 31      **(2) construction, reconstruction, or replacement of travel lanes, intersections,**  
 32      **and grade separations;**  
 33      **(3) relocation and modernization of existing roads; and**  
 34      **(4) right-of-way, relocation, and engineering and consulting expenses associated**  
 35      **with any of the above types of projects.**

36  
 37      **CROSSROADS 2000 PROGRAM**

38      **Crossroads 2000 Fund (IC 8-14-10-9)**

39 <b>Lease Rental Payment Expense</b>	46,142,787	38,517,564
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40      **Augmentation allowed.**

41  
 42      **The above appropriations for the crossroads 2000 program are appropriated from the**  
 43      **crossroads 2000 fund provided in IC 8-14-10-9 and may include any unencumbered funds**  
 44      **carried forward from any previous fiscal year. The funds shall be first used for**  
 45      **payment of rentals and leases relating to projects under IC 8-14-10-9. If any funds**  
 46      **remain, the funds may be used for the following purposes:**

- 47      **(1) road and bridge construction, reconstruction, or replacement;**  
 48      **(2) construction, reconstruction, or replacement of travel lanes, intersections, and**  
 49      **grade separations;**

1 (3) relocation and modernization of existing roads; and  
2 (4) right-of-way, relocation, and engineering and consulting expenses associated  
3 with any of the above types of projects.  
4

5 **MAJOR MOVES CONSTRUCTION PROGRAM**

6 Major Moves Construction Fund (IC 8-14-14-5)

7 Formal Contracts Expense 545,000,000 535,000,000

8  
9 **FEDERAL APPORTIONMENT**

10 Right-of-Way Expense 174,250,000 113,100,000

11 Formal Contracts Expense 426,642,292 502,792,291

12 Consulting Engineers Expense 84,500,000 69,500,000

13 Highway Planning and Research 12,807,708 12,807,709

14 Local Government Revolving Acct. 266,000,000 266,000,000  
15

16 The department may establish an account to be known as the "local government revolving  
17 account". The account is to be used to administer the federal-local highway construction  
18 program. All contracts issued and all funds received for federal-local projects under  
19 this program shall be entered into this account.  
20

21 If the federal apportionments for the fiscal years covered by this act exceed the  
22 above estimated appropriations for the department or for local governments, the excess  
23 federal apportionment is hereby appropriated for use by the department with the approval  
24 of the governor and the budget agency.  
25

26 The department shall bill, in a timely manner, the federal government for all department  
27 payments that are eligible for total or partial reimbursement.  
28

29 The department may let contracts and enter into agreements for construction and preliminary  
30 engineering during each year of the 2009-2011 biennium that obligate not more than  
31 one-third (1/3) of the amount of state funds estimated by the department to be available  
32 for appropriation in the following year for formal contracts and consulting engineers  
33 for the capital improvements program.  
34

35 Under IC 8-23-5-7(a), the department, with the approval of the governor, may construct  
36 and maintain roadside parks and highways where highways will connect any state highway  
37 now existing, or hereafter constructed, with any state park, state forest preserve,  
38 state game preserve, or the grounds of any state institution. There is appropriated  
39 to the department of transportation an amount sufficient to carry out the provisions  
40 of this paragraph. Under IC 8-23-5-7(d), such appropriations shall be made from  
41 the motor vehicle highway account before distribution to local units of government.  
42

43 **LOCAL TECHNICAL ASSISTANCE AND RESEARCH**

44 Under IC 8-14-1-3(6), there is appropriated to the department of transportation an  
45 amount sufficient for:

- 46 (1) the program of technical assistance under IC 8-23-2-5(6); and  
47 (2) the research and highway extension program conducted for local government under  
48 IC 8-17-7-4.  
49

1  
 2    The department shall develop an annual program of work for research and extension  
 3    in cooperation with those units being served, listing the types of research and educational  
 4    programs to be undertaken. The commissioner of the department of transportation may  
 5    make a grant under this appropriation to the institution or agency selected to conduct  
 6    the annual work program. Under IC 8-14-1-3(6), appropriations for the program of  
 7    technical assistance and for the program of research and extension shall be taken  
 8    from the local share of the motor vehicle highway account.  
 9

10   Under IC 8-14-1-3(7) there is hereby appropriated such sums as are necessary to maintain  
 11   a sufficient working balance in accounts established to match federal and local money  
 12   for highway projects. These funds are appropriated from the following sources in  
 13   the proportion specified:

- 14   (1) one-half (1/2) from the forty-seven percent (47%) set aside of the motor vehicle  
 15   highway account under IC 8-14-1-3(7); and  
 16   (2) for counties and for those cities and towns with a population greater than five  
 17   thousand (5,000), one-half (1/2) from the distressed road fund under IC 8-14-8-2.  
 18

19    **AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA)**

20  
 21   There is appropriated to the department of transportation the following sums for  
 22   the periods and purposes designated under the American Recovery and Reinvestment  
 23   Act (ARRA) of 2009.  
 24

25    **FOR THE DEPARTMENT OF TRANSPORTATION**

Highway Capital Improvements	
Formal Contracts Expense	440,000,000
Augmentation allowed	
Transportation Enhancements	
Formal Contracts Expense	20,000,000
Augmentation allowed	
Highway Capital Improvements - Metro Planning Organizations, Cities, Towns, and Counties	198,000,000
Augmentation allowed	
Rural Transit Funds	20,000,000
Augmentation allowed	

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 42    As soon as practical after passage of this act, the department with the approval  
 43    of the governor shall prepare a plan for the allocation and expenditure of the appropriations  
 44    listed above. The plan shall list the projects to be funded. The department shall  
 45    present the plan to the state budget committee for review under IC 4-12-1-11.5.  
 46

47    In preparing that portion of the plan for expenditure for Highway Capital Improvements  
 48    and Transportation Enhancements, the department shall adhere to the following goals  
 49    to the extent practical:

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- (1) The plan shall comply with all applicable federal statutes, rules, and policies as necessary to ensure eligibility for the maximum level of federal funding.
- (2) The plan shall be designed to obligate the federal funds and begin construction as soon as practical.
- (3) The plan shall be designed to minimize the likelihood that any funding apportioned to Indiana will have to be returned to the federal government.
- (4) The plan shall strive to make Indiana eligible for any increased funding that may become available as a result of reallocation from other states.
- (5) The plan shall reasonably allocate funding to projects located across all areas of the state, with an emphasis on areas determined by the department to be economically distressed.
- (6) The department may hold special lettings for contracts using the above appropriations. The department shall strive to limit each contract to a maximum of \$10,000,000.
- (7) The department shall strive to diversify the type of work using the above appropriations.

In preparing that portion of the plan for expenditure for Highway Capital Improvements - Local Government and Highway Capital Improvements - Metro Planning Organizations, Cities, Towns, and Counties, the department shall adhere to the following guidelines to the extent practical:

- (1) The plan shall comply with all applicable federal statutes, rules, and policies as necessary to ensure eligibility for the maximum level of federal funding.
- (2) The plan shall be designed to obligate the federal funds and begin construction as soon as practical.
- (3) The plan shall be designed to minimize the likelihood that any funding apportioned to Indiana will have to be returned to the federal government.
- (4) The plan shall strive to make Indiana eligible for any increased funding that may become available as a result of reallocation from other states.
- (5) The plan shall reasonably allocate funds to projects located across all areas of the state. However, if the department cannot identify local government projects that can be obligated within the established time frames the department may allocate funds as necessary to fully obligate all federal funding.
- (6) For Highway Capital Improvements for Metro Planning Organizations the plan shall include projects selected by the respective metropolitan planning organizations. However, if the metropolitan planning organizations cannot identify projects that can be obligated within the established time frames, the department may select alternate projects as necessary to fully obligate all federal funding.
- (7) The department may hold special lettings for contracts using the above appropriations. The department shall strive to limit each contract for Highway Capital Improvements for Cities, Towns, and Counties to a maximum of \$7,000,000.

The department shall establish reasonable policies and guidelines for cities, towns, and counties and metropolitan planning organizations to follow to help ensure reasonable access and timely obligation of funds. The department shall provide reasonable assistance to cities, towns, and counties and metropolitan planning organizations in meeting deadlines established to ensure timely obligation of funding.

If the governor finds that any of the above goals conflict with another goal, the

1 governor shall determine the appropriate weight to give to each goal. Actions taken  
 2 by the governor or the department with respect to allocation, obligation, or expenditure  
 3 of the above appropriations before passage of this act is deemed to have satisfied  
 4 the requirement for budget committee review providing such actions were taken to  
 5 conform to the plan or to comply with laws, policies, or direction issued by the  
 6 United States Department of Transportation or any other federal agency as a condition  
 7 to qualifying for the federal funds.

8  
 9 The department with the approval of the governor may adjust the above appropriations  
 10 for Highway Capital Improvements, Transportation Enhancements, Highway Capital Improvements  
 11 - Metropolitan Planning Organizations, Cities, Towns, and Counties as necessary to  
 12 comply with federal law, policies, or direction established to ensure continuing  
 13 eligibility for federal funding.

14  
 15 The department shall submit reports to the budget committee and legislative council  
 16 by December 31 of 2009, 2010, and 2011 detailing the status of the appropriations  
 17 and projects funded under the plan. The department may submit copies of reports required  
 18 to be submitted to the federal government to fulfill this requirement.

19  
 20 The above appropriations do not revert but remain in effect until obligated.

21  
 22 **SECTION 8. [EFFECTIVE JULY 1, 2009]**

23  
 24 **FAMILY AND SOCIAL SERVICES, HEALTH, AND VETERANS' AFFAIRS**

25  
 26 **A. FAMILY AND SOCIAL SERVICES**

27  
 28 **FOR THE STATE BUDGET AGENCY**

29  
 30 **INDIANA PRESCRIPTION DRUG PROGRAM**

Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)		
Total Operating Expense	1,117,830	1,117,830

31  
 32  
 33  
 34 **FOR THE FAMILY AND SOCIAL SERVICES ADMINISTRATION**

35 **CHILDREN'S HEALTH INSURANCE PROGRAM**

Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)		
Total Operating Expense	34,918,921	36,984,511

36  
 37  
 38  
 39 **FAMILY AND SOCIAL SERVICES ADMINISTRATION**

Total Operating Expense	19,764,734	19,764,734
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40 **OFFICE OF MEDICAID POLICY AND PLANNING - ADMINISTRATION**

Total Operating Expense	6,061,868	6,062,487
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41  
 42  
 43 **MEDICAID ADMINISTRATION**

Total Operating Expense	36,427,564	36,427,564
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44 **MEDICAID - CURRENT OBLIGATIONS**

General Fund		
Total Operating Expense	1,130,995,000	1,429,688,000

45  
 46  
 47  
 48  
 49 The foregoing appropriations for Medicaid current obligations and for Medicaid administration



1 are for the purpose of enabling the office of Medicaid policy and planning to carry  
 2 out all services as provided in IC 12-8-6. In addition to the above appropriations,  
 3 all money received from the federal government and paid into the state treasury as  
 4 a grant or allowance is appropriated and shall be expended by the office of Medicaid  
 5 policy and planning for the respective purposes for which the money was allocated  
 6 and paid to the state. Subject to the provisions of P.L.46-1995, if the sums herein  
 7 appropriated for Medicaid current obligations and for Medicaid administration are  
 8 insufficient to enable the office of Medicaid policy and planning to meet its obligations,  
 9 then there is appropriated from the general fund such further sums as may be  
 10 necessary for that purpose, subject to the approval of the governor and the budget  
 11 agency.  
 12

13 **INDIANA CHECK-UP PLAN (EXCLUDING IMMUNIZATION)**

14 **Indiana Check-Up Plan Trust Fund (IC 12-15-44.2-17)**

15 **Total Operating Expense**                      137,466,043                      157,766,043

16 **HOSPITAL CARE FOR THE INDIGENT FUND**

17 **Total Operating Expense**                      63,000,000                      63,000,000

18 **MEDICAID DISABILITY ELIGIBILITY EXAMS**

19 **Total Operating Expense**                      937,000                      937,000

20 **MEDICAL ASSISTANCE TO WARDS (MAW)**

21 **Total Operating Expense**                      13,100,000                      13,100,000

22 **MARION COUNTY HEALTH AND HOSPITAL CORPORATION**

23 **Total Operating Expense**                      40,000,000                      40,000,000

24 **MENTAL HEALTH ADMINISTRATION**

25 **Other Operating Expense**                      4,059,047                      4,059,047

26  
 27 Two hundred seventy-five thousand dollars (\$275,000) of the above appropriation for  
 28 the state fiscal year beginning July 1, 2009, and ending June 30, 2010, and two hundred  
 29 seventy-five thousand dollars (\$275,000) of the above appropriation for the state  
 30 fiscal year beginning July 1, 2010, and ending June 30, 2011, shall be distributed in  
 31 the state fiscal year to neighborhood based community service programs.  
 32

33 **CHILD PSYCHIATRIC SERVICES FUND**

34 **Total Operating Expense**                      20,423,760                      20,423,760

35 **SERIOUSLY EMOTIONALLY DISTURBED**

36 **Total Operating Expense**                      15,975,408                      15,975,408

37 **SERIOUSLY MENTALLY ILL**

38 **General Fund**

39 **Total Operating Expense**                      91,046,702                      91,046,702

40 **Mental Health Centers Fund (IC 6-7-1-32.1)**

41 **Total Operating Expense**                      4,311,650                      4,311,650

42 **Augmentation allowed.**

43 **COMMUNITY MENTAL HEALTH CENTERS**

44 **Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)**

45 **Total Operating Expense**                      7,000,000                      7,000,000

46  
 47 The above appropriation from the Tobacco Master Settlement Agreement Fund is in addition  
 48 to other funds. The above appropriations for comprehensive community mental health  
 49 services include the intragovernmental transfers necessary to provide the nonfederal

1 share of reimbursement under the Medicaid rehabilitation option.

2  
3 The comprehensive community mental health centers shall submit their proposed annual  
4 budgets (including income and operating statements) to the budget agency on or before  
5 August 1 of each year. All federal funds shall be applied in augmentation of the  
6 foregoing funds rather than in place of any part of the funds. The office of the  
7 secretary, with the approval of the budget agency, shall determine an equitable allocation  
8 of the appropriation among the mental health centers.

9  
10 **GAMBLERS' ASSISTANCE**

11 Gamblers' Assistance Fund (IC 4-33-12-6)

Total Operating Expense	4,490,809	4,490,809
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13 **MVOV CONFERENCE**

14 Gamblers' Assistance Fund (IC 4-33-12-6)

Total Operating Expense	199,763	199,763
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16 **SUBSTANCE ABUSE TREATMENT**

17 Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)

Total Operating Expense	4,855,820	4,855,820
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19  
20 The above appropriation for total operating expense for Substance Abuse Treatment  
21 includes an amount of \$12,500 each year of the biennium for the employment of a drug  
22 and alcohol abuse counselor for the Jefferson County Transitional Services, Inc.  
23 The amount provided for these purposes may not be used for any other purpose.

25 **QUALITY ASSURANCE/RESEARCH**

Total Operating Expense	812,860	812,860
-------------------------	---------	---------

27 **PREVENTION**

28 Gamblers' Assistance Fund (IC 4-33-12-6)

Total Operating Expense	2,858,528	2,858,528
-------------------------	-----------	-----------

30 Augmentation allowed.

31 **METHADONE DIVERSION CONTROL AND OVERSIGHT (MDCO) PROGRAM**

32 MDCO Fund (IC 12-23-18)

Total Operating Expense	243,486	243,486
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34 Augmentation allowed.

35 **DMHA YOUTH TOBACCO REDUCTION SUPPORT PROGRAM**

36 DMHA Youth Tobacco Reduction Support Program (IC 4-33-12-6)

Total Operating Expense	250,000	250,000
-------------------------	---------	---------

38 Augmentation allowed.

39 **EVANSVILLE PSYCHIATRIC CHILDREN'S CENTER**

Personal Services	496,318	473,948
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Other Operating Expense	123,252	123,252
-------------------------	---------	---------

42 **EVANSVILLE STATE HOSPITAL**

43 From the General Fund

20,276,654	20,340,477
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45 From the Mental Health Fund (IC 12-24-14-4)

677,943	678,778
---------	---------

47 Augmentation allowed.

49 The amounts specified from the general fund and the mental health fund are for the

1 following purposes:

2			
3	Personal Services	15,636,749	15,701,407
4	Other Operating Expense	5,317,848	5,317,848

5

6 **LARUE CARTER MEMORIAL HOSPITAL**

7	From the General Fund		
8		22,483,147	22,534,726
9	From the Mental Health Fund (IC 12-24-14-4)		
10		476,465	472,254
11	Augmentation allowed.		

12

13 The amounts specified from the general fund and the mental health fund are for the

14 following purposes:

15			
16	Personal Services	16,020,593	16,067,961
17	Other Operating Expense	6,939,019	6,939,019

18

19 **LOGANSPORT STATE HOSPITAL**

20	From the General Fund		
21		40,772,672	40,769,722
22	From the Mental Health Fund (IC 12-24-14-4)		
23		1,378,232	1,378,232
24	Augmentation allowed.		

25

26 The amounts specified from the general fund and the mental health fund are for the

27 following purposes:

28			
29	Personal Services	32,407,597	32,404,647
30	Other Operating Expense	9,743,307	9,743,307

31

32 **MADISON STATE HOSPITAL**

33	From the General Fund		
34		16,403,876	16,402,626
35	From the Mental Health Fund (IC 12-24-14-4)		
36		666,308	666,308
37	Augmentation allowed.		

38

39 The amounts specified from the general fund and the mental health fund are for the

40 following purposes:

41			
42	Personal Services	13,135,516	13,134,266
43	Other Operating Expense	3,934,668	3,934,668

44

45 **RICHMOND STATE HOSPITAL**

46	From the General Fund		
47		37,112,498	37,096,244
48	From the Mental Health Fund (IC 12-24-14-4)		
49		650,335	650,335

1           **Augmentation allowed.**

2  
3           **The amounts specified from the general fund and the mental health fund are for the**  
4           **following purposes:**

6 <b>Personal Services</b>	29,512,684	29,496,430
7 <b>Other Operating Expense</b>	8,250,149	8,250,149

8  
9           **PATIENT PAYROLL**

10 <b>Total Operating Expense</b>	285,785	285,785
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11  
12          **The federal share of revenue accruing to the state mental health institutions under**  
13          **IC 12-15, based on the applicable Federal Medical Assistance Percentage (FMAP),**  
14          **shall be deposited in the mental health fund established by IC 12-24-14-1, and the**  
15          **remainder shall be deposited in the general fund.**

16  
17          **In addition to the above appropriations, each institution may qualify for an additional**  
18          **appropriation, or allotment, subject to approval of the governor and the budget agency,**  
19          **from the mental health fund of up to twenty percent (20%), but not to exceed \$50,000**  
20          **in each fiscal year, of the amount by which actual net collections exceed an amount**  
21          **specified in writing by the division of mental health and addiction before July 1**  
22          **of each year beginning July 1, 2009.**

23  
24          **DIVISION OF FAMILY RESOURCES ADMINISTRATION**

25 <b>Personal Services</b>	6,061,903	6,061,903
26 <b>Other Operating Expense</b>	1,963,063	1,963,063

27          **COMMISSION ON THE SOCIAL STATUS OF BLACK MALES**

28 <b>Total Operating Expense</b>	173,179	173,179
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29          **CHILD CARE LICENSING FUND**

30                 **Division of Family Resources Child Care Fund (IC 12-17.2-2-3)**

31 <b>Total Operating Expense</b>	100,000	100,000
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32                 **Augmentation allowed.**

33          **ELECTRONIC BENEFIT TRANSFER PROGRAM**

34 <b>Total Operating Expense</b>	2,529,915	2,529,915
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35  
36          **The foregoing appropriations for the division of family resources Title IV-D of**  
37          **the federal Social Security Act are made under, and not in addition to, IC 31-25-4-28.**

38  
39          **STATE WELFARE - COUNTY ADMINISTRATION**

40 <b>Total Operating Expense</b>	56,464,688	56,464,688
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41          **INDIANA CLIENT ELIGIBILITY SYSTEM (ICES)**

42 <b>Total Operating Expense</b>	7,402,387	7,402,387
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43          **IMPACT PROGRAM**

44 <b>Total Operating Expense</b>	689,001	689,001
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45          **TEMPORARY ASSISTANCE TO NEEDY FAMILIES (TANF)**

46 <b>Total Operating Expense</b>	31,776,757	31,776,757
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47          **IMPACT - TANF**

48 <b>Total Operating Expense</b>	1,880,252	1,880,252
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49          **CHILD CARE & DEVELOPMENT FUND**

<b>Total Operating Expense</b>	<b>34,418,255</b>	<b>34,418,255</b>	
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The foregoing appropriations for information systems/technology, education and training, temporary assistance to needy families (TANF), and child care services are for the purpose of enabling the division of family resources to carry out all services as provided in IC 12-14. In addition to the above appropriations, all money received from the federal government and paid into the state treasury as a grant or allowance is appropriated and shall be expended by the division of family resources for the respective purposes for which such money was allocated and paid to the state.

**BURIAL EXPENSES**

Total Operating Expense	1,607,219	1,607,219	
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**DOMESTIC VIOLENCE PREVENTION AND TREATMENT**

**General Fund**

Total Operating Expense	1,734,014	1,734,014	
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**Domestic Violence Prevention and Treatment Fund (IC 12-18-4)**

Total Operating Expense	1,115,590	1,115,590	
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Augmentation allowed.

**SCHOOL AGE CHILD CARE PROJECT FUND**

Total Operating Expense	955,780	955,780	
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**DIVISION OF AGING ADMINISTRATION**

**Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)**

Personal Services	594,659	594,659	
-------------------	---------	---------	--

Other Operating Expense	852,751	852,751	
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The above appropriations for the division of aging administration are for administrative expenses. Any federal fund reimbursements received for such purposes are to be deposited in the general fund.

**ROOM AND BOARD ASSISTANCE (R-CAP)**

Total Operating Expense	13,477,844	13,477,844	
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**C.H.O.I.C.E. IN-HOME SERVICES**

Total Operating Expense	48,765,643	48,765,643	
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The foregoing appropriations for C.H.O.I.C.E. In-Home Services include intragovernmental transfers to provide the nonfederal share of the Medicaid aged and disabled waiver. The intragovernmental transfers for use in the Medicaid aged and disabled waiver may not exceed in the state fiscal year beginning July 1, 2009, and ending June 30, 2010, \$12,900,000. After July 1, 2009, and before August 1, 2010, the office of the secretary (as defined in IC 12-7-2-135) shall submit a report to the legislative council in an electronic format under IC 5-14-6 and the governor in each July, October, January, and April specifying the number of persons on the waiting list for C.H.O.I.C.E. In-Home Services at the end of the month preceding the date of the report, a schedule indicating the length of time persons have been on the waiting list, a description of the conditions or problems that contribute to the waiting list, the plan in the next six (6) months after the end of the reporting period to reduce the waiting list, and any other information that is necessary or appropriate to interpret the information provided in the report.

1  
2 The division of aging shall conduct an annual evaluation of the cost effectiveness  
3 of providing home care. Before January of each year, the division shall submit a  
4 report to the budget committee, the budget agency, and the legislative council that  
5 covers all aspects of the division's evaluation and such other information pertaining  
6 thereto as may be requested by the budget committee, the budget agency, or the legislative  
7 council, including the following:

- 8 (1) the number and demographic characteristics of the recipients of home care during  
9 the preceding fiscal year;  
10 (2) the total cost and per recipient cost of providing home care services during  
11 the preceding fiscal year;  
12 (3) the number of recipients of home care services who would have been placed in  
13 long term care facilities had they not received home care services; and  
14 (4) the total cost savings during the preceding fiscal year realized by the state  
15 due to recipients of home care services (including Medicaid) being diverted from  
16 long term care facilities.

17  
18 The division shall obtain from providers of services data on their costs and expenditures  
19 regarding implementation of the program and report the findings to the budget committee,  
20 the budget agency, and the legislative council. The report to the legislative council  
21 must be in an electronic format under IC 5-14-6.

22  
23 The foregoing appropriations for C.H.O.I.C.E. In-Home Services do not revert to the  
24 state general fund or any other fund at the close of any state fiscal year but remain  
25 available for the purposes of C.H.O.I.C.E. In-Home Services in subsequent state fiscal  
26 years.

27  
28 **OLDER HOOSIERS ACT**

Total Operating Expense	1,573,446	1,573,446
-------------------------	-----------	-----------

29 **ADULT PROTECTIVE SERVICES**

Total Operating Expense	1,956,528	1,956,528
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30 **ADULT GUARDIANSHIP SERVICES**

Total Operating Expense	477,135	477,135
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31 **TITLE V EMPLOYMENT GRANT (OLDER WORKERS)**

Total Operating Expense	229,034	229,034
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32 **MEDICAID WAIVER**

Total Operating Expense	322,275	322,275
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33 **OBRA/PASSARR**

Total Operating Expense	91,108	91,108
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34 **TITLE III ADMINISTRATION GRANT**

Total Operating Expense	252,163	252,163
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35 **OMBUDSMAN**

Total Operating Expense	310,124	310,124
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36  
37  
38 **DIVISION OF DISABILITY AND REHABILITATIVE SERVICES ADMINISTRATION**

39 Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)

Total Operating Expense	360,764	360,764
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40  
41  
42  
43  
44 **VOCATIONAL REHABILITATION SERVICES**

	<i>FY 2009-2010 Appropriation</i>	<i>FY 2010-2011 Appropriation</i>	<i>Biennial Appropriation</i>
1	Personal Services	3,525,457	3,525,457
2	Other Operating Expense	12,348,257	12,348,257
3	<b>AID TO INDEPENDENT LIVING</b>		
4	Total Operating Expense	46,927	46,927
5			
6	<b>INDIANAPOLIS RESOURCE CENTER FOR INDEPENDENT LIVING</b>		
7	Total Operating Expense	87,665	87,665
8	<b>SOUTHERN INDIANA CENTER FOR INDEPENDENT LIVING</b>		
9	Total Operating Expense	87,665	87,665
10	<b>ATTIC, INCORPORATED</b>		
11	Total Operating Expense	87,665	87,665
12	<b>LEAGUE FOR THE BLIND AND DISABLED</b>		
13	Total Operating Expense	87,665	87,665
14	<b>FUTURE CHOICES, INC.</b>		
15	Total Operating Expense	158,113	158,113
16	<b>THE WABASH INDEPENDENT LIVING AND LEARNING CENTER, INC.</b>		
17	Total Operating Expense	158,113	158,113
18	<b>INDEPENDENT LIVING CENTER OF EASTERN INDIANA</b>		
19	Total Operating Expense	158,113	158,113
20			
21	FSSA shall use the above appropriations for Indianapolis Resource Center for Independent		
22	Living; Southern Indiana Center for Independent Living; Attic, Incorporated; League		
23	for the Blind and Disabled; Future Choices, Inc.; The Wabash Independent Living and		
24	Learning Center, Inc.; and Independent Living Center of Eastern Indiana to match		
25	federal funds so that total funding available for Indianapolis Resource Center for		
26	Independent Living; Southern Indiana Center for Independent Living; Attic, Incorporated;		
27	and League for the Blind and Disabled each totals \$263,000 and funding available		
28	for Future Choices, Inc.; The Wabash Independent Living and Learning Center, Inc.;		
29	and Independent Living Center of Eastern Indiana each totals \$474,000.		
30			
31	<b>OFFICE OF DEAF AND HEARING IMPAIRED</b>		
32	Personal Services	185,104	185,104
33	Other Operating Expense	131,670	131,670
34	<b>BLIND VENDING OPERATIONS</b>		
35	Total Operating Expense	129,905	129,905
36	<b>DEVELOPMENTAL DISABILITY RESIDENTIAL FACILITIES COUNCIL</b>		
37	Personal Services	2,970	2,970
38	Other Operating Expense	12,038	12,038
39	<b>OFFICE OF SERVICES FOR THE BLIND AND VISUALLY IMPAIRED</b>		
40	Personal Services	56,751	56,751
41	Other Operating Expense	24,985	24,985
42	<b>EMPLOYEE TRAINING</b>		
43	Total Operating Expense	6,112	6,112
44	<b>BUREAU OF QUALITY IMPROVEMENT SERVICES - BQIS</b>		
45	Total Operating Expense	3,936,983	3,936,983
46	<b>DAY SERVICES - DEVELOPMENTALLY DISABLED</b>		
47	Other Operating Expense	11,759,384	11,759,384
48	<b>DIAGNOSIS AND EVALUATION</b>		
49	Other Operating Expense	400,125	400,125

	<i>FY 2009-2010 Appropriation</i>	<i>FY 2010-2011 Appropriation</i>	<i>Biennial Appropriation</i>
1	<b>FEDERAL EARLY INTERVENTION</b>		
2	Total Operating Expense	6,149,513	6,149,513
3	<b>SUPPORTED EMPLOYMENT</b>		
4	Other Operating Expense	3,880,000	3,880,000
5	<b>EPILEPSY PROGRAM</b>		
6	Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)		
7	Other Operating Expense	463,758	463,758
8	<b>CAREGIVER SUPPORT</b>		
9	Other Operating Expense	809,500	809,500
10	<b>BDDS OPERATING</b>		
11	General Fund		
12	Total Operating Expense	5,286,709	5,286,709
13	Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)		
14	Total Operating Expense	1,869,887	1,869,887
15	Augmentation allowed.		
16	<b>OASIS - OBJECTIVE ASSISTANCE SYSTEM FROM INDEPENDENT SERVICES</b>		
17	Total Operating Expense	5,529,000	5,529,000
18	<b>CRISIS MANAGEMENT</b>		
19	Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)		
20	Total Operating Expense	4,136,080	4,136,080
21	Augmentation allowed.		
22	<b>OUTREACH - STATE OPERATING SERVICES</b>		
23	Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)		
24	Total Operating Expense	2,232,973	2,232,973
25	Augmentation allowed.		
26	<b>RESIDENTIAL SERVICES FOR DEVELOPMENTALLY DISABLED PERSONS</b>		
27	General Fund		
28	Total Operating Expense	93,996,290	93,996,290
29	Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)		
30	Total Operating Expense	15,229,000	15,229,000
31			
32	The above appropriations for client services include the intragovernmental transfers		
33	necessary to provide the nonfederal share of reimbursement under the Medicaid program		
34	for day services provided to residents of group homes and nursing facilities.		
35			
36	In the development of new community residential settings for persons with developmental		
37	disabilities, the division of disability and rehabilitative services must give priority		
38	to the appropriate placement of such persons who are eligible for Medicaid and currently		
39	residing in intermediate care or skilled nursing facilities and, to the extent permitted		
40	by law, such persons who reside with aged parents or guardians or families in crisis.		
41			
42	<b>FOR THE DEPARTMENT OF CHILD SERVICES</b>		
43	<b>DEPARTMENT OF CHILD SERVICES - ADMINISTRATION</b>		
44	Personal Services	89,445,563	89,445,563
45	Other Operating Expense	20,582,245	20,582,245
46			
47	<b>DEPARTMENT OF CHILD SERVICES - STATE ADMINISTRATION</b>		
48	Personal Services	14,689,383	14,689,383
49	Other Operating Expense	3,636,219	3,636,219



**CHILD WELFARE SERVICES STATE GRANTS**

**General Fund**

**Total Operating Expense 7,500,000 7,500,000**

**Excise and Financial Institution Taxes**

**Total Operating Expense 6,275,000 6,275,000**

Augmentation allowed.

**TITLE IV-D OF THE FEDERAL SOCIAL SECURITY ACT (STATE MATCH)**

**Total Operating Expense 5,598,019 5,598,019**

The foregoing appropriations for the department of child services Title IV-D of the federal Social Security Act are made under, and not in addition to, IC 31-25-4-28.

**FAMILY AND CHILDREN FUND**

**General Fund**

**Total Operating Expense 463,660,000 463,660,000**

**Family and Children Reimbursement (IC 31-40-1-3)**

**Total Operating Expense 8,782,173 8,782,173**

Augmentation allowed.

**YOUTH SERVICE BUREAU**

**Total Operating Expense 1,528,000 1,528,000**

**PROJECT SAFEPLACE**

**Total Operating Expense 230,000 230,000**

**HEALTHY FAMILIES INDIANA**

**Total Operating Expense 6,826,935 6,826,935**

**CHILD WELFARE TRAINING**

**Total Operating Expense 1,729,473 1,729,473**

**SPECIAL NEEDS ADOPTION II**

**Personal Services 243,060 243,060**

**Other Operating Expense 456,540 456,540**

**ADOPTION ASSISTANCE**

**Total Operating Expense 14,307,971 14,307,971**

**NON-RECURRING ADOPTION ASSISTANCE**

**Total Operating Expense 921,500 921,500**

**INDIANA SUPPORT ENFORCEMENT TRACKING (ISETS)**

**Total Operating Expense 4,804,602 4,804,602**

**CHILD PROTECTION AUTOMATION PROJECT (ICWIS)**

**Total Operating Expense 4,224,334 4,224,334**

**SOCIAL SERVICES BLOCK GRANT (SSBG)**

**Total Operating Expense 4,012,083 4,012,083**

The funds appropriated above to the social services block grant are allocated in the following manner during the biennium:

**Division of Disability and Rehabilitative Services**

**343,481 343,481**

**Division of Family Resources**

**1,100,000 1,100,000**

**Division of Aging**

1		687,396	687,396
2	Department of Child Services		
3		289,352	289,352
4	Department of Health		
5		296,504	296,504
6	Department of Correction		
7		1,295,350	1,295,350

8  
9 **B. PUBLIC HEALTH**

10  
11 **FOR THE STATE DEPARTMENT OF HEALTH**

12	Personal Services	21,315,999	21,315,999
13	Other Operating Expense	7,885,840	7,885,840

14  
15 All receipts to the state department of health from licenses or permit fees shall be deposited  
16 in the state general fund. Augmentation allowed in amounts not to exceed revenue from  
17 penalties or fees collected by the state department of health.

18  
19 The above appropriations for the state department of health include funds to establish  
20 a medical adverse events reporting system by making a grant to or an agreement with  
21 an appropriate agency.

22  
23 **AREA HEALTH EDUCATION CENTERS**

24	Total Operating Expense	1,387,500	1,387,500
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25 **CANCER REGISTRY**

26 Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)

27	Total Operating Expense	610,647	610,647
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28 **MINORITY HEALTH INITIATIVE**

29 Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)

30	Total Operating Expense	3,500,000	3,500,000
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31  
32 The foregoing appropriations shall be allocated to the Indiana Minority Health Coalition  
33 to work with the state department on the implementation of IC 16-46-11.

34  
35 **SICKLE CELL**

36 Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)

37	Total Operating Expense	250,000	250,000
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38 **AID TO COUNTY TUBERCULOSIS HOSPITALS**

39 Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)

40	Total Operating Expense	96,883	96,883
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41  
42 These funds shall be used for eligible expenses according to IC 16-21-7-3 for tuberculosis  
43 patients for whom there are no other sources of reimbursement, including patient  
44 resources, health insurance, medical assistance payments, and hospital care for the  
45 indigent.

46  
47 **MEDICARE-MEDICAID CERTIFICATION**

48	Total Operating Expense	6,269,426	6,269,426
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1 Personal services augmentation allowed in amounts not to exceed revenue from health  
 2 facilities license fees or from health care providers (as defined in IC 16-18-2-163) fee  
 3 increases or those adopted by the Executive Board of the Indiana State Department of  
 4 health pursuant to IC 16-19-3.

5  
6 **AIDS EDUCATION**

7 Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)

8 Personal Services 286,161 286,161

9 Other Operating Expense 381,084 381,084

10 **HIV/AIDS SERVICES**

11 Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)

12 Total Operating Expense 2,162,254 2,162,254

13 **TEST FOR DRUG AFFLICTED BABIES**

14 Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)

15 Total Operating Expense 58,121 58,121

16  
17 The above appropriations for drug afflicted babies shall be used for the following purposes:

- 18  
19 (1) All newborn infants shall be tested for the presence of a controlled substance  
 20 in the infant's meconium if they meet the criteria established by the state department  
 21 of health. These criteria will, at a minimum, include all newborns, if at birth:  
 22 (A) the infant's weight is less than two thousand five hundred (2,500) grams;  
 23 (B) the infant's head is smaller than the third percentile for the infant's gestational age; and  
 24 (C) there is no medical explanation for the conditions described in clauses (A) and (B).  
 25 (2) If a meconium test determines the presence of a controlled substance in the infant's  
 26 meconium, the infant may be declared a child in need of services as provided in  
 27 IC 31-34-1-10 through IC 31-34-1-13. However, the child's mother may not be prosecuted  
 28 in connection with the results of the test.  
 29 (3) The state department of health shall provide forms on which the results of a  
 30 meconium test performed on an infant under subdivision (1) must be reported to the  
 31 state department of health by physicians and hospitals.  
 32 (4) The state department of health shall, at least semi-annually:  
 33 (A) ascertain the extent of testing under this chapter; and  
 34 (B) report its findings under subdivision (1) to:  
 35 (i) all hospitals;  
 36 (ii) physicians who specialize in obstetrics and gynecology or work with infants  
 37 and young children; and  
 38 (iii) any other group interested in child welfare that requests a copy of the report  
 39 from the state department of health.  
 40 (5) The state department of health shall designate at least one (1) laboratory to  
 41 perform the meconium test required under subdivisions (1) through (8). The designated  
 42 laboratories shall perform a meconium test on each infant described in subdivision (1)  
 43 to detect the presence of a controlled substance.  
 44 (6) Subdivisions (1) through (7) do not prevent other facilities from conducting  
 45 tests on infants to detect the presence of a controlled substance.  
 46 (7) Each hospital and physician shall:  
 47 (A) take or cause to be taken a meconium sample from every infant born under the  
 48 hospital's and physician's care who meets the description under subdivision (1); and  
 49 (B) transport or cause to be transported each meconium sample described in clause (A)

1 to a laboratory designated under subdivision (5) to test for the presence of a controlled  
 2 substance as required under subdivisions (1) through (7).

3 (8) The state department of health shall establish guidelines to carry out this  
 4 program, including guidance to physicians, medical schools, and birthing centers  
 5 as to the following:

6 (A) Proper and timely sample collection and transportation under subdivision (7)  
 7 of this appropriation.

8 (B) Quality testing procedures at the laboratories designated under subdivision (5)  
 9 of this appropriation.

10 (C) Uniform reporting procedures.

11 (D) Appropriate diagnosis and management of affected newborns and counseling and  
 12 support programs for newborns' families.

13 (9) A medically appropriate discharge of an infant may not be delayed due to the  
 14 results of the test described in subdivision (1) or due to the pendency of the results  
 15 of the test described in subdivision (1).

16  
 17 **STATE CHRONIC DISEASES**

18 Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)

Personal Services	120,459	120,459
Other Operating Expense	1,457,968	1,457,968

21  
 22 At least \$82,560 of the above appropriations shall be for grants to community groups  
 23 and organizations as provided in IC 16-46-7-8.

24  
 25 **WOMEN, INFANTS, AND CHILDREN SUPPLEMENT**

26 Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)

Total Operating Expense	190,000	190,000
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27  
 28  
 29 **MATERNAL AND CHILD HEALTH SUPPLEMENT**

30 Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)

Total Operating Expense	190,000	190,000
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31  
 32  
 33 **CANCER EDUCATION AND DIAGNOSIS - BREAST CANCER**

34 Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)

Total Operating Expense	86,490	86,490
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35  
 36 **CANCER EDUCATION AND DIAGNOSIS - PROSTATE CANCER**

37 Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)

Total Operating Expense	93,000	93,000
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38  
 39 **ADOPTION HISTORY**

40 Adoption History Fund (IC 31-19-18-6)

Total Operating Expense	215,543	215,543
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41 Augmentation allowed.

42  
 43 **CHILDREN WITH SPECIAL HEALTH CARE NEEDS**

Total Operating Expense	13,862,070	13,862,070
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44  
 45 **NEWBORN SCREENING PROGRAM**

46 Newborn Screening Fund (IC 16-41-17-11)

Personal Services	366,971	366,971
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Other Operating Expense	2,294,672	2,294,672
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48 Augmentation allowed.  
 49

1	<b>RADON GAS TRUST FUND</b>		
2	Radon Gas Trust Fund (IC 16-41-38-8)		
3	Total Operating Expense	11,458	11,458
4	Augmentation allowed.		
5	<b>BIRTH PROBLEMS REGISTRY</b>		
6	Birth Problems Registry Fund (IC 16-38-4-17)		
7	Personal Services	62,071	62,071
8	Other Operating Expense	62,389	62,389
9	Augmentation allowed.		
10	<b>MOTOR FUEL INSPECTION PROGRAM</b>		
11	Motor Fuel Inspection Fund (IC 16-44-3-10)		
12	Total Operating Expense	174,464	174,464
13	Augmentation allowed.		
14	<b>PROJECT RESPECT</b>		
15	Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)		
16	Total Operating Expense	537,904	537,904
17	<b>DONATED DENTAL SERVICES</b>		
18	Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)		
19	Total Operating Expense	42,932	42,932

20

21 The above appropriation shall be used by the Indiana foundation for dentistry for

22 the handicapped.

23

24	<b>OFFICE OF WOMEN'S HEALTH</b>		
25	Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)		
26	Total Operating Expense	121,248	121,248
27	<b>SPINAL CORD AND BRAIN INJURY</b>		
28	Spinal Cord and Brain Injury Fund (IC 16-41-42.2-3)		
29	Total Operating Expense	1,175,770	1,175,770
30	<b>INDIANA CHECK-UP PLAN - IMMUNIZATIONS</b>		
31	Indiana Check-Up Plan Trust Fund (IC 12-15-44.2-17)		
32	Total Operating Expense	11,000,000	11,000,000
33	<b>WEIGHTS AND MEASURES FUND</b>		
34	Weights and Measures Fund (IC 16-19-5-4)		
35	Total Operating Expense	22,824	22,824
36	Augmentation allowed.		
37	<b>MINORITY EPIDEMIOLOGY</b>		
38	Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)		
39	Total Operating Expense	697,500	697,500
40	<b>COMMUNITY HEALTH CENTERS</b>		
41	Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)		
42	Total Operating Expense	20,000,000	25,000,000

43

44 Of the above appropriation for community health centers, \$15,000,000 may be used

45 for capital projects.

46

47	<b>PRENATAL SUBSTANCE USE &amp; PREVENTION</b>		
48	Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)		
49	Total Operating Expense	150,000	150,000

**LOCAL HEALTH MAINTENANCE FUND**

**Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)**

<b>Total Operating Expense</b>	<b>3,860,000</b>	<b>3,860,000</b>
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**Augmentation allowed.**

The amount appropriated from the tobacco master settlement agreement fund is in lieu of the appropriation provided for this purpose in IC 6-7-1-30.5 or any other law. Of the above appropriations for the local health maintenance fund, \$60,000 each year shall be used to provide additional funding to adjust funding through the formula in IC 16-46-10 to reflect population increases in various counties. Money appropriated to the local health maintenance fund must be allocated under the following schedule each year to each local board of health whose application for funding is approved by the state department of health:

<b>COUNTY POPULATION</b>	<b>AMOUNT OF GRANT</b>
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over 499,999	94,112
100,000 - 499,999	72,672
50,000 - 99,999	48,859
under 50,000	33,139

**LOCAL HEALTH DEPARTMENT ACCOUNT**

**Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)**

<b>Total Operating Expense</b>	<b>3,000,000</b>	<b>3,000,000</b>
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The foregoing appropriations for the local health department account are statutory distributions pursuant to IC 4-12-7.

**INDIANA HEALTH INFORMATICS CORPORATION**

**Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)**

<b>Total Operating Expense</b>	<b>300,000</b>	<b>300,000</b>
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**SOLDIERS' AND SAILORS' CHILDREN'S HOME**

Personal Services	8,463,872	1
Other Operating Expense	1,229,925	1

**FOR THE TOBACCO USE PREVENTION AND CESSATION BOARD**

**TOBACCO USE PREVENTION AND CESSATION PROGRAM**

**Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)**

<b>Total Operating Expense</b>	<b>14,500,000</b>	<b>14,500,000</b>
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A minimum of 75% of the above appropriations shall be used for grants to local agencies and other entities with programs designed to reduce smoking.

**FOR THE INDIANA SCHOOL FOR THE BLIND AND VISUALLY IMPAIRED**

Personal Services	10,525,311	10,524,650
Other Operating Expense	1,028,728	1,029,396

**FOR THE INDIANA SCHOOL FOR THE DEAF**

Personal Services	16,817,364	16,822,021
Other Operating Expense	1,959,367	1,959,367

1  
2 **C. VETERANS' AFFAIRS**

3  
4 **FOR THE INDIANA DEPARTMENT OF VETERANS' AFFAIRS**

5	Personal Services	538,944	538,944
6	Other Operating Expense	80,108	80,108

7  
8 **DISABLED AMERICAN VETERANS OF WORLD WARS**

9	Total Operating Expense	40,000	40,000
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10 **AMERICAN VETERANS OF WORLD WAR II, KOREA, AND VIETNAM**

11	Total Operating Expense	30,000	30,000
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12 **VETERANS OF FOREIGN WARS**

13	Total Operating Expense	30,000	30,000
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14 **VIETNAM VETERANS OF AMERICA**

15	Total Operating Expense		20,000
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16 **MILITARY FAMILY RELIEF FUND**

17 Military Family Relief Fund (IC 10-17-12-8)

18	Total Operating Expense	450,000	450,000
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19  
20 **INDIANA VETERANS' HOME**

21 From the General Fund

22 12,815,594 12,815,594

23 From the Veterans' Home Comfort-Welfare Fund (IC 10-17-9-7(c))

24 9,381,362 9,381,362

25 Augmentation allowed from the Veterans' Home comfort-welfare fund in amounts not  
26 to exceed revenue collected for Medicaid and Medicare reimbursement.

27  
28 The amounts specified from the General Fund and the Comfort-Welfare Fund are for the  
29 following purposes:

30	Personal Services	16,956,676	16,956,676
31	Other Operating Expense	5,240,280	5,240,280

32  
33  
34 **COMFORT AND WELFARE PROGRAM**

35 Comfort-Welfare Fund (IC 10-17-9-7(c))

36	Total Operating Expense	10,127,221	10,127,221
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37 Augmentation allowed.

38  
39 **SECTION 9. [EFFECTIVE JULY 1, 2009]**

40  
41 **EDUCATION**

42  
43 **A. HIGHER EDUCATION**

44  
45 **FOR INDIANA UNIVERSITY**

46 **BLOOMINGTON CAMPUS**

47 From the General Fund

48 200,180,174 200,180,174

49 From the ARRA State Fiscal Stabilization Fund (Section 14002(a))





**SOUTH BEND**

From the General Fund

23,003,647 23,003,647

From the ARRA State Fiscal Stabilization Fund (Section 14002(a))

232,360 232,360

From the ARRA State Fiscal Stabilization Fund (Section 14002(b))

24,416 24,416

The amounts specified from the General Fund and the American Recovery and Reinvestment Act are for the following purposes:

Total Operating Expense 23,260,423 23,260,423

From the General Fund

5,658,917 6,437,774

Fee Replacement

5,658,917 6,437,774

**SOUTHEAST**

From the General Fund

20,640,314 20,640,314

From the ARRA State Fiscal Stabilization Fund (Section 14002(a))

208,488 208,488

From the ARRA State Fiscal Stabilization Fund (Section 14002(b))

136,025 265,227

The amounts specified from the General Fund and the American Recovery and Reinvestment Act are for the following purposes:

Total Operating Expense 20,984,827 21,114,029

From the General Fund

5,048,022 3,811,038

Fee Replacement

5,048,022 3,811,038

**TOTAL APPROPRIATION - INDIANA UNIVERSITY REGIONAL CAMPUSES**

100,053,067 97,657,347

**FOR INDIANA UNIVERSITY - PURDUE UNIVERSITY  
AT INDIANAPOLIS (IUPUI)**

**HEALTH DIVISIONS**

From the General Fund

111,113,964 111,113,964

From the ARRA State Fiscal Stabilization Fund (Section 14002(a))

1,122,363 1,122,363

The amounts specified from the General Fund and the American Recovery and Reinvestment Act are for the following purposes:

Total Operating Expense 112,236,327 112,236,327

From the General Fund

4,189,020 2,821,231

Fee Replacement

4,189,020 2,821,231

**FOR INDIANA UNIVERSITY SCHOOL OF MEDICINE ON**

**THE CAMPUS OF THE UNIVERSITY OF SOUTHERN INDIANA**

From the General Fund

1,594,256    1,594,256

From the ARRA State Fiscal Stabilization Fund (Section 14002(a))

16,105    16,105

The amounts specified from the General Fund and the American Recovery and Reinvestment Act are for the following purpose:

Total Operating Expense	1,610,361	1,610,361
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**THE CAMPUS OF INDIANA UNIVERSITY-PURDUE UNIVERSITY FORT WAYNE**

From the General Fund

1,466,616    1,466,616

From the ARRA State Fiscal Stabilization Fund (Section 14002(a))

14,814    14,814

The amounts specified from the General Fund and the American Recovery and Reinvestment Act are for the following purpose:

Total Operating Expense	1,481,430	1,481,430
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**THE CAMPUS OF INDIANA UNIVERSITY-NORTHWEST**

From the General Fund

2,083,528    2,083,528

From the ARRA State Fiscal Stabilization Fund (Section 14002(a))

21,046    21,046

The amounts specified from the General Fund and the American Recovery and Reinvestment Act are for the following purpose:

Total Operating Expense	2,104,574	2,104,574
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**THE CAMPUS OF PURDUE UNIVERSITY**

From the General Fund

1,859,843    1,859,843

From the ARRA State Fiscal Stabilization Fund (Section 14002(a))

18,786    18,786

The amounts specified from the General Fund and the American Recovery and Reinvestment Act are for the following purpose:

Total Operating Expense	1,878,629	1,878,629
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**THE CAMPUS OF BALL STATE UNIVERSITY**

From the General Fund

1,672,302    1,672,302

From the ARRA State Fiscal Stabilization Fund (Section 14002(a))

16,892    16,892

The amounts specified from the General Fund and the American Recovery and Reinvestment Act are for the following purpose:

Total Operating Expense	1,689,194	1,689,194
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**THE CAMPUS OF THE UNIVERSITY OF NOTRE DAME**

From the General Fund

1,550,860    1,550,860

From the ARRA State Fiscal Stabilization Fund (Section 14002(a))

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15,665      15,665  
**The amounts specified from the General Fund and the American Recovery and Reinvestment Act are for the following purpose:**  
**Total Operating Expense      1,566,525      1,566,525**

**THE CAMPUS OF INDIANA STATE UNIVERSITY**

**From the General Fund**

1,848,960      1,848,960

**From the ARRA State Fiscal Stabilization Fund (Section 14002(a))**

18,676      18,676

**The amounts specified from the General Fund and the American Recovery and Reinvestment Act are for the following purpose:**

**Total Operating Expense      1,867,636      1,867,636**

**The Indiana University School of Medicine - Indianapolis shall submit to the Indiana commission for higher education before May 15 of each year an accountability report containing data on the number of medical school graduates who entered primary care physician residencies in Indiana from the school's most recent graduating class.**

**FOR INDIANA UNIVERSITY - PURDUE UNIVERSITY AT INDIANAPOLIS (IUPUI)**

**GENERAL ACADEMIC DIVISIONS**

**From the General Fund**

82,478,446      82,478,446

**From the ARRA State Fiscal Stabilization Fund (Section 14002(a))**

833,116      833,116

**From the ARRA State Fiscal Stabilization Fund (Section 14002(b))**

119,954      119,954

**The amounts specified from the General Fund and the American Recovery and Reinvestment Act are for the following purposes:**

**Total Operating Expense      83,431,516      83,431,516**

**From the General Fund**

20,004,544      13,472,705

**Fee Replacement**

20,004,544      13,472,705

**TOTAL APPROPRIATIONS - IUPUI**

232,059,756      224,160,128

**Transfers of allocations between campuses to correct for errors in allocation among the campuses of Indiana University can be made by the institution with the approval of the commission for higher education and the budget agency. Indiana University shall maintain current operations at all statewide medical education sites.**

**FOR INDIANA UNIVERSITY**

**OPTOMETRY EDUCATION**

**Total Operating Expense**

29,000

1,500

**ABILENE NETWORK OPERATIONS CENTER**

**From the General Fund**

1	858,615	858,615	
2	From the ARRA State Fiscal Stabilization Fund (Section 14002(a))		
3	8,673	8,673	
4	The amounts specified from the General Fund and the American Recovery and Reinvestment		
5	Act are for the following purpose:		
6	Total Operating Expense	867,288	867,288
7			
8	<b>SPINAL CORD AND HEAD INJURY RESEARCH CENTER</b>		
9	Spinal Cord and Brain Injury Fund (IC 16-41-42.3-3)		
10	Total Operating Expense	546,073	546,073
11			
12	<b>STATE DEPARTMENT OF TOXICOLOGY</b>		
13	Total Operating Expense	2,463,380	2,463,380
14			
15	<b>INSTITUTE FOR THE STUDY OF DEVELOPMENTAL DISABILITIES</b>		
16	From the General Fund		
17	2,554,860	2,554,860	
18	From the ARRA State Fiscal Stabilization Fund (Section 14002(a))		
19	25,807	25,807	
20	The amounts specified from the General Fund and the American Recovery and Reinvestment		
21	Act are for the following purpose:		
22	Total Operating Expense	2,580,667	2,580,667
23			
24	<b>GEOLOGICAL SURVEY</b>		
25	From the General Fund		
26	3,199,188	3,199,188	
27	From the ARRA State Fiscal Stabilization Fund (Section 14002(a))		
28	32,316	32,316	
29	The amounts specified from the General Fund and the American Recovery and Reinvestment		
30	Act are for the following purpose:		
31	Total Operating Expense	3,231,504	3,231,504
32			
33	<b>LOCAL GOVERNMENT ADVISORY COMMISSION</b>		
34	From the General Fund		
35	58,310	58,310	
36	From the ARRA State Fiscal Stabilization Fund (Section 14002(a))		
37	589	589	
38	The amounts specified from the General Fund and the American Recovery and Reinvestment		
39	Act are for the following purpose:		
40	Total Operating Expense	58,899	58,899
41			
42	<b>I-LIGHT NETWORK OPERATIONS</b>		
43	From the General Fund		
44	2,000,000	2,000,000	
45	From the ARRA State Fiscal Stabilization Fund (Section 14002(a))		
46	2,000,000	2,000,000	
47	The amounts specified from the General Fund and the American Recovery and Reinvestment		
48	Act are for the following purpose:		
49	Total Operating Expense	4,000,000	4,000,000

1  
2 The sums herein appropriated to the Indiana Higher Education Telecommunications System  
3 (IHETS) are in addition to all income of IHETS from all permanent fees and endowments  
4 and from all land grants, fees, earnings, and receipts, including gifts, grants,  
5 bequests, and devises, and receipts from any miscellaneous sales from whatever source  
6 derived.

7  
8 All such income and all such fees, earnings, and receipts on hand June 30, 2009,  
9 and all such income and fees, earnings, and receipts accruing thereafter are hereby  
10 appropriated to the directors of IHETS and may be expended for any necessary expenses  
11 of IHETS. However, such income, fees, earnings, and receipts may be used for land  
12 and structures only if approved by the governor and the budget agency.

13  
14 The foregoing appropriations to IHETS include the employers' share of Social Security  
15 payments for IHETS employees under the public employees' retirement fund, or the  
16 Indiana state teachers' retirement fund. The funds appropriated also include funding  
17 for the employers' share of payments to the public employees' retirement fund and  
18 to the Indiana state teachers' retirement fund at a rate to be established by the  
19 retirement funds for both fiscal years for IHETS employees covered by these retirement  
20 plans.

21  
22 The directors of IHETS are hereby authorized to accept federal grants, subject to  
23 IC 4-12-1.

24  
25 **FOR PURDUE UNIVERSITY**

26 **WEST LAFAYETTE**

27 From the General Fund

28 259,413,399 259,413,399

29 From the ARRA State Fiscal Stabilization Fund (Section 14002(a))

30 2,620,338 2,620,338

31 The amounts specified from the General Fund and the American Recovery and Reinvestment  
32 Act are for the following purposes:

Total Operating Expense	262,033,737	262,033,737
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34  
35 From the General Fund

36 26,722,911 26,777,731

37 Fee Replacement

38 26,722,911 26,777,731

39 **FOR PURDUE UNIVERSITY - REGIONAL CAMPUSES**

40 **CALUMET**

41 From the General Fund

42 27,930,577 27,930,577

43 From the ARRA State Fiscal Stabilization Fund (Section 14002(a))

44 282,127 282,127

45 From the ARRA State Fiscal Stabilization Fund (Section 14002(b))

46 209,264 346,305

47 The amounts specified from the General Fund and the American Recovery and Reinvestment  
48 Act are for the following purposes:

Total Operating Expense	28,421,968	28,559,009
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**From the General Fund**  
                                   1,491,261    1,692,654  
**Fee Replacement**                                  1,491,261          1,692,654

**NORTH CENTRAL**

**From the General Fund**  
                                   11,850,126    11,850,126  
**From the ARRA State Fiscal Stabilization Fund (Section 14002(a))**  
                                   119,698          119,698  
**From the ARRA State Fiscal Stabilization Fund (Section 14002(b))**  
                                   410,997          697,412

The amounts specified from the General Fund and the American Recovery and Reinvestment Act are for the following purposes:

**Total Operating Expense**                                  12,380,821          12,667,236

**From the General Fund**  
                                   1          83,679  
**Fee Replacement**                                  1          83,679

**TOTAL APPROPRIATION - PURDUE UNIVERSITY REGIONAL CAMPUSES**

42,294,051    43,002,578

**FOR INDIANA UNIVERSITY - PURDUE UNIVERSITY  
 AT FORT WAYNE (IPFW)**

**From the General Fund**  
                                   38,065,207    38,065,207  
**From the ARRA State Fiscal Stabilization Fund (Section 14002(a))**  
                                   384,498          384,498  
**From the ARRA State Fiscal Stabilization Fund (Section 14002(b))**  
                                   591,056          1,153,467

The amounts specified from the General Fund and the American Recovery and Reinvestment Act are for the following purposes:

**Total Operating Expense**                                  39,040,761          39,603,172

**From the General Fund**  
                                   5,995,241    5,980,642  
**Fee Replacement**                                  5,995,241          5,980,642

Transfers of allocations between campuses to correct for errors in allocation among the campuses of Purdue University can be made by the institution with the approval of the commission for higher education and the budget agency.

**FOR PURDUE UNIVERSITY  
 ANIMAL DISEASE DIAGNOSTIC LABORATORY SYSTEM**

**From the General Fund**  
                                   3,557,509    3,557,509  
**From the ARRA State Fiscal Stabilization Fund (Section 14002(a))**  
                                   35,935          35,935

1 The amounts specified from the General Fund and the American Recovery and Reinvestment  
 2 Act are for the following purpose:

3 Total Operating Expense	3,593,444	3,593,444
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4  
 5 The above appropriations shall be used to fund the animal disease diagnostic laboratory  
 6 system (ADDL), which consists of the main ADDL at West Lafayette, the bangs disease  
 7 testing service at West Lafayette, and the southern branch of ADDL Southern Indiana  
 8 Purdue Agricultural Center (SIPAC) in Dubois County. The above appropriations are  
 9 in addition to any user charges that may be established and collected under IC 21-46-3-5.  
 10 Notwithstanding IC 21-46-3-4, the trustees of Purdue University may approve reasonable  
 11 charges for testing for pseudorabies.

12  
 13 **STATEWIDE TECHNOLOGY**

14 From the General Fund

15 6,634,999	6,634,999
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16 From the ARRA State Fiscal Stabilization Fund (Section 14002(a))

17 67,021	67,021
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18 The amounts specified from the General Fund and the American Recovery and Reinvestment  
 19 Act are for the following purpose:

20 Total Operating Expense	6,702,020	6,702,020
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21  
 22 **COUNTY AGRICULTURAL EXTENSION EDUCATORS**

23 From the General Fund

24 7,460,686	7,460,686
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25 From the ARRA State Fiscal Stabilization Fund (Section 14002(a))

26 75,361	75,361
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27 The amounts specified from the General Fund and the American Recovery and Reinvestment  
 28 Act are for the following purpose:

29 Total Operating Expense	7,536,047	7,536,047
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30  
 31 **AGRICULTURAL RESEARCH AND EXTENSION - CROSSROADS**

32 From the General Fund

33 7,465,178	7,465,178
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34 From the ARRA State Fiscal Stabilization Fund (Section 14002(a))

35 75,406	75,406
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36 The amounts specified from the General Fund and the American Recovery and Reinvestment  
 37 Act are for the following purpose:

38 Total Operating Expense	7,540,584	7,540,584
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39  
 40 **CENTER FOR PARALYSIS RESEARCH**

41 From the General Fund

42 538,887	538,887
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43 From the ARRA State Fiscal Stabilization Fund (Section 14002(a))

44 5,444	5,444
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45 The amounts specified from the General Fund and the American Recovery and Reinvestment  
 46 Act are for the following purpose:

47 Total Operating Expense	544,331	544,331
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48  
 49 **UNIVERSITY-BASED BUSINESS ASSISTANCE**

**From the General Fund**

1,948,071	1,948,071	
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**From the ARRA State Fiscal Stabilization Fund (Section 14002(a))**

19,678	19,678	
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The amounts specified from the General Fund and the American Recovery and Reinvestment Act are for the following purpose:

Total Operating Expense	1,967,749	1,967,749
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**FOR INDIANA STATE UNIVERSITY**

**From the General Fund**

76,142,019	76,142,019	
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**From the ARRA State Fiscal Stabilization Fund (Section 14002(a))**

769,112	769,112	
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**From the ARRA State Fiscal Stabilization Fund (Section 14002(b))**

0	703,611	
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The amounts specified from the General Fund and the American Recovery and Reinvestment Act are for the following purposes:

Total Operating Expense	76,911,131	77,614,742
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**From the General Fund**

8,231,452	9,455,023	
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Fee Replacement	8,231,452	9,455,023
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**NURSING PROGRAM**

**From the General Fund**

247,500	247,500	
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**From the ARRA State Fiscal Stabilization Fund (Section 14002(a))**

2,500	2,500	
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The amounts specified from the General Fund and the American Recovery and Reinvestment Act are for the following purposes:

Total Operating Expense	250,000	250,000
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**FOR UNIVERSITY OF SOUTHERN INDIANA**

**From the General Fund**

39,983,554	39,983,554	
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**From the ARRA State Fiscal Stabilization Fund (Section 14002(a))**

403,875	403,875	
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**From the ARRA State Fiscal Stabilization Fund (Section 14002(b))**

578,861	802,094	
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The amounts specified from the General Fund and the American Recovery and Reinvestment Act are for the following purposes:

Total Operating Expense	40,966,290	41,189,523
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**From the General Fund**

11,920,469	11,119,519	
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Fee Replacement	11,920,469	11,119,519
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**HISTORIC NEW HARMONY**

**From the General Fund**



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570,723	570,723	
From the ARRA State Fiscal Stabilization Fund (Section 14002(a))		
5,765	5,765	
The amounts specified from the General Fund and the American Recovery and Reinvestment Act are for the following purpose:		
Total Operating Expense	576,488	576,488

**FOR BALL STATE UNIVERSITY**

From the General Fund		
129,077,431	129,077,431	
From the ARRA State Fiscal Stabilization Fund (Section 14002(a))		
1,303,813	1,303,813	
From the ARRA State Fiscal Stabilization Fund (Section 14002(b))		
1,658,682	1,658,682	
The amounts specified from the General Fund and the American Recovery and Reinvestment Act are for the following purposes:		
Total Operating Expense	132,039,926	132,039,926

From the General Fund		
11,543,674	14,296,955	
Fee Replacement	11,543,674	14,296,955

**ENTREPRENEURIAL COLLEGE**

From the General Fund		
990,000	990,000	
From the ARRA State Fiscal Stabilization Fund (Section 14002(a))		
10,000	10,000	
From the ARRA State Fiscal Stabilization Fund (Section 14002(b))		
1,000,000	1,000,000	
The amounts specified from the General Fund and the American Recovery and Reinvestment Act are for the following purpose:		
Total Operating Expense	2,000,000	2,000,000

**ACADEMY FOR SCIENCE, MATHEMATICS, AND HUMANITIES**

From the General Fund		
4,407,399	4,407,399	
From the ARRA State Fiscal Stabilization Fund (Section 14002(a))		
44,514	44,514	
The amounts specified from the General Fund and the American Recovery and Reinvestment Act are for the following purpose:		
Total Operating Expense	4,451,913	4,451,913

**FOR VINCENNES UNIVERSITY**

From the General Fund		
38,577,469	38,577,469	
From the ARRA State Fiscal Stabilization Fund (Section 14002(a))		
389,672	389,672	
From the ARRA State Fiscal Stabilization Fund (Section 14002(b))		
350,102	717,313	

The amounts specified from the General Fund and the American Recovery and Reinvestment Act are for the following purposes:

Total Operating Expense	39,317,243	39,684,454
From the General Fund		
Fee Replacement	5,275,650	5,952,097
	5,275,650	5,952,097

**FOR IVY TECH COMMUNITY COLLEGE**

From the General Fund	165,790,902	160,790,902
From the ARRA State Fiscal Stabilization Fund (Section 14002(a))	1,624,151	1,624,151
From the ARRA State Fiscal Stabilization Fund (Section 14002(b))	7,996,186	15,977,929

The amounts specified from the General Fund and the American Recovery and Reinvestment Act are for the following purposes:

Total Operating Expense	175,411,239	178,392,982
From the General Fund		
Fee Replacement	26,656,511	28,602,954
	26,656,511	28,602,954

**VALPO NURSING PARTNERSHIP**

From the General Fund	103,624	103,624
From the ARRA State Fiscal Stabilization Fund (Section 14002(a))	1,047	1,047

The amounts specified from the General Fund and the American Recovery and Reinvestment Act are for the following purpose:

Total Operating Expense	104,671	104,671
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**FT. WAYNE PUBLIC SAFETY TRAINING CENTER**

From the General Fund		
Total Operating Expense	1,000,000	1,000,000

The above appropriations do not include funds for the course development grant program.

The sums herein appropriated to Indiana University, Purdue University, Indiana State University, University of Southern Indiana, Ball State University, Vincennes University, and Ivy Tech Community College are in addition to all income of said institutions, respectively, from all permanent fees and endowments and from all land grants, fees, earnings, and receipts, including gifts, grants, bequests, and devises, and receipts from any miscellaneous sales from whatever source derived.

All such income and all such fees, earnings, and receipts on hand June 30, 2009, and all such income and fees, earnings, and receipts accruing thereafter are hereby appropriated to the boards of trustees or directors of the aforementioned institutions and may be expended for any necessary expenses of the respective institutions,

1 including university hospitals, schools of medicine, nurses' training schools, schools  
2 of dentistry, and agricultural extension and experimental stations. However, such  
3 income, fees, earnings, and receipts may be used for land and structures only if  
4 approved by the governor and the budget agency.

5  
6 The foregoing appropriations to Indiana University, Purdue University, Indiana State  
7 University, University of Southern Indiana, Ball State University, Vincennes University,  
8 and Ivy Tech Community College, include the employers' share of Social Security  
9 payments for university employees under the public employees' retirement fund, or  
10 institutions covered by the Indiana state teachers' retirement fund. The funds appropriated  
11 also include funding for the employers' share of payments to the public employees'  
12 retirement fund and to the Indiana state teachers' retirement fund at a rate to be  
13 established by the retirement funds for both fiscal years for each institution's employees  
14 covered by these retirement plans.

15  
16 The treasurers of Indiana University, Purdue University, Indiana State University,  
17 University of Southern Indiana, Ball State University, Vincennes University, and  
18 Ivy Tech Community College shall, at the end of each three (3) month period, prepare  
19 and file with the auditor of state a financial statement that shall show in total  
20 all revenues received from any source, together with a consolidated statement of  
21 disbursements for the same period. The budget director shall establish the requirements  
22 for the form and substance of the reports.

23  
24 The reports of the treasurer also shall contain in such form and in such detail as  
25 the governor and the budget agency may specify, complete information concerning receipts  
26 from all sources, together with any contracts, agreements, or arrangements with any  
27 federal agency, private foundation, corporation, or other entity from which such  
28 receipts accrue.

29  
30 All such treasurers' reports are matters of public record and shall include without  
31 limitation a record of the purposes of any and all gifts and trusts with the sole  
32 exception of the names of those donors who request to remain anonymous.

33  
34 Notwithstanding IC 4-10-11, the auditor of state shall draw warrants to the treasurers  
35 of Indiana University, Purdue University, Indiana State University, University of  
36 Southern Indiana, Ball State University, Vincennes University, and Ivy Tech Community  
37 College on the basis of vouchers stating the total amount claimed against each fund  
38 or account, or both, but not to exceed the legally made appropriations.

39  
40 Notwithstanding IC 4-12-1-14, for universities and colleges supported in whole or  
41 in part by state funds, grant applications and lists of applications need only be  
42 submitted upon request to the budget agency for review and approval or disapproval  
43 and, unless disapproved by the budget agency, federal grant funds may be requested  
44 and spent without approval by the budget agency. Each institution shall retain the  
45 applications for a reasonable period of time and submit a list of all grant applications,  
46 at least monthly, to the commission for higher education for informational purposes.

47  
48 For all university special appropriations, an itemized list of intended expenditures,  
49 in such form as the governor and the budget agency may specify, shall be submitted

1 to support the allotment request. All budget requests for university special appropriations  
 2 shall be furnished in a like manner and as a part of the operating budgets of the  
 3 state universities.  
 4

5 The trustees of Indiana University, the trustees of Purdue University, the trustees  
 6 of Indiana State University, the trustees of University of Southern Indiana, the  
 7 trustees of Ball State University, the trustees of Vincennes University, and the trustees  
 8 of Ivy Tech Community College are hereby authorized to accept federal grants, subject  
 9 to IC 4-12-1.

10  
 11 Fee replacement funds are to be distributed as requested by each institution, on  
 12 payment due dates, subject to available appropriations.  
 13

14 **FOR THE MEDICAL EDUCATION BOARD**  
 15 **FAMILY PRACTICE RESIDENCY FUND**

16 Total Operating Expense	2,340,683	2,340,683
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17  
 18 Of the foregoing appropriations for the medical education board-family practice residency  
 19 fund, \$1,000,000 each year shall be used for grants for the purpose of improving  
 20 family practice residency programs serving medically underserved areas.  
 21

22 **FOR THE STATE BUDGET AGENCY**  
 23 **MEDICAL EDUCATION CENTER EXPANSION**

24 From the ARRA State Fiscal Stabilization Fund (Section 14002(b))		
25 Total Operating Expense	5,000,000	5,000,000

26  
 27 The above appropriations for medical education center expansion are intended  
 28 to help increase medical school class size by 30% on a statewide basis. The funds  
 29 shall be used to help increase enrollment for years 1 and 2 and to provide clinical  
 30 instruction for years 3 and 4. The funds shall be distributed to the nine existing  
 31 medical education centers in proportion to the increase in enrollment for each center.  
 32 The budget agency shall release the funds after a plan is submitted and favorably  
 33 reviewed by the budget committee.  
 34

35 **TECHNICAL ASSISTANCE AND ADVANCED MANUFACTURING**

36 From the ARRA State Fiscal Stabilization Fund (Section 14002(b))		
37 Total Operating Expense	3,750,000	3,750,000

38  
 39 The above appropriation for technical assistance and advanced manufacturing is intended  
 40 to be used to expand post graduate pharmacy residency training and post graduate  
 41 biomedical engineering specialization and for a technical assistance program for  
 42 cost containment through the healthcare technology assistance program at Purdue University.  
 43 Funds shall be released after favorable review by the budget committee.  
 44

45 **CORE RESEARCH**

46 From the ARRA State Fiscal Stabilization Fund (Section 14002(b))		
47 Total Operating Expense	11,250,000	11,250,000

48  
 49 The above appropriations for core research are intended to fund facilities, equipment,

1 researchers, and related expenses at Purdue University and Indiana University to conduct  
 2 basic research in the core life sciences that are aligned with Indiana's major bioscience  
 3 employment sectors. Those sectors include pharmaceutical, biotech, medical devices  
 4 and equipment, orthopedics, and agricultural feedstock and chemicals. Funds shall  
 5 be released after favorable review by the budget committee. Purdue University and  
 6 Indiana University shall report to the budget committee on the status of the program  
 7 one (1) year after the funds are released.

8  
 9 **FOR THE COMMISSION FOR HIGHER EDUCATION**

Total Operating Expense	1,538,266	1,538,266
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10  
 11  
 12 **STATEWIDE TRANSFER WEB SITE**

Total Operating Expense	644,293	644,293
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13  
 14  
 15 **LEARN MORE INDIANA**

Total Operating Expense	1	1
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16  
 17  
 18 **FOR THE DEPARTMENT OF ADMINISTRATION**

19 **ANIMAL DISEASE DIAGNOSTIC LABORATORY LEASE RENTAL**

Total Operating Expense	1,045,098	1,046,630
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20  
 21 **ANIMAL DISEASE DIAGNOSTIC LABORATORY BSL-3 LEASE RENTAL**

Total Operating Expense	1	2,600,000
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22  
 23  
 24 **COLUMBUS LEARNING CENTER LEASE PAYMENT**

Total Operating Expense	4,988,000	4,934,000
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25  
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 27  
 28 **FOR THE STATE BUDGET AGENCY**

29 **GIGAPOP PROJECT**

Total Operating Expense	771,951	771,951
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30  
 31 **SOUTH CENTRAL EDUCATIONAL ALLIANCE - BEDFORD SERVICE AREA**

Total Operating Expense	403,172	403,172
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32  
 33  
 34 **SOUTHEAST INDIANA EDUCATION SERVICES**

Total Operating Expense	709,130	709,130
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35  
 36  
 37  
 38 The above appropriation for southeast Indiana education services may be expended  
 39 with the approval of the budget agency after review by the commission for higher  
 40 education.

41  
 42 **DEGREE LINK**

Total Operating Expense	552,294	552,294
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43  
 44  
 45 The above appropriations shall be used for the delivery of Indiana State University  
 46 baccalaureate degree programs at Ivy Tech Community College and Vincennes University  
 47 locations through Degree Link. Distributions shall be made upon the recommendation  
 48 of the Indiana commission for higher education and with approval by the budget agency  
 49 after review by the budget committee.

	<i>FY 2009-2010 Appropriation</i>	<i>FY 2010-2011 Appropriation</i>	<i>Biennial Appropriation</i>
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For the higher education awards and freedom of choice grants made for the 2009-2011 biennium, the following guidelines shall be used, notwithstanding current administrative rule or practice:

- (1) Financial Need: For purposes of these awards, financial need shall be limited to actual undergraduate tuition and fees for the prior academic year as established by the commission.
- (2) Maximum Base Award: The maximum award shall not exceed the lesser of:
  - (A) eighty percent (80%) of actual prior academic year undergraduate tuition and fees; or
  - (B) eighty percent (80%) of the sum of the highest prior academic year undergraduate tuition and fees at any public institution of higher education and the lowest appropriation per full-time equivalent (FTE) undergraduate student at any public institution of higher education.
- (3) Minimum Award: No actual award shall be less than \$200.
- (4) Award Size: A student's maximum award shall be reduced one (1) time:
  - (A) for dependent students, by the expected contribution from parents based upon information submitted on the financial aid application form; and
  - (B) for independent students, by the expected contribution derived from information submitted on the financial aid application form.
- (5) Award Adjustment: The maximum base award may be adjusted by the commission, for any eligible recipient who fulfills college preparation requirements defined by the commission.
- (6) Adjustment:

1 (A) If the dollar amounts of eligible awards exceed appropriations and program reserves,  
 2 all awards may be adjusted by the commission by reducing the maximum award under  
 3 subdivision (2)(A) or (2)(B).

4 (B) If appropriations and program reserves are sufficient and the maximum awards  
 5 are not at the levels described in subdivision (2)(A) and (2)(B), all awards may  
 6 be adjusted by the commission by proportionally increasing the awards to the maximum  
 7 award under that subdivision so that parity between those maxima is maintained but  
 8 not exceeded.

9  
 10 For the Hoosier scholar program for the 2009-2011 biennium, each award shall not  
 11 exceed five hundred dollars (\$500) and shall be made available for one (1) year only.  
 12 Receipt of this award shall not reduce any other award received under any state funded  
 13 student assistance program.

14 **STATUTORY FEE REMISSION**

Total Operating Expense	20,557,932	20,557,932
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17 **PART-TIME STUDENT GRANT DISTRIBUTION**

Total Operating Expense	5,462,100	5,462,100
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18  
 19  
 20  
 21 Priority for awards made from the above appropriation shall be given first to eligible  
 22 students meeting TANF income eligibility guidelines as determined by the family and  
 23 social services administration and second to eligible students who received awards  
 24 from the part-time grant fund during the school year associated with the biennial budget  
 25 year. Funds remaining shall be distributed according to procedures established by the  
 26 commission. The maximum grant that an applicant may receive for a particular academic  
 27 term shall be established by the commission but shall in no case be greater than a grant  
 28 for which an applicant would be eligible under IC 21-12-3 if the applicant were a  
 29 full-time student. The commission shall collect and report to the family and social  
 30 services administration (FSSA) all data required for FSSA to meet the data collection  
 31 and reporting requirements in 45 CFR Part 265.

32  
 33 The family and social services administration, division of family resources, shall  
 34 apply all qualifying expenditures for the part-time grant program toward Indiana's  
 35 maintenance of effort under the federal Temporary Assistance for Needy Families (TANF)  
 36 program (45 CFR 260 et seq.).

37 **CONTRACT FOR INSTRUCTIONAL OPPORTUNITIES IN SOUTHEASTERN INDIANA**

Total Operating Expense	458,253	458,253
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38 **MINORITY TEACHER SCHOLARSHIP FUND**

Total Operating Expense	415,919	415,919
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39 **COLLEGE WORK STUDY PROGRAM**

Total Operating Expense	837,719	837,719
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40 **21ST CENTURY ADMINISTRATION**

Total Operating Expense	2,102,648	2,102,648
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41 **21ST CENTURY SCHOLAR AWARDS**

Total Operating Expense	30,658,675	30,658,675
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 45  
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 47  
 48 Augmentation for 21st Century Scholar Awards allowed from the general fund.  
 49

1    The commission shall collect and report to the family and social services administration  
 2    (FSSA) all data required for FSSA to meet the data collection and reporting requirements  
 3    in 45 CFR 265.

4  
 5    Family and social services administration, division of family resources, shall apply  
 6    all qualifying expenditures for the 21st century scholars program toward Indiana's  
 7    maintenance of effort under the federal Temporary Assistance for Needy Families (TANF)  
 8    program (45 CFR 260 et seq.)

9  
 10    **NATIONAL GUARD SCHOLARSHIP**

11    Total Operating Expense	2,874,264	2,874,264
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12  
 13    The above appropriations for national guard scholarship and any program reserves  
 14    existing on June 30, 2009, shall be the total allowable state expenditure for the  
 15    program in the 2009-2011 biennium. If the dollar amounts of eligible awards exceed  
 16    appropriations and program reserves, the state student assistance commission shall  
 17    develop a plan to ensure that the total dollar amount does not exceed the above appropriations  
 18    and any program reserves.

19  
 20    **INSURANCE EDUCATION SCHOLARSHIPS**

21    Insurance Education Scholarship Fund (IC 21-12-9-5)		
22    Total Operating Expense	100,000	100,000
23    Augmentation allowed.		

24  
 25    The foregoing appropriations for higher education and the student assistance commission  
 26    that are made from money received under the federal American Recovery and Reinvestment  
 27    Act of 2009 (ARRA) are intended to be one (1) time appropriations.

28  
 29    **B. ELEMENTARY AND SECONDARY EDUCATION**

30  
 31    **FOR THE DEPARTMENT OF EDUCATION**  
 32    **STATE BOARD OF EDUCATION**

33    Total Operating Expense	3,144,762	3,144,762
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34  
 35    The foregoing appropriations for the Indiana state board of education are for the  
 36    education roundtable established by IC 20-19-4; for the academic standards project  
 37    to distribute copies of the academic standards and provide teachers with curriculum  
 38    frameworks; for special evaluation and research projects including national and international  
 39    assessments; and for roundtable administrative expenses.

40  
 41    **SUPERINTENDENT'S OFFICE**

42    From the General Fund		
	8,495,125	8,495,125
44    From the Professional Standards Fund (IC 20-28-2-8)		
	395,000	395,000
46    Augmentation allowed from the Professional Standards Fund.		

47  
 48    The amounts specified from the General Fund and the Professional Standards Fund are  
 49    for the following purposes:



1			
2	Personal Services	5,895,372	5,895,372
3	Other Operating Expense	2,994,753	2,994,753

4  
5 Of the foregoing appropriations for the Superintendent's Office, up to \$148,000 is  
6 dedicated for the Center for Evaluation and Education Policy.

7			
8	<b>RILEY HOSPITAL</b>		
9	Total Operating Expense	27,900	27,900
10	<b>BEST BUDDIES</b>		
11	Total Operating Expense	250,000	250,000
12	<b>MOTORCYCLE OPERATOR SAFETY EDUCATION FUND</b>		
13	Motorcycle Operator Safety Education Fund (IC 20-30-13-11)		
14	Personal Services	132,397	132,397
15	Other Operating Expense	829,642	829,642

16  
17 The foregoing appropriations for the motorcycle operator safety education fund are  
18 from the motorcycle operator safety education fund created by IC 20-30-13-11.

19			
20	<b>SCHOOL TRAFFIC SAFETY</b>		
21	Motor Vehicle Highway Account (IC 8-14-1)		
22	Personal Services	242,989	242,989
23	Other Operating Expense	30,405	30,405
24	Augmentation allowed.		
25	<b>EDUCATION LICENSE PLATE FEES</b>		
26	Education License Plate Fees Fund (IC 9-18-31-6)		
27	Total Operating Expense	141,200	141,200
28	<b>ACCREDITATION SYSTEM</b>		
29	Personal Services	566,462	566,462
30	Other Operating Expense	283,966	283,966
31	<b>SPECIAL EDUCATION (S-5)</b>		
32	Total Operating Expense	24,750,000	24,750,000

33  
34 The foregoing appropriations for special education are made under IC 20-35-6-2.

35			
36	<b>SPECIAL EDUCATION EXCISE</b>		
37	Alcoholic Beverage Excise Tax Funds (IC 20-35-4-4)		
38	Personal Services	344,351	344,351
39	Augmentation Allowed.		
40	<b>GED-ON-TV PROGRAM</b>		
41	Other Operating Expense	229,500	229,500

42  
43 The foregoing appropriation is for grants to provide GED-ON-TV programming. The GED-ON-TV  
44 Program shall submit for review by the budget committee an annual report on utilization  
45 of this appropriation.

46			
47	<b>CAREER AND TECHNICAL EDUCATION</b>		
48	Personal Services	1,390,117	1,390,117
49	Other Operating Expense	36,828	36,828

**ADVANCED PLACEMENT PROGRAM**

<b>Other Operating Expense</b>	<b>953,284</b>	<b>953,284</b>
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The above appropriations for the Advanced Placement program are to provide funding for students of accredited public and nonpublic schools.

**PSAT PROGRAM**

<b>Other Operating Expense</b>	<b>717,449</b>	<b>717,449</b>
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The above appropriations for the PSAT program are to provide funding for students of accredited public and nonpublic schools.

**PRINCIPAL LEADERSHIP ACADEMY**

Personal Services	320,632	320,632
Other Operating Expense	142,204	142,204

**EDUCATION SERVICE CENTERS**

<b>Total Operating Expense</b>	<b>2,231,287</b>	<b>2,231,287</b>
--------------------------------	------------------	------------------

No appropriation made for an education service center shall be distributed to the administering school corporation of the center unless each participating school corporation of the center contracts to pay to the center at least three dollars (\$3) per student for fiscal year 2009-2010 based on the school corporation's ADM count as reported for school aid distribution in the fall of 2008, and at least three dollars (\$3) per student for fiscal year 2010-2011, based on the school corporation's ADM count as reported for school aid distribution beginning in the fall of 2009. Before notification of education service centers of the formula and components of the formula for distributing funds for education service centers, review and approval of the formula and components must be made by the budget agency.

**TRANSFER TUITION (STATE EMPLOYEES' CHILDREN AND ELIGIBLE CHILDREN IN MENTAL HEALTH FACILITIES)**

<b>Total Operating Expense</b>	<b>25,000</b>	<b>25,000</b>
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The foregoing appropriations for transfer tuition (state employees' children and eligible children in mental health facilities) are made under IC 20-26-11-8 and IC 20-26-11-10.

**TEACHERS' SOCIAL SECURITY AND RETIREMENT DISTRIBUTION**

<b>Total Operating Expense</b>	<b>2,403,792</b>	<b>2,403,792</b>
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The foregoing appropriations shall be distributed by the department of education on a monthly basis and in approximately equal payments to special education cooperatives, area career and technical education schools, and other governmental entities that received state teachers' Social Security distributions for certified education personnel (excluding the certified education personnel funded through federal grants) during the fiscal year beginning July 1, 1992, and ending June 30, 1993, and for the units under the Indiana state teacher's retirement fund, the amount they received during the 2002-2003 state fiscal year for teachers' retirement. If the total amount to be distributed is greater than the total appropriation, the department of education

1 shall reduce each entity's distribution proportionately.

2 **DISTRIBUTION FOR TUITION SUPPORT**

3 <b>Total Operating Expense</b>	6,338,650,000	6,472,900,000
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4  
5  
6 The foregoing appropriations for distribution for tuition support are to be distributed  
7 for tuition support, special education programs, including special education preschool,  
8 career and technical education programs, honors grants, and the primetime program  
9 in accordance with a statute enacted for this purpose during the 2009 session of  
10 the general assembly.

11  
12 If the above appropriations for distribution for tuition support are more than are  
13 required under this SECTION, any excess shall revert to the general fund.

14  
15 The above appropriations for tuition support shall be made each calendar year under  
16 a schedule set by the budget agency and approved by the governor. However, the schedule  
17 shall provide for at least twelve (12) payments, that one (1) payment shall be made  
18 at least every forty (40) days, and the aggregate of the payments in each calendar  
19 year shall equal the amount required under the statute enacted for the purpose referred  
20 to above.

21  
22 The above appropriation for tuition support shall be distributed to guarantee a minimum  
23 of \$2,750 per child enrolled in special education preschool programs from state sources  
24 for this purpose. It is the intent of the 2009 general assembly that the above appropriation  
25 for Special Education Preschool is the total allowable expenditure for the program.  
26 Therefore, if the expected disbursements are anticipated to exceed the total appropriation  
27 for that state fiscal year, then the department of education shall reduce the distributions  
28 proportionately.

29 **DISTRIBUTION FOR FISCAL STABILIZATION FUND GRANTS (IC 20-43-12)**

30 **ARRA State Fiscal Stabilization Fund (Section 14002(a))**

31 <b>Total Operating Expense</b>	191,105,000	255,285,000
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32  
33  
34 The above appropriations for fiscal stabilization fund grants are intended to be one-time  
35 grants to school corporations in addition to distributions for tuition support. The  
36 calendar year 2011 amount is to be distributed in the first six months of calendar  
37 year 2011.

38 **LEVY REPLACEMENT GRANTS**

39 **From the ARRA State Fiscal Stabilization Fund (Section 14002(a))**

40 <b>Restore Reductions from Circuit Breaker</b>		127,170,000
41 <b>Augmentation Allowed</b>		

42  
43  
44 The foregoing appropriations are to restore the level of funding for levy replacement  
45 grants for the school calendar year beginning January 1, 2010, and ending December  
46 31, 2010, and the school calendar year beginning January 1, 2011, and ending December  
47 31, 2011. The foregoing appropriation does not expire. The budget agency may adjust  
48 the three and fifty-four hundredths percent (3.54%) threshold and the calculation  
49 in IC 20-20-36.2-5, as added in HEA 1198-2009, and as amended by this act, based

1 on the actual amount of funds available under the federal American Recovery and  
 2 Reinvestment Act of 2009 for appropriation under this SECTION for levy replacement  
 3 grants. The calendar year 2011 amount is to be distributed in the first six months  
 4 of calendar year 2011. Levy replacement grants are intended to be one-time distributions  
 5 for the FY 2009-2011 biennium.

6  
 7 **DISTRIBUTION FOR SUMMER SCHOOL**

Other Operating Expense	18,360,000	18,360,000
-------------------------	------------	------------

8  
 9  
 10 It is the intent of the 2009 general assembly that the above appropriations for summer  
 11 school shall be the total allowable state expenditure for such program. Therefore,  
 12 if the expected disbursements are anticipated to exceed the total appropriation for  
 13 that state fiscal year, then the department of education shall reduce the distributions  
 14 proportionately.

15  
 16 **EARLY INTERVENTION PROGRAM AND READING DIAGNOSTIC ASSESSMENT**

Total Operating Expense	4,720,000	4,720,000
-------------------------	-----------	-----------

17  
 18  
 19 The above appropriations for the early intervention program may be used for grants to local  
 20 school corporations for grant proposals for early intervention programs, including  
 21 reading recovery and the Waterford method.

22  
 23 The foregoing appropriations may be used by the department for the reading diagnostic  
 24 assessment and subsequent remedial programs or activities. The reading diagnostic  
 25 assessment program, as approved by the board, is to be made available on a voluntary  
 26 basis to all Indiana public and nonpublic school first and second grade students  
 27 upon the approval of the governing body of school corporations. The board shall determine  
 28 how the funds will be distributed for the assessment and related remediation. The  
 29 department or its representative shall provide progress reports on the assessment  
 30 as requested by the board and the education roundtable.

31  
 32 **ADULT EDUCATION DISTRIBUTION**

Total Operating Expense	15,000,000	15,000,000
-------------------------	------------	------------

33  
 34  
 35 It is the intent of the 2009 general assembly that the above appropriations for adult  
 36 education shall be the total allowable state expenditure for such program. Therefore,  
 37 if the expected disbursements are anticipated to exceed the total appropriation for  
 38 a state fiscal year, the department of education shall reduce the distributions proportionately.

39  
 40 **NATIONAL SCHOOL LUNCH PROGRAM**

Total Operating Expense	5,400,000	5,400,000
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41  
 42 **MARION COUNTY DESEGREGATION COURT ORDER**

Total Operating Expense	18,000,000	18,000,000
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43  
 44  
 45 The foregoing appropriations for court ordered desegregation costs are made pursuant  
 46 to order No. IP 68-C-225-S of the United States District Court for the Southern District  
 47 of Indiana. If the sums herein appropriated are insufficient to enable the state  
 48 to meet its obligations, then there are hereby appropriated from the state general  
 49 fund such further sums as may be necessary for such purpose.

**TEXTBOOK REIMBURSEMENT**

<b>Total Operating Expense</b>	<b>39,000,000</b>	<b>39,000,000</b>
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Before a school corporation or an accredited nonpublic school may receive a distribution under the textbook reimbursement program, the school corporation or accredited nonpublic school shall provide to the department the requirements established in IC 20-33-5-2. The department shall provide to the family and social services administration (FSSA) all data required for FSSA to meet the data collection reporting requirement in 45 CFR 265. Family and social services administration, division of family resources, shall apply all qualifying expenditures for the textbook reimbursement program toward Indiana's maintenance of effort under the federal Temporary Assistance to Needy Families (TANF) program (45 CFR 260 et seq.).

The foregoing appropriations for textbook reimbursement include the appropriation of the common school fund interest balance. The remainder of the above appropriations are provided from the state general fund.

**FULL-DAY KINDERGARTEN**

<b>Total Operating Expense</b>	<b>58,500,000</b>	<b>58,500,000</b>
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The above appropriations for full day kindergarten are available to school corporations and charter schools that apply to the department of education for funding of full day kindergarten. The amount available to a school corporation or charter school equals the amount appropriated divided by the total number of eligible pupils (as defined in IC 20-43-1-11) enrolled in full day kindergarten in all participating school corporations and charter schools in the current year, and then multiplied by the total number of eligible pupils (as defined in IC 20-43-1-11) enrolled in full day kindergarten in the school corporation or charter school in the current year, as determined on the initial count. However, a school corporation or charter school may not receive more than \$1,132 dollars per student for full day kindergarten. A school corporation or charter school that is awarded a grant must provide to the department of education a financial report stating how the funds were spent. Any unspent funds at the end of the biennium must be returned to the state by the school corporation or charter school.

To provide full day kindergarten programs, a school corporation or charter school that determines there is inadequate space to offer a program in the school corporation's or charter school's existing facilities may offer the program in any suitable space located within the geographic boundaries of the school corporation or, in the case of a charter school, a location that is in the general vicinity of the charter school's existing facilities. A full day kindergarten program offered by a school corporation or charter school must meet the academic standards and other requirements of IC 20.

A school corporation or charter school that receives a grant must meet the academic standards and other requirements of IC 20.

In awarding grants from the above appropriations, the department of education may not refuse to make a grant to a school corporation or reduce the award that would

1 otherwise be made to the school corporation because the school corporation used federal  
 2 grants or loans, including Title I grants, to fund part or all of the school corporation's  
 3 full day kindergarten program in a school year before the school year in which the  
 4 grant will be given or because the school corporation intends to use federal grants  
 5 or loans, including Title I grants, to fund part of the school corporation's full  
 6 day kindergarten program in a school year in which the grant will be given.  
 7

8 The state board and department shall provide support to school corporations and charter  
 9 schools in the development and implementation of child centered and learning focused  
 10 programs using the following methods:

11 (1) Targeting professional development funds to provide teachers in kindergarten  
 12 through grade 3 education in:

- 13 (A) scientifically proven methods of teaching reading;
- 14 (B) the use of data to guide instruction; and
- 15 (C) the use of age appropriate literacy and mathematics assessments.

16 (2) Making uniform, predictively valid, observational assessments that:

- 17 (A) provide frequent information concerning the student's progress to the student's  
 18 teacher; and
- 19 (B) measure the student's progress in literacy;

20 available to teachers in kindergarten through grade 3. Teachers shall monitor students  
 21 participating in a program, and the school corporation or charter school shall report  
 22 the results of the assessments to the parents of a child completing an assessment and  
 23 to the department.

24 (3) Undertaking a longitudinal study of students in programs in Indiana to determine  
 25 the achievement levels of the students in kindergarten and later grades.  
 26

27 **TESTING AND REMEDIATION**

28 Other Operating Expense	39,000,000	39,000,000
----------------------------	------------	------------

30 Prior to notification of local school corporations of the formula and components  
 31 of the formula for distributing funds for remediation, review and approval of the  
 32 formula and components shall be made by the budget agency.  
 33

34 The above appropriation for testing and remediation shall be used by school corporations  
 35 to provide remediation programs for students who attend public and nonpublic schools.  
 36 For purposes of tuition support, these students are not to be counted in the average  
 37 daily membership.  
 38

39 **GRADUATION EXAM REMEDIATION**

40 Other Operating Expense	4,958,910	4,958,910
----------------------------	-----------	-----------

42 Prior to notification of local school corporations of the formula and components  
 43 of the formula for distributing funds for graduation exam remediation, review and  
 44 approval of the formula and components shall be made by the budget agency.  
 45

46 **NON-ENGLISH SPEAKING PROGRAM**

47 Other Operating Expense	7,000,000	7,000,000
----------------------------	-----------	-----------

49 The above appropriation for the Non-English Speaking Program is for pupils who

1 have a primary language other than English and limited English proficiency, as determined  
2 by using a standard proficiency examination that has been approved by the department  
3 of education.

4  
5 The grant amount is two hundred dollars (\$200) per pupil. It is the intent of the  
6 2009 general assembly that the above appropriation for the Non-English Speaking  
7 Program is the total allowable state expenditure for the program. If the expected  
8 distributions are anticipated to exceed the total appropriations for the state fiscal  
9 year, the department of education shall reduce each school corporation's distribution  
10 proportionately.

11 **GIFTED AND TALENTED EDUCATION PROGRAM**

12	Personal Services	211,348	211,348
13	Other Operating Expense	12,788,801	12,788,801

14

15 **DISTRIBUTION FOR ADULT VOCATIONAL EDUCATION**

16	Total Operating Expense	250,000	250,000
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17  
18  
19 The distribution for adult career and technical education programs shall be made  
20 in accordance with the state plan for vocational education.

21

22 **PRIMETIME**

23	Personal Services	202,136	202,136
24	Other Operating Expense	32,053	32,053

25 **DRUG FREE SCHOOLS**

26	Personal Services	52,361	52,361
27	Other Operating Expense	20,093	20,093

28 **PROFESSIONAL DEVELOPMENT DISTRIBUTION**

29	Other Operating Expense	7,000,000	7,000,000
----	-------------------------	-----------	-----------

30  
31 The foregoing appropriation for professional development distributions includes schools  
32 defined under IC 20-31-2-8.

33

34 **ALTERNATIVE EDUCATION**

35	Total Operating Expense	6,580,319	6,580,319
----	-------------------------	-----------	-----------

36  
37 The above appropriation includes funding to provide \$5,000 for each child attending  
38 a charter school operated by an accredited hospital specializing in the treatment  
39 of alcohol or drug abuse. This funding is in addition to tuition support for the  
40 charter school.

41 **SENATOR DAVID C. FORD EDUCATIONAL TECHNOLOGY PROGRAM (IC 20-20-13)**

42	General Fund		
43	Total Operating Expense	6,000,000	6,000,000
44	Build Indiana Fund (IC 4-30-17)		
45	Total Operating Expense	3,000,000	3,000,000

46  
47  
48 Of the above appropriations for the Senator David C. Ford Educational Technology  
49 Program, \$825,000 shall be allocated each year to the buddy system. The department

1 shall use the remaining funds to make grants to school corporations to promote student  
 2 learning through the use of technology. Notwithstanding distribution guidelines in  
 3 IC 20-20-13, the department shall develop guidelines for distribution of the grants.  
 4 Up to \$200,000 may be used each year to support the operation of the office of the  
 5 special assistant to the superintendent of public instruction for technology.  
 6

7 **PROFESSIONAL STANDARDS DIVISION**

8 **General Fund**

9 **2,882,513 2,882,513**

10 **Professional Standards Board Licensing Fund**

11 **1,000,000 1,000,000**  
 12

13 The amounts specified for the professional standards division are for the following  
 14 purposes:

15 <b>Personal Services</b>	<b>2,243,571</b>	<b>2,243,571</b>
16 <b>Other Operating Expense</b>	<b>1,638,942</b>	<b>1,638,942</b>
17 <b>Augmentation Allowed</b>		

18  
 19 The above appropriations for the professional standards division do not include funds  
 20 to pay stipends for mentor teachers.  
 21

22 **SCHOOL BUSINESS OFFICIALS ACADEMY**

23 <b>Total Operating Expense</b>	<b>150,000</b>	<b>150,000</b>
-----------------------------------	----------------	----------------

24  
 25 The department shall make the foregoing appropriation for School Business Officials  
 26 Academy available to the Indiana Association of School Business Officials to assist  
 27 in the creation of an academy designed to strengthen the management and leadership  
 28 skills of practicing Indiana school business officials.  
 29

30 **PUBLIC TELEVISION DISTRIBUTION**

31 <b>Total Operating Expense</b>	<b>3,220,000</b>	<b>3,220,000</b>
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32  
 33 These appropriations are for grants for public television. The Indiana Public Broadcasting  
 34 Stations, Inc. shall submit a distribution plan for the eight Indiana public education  
 35 television stations that shall be approved by the budget agency after review by the  
 36 budget committee. The above appropriation includes the costs of transmission for  
 37 the "GED-on-TV" program. Of the above appropriations, \$250,000 each year shall be  
 38 distributed equally among the eight radio stations.  
 39

40 **FOR THE INDIANA STATE TEACHERS' RETIREMENT FUND**

41 **POSTRETIREMENT PENSION INCREASES**

42 <b>Other Operating Expense</b>	<b>58,190,084</b>	<b>60,517,687</b>
-----------------------------------	-------------------	-------------------

43  
 44 The appropriations for postretirement pension increases are made for those benefits  
 45 and adjustments provided in IC 5-10.4 and IC 5-10.2-5.  
 46

47 **TEACHERS' RETIREMENT FUND DISTRIBUTION**

48 <b>Other Operating Expense</b>	<b>609,116,164</b>	<b>634,280,810</b>
49 <b>Augmentation allowed.</b>		



1 If the amount actually required under the pre-1996 account of the teachers' retirement  
2 fund for actual benefits for the Post Retirement Pension Increases that are funded  
3 on a "pay as you go" basis plus the base benefits under the pre-1996 account of the  
4 teachers' retirement fund is:

- 5  
6 (1) greater than the above appropriations for a year, after notice to the  
7 governor and the budget agency of the deficiency, the above appropriation for  
8 the year shall be augmented from the general fund. Any augmentation shall  
9 be included in the required pension stabilization calculation under IC 5-10.4; or  
10 (2) less than the above appropriations for a year, the excess shall be retained  
11 in the general fund. The portion of the benefit funded by the annuity account  
12 and the actuarially funded Post Retirement Pension Increases shall not be part  
13 of this calculation.

14  
15 **D. OTHER EDUCATION**

16  
17 **FOR THE EDUCATION EMPLOYMENT RELATIONS BOARD**

18	Personal Services	587,688	587,688
19	Other Operating Expense	52,720	52,720

20  
21 **FOR THE STATE LIBRARY**

22	Personal Services	2,589,615	2,589,615
23	Other Operating Expense	850,689	850,689

24 **STATEWIDE LIBRARY SERVICES**

25	Total Operating Expense	1,593,503	1,593,503
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26  
27 The foregoing appropriations for statewide library services will be used to provide services  
28 to libraries across the state. These services may include, but will not be limited to, programs  
29 including Wheels, I\*Ask, and professional development. The state library shall identify  
30 statewide library services that are to be provided by a vendor. Those services identified  
31 by the library shall be procured through a competitive process using one or more requests  
32 for proposals covering the service.

33  
34 **LIBRARY SERVICES FOR THE BLIND - ELECTRONIC NEWSLINES**

35	Other Operating Expense	36,400	36,400
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36 **ACADEMY OF SCIENCE**

37	Total Operating Expense	8,811	8,811
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38  
39 **FOR THE ARTS COMMISSION**

40	Personal Services	373,720	373,720
41	Other Operating Expense	3,309,003	3,309,003

42  
43 The foregoing appropriation to the arts commission includes \$625,000 each year to  
44 provide grants under IC 4-23-2.5 to:

- 45 (1) the arts organizations that have most recently qualified for general operating  
46 support as major arts organizations as determined by the arts commission;  
47 and  
48 (2) the significant regional organizations that have most recently qualified for  
49 general operating support as mid-major arts organizations, as determined by the

1 arts commission and its regional re-granting partners.

2  
3 **FOR THE HISTORICAL BUREAU**

4 Personal Services	361,055	361,055
5 Other Operating Expense	10,479	10,479

6 **HISTORICAL MARKER PROGRAM**

7 Total Operating Expense		25,444
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8  
9 **FOR THE COMMISSION ON PROPRIETARY EDUCATION**

10 Personal Services	299,783	299,783
11 Other Operating Expense	22,040	22,040

12  
13 **SECTION 10. [EFFECTIVE JULY 1, 2009]**

14 **DISTRIBUTIONS**

15  
16  
17 **FOR THE AUDITOR OF STATE**

18 **HEA 1001 (2008) HOMESTEAD CREDITS**

19 Total Operating Expense	110,000,000	40,000,000
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20  
21 The above appropriations are for additional homestead credits for property taxes  
22 paid in 2009 and 2010.

23  
24 **GAMING TAX**

25 Total Operating Expense	139,753,902	139,753,902
----------------------------	-------------	-------------

26  
27 **SECTION 11. [EFFECTIVE JULY 1, 2009]**

28  
29 The following allocations of federal funds are available for vocational and technical  
30 education under the Carl D. Perkins Vocational and Technical Education Act of 1998  
31 (20 U.S.C. 2301 et seq. for Vocational and Technical Education) (20 U.S.C. 2371  
32 for Tech Prep Education). These funds shall be received by the department of workforce  
33 development, commission on vocational and technical education, and shall be allocated  
34 by the budget agency after consultation with the commission on vocational and technical  
35 education, the department of education, the commission for higher education, and  
36 the department of correction. Funds shall be allocated to these agencies in accordance  
37 with the allocations specified below:

38  
39 **STATE PROGRAMS AND LEADERSHIP**

2,557,290	2,557,290
-----------	-----------

40  
41 **SECONDARY VOCATIONAL PROGRAMS**

14,318,661	14,318,661
------------	------------

42  
43 **POSTSECONDARY VOCATIONAL PROGRAMS**

8,202,039	8,202,039
-----------	-----------

44  
45 **TECHNOLOGY - PREPARATION EDUCATION**

2,463,650	2,463,650
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46  
47  
48 **SECTION 12. [EFFECTIVE JULY 1, 2009]**

1 In accordance with IC 22-4.1-13, the budget agency, with the advice of the commission  
2 on vocational and technical education and the budget committee, may augment or reduce  
3 an allocation of federal funds made under SECTION 11 of this act.

4  
5 SECTION 13. [EFFECTIVE JULY 1, 2009]

6  
7 Utility bills for the month of June, travel claims covering the period June 16 to  
8 June 30, payroll for the period of the last half of June, any interdepartmental bills  
9 for supplies or services for the month of June, and any other miscellaneous expenses  
10 incurred during the period June 16 to June 30 shall be charged to the appropriation  
11 for the succeeding year. No interdepartmental bill shall be recorded as a refund  
12 of expenditure to any current year allotment account for supplies or services rendered  
13 or delivered at any time during the preceding June period.

14  
15 SECTION 14. [EFFECTIVE JULY 1, 2009]

16  
17 The budget agency, under IC 4-10-11, IC 4-12-1-13, and IC 4-13-1, in cooperation  
18 with the Indiana department of administration, may fix the amount of reimbursement  
19 for traveling expenses (other than transportation) for travel within the limits of  
20 Indiana. This amount may not exceed actual lodging and miscellaneous expenses incurred.  
21 A person in travel status, as defined by the state travel policies and procedures  
22 established by the Indiana department of administration and the budget agency, is  
23 entitled to a meal allowance not to exceed during any twenty-four (24) hour period  
24 the standard meal allowances established by the federal Internal Revenue Service.

25  
26 All appropriations provided by this act or any other statute, for traveling and hotel  
27 expenses for any department, officer, agent, employee, person, trustee, or commissioner,  
28 are to be used only for travel within the state of Indiana, unless those expenses  
29 are incurred in traveling outside the state of Indiana on trips that previously have  
30 received approval as required by the state travel policies and procedures established  
31 by the Indiana department of administration and the budget agency. With the required  
32 approval, a reimbursement for out-of-state travel expenses may be granted in an amount  
33 not to exceed actual lodging and miscellaneous expenses incurred. A person in travel  
34 status is entitled to a meal allowance not to exceed during any twenty-four (24)  
35 hour period the standard meal allowances established by the federal Internal Revenue  
36 Service for properly approved travel within the continental United States and a minimum  
37 of \$50 during any twenty-four (24) hour period for properly approved travel outside  
38 the continental United States. However, while traveling in Japan, the minimum meal  
39 allowance shall not be less than \$90 for any twenty-four (24) hour period. While  
40 traveling in Korea and Taiwan, the minimum meal allowance shall not be less than  
41 \$85 for any twenty-four (24) hour period. While traveling in Singapore, China, Great  
42 Britain, Germany, the Netherlands, and France, the minimum meal allowance shall not  
43 be less than \$65 for any twenty-four (24) hour period.

44  
45 In the case of the state supported institutions of postsecondary education, approval  
46 for out-of-state travel may be given by the chief executive officer of the institution,  
47 or the chief executive officer's authorized designee, for the chief executive officer's  
48 respective personnel.

1 Before reimbursing overnight travel expenses, the auditor of state shall require  
2 documentation as prescribed in the state travel policies and procedures established  
3 by the Indiana department of administration and the budget agency. No appropriation  
4 from any fund may be construed as authorizing the payment of any sum in excess of  
5 the standard mileage rates for personally owned transportation equipment established  
6 by the federal Internal Revenue Service when used in the discharge of state business.  
7 The Indiana department of administration and the budget agency may adopt policies  
8 and procedures relative to the reimbursement of travel and moving expenses of new  
9 state employees and the reimbursement of travel expenses of prospective employees  
10 who are invited to interview with the state.  
11

12 SECTION 15. [EFFECTIVE JULY 1, 2009]  
13

14 Notwithstanding IC 4-10-11-2.1, the salary per diem of members of boards, commissions,  
15 and councils who are entitled to a salary per diem is \$50 per day. However, members  
16 of boards, commissions, or councils who receive an annual or a monthly salary paid  
17 by the state are not entitled to the salary per diem provided in IC 4-10-11-2.1.  
18

19 SECTION 16. [EFFECTIVE JULY 1, 2009]  
20

21 No payment for personal services shall be made by the auditor of state unless the  
22 payment has been approved by the budget agency or the designee of the budget agency.  
23

24 SECTION 17. [EFFECTIVE JULY 1, 2009]  
25

26 No warrant for operating expenses, capital outlay, or fixed charges shall be issued  
27 to any department or an institution unless the receipts of the department or institution  
28 have been deposited into the state treasury for the month. However, if a department  
29 or an institution has more than \$10,000 in daily receipts, the receipts shall be  
30 deposited into the state treasury daily.  
31

32 SECTION 18. [EFFECTIVE JULY 1, 2009]  
33

34 In case of loss by fire or any other cause involving any state institution or department,  
35 the proceeds derived from the settlement of any claim for the loss shall be deposited  
36 in the state treasury, and the amount deposited is hereby reappropriated to the institution  
37 or department for the purpose of replacing the loss. If it is determined that the  
38 loss shall not be replaced, any funds received from the settlement of a claim shall  
39 be deposited into the state general fund.  
40

41 SECTION 19. [EFFECTIVE JULY 1, 2009]  
42

43 If an agency has computer equipment in excess of the needs of that agency, then the  
44 excess computer equipment may be sold under the provisions of surplus property sales,  
45 and the proceeds of the sale or sales shall be deposited in the state treasury. The  
46 amount so deposited is hereby reappropriated to that agency for other operating expenses  
47 of the then current year, if approved by the director of the budget agency.  
48

49 SECTION 20. [EFFECTIVE JULY 1, 2009]

1  
2 If any state penal or benevolent institution other than the Indiana state prison,  
3 Pendleton correctional facility, or Putnamville correctional facility shall, in the  
4 operation of its farms, produce products or commodities in excess of the needs of  
5 the institution, the surplus may be sold through the division of industries and farms,  
6 the director of the supply division of the Indiana department of administration,  
7 or both. The proceeds of any such sale or sales shall be deposited in the state treasury.  
8 The amount deposited is hereby reappropriated to the institution for expenses of  
9 the then current year if approved by the director of the budget agency. The exchange  
10 between state penal and benevolent institutions of livestock for breeding purposes  
11 only is hereby authorized at valuations agreed upon between the superintendents or  
12 wardens of the institutions. Capital outlay expenditures may be made from the institutional  
13 industries and farms revolving fund if approved by the budget agency and the governor.

14  
15 SECTION 21. [EFFECTIVE JULY 1, 2009]

16  
17 This act does not authorize any rehabilitation and repairs to any state buildings,  
18 nor does it allow that any obligations be incurred for lands and structures, without  
19 the prior approval of the budget director or the director's designee. This SECTION  
20 does not apply to contracts for the state universities supported in whole or in part  
21 by state funds.

22  
23 SECTION 22. [EFFECTIVE JULY 1, 2009]

24  
25 If an agency has an annual appropriation fixed by law, and if the agency also receives  
26 an appropriation in this act for the same function or program, the appropriation  
27 in this act supersedes any other appropriations and is the total appropriation for  
28 the agency for that program or function.

29  
30 SECTION 23. [EFFECTIVE JULY 1, 2009]

31  
32 The balance of any appropriation or funds heretofore placed or remaining to the credit  
33 of any division of the state of Indiana, and any appropriation or funds provided  
34 in this act placed to the credit of any division of the state of Indiana, the powers,  
35 duties, and functions whereof are assigned and transferred to any department for  
36 salaries, maintenance, operation, construction, or other expenses in the exercise  
37 of such powers, duties, and functions, shall be transferred to the credit of the  
38 department to which such assignment and transfer is made, and the same shall be available  
39 for the objects and purposes for which appropriated originally.

40  
41 SECTION 24. [EFFECTIVE JULY 1, 2009]

42  
43 The director of the division of procurement of the Indiana department of administration,  
44 or any other person or agency authorized to make purchases of equipment, shall not  
45 honor any requisition for the purchase of an automobile that is to be paid for from  
46 any appropriation made by this act or any other act, unless the following facts are  
47 shown to the satisfaction of the commissioner of the Indiana department of administration  
48 or the commissioner's designee:

- 49 (1) In the case of an elected state officer, it shall be shown that the duties of

1 the office require driving about the state of Indiana in the performance of official  
2 duty.

3 (2) In the case of department or commission heads, it shall be shown that the statutory  
4 duties imposed in the discharge of the office require traveling a greater distance  
5 than one thousand (1,000) miles each month or that they are subject to official duty  
6 call at all times.

7 (3) In the case of employees, it shall be shown that the major portion of the duties  
8 assigned to the employee require travel on state business in excess of one thousand  
9 (1,000) miles each month, or that the vehicle is identified by the agency as an integral  
10 part of the job assignment.

11  
12 In computing the number of miles required to be driven by a department head or an  
13 employee, the distance between the individual's home and office or designated official  
14 station is not to be considered as a part of the total. Department heads shall annually  
15 submit justification for the continued assignment of each vehicle in their department,  
16 which shall be reviewed by the commissioner of the Indiana department of administration,  
17 or the commissioner's designee. There shall be an insignia permanently affixed on  
18 each side of all state owned cars, designating the cars as being state owned. However,  
19 this requirement does not apply to state owned cars driven by elected state officials  
20 or to cases where the commissioner of the Indiana department of administration or  
21 the commissioner's designee determines that affixing insignia on state owned cars  
22 would hinder or handicap the persons driving the cars in the performance of their  
23 official duties.  
24

25 SECTION 25. [EFFECTIVE JULY 1, 2009]  
26

27 When budget agency approval or review is required under this act, the budget agency  
28 may refer to the budget committee any budgetary or fiscal matter for an advisory  
29 recommendation. The budget committee may hold hearings and take any actions authorized  
30 by IC 4-12-1-11, and may make an advisory recommendation to the budget agency.  
31

32 SECTION 26. [EFFECTIVE JULY 1, 2009]  
33

34 The governor of the state of Indiana is solely authorized to accept on behalf of  
35 the state any and all federal funds available to the state of Indiana. Federal funds  
36 received under this SECTION are appropriated for purposes specified by the federal  
37 government, subject to allotment by the budget agency. The provisions of this SECTION  
38 and all other SECTIONS concerning the acceptance, disbursement, review, and approval  
39 of any grant, loan, or gift made by the federal government or any other source to  
40 the state or its agencies and political subdivisions shall apply, notwithstanding  
41 any other law.  
42

43 SECTION 27. [EFFECTIVE JULY 1, 2009]  
44

45 Federal funds received as revenue by a state agency or department are not available  
46 to the agency or department for expenditure until allotment has been made by the  
47 budget agency under IC 4-12-1-12(d).  
48

49 SECTION 28. [EFFECTIVE JULY 1, 2009]

1 A contract or an agreement for personal services or other services may not be entered  
 2 into by any agency or department of state government without the approval of the  
 3 budget agency or the designee of the budget director.  
 4

5  
 6 **SECTION 29. [EFFECTIVE JULY 1, 2009]**

7  
 8 Except in those cases where a specific appropriation has been made to cover the payments  
 9 for any of the following, the auditor of state shall transfer, from the personal  
 10 services appropriations for each of the various agencies and departments, necessary  
 11 payments for Social Security, public employees' retirement, health insurance, life  
 12 insurance, and any other similar payments directed by the budget agency.  
 13

14 **SECTION 30. [EFFECTIVE JULY 1, 2009]**

15  
 16 Subject to SECTION 25 of this act as it relates to the budget committee, the budget  
 17 agency with the approval of the governor may withhold allotments of any or all appropriations  
 18 contained in this act for the 2009-2011 biennium, if it is considered necessary to  
 19 do so in order to prevent a deficit financial situation.  
 20

21 **SECTION 31. [EFFECTIVE JULY 1, 2009]**

22  
 23 **CONSTRUCTION**

24  
 25 For the 2009-2011 biennium, the following amounts, from the funds listed as follows,  
 26 are hereby appropriated to provide for the construction, reconstruction, rehabilitation,  
 27 repair, purchase, rental, and sale of state properties, capital lease rentals, and  
 28 the purchase and sale of land, including equipment for such properties and other  
 29 projects as specified.  
 30

State General Fund - Lease Rentals	
328,620,484	
State General Fund - Construction	
105,034,276	
State Police Building Commission Fund (IC 9-29-1-4)	
3,200,000	
Law Enforcement Academy Building Fund (IC 5-2-1-13(a))	
330,727	
Cigarette Tax Fund (IC 6-7-1-29.1)	
3,600,000	
Veterans' Home Building Fund (IC 10-17-9-7)	
5,449,777	
Postwar Construction Fund (IC 7.1-4-8-1)	
34,411,484	
Regional Health Care Construction Account (IC 4-12-8.5)	
21,489,259	
Build Indiana Fund (IC 4-30-17)	
14,000,000	
State Highway Fund (IC 8-23-9-54)	

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	25,000,000	
American Recovery and Reinvestment Act		
	63,570,098	
<b>TOTAL</b>		<b>604,706,105</b>

The allocations provided under this SECTION are made from the state general fund, unless specifically authorized from other designated funds by this act. The budget agency, with the approval of the governor, in approving the allocation of funds pursuant to this SECTION, shall consider, as funds are available, allocations for the following specific uses, purposes, and projects:

**A. GENERAL GOVERNMENT**

**FOR THE SENATE**

Remodeling		260,000
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**FOR THE STATE BUDGET AGENCY**

Health and Safety Contingency Fund		5,000,000
Aviation Technology Center		2,471,771
Airport Facilities Lease		45,301,441
Stadium Lease Rental		82,000,000

**DEPARTMENT OF ADMINISTRATION - PROJECTS**

Preventive Maintenance		7,841,835
Repair and Rehabilitation		5,335,000

**DEPARTMENT OF ADMINISTRATION - LEASES**

**General Fund**

Lease - Government Center North		27,872,783
Lease - Government Center South		34,073,925
Lease - State Museum		14,579,033
Lease - McCarty Street Warehouse		1,509,375
Lease - Parking Garages		10,428,265
Lease - Toxicology Lab		10,593,099
Lease - Wabash Valley Correctional		36,517,566
Lease - Miami Correctional		29,364,180
Lease - Pendleton Juvenile Correctional		10,217,237
Lease - New Castle Correctional		23,691,809
Postwar Construction Fund (IC 7.1-4-8-1)		
Lease - Rockville Correctional		10,783,470
Lease - Miami Correctional		1,500,000
Lease - Wabash Valley Correctional		1,500,000
Regional Health Care Construction Account (IC 4-12-8.5)		
Lease - Evansville State Hospital		5,462,562
Lease - Southeast Regional Treatment		10,358,654
Lease - Logansport State Hospital		5,668,043

**B. PUBLIC SAFETY**



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**(1) LAW ENFORCEMENT**

**INDIANA STATE POLICE**

State Police Building Commission Fund (IC 9-29-1-4) 1,015,000  
Preventive Maintenance 2,185,000  
Repair and Rehabilitation

**LAW ENFORCEMENT TRAINING BOARD**

Law Enforcement Academy Building Fund (IC 5-2-1-13(a)) 330,727  
Preventive Maintenance

**ADJUTANT GENERAL**

Preventive Maintenance 250,000  
Land Acquisition 4,000,000

**(2) CORRECTIONS**

**DEPARTMENT OF CORRECTION - PROJECTS**

Preventive Maintenance 76,828

**CORRECTIONAL UNITS**

Preventive Maintenance 1,438,770

**STATE PRISON**

Preventive Maintenance 954,492

**Postwar Construction Fund (IC 7.1-4-8-1)**

Repair and Rehabilitation 2,298,000

**PENDLETON CORRECTIONAL FACILITY**

Preventive Maintenance 1,257,064

**Postwar Construction Fund (IC 7.1-4-8-1)**

Repair and Rehabilitation 3,465,000

**WOMEN'S PRISON**

Preventive Maintenance 538,832

**Postwar Construction Fund (IC 7.1-4-8-1)**

Repair and Rehabilitation 291,000

**NEW CASTLE CORRECTIONAL FACILITY**

Preventive Maintenance 350,388

**Postwar Construction Fund (IC 7.1-4-8-1)**

Repair and Rehabilitation 365,000

**PUTNAMVILLE CORRECTIONAL FACILITY**

Preventive Maintenance 864,822

**Postwar Construction Fund (IC 7.1-4-8-1)**

Construct New Fire Station 250,000  
Repair and Rehabilitation 1,570,000

**PLAINFIELD EDUCATION RE-ENTRY FACILITY**

Preventive Maintenance 322,804

**Postwar Construction Fund (IC 7.1-4-8-1)**

Repair and Rehabilitation 740,000

**INDIANAPOLIS JUVENILE CORRECTIONAL FACILITY**

Preventive Maintenance 395,510

**Postwar Construction Fund (IC 7.1-4-8-1)**

Repair and Rehabilitation 212,500

**BRANCHVILLE CORRECTIONAL FACILITY**

	<i>FY 2009-2010 Appropriation</i>	<i>FY 2010-2011 Appropriation</i>	<i>Biennial Appropriation</i>
1	Preventive Maintenance		
2	<b>WESTVILLE CORRECTIONAL FACILITY</b>		272,932
3	Preventive Maintenance		
4	Postwar Construction Fund (IC 7.1-4-8-1)		806,330
5	Repair and Rehabilitation		
6	<b>ROCKVILLE CORRECTIONAL FACILITY</b>		2,300,000
7	Preventive Maintenance		
8	<b>PLAINFIELD CORRECTIONAL FACILITY</b>		357,296
9	Preventive Maintenance		
10	Postwar Construction Fund (IC 7.1-4-8-1)		663,704
11	Repair and Rehabilitation		
12	<b>RECEPTION-DIAGNOSTIC CENTER</b>		1,054,000
13	Preventive Maintenance		
14	Postwar Construction Fund (IC 7.1-4-8-1)		214,464
15	Repair and Rehabilitation		
16	<b>CORRECTIONAL INDUSTRIAL FACILITY</b>		692,000
17	Preventive Maintenance		
18	Postwar Construction Fund (IC 7.1-4-8-1)		584,172
19	Repair and Rehabilitation		
20	<b>WABASH VALLEY CORRECTIONAL FACILITY</b>		1,853,000
21	Preventive Maintenance		
22	Postwar Construction Fund (IC 7.1-4-8-1)		608,820
23	Repair and Rehabilitation		
24	<b>CHAIN O' LAKES CORRECTIONAL FACILITY</b>		160,000
25	Preventive Maintenance		
26	Postwar Construction Fund (IC 7.1-4-8-1)		76,828
27	Construct New Maintenance Building		
28	Construct New Dormitory		180,000
29	<b>MADISON CORRECTIONAL FACILITY</b>		320,000
30	Postwar Construction Fund (IC 7.1-4-8-1)		
31	Repair and Rehabilitation		
32	<b>MIAMI CORRECTIONAL FACILITY</b>		90,000
33	Preventive Maintenance		
34	<b>CAMP SUMMIT CORRECTIONAL FACILITY</b>		664,560
35	Postwar Construction Fund (IC 7.1-4-8-1)		
36	Repair and Rehabilitation		
37	<b>PENDLETON JUVENILE CORRECTIONAL FACILITY</b>		470,000
38	Preventive Maintenance		
39			228,738
40	<b>C. CONSERVATION AND ENVIRONMENT</b>		
41			
42	<b>DEPARTMENT OF NATURAL RESOURCES - GENERAL ADMINISTRATION</b>		
43	Preventive Maintenance		
44	Repair and Rehabilitation		150,000
45	<b>FISH AND WILDLIFE</b>		1,000,000
46	Preventive Maintenance		
47	Repair and Rehabilitation		2,000,000
48	<b>FORESTRY</b>		3,650,000
49	Preventive Maintenance		2,000,000

	<i>FY 2009-2010 Appropriation</i>	<i>FY 2010-2011 Appropriation</i>	<i>Biennial Appropriation</i>
1			4,000,000
2	Repair and Rehabilitation		
3	<b>MUSEUMS AND HISTORIC SITES</b>		475,000
4	Preventive Maintenance		650,000
5	Historic Sites Exhibits		2,720,000
6	Repair and Rehabilitation		
7	<b>NATURE PRESERVES</b>		230,000
8	Preventive Maintenance		1,268,542
9	Repair and Rehabilitation		
10	<b>OUTDOOR RECREATION</b>		50,000
11	Preventive Maintenance		40,000
12	Outdoor Rec. SCORP		473,645
13	Repair and Rehabilitation		
14	<b>STATE PARKS AND RESERVOIR MANAGEMENT</b>		2,900,000
15	Preventive Maintenance		21,563,689
16	Repair and Rehabilitation		917,028
17	State Parks Bond Payments		364,000
18	Falls of the Ohio Lease		
19	Cigarette Tax Fund (IC 6-7-1-29.1)		3,600,000
20	Preventive Maintenance		
21	<b>DIVISION OF WATER</b>		125,000
22	Preventive Maintenance		400,000
23	Div. of Water Flood Plain Mapping		2,425,000
24	Repair and Rehabilitation		
25	<b>ELKHART RIVER</b>		200,000
26	Flood Control		
27	<b>ENFORCEMENT</b>		250,000
28	Preventive Maintenance		
29	<b>STATE MUSEUM</b>		762,500
30	Preventive Maintenance		
31	<b>ENTOMOLOGY</b>		1,000,000
32	Repair and Rehabilitation		
33	<b>WAR MEMORIALS COMMISSION</b>		1,234,000
34	Preventive Maintenance		300,000
35	IWM Fire Suppression/Material abate		250,000
36	Indiana War Memorial ADA Access		692,000
37	Repair and Rehabilitation		
38	<b>LITTLE CALUMET RIVER BASIN COMMISSION</b>		
39	Build Indiana Fund (IC 4-30-17)		14,000,000
40	Repair and Rehabilitation		
41	<b>KANKAKEE RIVER BASIN COMMISSION</b>		
42	ARRA State Fiscal Stabilization Fund (Section 14002(b))		1,500,000
43	Repair and Rehabilitation		
44	<b>D. TRANSPORTATION</b>		
45			
46	<b>DEPARTMENT OF TRANSPORTATION</b>		
47	State Highway Fund (IC 8-23-9-54)		25,000,000
48	Buildings and Grounds		
49			

The above appropriations for highway buildings and grounds may be used for land acquisition, site development, construction and equipping of new highway facilities and for maintenance, repair, and rehabilitation of existing state highway facilities after review by the budget committee.

**AIRPORT DEVELOPMENT**

Airport Development

2,400,000

The foregoing allocation for the Indiana department of transportation is for airport development and shall be used for the purpose of assisting local airport authorities and local units of governments in matching available federal funds under the airport improvement program and for matching federal grants for airport planning and for the other airport studies. Matching grants of aid shall be made in accordance with the approved annual capital improvements program of the Indiana department of transportation and with the approval of the governor and the budget agency.

**E. FAMILY AND SOCIAL SERVICES, HEALTH, AND VETERANS' AFFAIRS**

**(1) FAMILY AND SOCIAL SERVICES ADMINISTRATION**

**EVANSVILLE PSYCHIATRIC CHILDREN'S CENTER**

Preventive Maintenance

45,000

Repair and Rehabilitation

287,660

**EVANSVILLE STATE HOSPITAL**

Preventive Maintenance

500,000

Repair and Rehabilitation

360,000

**MADISON STATE HOSPITAL**

Preventive Maintenance

971,409

Repair and Rehabilitation

956,800

**LOGANSPOUT STATE HOSPITAL**

Preventive Maintenance

963,144

Repair and Rehabilitation

4,486,700

**RICHMOND STATE HOSPITAL**

Preventive Maintenance

1,210,724

Repair and Rehabilitation

2,403,700

**LARUE CARTER MEMORIAL HOSPITAL**

Preventive Maintenance

3,863,118

**(2) PUBLIC HEALTH**

**SCHOOL FOR THE BLIND AND VISUALLY IMPAIRED**

Preventive Maintenance

565,714

Postwar Construction Fund (IC 7.1-4-8-1)

Repair and Rehabilitation

2,288,013

**SCHOOL FOR THE DEAF**

Preventive Maintenance

565,714

Postwar Construction Fund (IC 7.1-4-8-1)

Repair and Rehabilitation

2,029,501

FY 2009-2010  
Appropriation

FY 2010-2011  
Appropriation

Biennial  
Appropriation

1 (3) VETERANS' AFFAIRS

2 INDIANA VETERANS' HOME

3 Veterans' Home Building Fund (IC 10-17-9-7)

1,500,000

4 Preventive Maintenance

3,949,777

5 Repair and Rehabilitation

6

7

8 F. EDUCATION

9 HIGHER EDUCATION

10

11 INDIANA UNIVERSITY - TOTAL SYSTEM

12 ARRA State Fiscal Stabilization Fund (Section 14002(a))

25,202,564

13 General Repair and Rehab

14 PURDUE UNIVERSITY - TOTAL SYSTEM

15 ARRA State Fiscal Stabilization Fund (Section 14002(a))

19,777,318

16 General Repair and Rehab

17 INDIANA STATE UNIVERSITY

18 ARRA State Fiscal Stabilization Fund (Section 14002(a))

4,681,980

19 General Repair and Rehab

20 UNIVERSITY OF SOUTHERN INDIANA

21 ARRA State Fiscal Stabilization Fund (Section 14002(a))

1,121,926

22 General Repair and Rehab

23 BALL STATE UNIVERSITY

24 ARRA State Fiscal Stabilization Fund (Section 14002(a))

6,726,300

25 General Repair and Rehab

26 VINCENNES UNIVERSITY

27 ARRA State Fiscal Stabilization Fund (Section 14002(a))

2,272,968

28 General Repair and Rehab

29 IVY TECH COMMUNITY COLLEGE

30 ARRA State Fiscal Stabilization Fund (Section 14002(a))

2,287,042

31 General Repair and Rehab

32

33

34 SECTION 32. [EFFECTIVE JULY 1, 2008 (RETROACTIVE)]

35 A. MEDICAID

36

37

38 The appropriation from the state general fund for the period beginning July 1, 2008,

39 and ending June 30, 2009, as set forth in P.L. 234-2007, SECTION 8, Part A, that

40 was made to the budget agency for Medicaid current obligations total operating

41 expense in the amount of one billion six hundred seventeen million three hundred

42 sixty-seven thousand five hundred dollars (\$1,617,367,500) is canceled.

43

44 For the period beginning July 1, 2008, and ending June 30, 2009, one billion three

45 hundred thirteen million three hundred sixty-seven thousand five hundred dollars

46 (\$1,313,367,500) is appropriated to the budget agency from the state general

47 fund for Medicaid current obligations total operating expense. Augmentation of this

48 appropriation is allowed.

49

**B. HIGHER EDUCATION OPERATING**

The following appropriations from the state general fund for higher education that are set forth in P.L. 234-2007, SECTIONS 6 and 9, for the state fiscal year beginning July 1, 2008, and ending June 30, 2009, or for the biennium, are canceled:

**FOR INDIANA UNIVERSITY, BLOOMINGTON CAMPUS**

Total Operating Expense 202,202,196

**FOR INDIANA UNIVERSITY, REGIONAL CAMPUSES EAST**

Total Operating Expense 8,322,137

**KOKOMO**

Total Operating Expense 10,817,455

**NORTHWEST**

Total Operating Expense 18,061,296

**SOUTH BEND**

Total Operating Expense 23,236,007

**SOUTHEAST**

Total Operating Expense 20,848,802

**FOR INDIANA UNIVERSITY - PURDUE UNIVERSITY INDIANAPOLIS HEALTH DIVISIONS**

Total Operating Expense 112,236,327

**FOR INDIANA UNIVERSITY SCHOOL OF MEDICINE THE CAMPUS OF THE UNIVERSITY OF SOUTHERN INDIANA**

Total Operating Expense 1,610,361

**THE CAMPUS OF INDIANA UNIVERSITY-PURDUE UNIVERSITY FORT WAYNE**

Total Operating Expense 1,481,430

**THE CAMPUS OF INDIANA UNIVERSITY NORTHWEST**

Total Operating Expense 2,104,574

**THE CAMPUS OF PURDUE UNIVERSITY**

Total Operating Expense 1,878,629

**THE CAMPUS OF BALL STATE UNIVERSITY**

Total Operating Expense 1,689,194

**THE CAMPUS OF THE UNIVERSITY OF NOTRE DAME**

Total Operating Expense 1,566,525

**THE CAMPUS OF INDIANA STATE UNIVERSITY**

Total Operating Expense 1,867,636

**FOR INDIANA UNIVERSITY - PURDUE UNIVERSITY AT INDIANAPOLIS GENERAL ACADEMIC DIVISIONS**

Total Operating Expense 83,311,562

**FOR INDIANA UNIVERSITY**

**ABILENE NETWORK OPERATIONS CENTER**

Total Operating Expense 867,288

**SPINAL CORD AND HEAD INJURY RESEARCH CENTER**

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Total Operating Expense	546,073
<b>INSTITUTE FOR THE STUDY OF DEVELOPMENTAL DISABILITIES</b>	
Total Operating Expense	2,580,667
<b>GEOLOGICAL SURVEY</b>	
Total Operating Expense	3,231,504
<b>LOCAL GOVERNMENT ADVISORY COMMISSION</b>	
Total Operating Expense	58,899
<b>FOR PURDUE UNIVERSITY, WEST LAFAYETTE</b>	
Total Operating Expense	262,033,737
<b>FOR PURDUE UNIVERSITY - REGIONAL CAMPUSES</b>	
<b>CALUMET</b>	
Total Operating Expense	28,212,704
<b>NORTH CENTRAL</b>	
Total Operating Expense	11,969,824
<b>FOR INDIANA UNIVERSITY - PURDUE UNIVERSITY, AT FORT WAYNE</b>	
Total Operating Expense	38,449,705
<b>FOR PURDUE UNIVERSITY</b>	
<b>ANIMAL DISEASE DIAGNOSTIC LABORATORY SYSTEM</b>	
Total Operating Expense	3,593,444
<b>STATEWIDE TECHNOLOGY</b>	
Total Operating Expense	6,702,020
<b>COUNTY AGRICULTURAL EXTENSION EDUCATORS</b>	
Total Operating Expense	7,536,047
<b>AGRICULTURAL RESEARCH AND EXTENSION - CROSSROADS</b>	
Total Operating Expense	7,540,584
<b>CENTER FOR PARALYSIS RESEARCH</b>	
Total Operating Expense	544,331
<b>UNIVERSITY-BASED BUSINESS ASSISTANCE</b>	
Total Operating Expense	1,967,749
<b>FOR INDIANA STATE UNIVERSITY</b>	
Total Operating Expense	76,911,131
Nursing Program	250,000
<b>FOR UNIVERSITY OF SOUTHERN INDIANA</b>	
Total Operating Expense	40,387,429
<b>HISTORIC NEW HARMONY</b>	
Total Operating Expense	576,488
<b>FOR BALL STATE UNIVERSITY</b>	
Total Operating Expense	130,381,244
<b>ENTREPRENEURIAL COLLEGE</b>	
Total Operating Expense	1,000,000
<b>ACADEMY FOR SCIENCE, MATHEMATICS, AND HUMANITIES</b>	
Total Operating Expense	4,451,913

FY 2009-2010  
Appropriation

FY 2010-2011  
Appropriation

Biennial  
Appropriation

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2 FOR VINCENNES UNIVERSITY  
3 Total Operating Expense 38,967,141  
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5 FOR IVY TECH COMMUNITY COLLEGE  
6 Total Operating Expense 162,415,053  
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8 VALPO NURSING PARTNERSHIP  
9 Total Operating Expense 104,671  
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11 FOR THE INDIANA HIGHER EDUCATION TELECOMMUNICATIONS SYSTEM (IHETS)  
12 Total Operating Expense 4,972,024  
13

14 For the state fiscal year beginning July 1, 2008, and ending June 30, 2009, the following  
15 amounts are appropriated for higher education total operating expenses from the state  
16 general fund and from money received for higher education under Division A, Title  
17 XIV of the federal American Recovery and Reinvestment Act of 2009 (referred to as  
18 ARRA" in this SECTION):  
19

20 FOR INDIANA UNIVERSITY, BLOOMINGTON CAMPUS  
21 General Fund 200,180,174  
22 ARRA State Fiscal Stabilization Fund (Section 14002(a))  
23 2,022,022  
24 Total Operating Expense 202,202,196  
25

26 FOR INDIANA UNIVERSITY REGIONAL CAMPUSES  
27 EAST  
28 General Fund 8,238,916  
29 ARRA State Fiscal Stabilization Fund (Section 14002(a))  
30 83,221  
31 Total Operating Expense 8,322,137  
32

33 KOKOMO  
34 General Fund 10,709,280  
35 ARRA State Fiscal Stabilization Fund (Section 14002(a))  
36 108,175  
37 Total Operating Expense 10,817,455  
38

39 NORTHWEST  
40 General Fund 17,880,683  
41 ARRA State Fiscal Stabilization Fund (Section 14002(a))  
42 180,613  
43 Total Operating Expense 18,061,296  
44

45 SOUTH BEND  
46 General Fund 23,003,647  
47 ARRA State Fiscal Stabilization Fund (Section 14002(a))  
48 232,360  
49 Total Operating Expense 23,236,007

SOUTHEAST  
General Fund 20,640,314  
ARRA State Fiscal Stabilization Fund (Section 14002(a))



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	208,488
<b>Total Operating Expense</b>	<b>20,848,802</b>
<b>FOR INDIANA UNIVERSITY - PURDUE UNIVERSITY INDIANAPOLIS (IUPUI)</b>	
<b>HEALTH DIVISIONS</b>	
General Fund	111,113,964
ARRA State Fiscal Stabilization Fund (Section 14002(a))	1,122,363
<b>Total Operating Expense</b>	<b>112,236,327</b>
<b>FOR INDIANA UNIVERSITY SCHOOL OF MEDICINE</b>	
<b>THE CAMPUS OF THE UNIVERSITY OF SOUTHERN INDIANA</b>	
General Fund	1,594,256
ARRA State Fiscal Stabilization Fund (Section 14002(a))	16,105
<b>Total Operating Expense</b>	<b>1,610,361</b>
<b>THE CAMPUS OF INDIANA UNIVERSITY-PURDUE UNIVERSITY FORT WAYNE</b>	
General Fund	1,466,616
ARRA State Fiscal Stabilization Fund (Section 14002(a))	14,814
<b>Total Operating Expense</b>	<b>1,481,430</b>
<b>THE CAMPUS OF INDIANA UNIVERSITY NORTHWEST</b>	
General Fund	2,083,528
ARRA State Fiscal Stabilization Fund (Section 14002(a))	21,046
<b>Total Operating Expense</b>	<b>2,104,574</b>
<b>THE CAMPUS OF PURDUE UNIVERSITY</b>	
General Fund	1,859,843
ARRA State Fiscal Stabilization Fund (Section 14002(a))	18,786
<b>Total Operating Expense</b>	<b>1,878,629</b>
<b>THE CAMPUS OF BALL STATE UNIVERSITY</b>	
General Fund	1,672,302
ARRA State Fiscal Stabilization Fund (Section 14002(a))	16,892
<b>Total Operating Expense</b>	<b>1,689,194</b>
<b>THE CAMPUS OF THE UNIVERSITY OF NOTRE DAME</b>	
General Fund	1,550,860
ARRA State Fiscal Stabilization Fund (Section 14002(a))	15,665
<b>Total Operating Expense</b>	<b>1,566,525</b>
<b>THE CAMPUS OF INDIANA STATE UNIVERSITY</b>	
General Fund	1,848,960
ARRA State Fiscal Stabilization Fund (Section 14002(a))	18,676
<b>Total Operating Expense</b>	<b>1,867,636</b>
<b>FOR INDIANA UNIVERSITY - PURDUE UNIVERSITY AT INDIANAPOLIS (IUPUI),</b>	
<b>GENERAL ACADEMIC DIVISIONS</b>	
General Fund	82,478,446

FY 2009-2010  
Appropriation

FY 2010-2011  
Appropriation

Biennial  
Appropriation

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ARRA State Fiscal Stabilization Fund (Section 14002(a))

833,116  
Total Operating Expense 83,311,562

FOR INDIANA UNIVERSITY  
ABILENE NETWORK OPERATIONS CENTER

General Fund 858,615  
ARRA State Fiscal Stabilization Fund (Section 14002(a)) 8,673

Total Operating Expense 867,288

SPINAL CORD AND HEAD INJURY RESEARCH CENTER

General Fund 540,612  
ARRA State Fiscal Stabilization Fund (Section 14002(a)) 5,461

Total Operating Expense 546,073

INSTITUTE FOR THE STUDY OF DEVELOPMENTAL DISABILITIES

General Fund 2,554,860  
ARRA State Fiscal Stabilization Fund (Section 14002(a)) 25,807

Total Operating Expense 2,580,667

GEOLOGICAL SURVEY

General Fund 3,199,188  
ARRA State Fiscal Stabilization Fund (Section 14002(a)) 32,316

Total Operating Expense 3,231,504

LOCAL GOVERNMENT ADVISORY COMMISSION

General Fund 58,310  
ARRA State Fiscal Stabilization Fund (Section 14002(a)) 589

Total Operating Expense 58,899

FOR PURDUE UNIVERSITY, WEST LAFAYETTE

General Fund 259,413,399  
ARRA State Fiscal Stabilization Fund (Section 14002(a)) 2,620,338

Total Operating Expense 262,033,737

FOR PURDUE UNIVERSITY - REGIONAL CAMPUSES

CALUMET  
General Fund 27,930,577  
ARRA State Fiscal Stabilization Fund (Section 14002(a)) 282,127

Total Operating Expense 28,212,704

NORTH CENTRAL

General Fund 11,850,126  
ARRA State Fiscal Stabilization Fund (Section 14002(a)) 119,698

Total Operating Expense 11,969,824

**FOR INDIANA UNIVERSITY - PURDUE UNIVERSITY, AT FORT WAYNE (IPFW)**

General Fund	38,065,207
ARRA State Fiscal Stabilization Fund (Section 14002(a))	384,498
<b>Total Operating Expense</b>	<b>38,449,705</b>

**FOR PURDUE UNIVERSITY  
ANIMAL DISEASE DIAGNOSTIC LABORATORY SYSTEM**

General Fund	3,557,509
ARRA State Fiscal Stabilization Fund (Section 14002(a))	35,935
<b>Total Operating Expense</b>	<b>3,593,444</b>

**STATEWIDE TECHNOLOGY**

General Fund	6,634,999
ARRA State Fiscal Stabilization Fund (Section 14002(a))	67,021
<b>Total Operating Expense</b>	<b>6,702,020</b>

**COUNTY AGRICULTURAL EXTENSION EDUCATORS**

General Fund	7,460,686
ARRA State Fiscal Stabilization Fund (Section 14002(a))	75,361
<b>Total Operating Expense</b>	<b>7,536,047</b>

**AGRICULTURAL RESEARCH AND EXTENSION - CROSSROADS**

General Fund	7,465,178
ARRA State Fiscal Stabilization Fund (Section 14002(a))	75,406
<b>Total Operating Expense</b>	<b>7,540,584</b>

**CENTER FOR PARALYSIS RESEARCH**

General Fund	538,887
ARRA State Fiscal Stabilization Fund (Section 14002(a))	5,444
<b>Total Operating Expense</b>	<b>544,331</b>

**UNIVERSITY-BASED BUSINESS ASSISTANCE**

General Fund	1,948,071
ARRA State Fiscal Stabilization Fund (Section 14002(a))	19,678
<b>Total Operating Expense</b>	<b>1,967,749</b>

**FOR INDIANA STATE UNIVERSITY**

General Fund	76,142,019
ARRA State Fiscal Stabilization Fund (Section 14002(a))	769,112
<b>Total Operating Expense</b>	<b>76,911,131</b>

**ISU NURSING PROGRAM**

General Fund	247,500
ARRA State Fiscal Stabilization Fund (Section 14002(a))	2,500
<b>Total Operating Expense</b>	<b>250,000</b>

FY 2009-2010  
Appropriation

FY 2010-2011  
Appropriation

Biennial  
Appropriation

1 FOR UNIVERSITY OF SOUTHERN INDIANA

2 General Fund 39,983,554

3 ARRA State Fiscal Stabilization Fund (Section 14002(a))

4 403,875

5 Total Operating Expense 40,387,429

6 HISTORIC NEW HARMONY

7 General Fund 570,723

8 ARRA State Fiscal Stabilization Fund (Section 14002(a))

9 5,765

10 Total Operating Expense 576,488

11 FOR BALL STATE UNIVERSITY

12 General Fund 129,077,431

13 ARRA State Fiscal Stabilization Fund (Section 14002(a))

14 1,303,813

15 Total Operating Expense 130,381,244

16 ENTREPRENEURIAL COLLEGE

17 General Fund 990,000

18 ARRA State Fiscal Stabilization Fund (Section 14002(a))

19 10,000

20 Total Operating Expense 1,000,000

21 ACADEMY FOR SCIENCE, MATHEMATICS, AND HUMANITIES

22 General Fund 4,407,399

23 ARRA State Fiscal Stabilization Fund (Section 14002(a))

24 44,514

25 Total Operating Expense 4,451,913

26 FOR VINCENNES UNIVERSITY

27 General Fund 38,577,469

28 ARRA State Fiscal Stabilization Fund (Section 14002(a))

29 389,672

30 Total Operating Expense 38,967,141

31 FOR IVY TECH COMMUNITY COLLEGE

32 General Fund 160,790,902

33 ARRA State Fiscal Stabilization Fund (Section 14002(a))

34 1,624,151

35 Total Operating Expense 162,415,053

36 VALPO NURSING PARTNERSHIP

37 General Fund 103,624

38 ARRA State Fiscal Stabilization Fund (Section 14002(a))

39 1,047

40 Total Operating Expense 104,671

41 FOR THE INDIANA HIGHER EDUCATION TELECOMMUNICATIONS SYSTEM (IHETS)

42 General Fund 2,972,024

43 ARRA State Fiscal Stabilization Fund (Section 14002(a))

44 2,000,000

45 Total Operating Expense 4,972,024

1 The foregoing appropriations for higher education total operating expense that are  
2 made from money received under the federal American Recovery and Reinvestment Act  
3 of 2009 (ARRA) are intended to be one (1) time appropriations. The foregoing appropriations  
4 to Indiana University, Purdue University, Indiana State University, University of  
5 Southern Indiana, Ball State University, Vincennes University, and Ivy Tech Community  
6 College, include the employers' share of Social Security payments for university  
7 employees under the public employees' retirement fund, or institutions covered by  
8 the Indiana state teachers' retirement fund. The funds appropriated also include  
9 funding for the employers' share of payments to the public employees' retirement  
10 fund and to the Indiana state teachers' retirement fund at a rate to be established  
11 by the retirement funds for both fiscal years for each institution employees covered  
12 by these retirement plans.

13  
14 The treasurers of Indiana University, Purdue University, Indiana State University,  
15 University of Southern Indiana, Ball State University, Vincennes University, and  
16 Ivy Tech Community College shall, at the end of June 2009, prepare and file with  
17 the auditor of state a financial statement that shall show in total all revenues  
18 received from any source, together with a consolidated statement of disbursements  
19 for the same period. The budget director shall establish the requirements for the  
20 form and substance of the reports.

21  
22 The reports of the treasurer also shall contain in such form and in such detail as  
23 the governor and the budget agency may specify, complete information concerning receipts  
24 from all sources, together with any contracts, agreements, or arrangements with any  
25 federal agency, private foundation, corporation, or other entity from which such  
26 receipts accrue.

27  
28 All such treasurers' reports are matters of public record and shall include without  
29 limitation a record of the purposes of any and all gifts and trusts with the sole  
30 exception of the names of those donors who request to remain anonymous.

31  
32 Notwithstanding IC 4-10-11, the auditor of state shall draw warrants to the treasurers  
33 of Indiana University, Purdue University, Indiana State University, University of  
34 Southern Indiana, Ball State University, Vincennes University, and Ivy Tech Community  
35 College on the basis of vouchers stating the total amount claimed against each fund  
36 or account, or both, but not to exceed the legally made appropriations.

37  
38 Notwithstanding IC 4-12-1-14, for universities and colleges supported in whole or  
39 in part by state funds, grant applications and lists of applications need only be  
40 submitted upon request to the budget agency for review and approval or disapproval  
41 and, unless disapproved by the budget agency, federal grant funds may be requested  
42 and spent without approval by the budget agency. Each institution shall retain the  
43 applications for a reasonable period of time and submit a list of all grant applications,  
44 at least monthly, to the commission for higher education for informational purposes.

45  
46 For all university special appropriations, an itemized list of intended expenditures,  
47 in such form as the governor and the budget agency may specify, shall be submitted  
48 to support the allotment request. All budget requests for university special appropriations  
49

1 shall be furnished in a like manner and as a part of the operating budgets of the  
2 state universities.  
3

4 The trustees of Indiana University, the trustees of Purdue University, the trustees  
5 of Indiana State University, the trustees of University of Southern Indiana, the  
6 trustees of Ball State University, the trustees of Vincennes University, and the trustees  
7 of Ivy Tech Community College are hereby authorized to accept federal grants, subject  
8 to IC 4-12-1.  
9

10 **C. ELEMENTARY AND SECONDARY EDUCATION**

11  
12 The following appropriations from the state general fund, as set forth in SECTION  
13 854 of HEA 1001-2008, are cancelled for elementary and secondary education for the  
14 school fiscal year beginning January 1, 2009, and ending December 31, 2009, and for  
15 distributions beginning January 1, 2009, and ending June 30, 2009:  
16

17 **FOR THE DEPARTMENT OF EDUCATION AND STATE BOARD OF EDUCATION**  
18 **DISTRIBUTION FOR TUITION SUPPORT - General Fund**  
19 Total Operating Expense 5,234,950,000  
20

21 To restore the level of support for elementary and secondary education funding for  
22 the school fiscal year beginning January 1, 2009, and ending December 31, 2009, and  
23 for distributions beginning January 1, 2009, and ending June 30, 2009, the following  
24 amounts are appropriated for total operating expenses from the state general fund  
25 for the state fiscal year beginning July 1, 2008, and ending June 30, 2009, and from  
26 money received for elementary and secondary education under Division A, Title XIV  
27 of the federal American Recovery and Reinvestment Act of 2009:  
28

29 **FOR THE DEPARTMENT OF EDUCATION AND STATE BOARD OF EDUCATION**  
30 **DISTRIBUTION FOR TUITION SUPPORT**  
31 General Fund 5,099,400,000  
32

33 **DISTRIBUTION FOR STATE FISCAL STABILIZATION FUND GRANTS (IC 20-43-12)**  
34 ARRA State Fiscal Stabilization Fund (Section 14002(a)) 103,340,000  
35  
36

37 The above appropriation for fiscal stabilization fund grants are intended to be one-time  
38 grants to school corporations in addition to tuition support.  
39

40 If money is not available to the state for distribution from the federal American  
41 Recovery and Reinvestment Act of 2009 at the time distributions are normally made  
42 to school corporations, the distribution to a school corporation shall not be reduced  
43 and shall be made from the state general fund as determined by the state budget agency,  
44 which shall be reimbursed with money from the federal American Recovery and Reinvestment  
45 Act of 2009 once the money becomes available to the state.  
46

47 Notwithstanding P.L.146-2008, the appropriations in P.L.146-2008, SECTION 857 for:  
48 (1) the state fiscal year beginning July 1, 2008, and ending June 30, 2009;  
49 (2) the state fiscal year beginning July 1, 2009, and ending June 30, 2010; and

1 (3) the state fiscal year beginning July 1, 2010, and ending June 30, 2011;  
 2 to the department of education to make distributions under IC 20-20-36, are canceled.

3  
 4 To restore the level of funding for levy replacement grants pursuant to IC 20-20-36.2  
 5 for the school calendar year beginning January 1, 2009, and ending December 31, 2009,  
 6 there is appropriated from money received for elementary and secondary education  
 7 under Division A, Title XIV of the federal American Recovery and Reinvestment Act  
 8 of 2009, eight million four hundred eighty thousand dollars (\$8,480,000) for the  
 9 state fiscal year beginning July 1, 2008, and ending June 30, 2009, to the department  
 10 of education to make distributions to school corporations under IC 20-20-36.2, as  
 11 added by HEA 1198-2009, and as amended by this act. The budget agency may adjust  
 12 the three and fifty-four hundredths of one percent (3.54%) threshold in IC 20-20-36.2-5,  
 13 based upon the budget agency's determination of the actual amount of funds available  
 14 under the federal American Recovery and Reinvestment Act of 2009 for appropriation  
 15 under this SECTION for levy replacement grants for the state fiscal year beginning  
 16 July 1, 2008, and ending June 30, 2009. Levy replacement grants are intended to be  
 17 one-time distributions for the FY 2009-2011 biennium.

18 **D. CONSTRUCTION - HIGHER EDUCATION**

19  
 20 The following appropriations from the state general fund for the biennium beginning  
 21 July 1, 2007, and ending June 30, 2009, as set forth in P.L. 234-2007, SECTION 32,  
 22 Part F, that were made for the general repair and rehabilitation of higher education  
 23 properties are cancelled:  
 24

25	<b>INDIANA UNIVERSITY - TOTAL SYSTEM</b>	
26	General Repair and Rehab	25,202,564
27	<b>PURDUE UNIVERSITY - TOTAL SYSTEM</b>	
28	General Repair and Rehab	19,777,318
29	<b>INDIANA STATE UNIVERSITY</b>	
30	General Repair and Rehab	4,681,980
31	<b>UNIVERSITY OF SOUTHERN INDIANA</b>	
32	General Repair and Rehab	1,121,925
33	<b>BALL STATE UNIVERSITY</b>	
34	General Repair and Rehab	6,726,301
35	<b>VINCENNES UNIVERSITY</b>	
36	General Repair and Rehab	2,272,968
37	<b>IVY TECH COMMUNITY COLLEGE</b>	
38	General Repair and Rehab	2,287,041

39  
 40 For the biennium beginning July 1, 2007, and ending June 30, 2009, the following  
 41 amounts are appropriated from the state general fund and from money received for  
 42 higher education under Division A, Title XIV of the federal American Recovery and  
 43 Reinvestment Act for the general repair and rehabilitation of higher education properties:  
 44

45	<b>INDIANA UNIVERSITY - TOTAL SYSTEM</b>	
46	General Fund	12,601,282
47	ARRA State Fiscal Stabilization Fund (Section 14002(a))	12,601,282
48		
49		

FY 2009-2010  
Appropriation

FY 2010-2011  
Appropriation

Biennial  
Appropriation

1	General Repair and Rehab	25,202,564	
2	<b>PURDUE UNIVERSITY - TOTAL SYSTEM</b>		
3	General Fund	9,888,659	
4	ARRA State Fiscal Stabilization Fund (Section 14002(a))	9,888,659	
5	General Repair and Rehab	19,777,318	
6	<b>INDIANA STATE UNIVERSITY</b>		
7	General Fund	2,340,990	
8	ARRA State Fiscal Stabilization Fund (Section 14002(a))	2,340,990	
9	General Repair and Rehab	4,681,980	
10	<b>UNIVERSITY OF SOUTHERN INDIANA</b>		
11	General Fund	560,963	
12	ARRA State Fiscal Stabilization Fund (Section 14002(a))	560,962	
13	General Repair and Rehab	1,121,925	
14	<b>BALL STATE UNIVERSITY</b>		
15	General Fund	3,363,151	
16	ARRA State Fiscal Stabilization Fund (Section 14002(a))	3,363,150	
17	General Repair and Rehab	6,726,301	
18	<b>VINCENNES UNIVERSITY</b>		
19	General Fund	1,136,484	
20	ARRA State Fiscal Stabilization Fund (Section 14002(a))	1,136,484	
21	General Repair and Rehab	2,272,968	
22	<b>IVY TECH COMMUNITY COLLEGE</b>		
23	General Fund	1,143,521	
24	ARRA State Fiscal Stabilization Fund (Section 14002(a))	1,143,520	
25	General Repair and Rehab	2,287,041	

33 **SECTION 33. [EFFECTIVE JULY 1, 2009]**

34  
35 The budget agency may employ one (1) or more architects or engineers to inspect  
36 construction, rehabilitation, and repair projects covered by the appropriations in  
37 this act or previous acts.  
38

39 **SECTION 34. [EFFECTIVE JULY 1, 2009]**

40  
41 If any part of a construction or rehabilitation and repair appropriation made by  
42 this act or any previous acts has not been allotted or encumbered before the expiration  
43 of two (2) biennia, the budget agency may determine that the balance of the appropriation  
44 is not available for allotment. The appropriation may be terminated, and the balance  
45 may revert to the fund from which the original appropriation was made.  
46

47 **SECTION 35. [EFFECTIVE UPON PASSAGE]**

48 The budget agency may retain balances in the mental health fund at the end of any  
49



1 fiscal year to ensure there are sufficient funds to meet the service needs of the  
2 developmentally disabled and the mentally ill in any year.

3  
4 **SECTION 36. [EFFECTIVE UPON PASSAGE]**

5 If the budget director determines at any time that the executive branch of state  
6 government cannot meet its statutory obligations due to insufficient funds in the  
7 general fund, then notwithstanding IC 4-10-18, the budget agency, with the approval  
8 of the governor and after review by the budget committee, may transfer from the counter-cyclical  
9 revenue and economic stabilization fund to the general fund any additional amount  
10 necessary to maintain a positive balance in the general fund.

11  
12 **SECTION 37. [EFFECTIVE UPON PASSAGE]** (a) As used in this SECTION, "ARRA" refers  
13 to the federal American Recovery and Reinvestment Act of 2009.

14 (b) As used in this SECTION, "Title I" refers to Title I of the Elementary and Secondary  
15 Education Act of 1965 (20 U.S.C. 6301 et seq.).

16 (c) With respect to ARRA funds that are specifically designated for subgrants to local education  
17 agencies based on Title I or incentive grants, the following apply:

18 (1) There is appropriated from those ARRA funds two hundred twenty-one million six  
19 hundred sixty thousand dollars (\$221,660,000) for local education agencies. This appropriation  
20 of ARRA funds does not expire, and the ARRA funds may be allotted beginning with receipt  
21 of the funds. The appropriation may be augmented.

22 (2) The appropriation is in addition to any other distributions that school corporations may  
23 receive or be eligible for under Title I.

24 (3) The governor and the department of education may take any actions necessary to qualify  
25 the state for the ARRA funds related to Title I. If permitted by the ARRA, school corporations  
26 shall submit plans to the department of education for approval before spending the ARRA  
27 funds related to Title I.

28 (4) To the extent it does not conflict with federal law or rules or guidelines that would make  
29 Indiana ineligible to receive ARRA funds related to Title I, the ARRA funds must be used to  
30 support Title I eligible students for the following:

31 (A) Repair and rehabilitation of facilities.

32 (B) Upgrading technology or equipment.

33 (C) Training or professional development.

34 (D) Summer school or other remediation programs and purposes for which the expenses  
35 are one (1) time in nature and do not increase the base operating expenses of schools to a  
36 level that would be difficult to maintain.

37 **SECTION 38. [EFFECTIVE UPON PASSAGE]** (a) As used in this SECTION, "ARRA" refers to  
38 the federal American Recovery and Reinvestment Act of 2009.

39 (b) With respect to ARRA funds under Division A, Title VIII of the ARRA for special education,  
40 the following apply:

41 (1) There is appropriated from those ARRA funds two hundred seventy-one million three  
42 hundred thirty-three thousand dollars (\$271,333,000) for local education agencies. This  
43 appropriation of the ARRA funds for special education does not expire, and the ARRA funds  
44 may be allotted beginning with receipt of the funds. The appropriation may be augmented.

45 (2) The appropriation is in addition to any other distributions that schools corporations may  
46 receive or be eligible for special education.

47 (3) The governor and the department of education may take any actions necessary to qualify  
48 the state for the ARRA funds under Division A, Title VIII of the ARRA. If permitted by the  
49 ARRA, school corporations shall submit plans to the department of education for approval  
50

1 before spending the ARRA funds under Division A, Title VIII of the ARRA.  
2 (4) To the extent it does not conflict with federal law or rules or guidelines that would make  
3 Indiana ineligible to receive ARRA funds under Division A, Title VIII of the ARRA, the ARRA  
4 funds must be used to support special education students for the following:

- 5 (A) Repair and rehabilitation of facilities.
- 6 (B) Upgrading technology or equipment, including adaptive technology.
- 7 (C) Training or professional development.
- 8 (D) Programs and purposes for which the expenses are one (1) time in nature and do not

9 increase the base operating expenses of school corporations to a level that would be difficult  
10 to maintain.

11 SECTION 39. [EFFECTIVE FEBRUARY 1, 2009, (RETROACTIVE)] (a) As used in this SECTION,  
12 "ARRA" refers to the federal American Recovery and Reinvestment Act of 2009.

13 (b) The governor may make application to the federal government for ARRA funds. The  
14 governor may take those actions necessary to qualify the state for the ARRA funds.

15 (c) The governor of the state of Indiana is solely authorized to accept on behalf of the state any  
16 and all ARRA funds available to the state of Indiana. ARRA funds received as revenue by a state  
17 agency or department are not available to the agency or department for expenditure until allotment  
18 has been made by the budget agency under IC 4-12-1-12(d).

19 (d) The governor shall submit a report covering applications filed and any action necessary to  
20 qualify the state for the ARRA funds to the executive director of the legislative services agency in  
21 an electronic format under IC 5-14-6. To satisfy this requirement, the governor may submit copies  
22 of reports required to be filed with the appropriate federal agency concerning use of the funds.

23 (e) The provisions of this SECTION and all other SECTIONS concerning the acceptance,  
24 disbursement, review, and approval of ARRA funds made by the federal government to the state  
25 or its agencies and political subdivisions apply, notwithstanding any other law.

26 SECTION 40. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "ARRA" means the  
27 federal American Recovery and Reinvestment Act of 2009.

28 (b) In appropriating the money to be received by Indiana from the state fiscal stabilization fund  
29 administered by the federal Department of Education under Division A, Title XIV of the ARRA,  
30 the general assembly has made every effort to comply with the requirements and intent expressed  
31 in Division A, Title XIV of the ARRA so that the governor may make the assurances required by  
32 Section 14005(d) of the ARRA.

33 (c) If the federal Department of Education or any other federal agency:  
34 (1) determines that Indiana may not meet; or

35 (2) adopts additional administrative regulations or provides guidelines regarding;  
36 the requirements of Section 14002(a)(2) of the ARRA, which results in Indiana not being eligible  
37 for some part of the federal funds under Division A, Title XIV of the ARRA, the governor shall  
38 promptly request a waiver from the Secretary of the federal Department of Education under  
39 Section 14012 of the ARRA to ensure full availability of funding.

40 (d) This SECTION expires January 1, 2012.

41 SECTION 41. [EFFECTIVE UPON PASSAGE] If the United States Department of Education or  
42 any other federal agency determines that the state's school funding formula or fiscal stabilization  
43 fund grant formula does not meet the requirements of the federal American Recovery and  
44 Reinvestment Act of 2009 or any other federal law, rule, or guideline, then notwithstanding any  
45 other law the state budget committee shall revise the state's school funding formula or fiscal  
46 stabilization fund grant formula.

47 SECTION 42. [EFFECTIVE JULY 1, 2009] (a) The trustees of the following institutions may issue  
48 and sell bonds under IC 21-34, subject to the approvals required by IC 21-33-3, for the following  
49 projects if the sum of principal costs of any bond issued, excluding amounts necessary to provide  
50 money for debt service reserves, credit enhancement, or other costs incidental to the issuance of the

1	bonds, does not exceed the total authority listed below for that institution:	
2	Ball State University	19,700,000
3	Central Campus Rehabilitation	
4	Purdue University	10,000,000
5	Life Sciences Laboratory Renovations	12,000,000
6	Medical School Renovations	
7	North Central Campus	23,700,000
8	Student Services and Activities Complex	
9	Indiana University	10,000,000
10	Life Sciences Laboratory Renovations	
11	Indiana University Purdue University at Indianapolis	10,000,000
12	Life Sciences Laboratory Renovations	
13	Ivy Tech Community College	20,000,000
14	Anderson Campus	10,100,000
15	Warsaw Campus	20,000,000
16	Bloomington Campus	
17	Vincennes University	850,000
18	Davis Hall	

19 Of the above authorization for medical school renovations, a maximum of six million dollars  
20 (\$6,000,000) is eligible for fee replacement. The above projects are eligible for fee replacement after  
21 July 1, 2011.

22 (b) The trustees of the following institutions may issue and sell bonds under IC 21-34 for the  
23 following projects if the sum of principal costs of any bond issued, excluding amounts necessary to  
24 provide money for debt service reserves, credit enhancement, or other costs incidental to the  
25 issuance of the bonds, does not exceed the total authority listed below for that institution:

26	Indiana State University	20,000,000
27	Federal Building	
28	Indiana University	33,000,000
29	Northwest Regional Campus	
30	Tamarack Hall	20,000,000
31	Ivy Tech Community College	
32	Gary Campus	15,000,000
33	University of Southern Indiana	
34	Teacher Theatre Replacement Project	

35 The authorization above for Tamarack Hall Replacement shall be reduced by any funds that  
36 Indiana University receives for the replacement as insurance proceeds or from any other source.  
37 No further review by the budget committee or approval by the governor, the budget agency, or the  
38 commission for higher education is necessary to issue and sell bonds for this project. The above  
39 projects are eligible for fee replacement after July 1, 2011. Fee replacement on the Federal Building  
40 project may not exceed \$10,000,000.

41 (c) The trustees of the following institutions may issue and sell bonds under IC 21-34, subject to  
42 the approvals required under IC 21-33-3, to provide funds for the acquisition, renovation,  
43 expansion, and improvements for the following projects (including all related and subordinate  
44 components of the following projects) and may undertake the project if the total costs financed by  
45 the bond issue, excluding any amount necessary to provide money for debt service reserves, credit  
46 enhancement, or other costs incidental to the issuance of the bonds, do not exceed the total authority  
47 listed below for that institution:

48	Purdue University	98,000,000
49	Lafayette Campus	
50	Student Fitness and Wellness Center	

1 Indiana University Purdue University at Fort Wayne  
 2 Parking Garage  
 3 Vincennes University  
 4 P.E. Building

16,800,000

5,000,000

5 The foregoing projects are not eligible for fee replacement appropriations in any year.

6 SECTION 43. [EFFECTIVE UPON PASSAGE] The trustees of Vincennes University may issue  
 7 and sell bonds under IC 21-34 for the purpose of constructing, furnishing, and equipping a center  
 8 for advanced manufacturing and applied technology on the Jasper campus of Vincennes University,  
 9 if the sum of principal costs of any bonds issued, excluding amounts necessary to provide money  
 10 for debt service reserves, credit enhancement, or other costs incidental to the issuance of the bonds,  
 11 does not exceed eight million dollars (\$8,000,000). This authorization is a restatement of and is not  
 12 in addition to the authorization under P.L.234-2007, SECTION 175. However, no further review  
 13 by the state budget committee or approval by the governor, the budget agency, or the commission  
 14 for higher education is necessary to issue and sell bonds for this project.

15 SECTION 44. [EFFECTIVE UPON PASSAGE] The trustees of Vincennes University are  
 16 authorized to acquire, construct, renovate, improve, and equip a multicultural center to be funded  
 17 from sources other than student fees or state funds or bonds payable from student fees or state  
 18 funds if the total cost of the project does not exceed five million dollars (\$5,000,000). This  
 19 authorization is a restatement of and is not in addition to the authorization under P.L.234-2007,  
 20 SECTION 177. However, no further review by the state budget committee or approval by the  
 21 governor, the budget agency, or the commission for higher education is necessary to issue and sell  
 22 bonds for this project.

23 SECTION 45. [EFFECTIVE UPON PASSAGE] (a) The trustees of the following institutions may  
 24 issue and sell bonds under IC 21-34 for the following projects if the sum of principal costs of any  
 25 bond issued, excluding amounts necessary to provide money for debt service reserves, credit  
 26 enhancement, or other costs incidental to the issuance of the bonds, does not exceed the total  
 27 authority listed below for that institution:

28	Indiana University South Bend - Arts Building	
29	Renovation	
30	Indiana University Bloomington - Cyber	\$27,000,000
31	Infrastructure Building	
32	Indiana University, Purdue University at	18,300,000
33	Indianapolis - Neurosciences Research Building	
34	Indiana University Southeast Medical	20,000,000
35	Education Center A & E	
36	Indiana State University - Life Sciences/Chemistry	1,000,000
37	Laboratory Renovations	
38	Ball State University - Central Campus	14,800,000
39	Academic Project, Phase I & Utilities	
40	Ivy Tech-Fort Wayne Technology Center	33,000,000
41	and Demolition Costs	
42	Ivy Tech - Indianapolis Community College	26,700,000
43	for the Fall Creek Expansion Project	
44	Ivy Tech - Lamkin Center for Instructional	69,370,000
45	Development and Leadership	
46	Ivy Tech - Logansport	1,000,000
47	Ivy Tech - Sellersburg	16,000,000
48	Ivy Tech - Warsaw A & E	20,000,000
49	Ivy Tech - Muncie\Anderson A & E	1,000,000
50	Ivy Tech - Elkhart Phase I	4,800,000
		20,000,000

8,000,000  
 2,400,000  
 1,000,000  
 29,900,000  
 2,000,000

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- Ivy Tech - Greencastle
- Purdue University Calumet - Gyt Building A & E
- Purdue University North Central -
- Student Services & Recreation Center A & E
- University of Southern Indiana College of
- Business - General Classroom Building
- Vincennes University - Health and Science
- Lab Rehabilitation
- Indiana University, Purdue University at Fort Wayne
- Student Services and Library Complex

The budget committee shall meet to determine the total amount to be authorized for the Ivy Tech - Indianapolis Community College Fall Creek Expansion Project before June 30, 2009. In making the determination, the budget committee shall compare the estimated cost of \$15,000,000 for improvement and expansion of student services, financial aid, and student gathering spaces, and the estimated cost of \$38,200,000 for classrooms, teaching labs, study spaces, and support areas with costs per square foot for comparable construction in Marion County. However, the amount authorized for NMC renovation is \$12,400,000 and the amount authorized for the technical building renovation is \$3,800,000.

(b) The trustees of the following institution may issue and sell bonds under IC 21-34 for the following project if the sum of principal costs of any bond issued, excluding amounts necessary to provide money for debt service reserves, credit enhancement, or other costs incidental to the issuance of the bonds, does not exceed the total authority listed below for that institution:

- Purdue University West Lafayette - Mechanical Engineering Addition \$33,000,000

The foregoing project is not eligible for fee replacement appropriations.

(c) The trustees of the following institution may issue and sell bonds under IC 21-34 for the following project if the sum of principal costs of any bond issued, excluding amounts necessary to provide money for debt service reserves, credit enhancement, or other costs incidental to the issuance of the bonds, does not exceed the total authority listed below for that institution:

- Purdue University West Lafayette - Boiler No. 6 \$53,000,000

The institution shall invite bids as provided under IC 21-37-3-3. The bids shall be open to inspection by the public.

(d) Except for an additional \$4,000,000 authorized for Ivy Tech - Elkhart Phase I, the authorizations under this SECTION are a restatement of and are not in addition to the authorizations under P.L.234-2007, SECTION 179.

(e) No further review by the state budget committee or approval by the governor, the budget agency, or the commission for higher education is necessary to issue and sell bonds for the projects described in subsection (a), (b), (c), or (d).

SECTION 46. [EFFECTIVE UPON PASSAGE] (a) The trustees of the following institution may issue and sell bonds under IC 21-34 for the following project if the sum of principal costs of any bond issued, excluding amounts necessary to provide money for debt service reserves, credit enhancement, or other costs incidental to the issuance of the bonds, does not exceed the total authority listed below for that institution:

- Purdue University West Lafayette - Animal Disease Diagnostic Laboratory (BSL-3) \$30,000,000

(b) The Indiana department of administration, acting on behalf of the Indiana state board of animal health, in recognition of the state board of animal health's statutory functions involving the animal disease diagnostic laboratory, is hereby authorized and directed to enter into a lease agreement, as lessee, with the trustees of Purdue University as lessor, covering animal disease

1 diagnostic laboratory (BSL-3).

2 (c) The authorizations under this SECTION are a restatement of and are not in addition to the  
3 authorizations under P.L.234-2007, SECTION 180. However, no further review by the budget  
4 committee or approval by the governor, the budget agency, or the commission for higher education  
5 is necessary to issue and sell bonds for this project.

6 SECTION 47. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding SECTION 244 of HEA  
7 1001-2005, the trustees of Purdue University may issue and sell bonds under IC 21-34 for the  
8 following project if the sum of principal costs of any bond issued, excluding amounts necessary to  
9 provide money for debt service reserves, credit enhancement, or other costs incidental to the  
10 issuance of the bonds, does not exceed the total authority listed below:  
11 Purdue University North Central Campus  
12 Parking Garage No. 1

13 (b) The authorization under this SECTION is a restatement of and is not in addition to the  
14 authorization under P.L.234-2007, SECTION 186. However, no further review by the state budget  
15 committee or approval by the governor, the budget agency, or the commission for higher education  
16 is necessary to issue and sell bonds for this project. The foregoing project is not eligible for fee  
17 replacement appropriations.

18 SECTION 48. [EFFECTIVE JULY 1, 2009] There is appropriated to Ivy Tech Community College  
19 from the state general fund for the biennium beginning July 1, 2009, and ending June 30, 2011,  
20 three hundred fifty thousand dollars (\$350,000) for A&E Phase 2 for the Bloomington campus. The  
21 appropriation under this SECTION is a restatement of and is not in addition to the appropriation  
22 under P.L.234-2007, SECTION 32. However, no further review by the state budget committee or  
23 approval by the governor, the budget agency, or the commission for higher education is necessary  
24 to allot the money appropriated by this SECTION.

25 SECTION 49. [EFFECTIVE UPON PASSAGE] (a) There is appropriated to the budget agency  
26 from the state general fund:

- 27 (1) three million seven hundred fifty thousand dollars (\$3,750,000) for the state fiscal year  
28 beginning July 1, 2008, and ending June 30, 2009;
- 29 (2) five million six hundred twenty-five thousand dollars (\$5,625,000) for the state fiscal year  
30 beginning July 1, 2009, and ending June 30, 2010; and
- 31 (3) five million six hundred twenty-five thousand dollars (\$5,625,000) for the state fiscal year  
32 beginning July 1, 2010, and ending June 30, 2011;

33 (b) The appropriations under this SECTION are intended to provide the nonfederal share of  
34 funding for research grants. The budget agency shall make a recommendation to the budget  
35 committee for each request received for a matching grant. Funding may be released for each grant  
36 request that receives a favorable review by the budget committee. Purdue University and Indiana  
37 University shall report to the budget committee on the status of the program one (1) year after the  
38 funds are released. The foregoing appropriations that are made from money received under the  
39 federal American Recovery and Reinvestment Act of 2009 (ARRA) are intended to be one (1) time  
40 appropriations.

41 SECTION 50. [EFFECTIVE UPON PASSAGE] (a) Thirty million dollars (\$30,000,000) is  
42 appropriated to the budget agency from the Indiana tobacco master settlement agreement fund  
43 established by IC 4-12-1-14.3 for the biennium beginning July 1, 2009, and ending June 30, 2011,  
44 to provide the nonfederal match for grants available under federal law. In order to qualify for  
45 matching funds:

- 46 (1) The nonfederal share provided under this SECTION may not exceed thirty percent (30%)  
47 of the cost of the project or program.
- 48 (2) The project or program must be one (1) time in nature.

49 (b) The appropriations from the Indiana tobacco master settlement agreement fund may be used  
50

1 only to match programs or projects relating to health care or life sciences, including automation  
2 and reporting of medical records.

3 (c) The budget agency may solicit applications for matching grants from universities, state and  
4 local agencies, and other entities eligible for federal funding and shall accept applications for grants  
5 from any source.

6 (d) The budget agency shall do the following:

7 (1) Submit a first summary of all applications received to the budget committee along with  
8 recommendations for funding before June 1, 2009.

9 (2) Submit a second summary of all applications received to the budget committee along with  
10 recommendations for funding before July 1, 2009.

11 (3) Submit subsequent summaries and recommendations on a quarterly basis thereafter.

12 (e) The budget agency may award grants under this SECTION only after review by the budget  
13 committee. The budget agency shall promptly post a list of all approved grants on its Internet web  
14 site.

15 (f) This SECTION expires June 30, 2011.

16 SECTION 51. [EFFECTIVE UPON PASSAGE] (a) There is appropriated from funds received  
17 under the federal American Recovery and Reinvestment Act of 2009 to the state energy program  
18 within the office of the lieutenant governor sixty-eight million six hundred twenty-one thousand  
19 dollars (\$68,621,000) for the following energy conservation purposes:

20 (1) Increasing energy efficiency to reduce energy costs and consumption for consumers,  
21 businesses, and government.

22 (2) Reducing reliance on imported energy.

23 (3) Improving the reliability of electricity and fuel supply and the delivery of energy services.

24 (4) Reducing the impacts of energy production and use on the environment

25 (b) In using the money appropriated under subsection (a), the office of the lieutenant governor  
26 shall to the extent possible support current energy efficiency and renewable energy projects and  
27 create sustainable energy programs. The office of the lieutenant governor may create long-term  
28 funding mechanisms, such as revolving loan programs and energy savings performance contracting  
29 designed to provide lasting benefits. As soon as practical after the effective date of this SECTION,  
30 the office of the lieutenant governor shall report to the state budget committee on the use of the  
31 money appropriated under subsection (a). The appropriation under subsection (a) does not expire  
32 and may be augmented.

33 SECTION 52. [EFFECTIVE UPON PASSAGE] (a) There is appropriated from funds received  
34 under the federal American Recovery and Reinvestment Act of 2009 to the Indiana housing and  
35 community development authority one hundred thirty-one million eight hundred forty-seven  
36 thousand dollars (\$131,847,000) to fund weatherization projects. The Indiana housing and  
37 community development authority may contract with providers to perform weatherization services  
38 for qualified applicants, but the office must use a portion of the money appropriated to:

39 (1) provide grants to nonprofit organizations to deliver weatherization services; and

40 (2) increase funding available for training and technical assistance.

41 (b) The Indiana housing and community development authority may increase the average  
42 expenditure limit per home to six thousand five hundred dollars (\$6,500) from February 17, 2009,  
43 until December 31, 2010.

44 (c) The Indiana housing and community development authority shall develop a process for  
45 distribution and use of the money appropriated under this subsection (a). As soon as practical after  
46 the effective date of this SECTION, the Indiana housing and community development authority  
47 shall report to the state budget committee on the use of the money appropriated under subsection  
48 (a). The appropriation under subsection (a) does not expire and may be augmented.

49 SECTION 53. [EFFECTIVE UPON PASSAGE] (a) There is appropriated from funds received  
50 under the federal American Recovery and Reinvestment Act of 2009 to the Indiana finance

1 authority ninety-four million four hundred forty-seven thousand four hundred eighty-five dollars  
2 (\$94,447,485) to provide loans for wastewater infrastructure projects and twenty-seven million two  
3 hundred twelve thousand dollars (\$27,212,000) to provide loans for drinking water infrastructure  
4 projects for cities, towns, counties, regional sewer or water districts, conservancy districts, and any  
5 other applicants determined by the Indiana finance authority to be eligible for assistance. The  
6 Indiana finance authority may grant fixed-rate loans with below market interest rates and provide  
7 for forgiveness of a portion of the loan for applicants that have exceedingly high monthly user rates  
8 as determined by the Indiana finance authority.

9 (b) The Indiana finance authority shall develop a process for distribution and use of the money  
10 appropriated under subsection (a), including deadlines for applying for assistance. As soon as  
11 practical after the effective date of this SECTION, the Indiana finance authority shall report to the  
12 state budget committee on the use of the money appropriated under subsection (a). The  
13 appropriation under subsection (a) does not expire and may be augmented.

14 SECTION 54. [EFFECTIVE UPON PASSAGE] It is the intent of the General Assembly that grants  
15 and distributions of funds under the federal American Recovery and Reinvestment Act of 2009 shall  
16 be treated as one time revenues and shall not be used in ways that build the general spending base  
17 to levels that would be unsustainable in future years. The funds are intended to help prevent layoff  
18 of teachers and other employees. However, school corporations and universities should endeavor  
19 to not build spending increases into contracts and agreements that extend beyond the 2009-2011  
20 biennium.

21 SECTION 55. [EFFECTIVE JULY 1, 2009] (a) There is appropriated one hundred thousand  
22 dollars (\$100,000) from the build Indiana fund under IC 4-30-17 to the legislative services agency  
23 for the biennium beginning July 1, 2009, and ending June 30, 2011, for purposes of paying the  
24 expenses of the Ohio River bridges project commission and carrying out IC 8-16-17.  
25 (b) This SECTION expires June 30, 2011.

26 SECTION 56. [EFFECTIVE JULY 1, 2009] (a) There is appropriated from the state general fund  
27 to the department of education:  
28 (1) seventy-five thousand dollars (\$75,000) for the state fiscal year beginning July 1, 2009, and  
29 ending June 30, 2010; and  
30 (2) seventy-five thousand dollars (\$75,000) for the state fiscal year beginning July 1, 2010, and  
31 ending June 30, 2011;  
32 to conduct the virtual charter school pilot program under IC 20-24-7-13.  
33 (b) This SECTION expires June 30, 2011.

34 SECTION 57. [EFFECTIVE JULY 1, 2009] There is appropriated two million dollars (\$2,000,000)  
35 from the build Indiana fund under IC 4-30-17 to the Indiana finance authority to provide funding  
36 for the construction, engineering, or financing of public water supply systems serving Jennings  
37 County, beginning July 1, 2009, and ending June 30, 2010. This appropriation is subject to review  
38 by the state budget committee.

39 SECTION 58. [EFFECTIVE JULY 1, 2009] (a) There is appropriated to the budget agency from  
40 the state general fund one million dollars (\$1,000,000) for the biennium beginning July 1, 2009, and  
41 ending June 30, 2011, for transfer to the Comer school development program fund established by  
42 IC 20-20-37-10 after review by the state budget committee.  
43 (b) This SECTION expires June 30, 2011.

44 SECTION 59. [EFFECTIVE JULY 1, 2009] (a) The general assembly finds that the state needs the  
45 construction, equipping, renovation, refurbishing, or alteration of a building for the Indiana state  
46 archives (as defined in IC 5-15-5.1-1).  
47 (b) The general assembly finds that the state will have a continuing need for use and occupancy  
48 of the building described in subsection (a).

49 (c) The general assembly authorizes the Indiana finance authority to provide the building  
50 described in subsection (a) under IC 4-13.5-1 and IC 4-13.5-4.



1 (d) There is appropriated five hundred thousand dollars (\$500,000) to the Indiana finance  
2 authority from the postwar construction fund to carry out architectural and engineering work for  
3 the building described in subsection (a), beginning July 1, 2009, and ending June 30, 2010. Any  
4 unencumbered amount remaining from this appropriation at the end of a state fiscal year remains  
5 available in subsequent state fiscal years for the purposes for which it is appropriated.

6 SECTION 60. IC 4-4-11.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE OCTOBER 1,  
7 2008 (RETROACTIVE)]: Sec. 1. As used in this chapter, "bond" means any:  
8 (1) bond or mortgage credit certificate for which it is necessary to procure volume under the volume  
9 cap under Section 146 of the Internal Revenue Code; or

10 (2) bond or other obligation for which a special volume cap is authorized under a federal act.  
11 SECTION 61. IC 4-4-11.5-13.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO  
12 READ AS FOLLOWS [EFFECTIVE OCTOBER 1, 2008 (RETROACTIVE)]: Sec. 13.5. As used in this  
13 chapter, "special volume cap" means the maximum dollar amount of bonds that may be allocated  
14 to the state under the authority of a federal act. The special volume cap is in addition to the volume  
15 cap, as defined in section 14 of this chapter.

16 SECTION 62. IC 4-4-11.5-19.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO  
17 READ AS FOLLOWS [EFFECTIVE OCTOBER 1, 2008 (RETROACTIVE)]: Sec. 19.5. The IFA shall  
18 determine the allocation of any special volume cap in accordance with the federal act authorizing  
19 the special volume cap.

20 SECTION 63. IC 4-13-1-4, AS AMENDED BY P.L.1-2006, SECTION 63, IS AMENDED TO READ  
21 AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. The department shall, subject to this chapter, do  
22 the following:

23 (1) Execute and administer all appropriations as provided by law, and execute and administer all  
24 provisions of law that impose duties and functions upon the executive department of government,  
25 including executive investigation of state agencies supported by appropriations and the assembly  
26 of all required data and information for the use of the executive department and the legislative  
27 department.

- 28 (2) Supervise and regulate the making of contracts by state agencies.  
29 (3) Perform the property management functions required by IC 4-20.5-6.  
30 (4) Assign office space and storage space for state agencies in the manner provided by IC 4-20.5-5.  
31 (5) Maintain and operate the following for state agencies:

- 32 (A) Central duplicating.  
33 (B) Printing.  
34 (C) Machine tabulating.  
35 (D) Mailing services.  
36 (E) Centrally available supplemental personnel and other essential supporting services.

37 The department may require state agencies to use these general services in the interests of economy  
38 and efficiency. The general services rotary fund is established through which these services may be  
39 rendered to state agencies. The budget agency shall determine the amount for the general services  
40 rotary fund.

41 (6) Control and supervise the acquisition, operation, maintenance, and replacement of state owned  
42 vehicles by all state agencies. The department may establish and operate, in the interest of economy  
43 and efficiency, a motor vehicle pool, and may finance the pool by a rotary fund. The budget agency  
44 shall determine the amount to be deposited in the rotary fund.  
45 (7) Promulgate and enforce rules relative to the travel of officers and employees of all state agencies  
46 when engaged in the performance of state business. These rules may allow reimbursement for travel  
47 expenses by any of the following methods:

- 48 (A) Per diem.  
49 (B) For expenses necessarily and actually incurred.  
50 (C) Any combination of the methods in clauses (A) and (B).

1 The rules must require the approval of the travel by the commissioner and the head of the officer's  
2 or employee's department prior to payment.

3 (8) Administer IC 4-13.6.

4 (9) Prescribe the amount and form of certified checks, deposits, or bonds to be submitted in  
5 connection with bids and contracts when not otherwise provided for by law.

6 (10) Rent out, with the approval of the governor, any state property, real or personal:  
7 (A) not needed for public use; or  
8 (B) for the purpose of providing services to the state or employees of the state;

9 the rental of which is not otherwise provided for or prohibited by law. Property may not be rented  
10 out under this subdivision for a term exceeding ten (10) years at a time. However, if property is  
11 rented out for a term of more than four (4) years, the commissioner must make a written  
12 determination stating the reasons that it is in the best interests of the state to rent property for the  
13 longer term. This subdivision does not include the power to grant or issue permits or leases to  
14 explore for or take coal, sand, gravel, stone, gas, oil, or other minerals or substances from or under  
15 the bed of any of the navigable waters of the state or other lands owned by the state.

16 (11) Have charge of all central storerooms, supply rooms, and warehouses established and operated  
17 by the state and serving more than one (1) agency.

18 (12) Enter into contracts and issue orders for printing as provided by IC 4-13-4.1.

19 (13) Sell or dispose of surplus property under IC 5-22-22, or if advantageous, to exchange or trade  
20 in the surplus property toward the purchase of other supplies, materials, or equipment, and to make  
21 proper adjustments in the accounts and inventory pertaining to the state agencies concerned.

22 (14) With respect to power, heating, and lighting plants owned, operated, or maintained by any state  
23 agency:

24 (A) inspect;

25 (B) regulate their operation; and

26 (C) recommend improvements to those plants to promote economical and efficient operation.

27 (15) Administer, determine salaries, and determine other personnel matters of the department of  
28 correction ombudsman bureau established by IC 4-13-1.2-3.

29 (16) Adopt rules to establish and implement a "Code Adam" safety protocol as described in  
30 IC 4-20.5-6-9.2.

31 (17) Adopt policies and standards for making state owned property reasonably available to be used  
32 free of charge as locations for making motion pictures.

33 (18) Administer, determine salaries for, and determine other personnel matters of the  
34 department of child services ombudsman established by IC 4-13-19-3.

35 SECTION 64. IC 4-13-19 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ  
36 AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

37 Chapter 19. Department of Child Services Ombudsman

38 Sec. 1. As used in this chapter, "child" means a person who:

39 (1) is less than eighteen (18) years of age;

40 (2) is at least eighteen (18) years of age at the time the complaint is made but was less than  
41 eighteen (18) years of age at the time of the alleged act or omission that is the subject of the  
42 complaint; or

43 (3) is at least eighteen (18) years of age but has been under the continuing jurisdiction of a  
44 juvenile court based upon an informal adjustment, child in need of services action under  
45 IC 31-34, or termination of parental rights action under IC 31-35 since becoming eighteen (18)  
46 years of age.

47 Sec. 2. As used in this chapter, "ombudsman" means:

48 (1) the person appointed by the governor to serve as ombudsman; or

49 (2) an employee or other individual approved by the office of the department of child services  
50 ombudsman to act in the capacity of ombudsman;

1 to investigate and resolve complaints that allege the department of child services failed to protect  
2 the health and safety of any child or failed to follow specific laws, rules, or written policies.

3 Sec. 3. The office of the department of child services ombudsman is established as a separate  
4 bureau within the department. The ombudsman appointed by the governor shall report directly to  
5 the commissioner. The ombudsman appointed by the governor must be an attorney licensed to  
6 practice law in Indiana or a social worker with at least a master's degree. The ombudsman  
7 appointed by the governor must have significant experience or education in child development and  
8 child advocacy, including at least two (2) years experience working with child abuse and neglect.

9 Sec. 4. (a) The governor shall appoint the ombudsman. The ombudsman serves at the pleasure  
10 of the governor. An individual may not be appointed as ombudsman if the individual has been  
11 employed by the department of child services at any time during the preceding twelve (12) months.  
12 The governor shall appoint a successor ombudsman not later than thirty (30) days after a vacancy  
13 occurs in the position of the ombudsman.

14 (b) The office of the department of child services ombudsman may employ technical experts and  
15 other employees to carry out the purposes of this chapter. However, the office of the department  
16 of child services ombudsman may not hire an individual to serve as an ombudsman if the individual  
17 has been employed by the department of child services during the preceding twelve (12) months.

18 (c) The ombudsman and any other person employed or authorized by the ombudsman:

19 (1) are subject to the same criminal history and background checks, to be performed by the  
20 department of child services, that are required for department of child services family case  
21 managers; and

22 (2) are subject to the same disqualification for employment criteria as department of child  
23 services family case managers.

24 Sec. 5. (a) The office of the department of child services ombudsman may receive, investigate,  
25 and attempt to resolve a complaint alleging that the department of child services, by an action or  
26 omission occurring on or after January 11, 2005, failed to follow a specific law, rule, or department  
27 written policy and thereby failed to protect the health or safety of any child.

28 (b) The office of the department of child services ombudsman may also do the following:

29 (1) Take action, including the establishing of a program of public education, to secure and  
30 ensure the legal rights of children.

31 (2) Periodically review relevant policies and procedures with a view toward the safety and  
32 welfare of children.

33 (3) When appropriate, refer a person making a report of child abuse or neglect to the  
34 department of child services and, if appropriate, to an appropriate law enforcement agency.

35 (4) Recommend changes in procedures for investigating reports of abuse and neglect and  
36 overseeing the welfare of children who are under the jurisdiction of a juvenile court.

37 (5) Make the public aware of the services of the ombudsman, the purpose of the office, and  
38 information concerning contacting the office.

39 (6) Examine policies and procedures and evaluate the effectiveness of the child protection  
40 system, specifically the respective roles of the department of child services, the court, the  
41 medical community, service providers, guardians ad litem, court appointed special advocates,  
42 and law enforcement agencies.

43 (7) Review and make recommendations concerning investigative procedures and emergency  
44 responses contained in the report prepared under section 10 of this chapter.

45 (c) Upon request of the office of the department of child services ombudsman, the local child  
46 protection team shall assist the office of the department of child services ombudsman by:

47 (1) investigating and making recommendations on a matter; or

48 (2) redacting or revising any report to be prepared for the complainant so that confidentiality  
49 laws are maintained.

50 If a local child protection team was involved in an initial investigation, a different local child

1 protection team may assist in the investigation under this subsection.  
2 (d) At the end of an investigation of a complaint, the office of the department of child services  
3 ombudsman shall provide an appropriate report as follows:

4 (1) If the complainant is a parent, guardian, custodian, court appointed special advocate,  
5 guardian ad litem, or court, the ombudsman may provide the same report to the complainant  
6 and the department of child services.

7 (2) If the complainant is not a person described in subdivision (1), the ombudsman shall  
8 provide a redacted version of its findings to the complainant stating in general terms that the  
9 actions of the department of child services were or were not appropriate.

10 (e) The department of child services ombudsman shall provide a copy of the report and  
11 recommendations to the department of child services. The office of the department of child services  
12 ombudsman may not disclose to:

- 13 (1) a complainant;
- 14 (2) another person who is not a parent, guardian, or custodian of the child who was the subject  
15 of the department of child services' action or omission; or
- 16 (3) the court, court appointed special advocate, or guardian ad litem of the child in a case that  
17 was filed as a child in need of services or termination of parental rights action;

18 any information that the department of child services could not, by law, reveal to the complainant,  
19 parent, guardian, custodian, person, court, court appointed special advocate, or guardian ad litem.  
20 (f) If, after reviewing a complaint or conducting an investigation and considering the response  
21 of an agency, facility, or program and any other pertinent material, the office of the department  
22 of child services ombudsman determines that the complaint has merit or the investigation reveals  
23 a problem, the ombudsman may recommend that the agency, facility, or program:

- 24 (1) consider the matter further;
- 25 (2) modify or cancel its actions;
- 26 (3) alter a rule, order, or internal policy; or
- 27 (4) explain more fully the action in question.

28 (g) At the office of the department of child services ombudsman's request, the agency, facility,  
29 or program shall, within a reasonable time, inform the office of the department of child services  
30 ombudsman about the action taken on the recommendation or the reasons for not complying with  
31 it.

32 (h) The office of the department of child services ombudsman may not investigate the following:  
33 (1) A complaint from an employee of the department of child services that relates to the  
34 employee's employment relationship with the department of child services.

35 (2) A complaint concerning a matter that is currently the subject of a pending administrative  
36 review procedure before the exhaustion of administrative remedies provided by law, rule, or  
37 written policy. Investigation of any such complaint received shall be stayed until the  
38 administrative remedy has been exhausted. However, if the administrative process is not  
39 completed within six (6) months after initiation of the administrative process, the office of child  
40 services ombudsman may proceed with its investigation.

41 (i) If the office of the department of child services ombudsman does not investigate a complaint,  
42 the office of the department of child services ombudsman shall notify the complainant of the  
43 decision not to investigate and the reasons for the decision.

44 Sec. 6. (a) The office of the department of child services ombudsman shall be given appropriate  
45 access to department of child services records of a child who is the subject of a complaint that is  
46 filed under this chapter.

47 (b) A state or local government agency or entity that has records that are relevant to a complaint  
48 or an investigation conducted by an ombudsman shall provide the ombudsman with access to the  
49 records.  
50 (c) A person is immune from:

1 (1) civil or criminal liability; and

2 (2) actions taken under:

3 (A) a professional disciplinary procedure; or

4 (B) procedures related to the termination or imposition of penalties under a contract  
5 dealing with an employee or contractor of the department of child services;

6 for the release or disclosure of records to the ombudsman under this chapter, unless the release or  
7 disclosure constitutes gross negligence or willful or wanton misconduct.

8 (d) Information or records of a state or local government agency provided to the office of the  
9 department of child services ombudsman may not be disclosed to the complainant or others if  
10 confidential under laws, rules, or regulations governing the state or local government agency that  
11 provided the information or records.

12 Sec. 7. (a) The office of the department of child services ombudsman shall do the following:

13 (1) Establish procedures to receive and investigate complaints.

14 (2) Establish physical, technological, and administrative access controls for all information  
15 maintained by the office of the department of child services ombudsman.

16 (3) Except as necessary to investigate and resolve a complaint, ensure that the identity of a  
17 complainant will not be disclosed without:

18 (A) the complainant's written consent; or

19 (B) a court order.

20 (b) Records created and received by the office of the department of child services ombudsman  
21 concerning a specific child's case are confidential, and a communication by the ombudsman  
22 concerning a specific child's case is a privileged communication.

23 Sec. 8. The office of the department of child services ombudsman may adopt rules under  
24 IC 4-22-2 necessary to carry out this chapter.

25 Sec. 9. An ombudsman is not personally liable for the good faith performance of the  
26 ombudsman's official duties.

27 Sec. 10. (a) The office of the department of child services ombudsman shall prepare a report each  
28 year on the operations of the office.

29 (b) The office of the department of child services ombudsman shall include the following  
30 information in the annual report required under subsection (a):

31 (1) The office of the department of child services ombudsman's activities.

32 (2) The general status of children in Indiana, including:

33 (A) the health and education of children; and

34 (B) the administration or implementation of programs for children; and

35 (3) Any other issues, concerns, or information concerning children.

36 (c) A copy of the report shall be provided to the following:

37 (1) The governor.

38 (2) The legislative council.

39 (3) The Indiana department of administration.

40 (4) The department of child services.

41 A report provided under this subsection to the legislative council must be in an electronic format  
42 under IC 5-14-6.

43 (d) A copy of the report shall be posted on the department of child services' Internet web site and  
44 on any Internet web site maintained by the office of the department of child services ombudsman.

45 Sec. 11. (a) A person who:

46 (1) except as provided in subsection (b), intentionally interferes with or prevents the  
47 completion of the work of an ombudsman;

48 (2) knowingly offers compensation to an ombudsman in an effort to affect the outcome of an  
49 investigation or a potential investigation;

50 (3) knowingly or intentionally retaliates against another person who provides information to

1 an ombudsman; or  
2 (4) knowingly or intentionally threatens an ombudsman, a person who has filed a complaint,  
3 or a person who provides information to an ombudsman, because of an investigation or  
4 potential investigation;  
5 commits interference with the office of the department of child services ombudsman, a Class A  
6 misdemeanor.

7 (b) Expungement of records held by the department of child services that occurs by statutory  
8 mandate, judicial order or decree, administrative review or process, automatic operation of the  
9 Indiana Child Welfare Information System (ICWIS) computer system, or in the normal course of  
10 business shall not be considered intentional interference or prevention for the purposes of  
11 subsection (a).

12 (c) A complainant who knowingly or intentionally discloses to the public information about a  
13 case before the conclusion of an investigation and the release of the finding to the department of  
14 child services commits unlawful disclosure of information concerning a department of child services  
15 investigation, a Class A misdemeanor.

16 Sec. 12. The Indiana department of administration shall provide and maintain office space for  
17 the office of the department of child services ombudsman.

18 SECTION 65. IC 4-31-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON  
19 PASSAGE]: Sec. 9. Subject to section 14 of this chapter, the commission may:

20 (1) adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to implement this  
21 article, including rules that prescribe:

22 (A) the forms of wagering that are permitted;

23 (B) the number of races;

24 (C) the procedures for wagering;

25 (D) the wagering information to be provided to the public;

26 (E) fees for the issuance and renewal of:

27 (i) permits under IC 4-31-5;

28 (ii) satellite facility licenses under IC 4-31-5.5; and

29 (iii) licenses for racetrack personnel and racing participants under IC 4-31-6;

30 (F) investigative fees;

31 (G) fines and penalties; and

32 (H) any other regulation that the commission determines is in the public interest in the conduct  
33 of recognized meetings and wagering on horse racing in Indiana;

34 (2) appoint employees in the manner provided by IC 4-15-2 and fix their compensation, subject to  
35 the approval of the budget agency under IC 4-12-1-13;

36 (3) enter into contracts necessary to implement this article; and

37 (4) receive and consider recommendations from an advisory development committee established  
38 under IC 4-31-11.

39 SECTION 66. IC 4-31-3-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ  
40 AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. The commission may not do the following:

41 (1) Impose, charge, or collect by rule a fee that is not authorized by this article on any party  
42 to a proposed transfer of an ownership interest in a permit issued under IC 4-31-5.

43 (2) Make the commission's approval of a proposed transfer of an ownership interest in a  
44 permit issued under IC 4-31-5 contingent upon the payment of any amount that is not  
45 authorized by this article.

46 SECTION 67. IC 4-33-4-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON  
47 PASSAGE]: Sec. 21. (a) A licensed owner or any other person must apply for and receive the  
48 commission's approval before:

49 (1) an owner's license is:

50 (A) transferred;

- 1 (B) sold; or  
2 (C) purchased; or

3 (2) a voting trust agreement or other similar agreement is established with respect to the owner's  
4 license.

5 (b) Subject to section 24 of this chapter, the commission shall adopt rules governing the procedure  
6 a licensed owner or other person must follow to take an action under subsection (a). The rules must  
7 specify that a person who obtains an ownership interest in a license must meet the criteria of this article  
8 and any rules adopted by the commission. A licensed owner may transfer an owner's license only in  
9 accordance with this article and rules adopted by the commission.

10 (c) A licensed owner or any other person may not:

- 11 (1) lease;  
12 (2) hypothecate; or  
13 (3) borrow or loan money against;

14 an owner's license.

15 (d) A transfer fee is imposed on a licensed owner who purchases or otherwise acquires a controlling  
16 interest, as determined under the rules of the commission, in a second owner's license. The fee is equal  
17 to two million dollars (\$2,000,000). The commission shall collect and deposit a fee imposed under this  
18 subsection in the state general fund.

19 SECTION 68. IC 4-33-4-24 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ  
20 AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24. The commission may not do the following:

- 21 (1) Impose by rule a fee that is not authorized by this article on any party to a proposed  
22 transfer of an ownership interest in a riverboat owner's license or an operating permit.  
23 (2) Make the commission's approval of a proposed transfer of an ownership interest in a  
24 riverboat owner's license or an operating permit contingent upon the payment of any amount  
25 that is not authorized by this article.

26 SECTION 69. IC 4-35-4-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ  
27 AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. The commission may not do the following:

- 28 (1) Impose, charge, or collect by rule a fee that is not authorized by this article on any party  
29 to a proposed transfer of an ownership interest in a license issued under IC 4-35-5.  
30 (2) Make the commission's approval of a proposed transfer of an ownership interest in a  
31 license issued under IC 4-35-5 contingent upon the payment of any amount that is not  
32 authorized by this article.

33 SECTION 70. IC 5-1-14-16, AS ADDED BY P.L.146-2008, SECTION 31, IS AMENDED TO READ  
34 AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) This section applies to obligations that are:

- 35 (1) issued after June 30, 2008, by a local issuing body; and  
36 (2) payable from ad valorem property taxes, special benefit taxes on property, or tax increment  
37 revenues derived from property taxes;

38 including obligations that are issued under a statute that permits the bonds to be issued without complying  
39 with any other law or otherwise expressly exempts the bonds from the requirements of this section.

40 (b) An agreement for the issuance of obligations must provide for the payment of principal and interest  
41 on the obligations in nearly equal payment amounts and at regular designated intervals over the maximum  
42 term of the obligations except to the extent that:

- 43 (1) interest for a particular repayment period has been paid from the proceeds of the obligations  
44 under section 6 of this chapter; or

45 (2) the local issuing body authorizes a different payment schedule to:

- 46 (A) maintain substantially equal payments, in the aggregate, in any period in which the local  
47 issuing body pays the interest and principal on outstanding obligations;  
48 (B) provide for the payment of principal on the obligations in amounts and at intervals that will  
49 produce an aggregate amount of principal payments greater than or equal to the aggregate amount  
50 that would otherwise be paid as of the same date;

- 1 (C) provide for level principal payments over the term of the obligations, in order to reduce total
- 2 interest costs; or
- 3 (D) with respect to obligations wholly or partially payable from tax increment revenues derived
- 4 from property taxes, provide for the payment of principal and interest in varying amounts over
- 5 the term of the obligations as necessary due to the variation in the amount of tax increment
- 6 revenues available for those payments; or
- 7 (E) provide for a repayment schedule that will result in the same or a lower amount of
- 8 interest being paid on obligations that would be issued using nearly equal payment
- 9 amounts.

10 SECTION 71. IC 5-1.5-8-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO  
 11 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.5. (a) As used in this section, "youth  
 12 sports complex" means a facility that:

- 13 (1) has:
  - 14 (A) a multipurpose outdoor stadium that seats at least four thousand (4,000) persons;
  - 15 (B) indoor sports facilities; and
  - 16 (C) fields for baseball, soccer, softball, and lacrosse; and
- 17 (2) is located in a geographic area that has been annexed by a city.

18 (b) The bank and a city may, in the manner provided by this chapter, enter into a contract with  
 19 respect to a loan by the bank to the city for the purpose of establishing a youth sports complex in  
 20 the city.

21 (c) The terms and conditions of a loan under this section must include the following:  
 22 (1) The city may use the proceeds of the loan only for the following purposes with respect to  
 23 a youth sports complex:

- 24 (A) Costs to finance, construct, reconstruct, or improve:
  - 25 (i) public thoroughfares or highways to improve ingress or egress to and from the
  - 26 complex;
  - 27 (ii) infrastructure, including water and wastewater improvements, serving the complex;
  - 28 (iii) the acquisition of land, rights-of-way, and other property by the city for the complex;
  - 29 and
  - 30 (iv) site preparation, drainage, landscaping, and lighting.

31 (B) All reasonable and necessary architectural, engineering, legal, financing, accounting,  
 32 advertising, supervisory, and other expenses related to the acquisition and development of  
 33 the property or the issuance of the loan.

34 (C) Payment of any access or connection fee imposed on the complex for access to the city's  
 35 public sewer system, as long as the fee applies to all property owners served and is  
 36 uniformly assessed within the city's corporate boundaries.

37 (2) The duration of the loan may not exceed five (5) years after the date of the execution of the  
 38 contract between the city and the bank.

39 (3) The repayment schedule of the loan must permit, but may not require, repayment of any  
 40 principal before the end of the term for the loan.

41 (4) No interest may be charged on the loan.

42 (5) The amount of the loan, which may not exceed ten million dollars (\$10,000,000).

43 (d) A city may authorize the borrowing of money under this section by adoption of an ordinance  
 44 and, as set forth in IC 5-1-14-4, may use any source of revenue to repay a loan under this section.  
 45 This section constitutes complete authority for the city to enter into a loan under this section.

46 (e) If the city fails to make any repayments of a loan under this section, the amount payable may  
 47 be withheld in the manner provided by section 5 of this chapter from any money otherwise payable  
 48 to the city.

49 (f) This section expires July 1, 2016.

50 SECTION 72. IC 5-10-8-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ



1 AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8.5. (a) The state employee retiree health  
2 benefit trust fund is established to provide funding for a retiree health benefit plan developed under  
3 section 8.3 of this chapter.

4 (b) The trust fund shall be administered by the budget agency. The expenses of administering  
5 the trust fund shall be paid from money in the trust fund. The trust fund consists of cigarette tax  
6 revenues deposited in the fund under IC 6-7-1-28.1(7) and other appropriations, revenues, or  
7 transfers to the trust fund under IC 4-12-1.

8 (c) The treasurer of state shall invest the money in the trust fund not currently needed to meet  
9 the obligations of the trust fund in the same manner as other public money may be invested.

10 (d) The trust fund is considered a trust fund for purposes of IC 4-9.1-1-7. Money may not be  
11 transferred, assigned, or otherwise removed from the trust fund by the state board of finance, the  
12 budget agency, or any other state agency.

13 (e) The trust fund shall be established and administered in a manner that complies with Internal  
14 Revenue Code requirements concerning health reimbursement arrangement (HRA) trusts.  
15 Contributions by the state to the trust fund are irrevocable. All assets held in the trust fund must  
16 be held for the exclusive benefit of participants of the retiree health benefit plan developed under  
17 section 8.3 of this chapter and their beneficiaries. All assets in the trust fund:

18 (1) are dedicated exclusively to providing benefits to participants of the plan and their  
19 beneficiaries according to the terms of the plan; and

20 (2) are exempt from levy, sale, garnishment, attachment, or other legal process.

21 (f) Money in the trust fund does not revert to the state general fund at the end of any state fiscal  
22 year.

23 (g) The money in the trust fund is appropriated to the budget agency for providing the retiree  
24 health benefit plan developed under section 8.3 of this chapter.

25 SECTION 73. IC 5-28-30-17, AS ADDED BY P.L.162-2007, SECTION 25, IS AMENDED TO  
26 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 17. (a) To further the purposes of this chapter,  
27 and in addition to the corporation's other powers under this chapter, the corporation may, upon a written  
28 finding as described in section 10 of this chapter, make direct loans from money in the guaranty fund to  
29 or for the benefit of:

30 (1) any industrial development project, mining operation, or agricultural operation that involves the  
31 processing of agricultural products; or

32 (2) an Indiana supplier, contractor, or subcontractor for an industrial development project  
33 for which:

34 (A) bankruptcy was declared with respect to the project before January 1, 2009;

35 (B) the estimated value of the project or operation before bankruptcy was declared was at  
36 least five hundred million dollars (\$500,000,000); and

37 (C) the estimated number of employees upon completion of the project or operation was  
38 expected to be at least one thousand two hundred (1,200) persons;

39 upon the terms and conditions that the corporation prescribes.

40 (b) Loans made under this section are subject to the following conditions:

41 (1) A new or additional loan may not be made if the loan would cause the then outstanding total  
42 guarantee obligations with respect to all loans and leases guaranteed under this section and the other  
43 provisions of this chapter to exceed eight (8) times the amount of money then in the guaranty fund,  
44 or would cause the then outstanding total principal balance of all loans made under this section and  
45 then owing to the corporation to exceed twenty percent (20%) of the amount of money then in the  
46 guaranty fund.

47 (2) The principal amount of such a loan to or for the benefit of a project or operation may not exceed  
48 one million dollars (\$1,000,000), less the then outstanding total guarantee obligations with respect  
49 to any loans or leases guaranteed under this chapter to or for the benefit of that project or operation.

50 (3) With respect to any loan made under this section, a loan agreement with the corporation must

1 contain the following terms:

- 2 (A) A requirement that the loan proceeds be used for specified purposes consistent with and in  
3 furtherance of the purposes of the corporation under this chapter.  
4 (B) The term of the loan, which may not be later than twenty (20) years from the date of the loan.  
5 (C) The repayment schedule.  
6 (D) The interest rate or rates of the loan, which may include variations in the rate, but which may  
7 not be less than the amount necessary to cover all expenses of the corporation in making the loan.  
8 (E) Any other terms and provisions that the corporation requires.  
9 (4) A loan agreement under this section may also contain a requirement that the loan be insured  
10 directly or indirectly by a loan insurer or be guaranteed by a loan guarantor, and a requirement of  
11 any other type or types of security or collateral that the corporation considers reasonable or  
12 necessary.  
13 (5) A loan made under this section may be sold by the corporation, and the corporation may permit  
14 other lenders to participate in a loan made under this section, at the time or times and upon the terms  
15 and conditions that the corporation considers reasonable or necessary. A loan sold or in which other  
16 lenders participate may be guaranteed by the corporation, upon terms and conditions established by  
17 the corporation.

18 SECTION 74. IC 5-28-33 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ  
19 AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

20 Chapter 33. Green Industries Fund

21 Sec. 1. As used in this chapter, "fund" means the green industries fund established by section 3  
22 of this chapter.

23 Sec. 2. For the purposes of this chapter, "green industry" means an Indiana business that  
24 manufactures products that reduce energy consumption or lower emissions in the market of their  
25 intended use, including the following:

- 26 (1) Biofuels.  
27 (2) Advanced technology vehicles.  
28 (3) Alternative fuel vehicles and power systems.  
29 (4) Clean diesel technology.  
30 (5) Domestic appliances.  
31 (6) Distributed power generation.  
32 (7) Emission control systems.  
33 (8) Energy monitoring, management, and efficiency.  
34 (9) Fuel cells.  
35 (10) Renewable energy.  
36 (11) Smart grid technology.  
37 (12) Other sectors determined by the corporation.

38 Sec. 3. (a) The green industries fund is established. The fund shall be administered by the  
39 corporation.  
40 (b) The fund may be used to provide grants and loans to Indiana manufacturing companies for  
41 the following purposes:

- 42 (1) To strengthen Indiana's economy by focusing investment in advanced manufacturing  
43 clusters focused on more energy efficient and environmentally-sustainable technologies,  
44 processes, and products.  
45 (2) To accelerate job creation through training and education initiatives to enhance the skills  
46 and employment prospects of Indiana's workforce in green industries.  
47 (3) To facilitate the redevelopment of Indiana manufacturing sites, facilities, and processes to  
48 operate in a more energy efficient and environmentally sustainable manner.  
49 (4) To stimulate the development of technologies, processes and products that reduce energy  
50 consumption or lower emissions in the market of their intended use.

1 (5) To encourage public-private partnerships focused on development of green industries  
2 among Indiana manufacturing companies, public or private educational institutions, nonprofit  
3 organizations and charitable foundations, research and development organization, and state  
4 agencies.

5 Sec. 4. (a) An Indiana manufacturing company may apply for one (1) or more grants or loans  
6 from the fund.

7 (b) The corporation shall give priority to applications that meet three (3) or more of the purposes  
8 listed in section 3 of this chapter. The corporation shall base the award of a grant or loan on the  
9 number and quality of jobs being created, the community's economic need, and the capital  
10 investment being made by the applicant.

11 (c) A grant may not exceed fifty percent (50%) of the applicant's project costs.  
12 SECTION 75. IC 6-1.1-17-5, AS AMENDED BY P.L.146-2008, SECTION 149, IS AMENDED TO  
13 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The officers of political subdivisions  
14 shall meet each year to fix the budget, tax rate, and tax levy of their respective subdivisions for the  
15 ensuing budget year as follows:

16 (1) The board of school trustees of a school corporation that is located in a city having a population  
17 of more than one hundred five thousand (105,000) but less than one hundred twenty thousand  
18 (120,000), not later than:

19 (A) the time required in section 5.6(b) of this chapter; or

20 (B) for budget years beginning before July 1, ~~2010~~, 2011, September 30 if a resolution adopted  
21 under section 5.6(d) of this chapter is in effect.

22 (2) The proper officers of all other political subdivisions, not later than September 30.

23 (3) The governing body of each school corporation (including a school corporation described in  
24 subdivision (1)), not later than the time required under section 5.6(b) of this chapter for budget years  
25 beginning after June 30, ~~2010~~: 2011.

26 Except in a consolidated city and county and in a second class city, the public hearing required by section  
27 3 of this chapter must be completed at least ten (10) days before the proper officers of the political  
28 subdivision meet to fix the budget, tax rate, and tax levy. In a consolidated city and county and in a second  
29 class city, that public hearing, by any committee or by the entire fiscal body, may be held at any time after  
30 introduction of the budget.

31 (b) Ten (10) or more taxpayers may object to a budget, tax rate, or tax levy of a political subdivision  
32 fixed under subsection (a) by filing an objection petition with the proper officers of the political  
33 subdivision not more than seven (7) days after the hearing. The objection petition must specifically  
34 identify the provisions of the budget, tax rate, and tax levy to which the taxpayers object.

35 (c) If a petition is filed under subsection (b), the fiscal body of the political subdivision shall adopt with  
36 its budget a finding concerning the objections in the petition and any testimony presented at the adoption  
37 hearing.

38 (d) This subsection does not apply to a school corporation. Each year at least two (2) days before the  
39 first meeting after September 20 of the county board of tax adjustment held under IC 6-1.1-29-4, a  
40 political subdivision shall file with the county auditor:

41 (1) a statement of the tax rate and levy fixed by the political subdivision for the ensuing budget year;

42 (2) two (2) copies of the budget adopted by the political subdivision for the ensuing budget year; and

43 (3) two (2) copies of any findings adopted under subsection (c).

44 Each year the county auditor shall present these items to the county board of tax adjustment at the board's  
45 first meeting under IC 6-1.1-29-4 after September 20 of that year.

46 (e) In a consolidated city and county and in a second class city, the clerk of the fiscal body shall,  
47 notwithstanding subsection (d), file the adopted budget and tax ordinances with the county board of tax  
48 adjustment within two (2) days after the ordinances are signed by the executive, or within two (2) days  
49 after action is taken by the fiscal body to override a veto of the ordinances, whichever is later.

50 (f) If a fiscal body does not fix the budget, tax rate, and tax levy of the political subdivisions for the

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1 ensuing budget year as required under this section, the most recent annual appropriations and annual tax  
2 levy are continued for the ensuing budget year.

3 SECTION 76. IC 6-1.1-17-5.6, AS AMENDED BY P.L.146-2008, SECTION 150, IS AMENDED TO  
4 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.6. (a) For budget years beginning before  
5 July 1, ~~2010~~, 2011, this section applies only to a school corporation that is located in a city having a  
6 population of more than one hundred five thousand (105,000) but less than one hundred twenty thousand  
7 (120,000). For budget years beginning after June 30, ~~2010~~, 2011, this section applies to all school  
8 corporations. Beginning in ~~2010~~, 2011, each school corporation shall adopt a budget under this section  
9 that applies from July 1 of the year through June 30 of the following year. In the initial budget adopted  
10 by a school corporation in ~~2010~~ 2011 under this section, the first six (6) months of that initial budget must  
11 be consistent with the last six (6) months of the budget adopted by the school corporation for calendar  
12 year ~~2010~~, 2011.

13 (b) Before February 1 of each year, the officers of the school corporation shall meet to fix the budget  
14 for the school corporation for the ensuing budget year, with notice given by the same officers. However,  
15 if a resolution adopted under subsection (d) is in effect, the officers shall meet to fix the budget for the  
16 ensuing budget year before September 30.

17 (c) Each year, at least two (2) days before the first meeting after September 20 of the county board of  
18 tax adjustment held under IC 6-1.1-29-4, the school corporation shall file with the county auditor:  
19 (1) a statement of the tax rate and tax levy fixed by the school corporation for the ensuing budget  
20 year;

21 (2) two (2) copies of the budget adopted by the school corporation for the ensuing budget year; and  
22 (3) any written notification from the department of local government finance under section 16(i) of  
23 this chapter that specifies a proposed revision, reduction, or increase in the budget adopted by the  
24 school corporation for the ensuing budget year.

25 Each year the county auditor shall present these items to the county board of tax adjustment at the board's  
26 first meeting after September 20 of that year.

27 (d) This subsection does not apply to budget years after June 30, ~~2010~~, 2011. The governing body of  
28 the school corporation may adopt a resolution to cease using a school year budget year and return to using  
29 a calendar year budget year. A resolution adopted under this subsection must be adopted after January  
30 1 and before July 1. The school corporation's initial calendar year budget year following the adoption of  
31 a resolution under this subsection begins on January 1 of the year following the year the resolution is  
32 adopted. The first six (6) months of the initial calendar year budget for the school corporation must be  
33 consistent with the last six (6) months of the final school year budget fixed by the department of local  
34 government finance before the adoption of a resolution under this subsection. Notwithstanding any  
35 resolution adopted under this subsection, beginning in ~~2010~~, 2011, each school corporation shall adopt  
36 a budget under this section that applies from July 1 of the year through June 30 of the following year.

37 (e) A resolution adopted under subsection (d) may be rescinded by a subsequent resolution adopted  
38 by the governing body. If the governing body of the school corporation rescinds a resolution adopted  
39 under subsection (d) and returns to a school year budget year, the school corporation's initial school year  
40 budget year begins on July 1 following the adoption of the rescinding resolution and ends on June 30 of  
41 the following year. The first six (6) months of the initial school year budget for the school corporation  
42 must be consistent with the last six (6) months of the last calendar year budget fixed by the department  
43 of local government finance before the adoption of a rescinding resolution under this subsection.

44 SECTION 77. IC 6-3-1-3.5, AS AMENDED BY P.L.131-2008, SECTION 11, AND AS AMENDED  
45 BY P.L.3-2008, SECTION 60, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
46 [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 3.5. When used in this article, the term  
47 "adjusted gross income" shall mean the following:

48 (a) In the case of all individuals, "adjusted gross income" (as defined in Section 62 of the Internal  
49 Revenue Code), modified as follows:  
50 (1) Subtract income that is exempt from taxation under this article by the Constitution and statutes

1 of the United States.

2 (2) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section  
3 62 of the Internal Revenue Code for taxes based on or measured by income and levied at the state  
4 level by any state of the United States.

5 (3) Subtract one thousand dollars (\$1,000), or in the case of a joint return filed by a husband and  
6 wife, subtract for each spouse one thousand dollars (\$1,000).

7 (4) Subtract one thousand dollars (\$1,000) for:

8 (A) each of the exemptions provided by Section 151(c) of the Internal Revenue Code;

9 (B) each additional amount allowable under Section 63(f) of the Internal Revenue Code; and

10 (C) the spouse of the taxpayer if a separate return is made by the taxpayer and if the spouse, for  
11 the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not  
12 the dependent of another taxpayer.

13 (5) Subtract:

14 (A) for taxable years beginning after December 31, 2004, one thousand five hundred dollars  
15 (\$1,500) for each of the exemptions allowed under Section 151(c)(1)(B) of the Internal Revenue  
16 Code (as effective January 1, 2004); and

17 (B) five hundred dollars (\$500) for each additional amount allowable under Section 63(f)(1) of  
18 the Internal Revenue Code if the adjusted gross income of the taxpayer, or the taxpayer and the  
19 taxpayer's spouse in the case of a joint return, is less than forty thousand dollars (\$40,000).

20 This amount is in addition to the amount subtracted under subdivision (4).

21 (6) Subtract an amount equal to the lesser of:

22 (A) that part of the individual's adjusted gross income (as defined in Section 62 of the Internal  
23 Revenue Code) for that taxable year that is subject to a tax that is imposed by a political  
24 subdivision of another state and that is imposed on or measured by income; or

25 (B) two thousand dollars (\$2,000).

26 (7) Add an amount equal to the total capital gain portion of a lump sum distribution (as defined in  
27 Section 402(e)(4)(D) of the Internal Revenue Code) if the lump sum distribution is received by the  
28 individual during the taxable year and if the capital gain portion of the distribution is taxed in the  
29 manner provided in Section 402 of the Internal Revenue Code.

30 (8) Subtract any amounts included in federal adjusted gross income under Section 111 of the Internal  
31 Revenue Code as a recovery of items previously deducted as an itemized deduction from adjusted  
32 gross income.

33 (9) Subtract any amounts included in federal adjusted gross income under the Internal Revenue Code  
34 which amounts were received by the individual as supplemental railroad retirement annuities under  
35 45 U.S.C. 231 and which are not deductible under subdivision (1).

36 (10) Add an amount equal to the deduction allowed under Section 221 of the Internal Revenue Code  
37 for married couples filing joint returns if the taxable year began before January 1, 1987.

38 (11) Add an amount equal to the interest excluded from federal gross income by the individual for  
39 the taxable year under Section 128 of the Internal Revenue Code if the taxable year began before  
40 January 1, 1985.

41 (12) Subtract an amount equal to the amount of federal Social Security and Railroad Retirement  
42 benefits included in a taxpayer's federal gross income by Section 86 of the Internal Revenue Code.

43 (13) In the case of a nonresident taxpayer or a resident taxpayer residing in Indiana for a period of  
44 less than the taxpayer's entire taxable year, the total amount of the deductions allowed pursuant to  
45 subdivisions (3), (4), (5), and (6) shall be reduced to an amount which bears the same ratio to the  
46 total as the taxpayer's income taxable in Indiana bears to the taxpayer's total income.

47 (14) In the case of an individual who is a recipient of assistance under IC 12-10-6-1, IC 12-10-6-2.1,  
48 IC 12-15-2-2, or IC 12-15-7, subtract an amount equal to that portion of the individual's adjusted  
49 gross income with respect to which the individual is not allowed under federal law to retain an  
50 amount to pay state and local income taxes.

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- 1 (15) In the case of an eligible individual, subtract the amount of a Holocaust victim's settlement
- 2 payment included in the individual's federal adjusted gross income.
- 3 (16) For taxable years beginning after December 31, 1999, subtract an amount equal to the portion
- 4 of any premiums paid during the taxable year by the taxpayer for a qualified long term care policy
- 5 (as defined in IC 12-15-39.6-5) for the taxpayer or the taxpayer's spouse, or both.
- 6 (17) Subtract an amount equal to the lesser of:
- 7 (A) for a taxable year:
- 8 (i) including any part of 2004, the amount determined under subsection (f); and
- 9 (ii) beginning after December 31, 2004, two thousand five hundred dollars (\$2,500); or
- 10 (B) the amount of property taxes that are paid during the taxable year in Indiana by the individual
- 11 on the individual's principal place of residence.
- 12 (18) Subtract an amount equal to the amount of a September 11 terrorist attack settlement payment
- 13 included in the individual's federal adjusted gross income.
- 14 (19) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that
- 15 owns property for which bonus depreciation was allowed in the current taxable year or in an earlier
- 16 taxable year equal to the amount of adjusted gross income that would have been computed had an
- 17 election not been made under Section 168(k) of the Internal Revenue Code to apply bonus
- 18 depreciation to the property in the year that it was placed in service.
- 19 (20) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue
- 20 Code.
- 21 (21) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that
- 22 placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in
- 23 the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income
- 24 that would have been computed had an election for federal income tax purposes not been made for
- 25 the year in which the property was placed in service to take deductions under Section 179 of the
- 26 Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).
- 27 (22) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic
- 28 production activities for the taxable year under Section 199 of the Internal Revenue Code for federal
- 29 income tax purposes.
- 30 (23) Subtract an amount equal to the amount of the taxpayer's qualified military income that was not
- 31 excluded from the taxpayer's gross income for federal income tax purposes under Section 112 of the
- 32 Internal Revenue Code.
- 33 (24) Subtract income that is:
- 34 (A) exempt from taxation under IC 6-3-2-21.7; and
- 35 (B) included in the individual's federal adjusted gross income under the Internal Revenue Code.
- 36 (25) Subtract any amount of a credit (including an advance refund of the credit) that is provided
- 37 to an individual under 26 U.S.C. 6428 (federal Economic Stimulus Act of 2008) and included in the
- 38 individual's federal adjusted gross income.
- 39 (26) Add any amount of unemployment compensation excluded from federal gross income, as
- 40 defined in Section 61 of the Internal Revenue Code, under Section 85(c) of the Internal
- 41 Revenue Code.
- 42 (27) Add the amount excluded from gross income under Section 108(a)(1)(e) of the Internal
- 43 Revenue Code for the discharge of debt on a qualified principal residence.
- 44 (28) Add an amount equal to any income not included in gross income as a result of the
- 45 deferral of income arising from business indebtedness discharged in connection with the
- 46 reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt
- 47 instrument, as provided in Section 108(i) of the Internal Revenue Code. Subtract an amount
- 48 necessary to make the adjusted gross income of any taxpayer that added an amount to
- 49 adjusted gross income in a previous year to offset the amount included in federal gross income
- 50 as a result of the deferral of income arising from business indebtedness discharged in

1 connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an  
2 applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code.

3 (29) Add the amount necessary to make the adjusted gross income of any taxpayer that placed  
4 qualified restaurant property in service during the taxable year and that was classified as  
5 15-year property under Section 168(e)(3)(E)(v) of the Internal Revenue Code equal to the  
6 amount of adjusted gross income that would have been computed had the classification not  
7 applied to the property in the year that it was placed in service.

8 (30) Add the amount necessary to make the adjusted gross income of any taxpayer that placed  
9 qualified retail improvement property in service during the taxable year and that was  
10 classified as 15-year property under Section 168(e)(3)(E)(ix) of the Internal Revenue Code  
11 equal to the amount of adjusted gross income that would have been computed had the  
12 classification not applied to the property in the year that it was placed in service.

13 (31) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer  
14 that claimed the special allowance for qualified disaster assistance property under Section  
15 168(n) of the Internal Revenue Code equal to the amount of adjusted gross income that would  
16 have been computed had the special allowance not been claimed for the property.

17 (32) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer  
18 that made an election under Section 179C of the Internal Revenue Code to expense costs for  
19 qualified refinery property equal to the amount of adjusted gross income that would have been  
20 computed had an election for federal income tax purposes not been made for the year.

21 (33) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer  
22 that made an election under Section 181 of the Internal Revenue Code to expense costs for a  
23 qualified film or television production equal to the amount of adjusted gross income that  
24 would have been computed had an election for federal income tax purposes not been made for  
25 the year.

26 (34) Add an amount equal to any loss that is treated under Section 301 of the Emergency  
27 Economic Stabilization Act of 2008 as an ordinary loss from the sale or exchange of preferred  
28 stock in:

29 (A) the Federal National Mortgage Association, established under the Federal National  
30 Mortgage Association Charter Act (12 U.S.C. 1716 et seq.); or

31 (B) the Federal Home Loan Mortgage Corporation, established under the Federal Home  
32 Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.).

33 Subtract an amount necessary to make the adjusted gross income of any taxpayer that added  
34 an amount to adjusted gross income in a previous year to offset the amount included in federal  
35 gross income as a result of any loss that is treated under Section 301 of the Emergency  
36 Economic Stabilization Act of 2008 as an ordinary loss from the sale or exchange of preferred  
37 stock described in clause (A) or (B).

38 (b) In the case of corporations, the same as "taxable income" (as defined in Section 63 of the Internal  
39 Revenue Code) adjusted as follows:

40 (1) Subtract income that is exempt from taxation under this article by the Constitution and statutes  
41 of the United States.

42 (2) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section  
43 170 of the Internal Revenue Code.

44 (3) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section  
45 63 of the Internal Revenue Code for taxes based on or measured by income and levied at the state  
46 level by any state of the United States.

47 (4) Subtract an amount equal to the amount included in the corporation's taxable income under  
48 Section 78 of the Internal Revenue Code.

49 (5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that  
50 owns property for which bonus depreciation was allowed in the current taxable year or in an earlier

- 1 taxable year equal to the amount of adjusted gross income that would have been computed had an  
2 election not been made under Section 168(k) of the Internal Revenue Code to apply bonus  
3 depreciation to the property in the year that it was placed in service.
- 4 (6) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.  
5 (7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that  
6 placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in  
7 the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income  
8 that would have been computed had an election for federal income tax purposes not been made for  
9 the year in which the property was placed in service to take deductions under Section 179 of the  
10 Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).  
11 (8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic  
12 production activities for the taxable year under Section 199 of the Internal Revenue Code for federal  
13 income tax purposes.  
14 (9) Add to the extent required by IC 6-3-2-20 the amount of intangible expenses (as defined in  
15 IC 6-3-2-20) and any directly related intangible interest expenses (as defined in IC 6-3-2-20) for the  
16 taxable year that reduced the corporation's taxable income (as defined in Section 63 of the Internal  
17 Revenue Code) for federal income tax purposes.  
18 (10) Add an amount equal to any deduction for dividends paid (as defined in Section 561 of the  
19 Internal Revenue Code) to shareholders of a captive real estate investment trust (as defined in  
20 section 34.5 of this chapter).  
21 (11) Subtract income that is:  
22 (A) exempt from taxation under IC 6-3-2-21.7; and  
23 (B) included in the corporation's taxable income under the Internal Revenue Code.  
24 (12) Add an amount equal to any income not included in gross income as a result of the  
25 deferral of income arising from business indebtedness discharged in connection with the  
26 reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt  
27 instrument, as provided in Section 108(i) of the Internal Revenue Code. Subtract an amount  
28 necessary to make the adjusted gross income of any taxpayer that added an amount to  
29 adjusted gross income in a previous year to offset the amount included in federal gross income  
30 as a result of the deferral of income arising from business indebtedness discharged in  
31 connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an  
32 applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code.  
33 (13) Add the amount necessary to make the adjusted gross income of any taxpayer that placed  
34 qualified restaurant property in service during the taxable year and that was classified as  
35 15-year property under Section 168(e)(3)(E)(v) of the Internal Revenue Code equal to the  
36 amount of adjusted gross income that would have been computed had the classification not  
37 applied to the property in the year that it was placed in service.  
38 (14) Add the amount necessary to make the adjusted gross income of any taxpayer that placed  
39 qualified retail improvement property in service during the taxable year and that was  
40 classified as 15-year property under Section 168(e)(3)(E)(ix) of the Internal Revenue Code  
41 equal to the amount of adjusted gross income that would have been computed had the  
42 classification not applied to the property in the year that it was placed in service.  
43 (15) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer  
44 that claimed the special allowance for qualified disaster assistance property under Section  
45 168(n) of the Internal Revenue Code equal to the amount of adjusted gross income that would  
46 have been computed had the special allowance not been claimed for the property.  
47 (16) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer  
48 that made an election under Section 179C of the Internal Revenue Code to expense costs for  
49 qualified refinery property equal to the amount of adjusted gross income that would have been  
50 computed had an election for federal income tax purposes not been made for the year.



1 (17) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer  
2 that made an election under Section 181 of the Internal Revenue Code to expense costs for a  
3 qualified film or television production equal to the amount of adjusted gross income that  
4 would have been computed had an election for federal income tax purposes not been made for  
5 the year.

6 (18) Add an amount equal to any loss that is treated under Section 301 of the Emergency  
7 Economic Stabilization Act of 2008 as an ordinary loss from the sale or exchange of preferred  
8 stock in:

9 (A) the Federal National Mortgage Association, established under the Federal National  
10 Mortgage Association Charter Act (12 U.S.C. 1716 et seq.); or

11 (B) the Federal Home Loan Mortgage Corporation, established under the Federal Home  
12 Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.).

13 Subtract an amount necessary to make the adjusted gross income of any taxpayer that added  
14 an amount to adjusted gross income in a previous year to offset the amount included in federal  
15 gross income as a result of any loss that is treated under Section 301 of the Emergency  
16 Economic Stabilization Act of 2008 as an ordinary loss from the sale or exchange of preferred  
17 stock described in clause (A) or (B).

18 (c) In the case of life insurance companies (as defined in Section 816(a) of the Internal Revenue Code)  
19 that are organized under Indiana law, the same as "life insurance company taxable income" (as defined  
20 in Section 801 of the Internal Revenue Code), adjusted as follows:

21 (1) Subtract income that is exempt from taxation under this article by the Constitution and statutes  
22 of the United States.

23 (2) Add an amount equal to any deduction allowed or allowable under Section 170 of the Internal  
24 Revenue Code.

25 (3) Add an amount equal to a deduction allowed or allowable under Section 805 or Section 831(c)  
26 of the Internal Revenue Code for taxes based on or measured by income and levied at the state level  
27 by any state.

28 (4) Subtract an amount equal to the amount included in the company's taxable income under Section  
29 78 of the Internal Revenue Code.

30 (5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that  
31 owns property for which bonus depreciation was allowed in the current taxable year or in an earlier  
32 taxable year equal to the amount of adjusted gross income that would have been computed had an  
33 election not been made under Section 168(k) of the Internal Revenue Code to apply bonus  
34 depreciation to the property in the year that it was placed in service.

35 (6) Add an amount equal to any deduction allowed under Section 172 or Section 810 of the Internal  
36 Revenue Code.

37 (7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that  
38 placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in  
39 the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income  
40 that would have been computed had an election for federal income tax purposes not been made for  
41 the year in which the property was placed in service to take deductions under Section 179 of the  
42 Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

43 (8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic  
44 production activities for the taxable year under Section 199 of the Internal Revenue Code for federal  
45 income tax purposes.

46 (9) Subtract income that is:

47 (A) exempt from taxation under IC 6-3-2-21.7; and

48 (B) included in the insurance company's taxable income under the Internal Revenue Code.

49 (10) Add an amount equal to any income not included in gross income as a result of the  
50 deferral of income arising from business indebtedness discharged in connection with the

1 reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt  
2 instrument, as provided in Section 108(i) of the Internal Revenue Code. Subtract an amount to  
3 necessary to make the adjusted gross income of any taxpayer that added an amount to  
4 adjusted gross income in a previous year to offset the amount included in federal gross income  
5 as a result of the deferral of income arising from business indebtedness discharged in  
6 connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an  
7 applicable debt instrument, as provided in Section 108(i) of the Internal Revenue Code.

8 (11) Add the amount necessary to make the adjusted gross income of any taxpayer that placed  
9 qualified restaurant property in service during the taxable year and that was classified as  
10 15-year property under Section 168(e)(3)(E)(v) of the Internal Revenue Code equal to the  
11 amount of adjusted gross income that would have been computed had the classification not  
12 applied to the property in the year that it was placed in service.

13 (12) Add the amount necessary to make the adjusted gross income of any taxpayer that placed  
14 qualified retail improvement property in service during the taxable year and that was  
15 classified as 15-year property under Section 168(e)(3)(E)(ix) of the Internal Revenue Code  
16 equal to the amount of adjusted gross income that would have been computed had the  
17 classification not applied to the property in the year that it was placed in service.

18 (13) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer  
19 that claimed the special allowance for qualified disaster assistance property under Section  
20 168(n) of the Internal Revenue Code equal to the amount of adjusted gross income that would  
21 have been computed had the special allowance not been claimed for the property.

22 (14) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer  
23 that made an election under Section 179C of the Internal Revenue Code to expense costs for  
24 qualified refinery property equal to the amount of adjusted gross income that would have been  
25 computed had an election for federal income tax purposes not been made for the year.

26 (15) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer  
27 that made an election under Section 181 of the Internal Revenue Code to expense costs for a  
28 qualified film or television production equal to the amount of adjusted gross income that  
29 would have been computed had an election for federal income tax purposes not been made for  
30 the year.

31 (16) Add an amount equal to any loss that is treated under Section 301 of the Emergency  
32 Economic Stabilization Act of 2008 as an ordinary loss from the sale or exchange of preferred  
33 stock in:

- 34 (A) the Federal National Mortgage Association, established under the Federal National  
35 Mortgage Association Charter Act (12 U.S.C. 1716 et seq.); or
- 36 (B) the Federal Home Loan Mortgage Corporation, established under the Federal Home  
37 Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.).

38 Subtract an amount necessary to make the adjusted gross income of any taxpayer that added  
39 an amount to adjusted gross income in a previous year to offset the amount included in federal  
40 gross income as a result of any loss that is treated under Section 301 of the Emergency  
41 Economic Stabilization Act of 2008 as an ordinary loss from the sale or exchange of preferred  
42 stock described in clause (A) or (B).

43 (17) Add an amount equal to any exempt insurance income under Section 953(e) of the  
44 Internal Revenue Code that is active financing income under Subpart F of Subtitle A, Chapter  
45 1, Subchapter N of the Internal Revenue Code.

46 (d) In the case of insurance companies subject to tax under Section 831 of the Internal Revenue Code  
47 and organized under Indiana law, the same as "taxable income" (as defined in Section 832 of the Internal  
48 Revenue Code), adjusted as follows:

- 49 (1) Subtract income that is exempt from taxation under this article by the Constitution and statutes  
50 of the United States.

- 1 (2) Add an amount equal to any deduction allowed or allowable under Section 170 of the Internal
- 2 Revenue Code.
- 3 (3) Add an amount equal to a deduction allowed or allowable under Section 805 or Section 831(c)
- 4 of the Internal Revenue Code for taxes based on or measured by income and levied at the state level
- 5 by any state.
- 6 (4) Subtract an amount equal to the amount included in the company's taxable income under Section
- 7 78 of the Internal Revenue Code.
- 8 (5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that
- 9 owns property for which bonus depreciation was allowed in the current taxable year or in an earlier
- 10 taxable year equal to the amount of adjusted gross income that would have been computed had an
- 11 election not been made under Section 168(k) of the Internal Revenue Code to apply bonus
- 12 depreciation to the property in the year that it was placed in service.
- 13 (6) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.
- 14 (7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that
- 15 placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in
- 16 the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income
- 17 that would have been computed had an election for federal income tax purposes not been made for
- 18 the year in which the property was placed in service to take deductions under Section 179 of the
- 19 Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).
- 20 (8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic
- 21 production activities for the taxable year under Section 199 of the Internal Revenue Code for federal
- 22 income tax purposes.
- 23 (9) Subtract income that is:
- 24 (A) exempt from taxation under IC 6-3-2-21.7; and
- 25 (B) included in the insurance company's taxable income under the Internal Revenue Code.
- 26 (10) Add or subtract an amount equal to any income not included in gross income as a result
- 27 of the deferral of income arising from business indebtedness discharged in connection with the
- 28 reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt
- 29 instrument, as provided in Section 108(i) of the Internal Revenue Code.
- 30 (11) Add the amount necessary to make the adjusted gross income of any taxpayer that placed
- 31 qualified restaurant property in service during the taxable year and that was classified as
- 32 15-year property under Section 168(e)(3)(E)(v) of the Internal Revenue Code equal to the
- 33 amount of adjusted gross income that would have been computed had the classification not
- 34 applied to the property in the year that it was placed in service.
- 35 (12) Add the amount necessary to make the adjusted gross income of any taxpayer that placed
- 36 qualified retail improvement property in service during the taxable year and that was
- 37 classified as 15-year property under Section 168(e)(3)(E)(ix) of the Internal Revenue Code
- 38 equal to the amount of adjusted gross income that would have been computed had the
- 39 classification not applied to the property in the year that it was placed in service.
- 40 (13) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer
- 41 that claimed the special allowance for qualified disaster assistance property under Section
- 42 168(n) of the Internal Revenue Code equal to the amount of adjusted gross income that would
- 43 have been computed had the special allowance not been claimed for the property.
- 44 (14) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer
- 45 that made an election under Section 179C of the Internal Revenue Code to expense costs for
- 46 qualified refinery property equal to the amount of adjusted gross income that would have been
- 47 computed had an election for federal income tax purposes not been made for the year.
- 48 (15) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer
- 49 that made an election under Section 181 of the Internal Revenue Code to expense costs for a
- 50 qualified film or television production equal to the amount of adjusted gross income that

1 would have been computed had an election for federal income tax purposes not been made for  
2 the year.

3 (16) Add or subtract an amount equal to any loss that is treated under Section 301 of the  
4 Emergency Economic Stabilization Act of 2008 as an ordinary loss from the sale or exchange  
5 of preferred stock in:

6 (A) the Federal National Mortgage Association, established under the Federal National  
7 Mortgage Association Charter Act (12 U.S.C. 1716 et seq.); or

8 (B) the Federal Home Loan Mortgage Corporation, established under the Federal Home  
9 Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.).

10 (17) Add an amount equal to any exempt insurance income under Section 953(e) of the  
11 Internal Revenue Code for active financing income under Subpart F, Subtitle A, Chapter 1,  
12 Subchapter N of the Internal Revenue Code.

13 (e) In the case of trusts and estates, "taxable income" (as defined for trusts and estates in Section  
14 641(b) of the Internal Revenue Code) adjusted as follows:

15 (1) Subtract income that is exempt from taxation under this article by the Constitution and statutes  
16 of the United States.

17 (2) Subtract an amount equal to the amount of a September 11 terrorist attack settlement payment  
18 included in the federal adjusted gross income of the estate of a victim of the September 11 terrorist  
19 attack or a trust to the extent the trust benefits a victim of the September 11 terrorist attack.

20 (3) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that  
21 owns property for which bonus depreciation was allowed in the current taxable year or in an earlier  
22 taxable year equal to the amount of adjusted gross income that would have been computed had an  
23 election not been made under Section 168(k) of the Internal Revenue Code to apply bonus  
24 depreciation to the property in the year that it was placed in service.

25 (4) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.  
26 (5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that  
27 placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in  
28 the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income  
29 that would have been computed had an election for federal income tax purposes not been made for  
30 the year in which the property was placed in service to take deductions under Section 179 of the  
31 Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

32 (6) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic  
33 production activities for the taxable year under Section 199 of the Internal Revenue Code for federal  
34 income tax purposes.

35 (7) Subtract income that is:

36 (A) exempt from taxation under IC 6-3-2-21.7; and  
37 (B) included in the taxpayer's taxable income under the Internal Revenue Code.

38 (8) Add an amount equal to any income not included in gross income as a result of the deferral  
39 of income arising from business indebtedness discharged in connection with the reacquisition  
40 after December 31, 2008, and before January 1, 2011, of an applicable debt instrument, as  
41 provided in Section 108(i) of the Internal Revenue Code. Subtract an amount necessary to  
42 make the adjusted gross income of any taxpayer that added an amount to adjusted gross  
43 income in a previous year to offset the amount included in federal gross income as a result of  
44 the deferral of income arising from business indebtedness discharged in connection with the  
45 reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt  
46 instrument, as provided in Section 108(i) of the Internal Revenue Code.  
47 (9) Add the amount necessary to make the adjusted gross income of any taxpayer that placed  
48 qualified restaurant property in service during the taxable year and that was classified as  
49 15-year property under Section 168(e)(3)(E)(v) of the Internal Revenue Code equal to the  
50 amount of adjusted gross income that would have been computed had the classification not

1 applied to the property in the year that it was placed in service.

2 (10) Add the amount necessary to make the adjusted gross income of any taxpayer that placed  
3 qualified retail improvement property in service during the taxable year and that was  
4 classified as 15-year property under Section 168(e)(3)(E)(ix) of the Internal Revenue Code  
5 equal to the amount of adjusted gross income that would have been computed had the  
6 classification not applied to the property in the year that it was placed in service.

7 (11) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer  
8 that claimed the special allowance for qualified disaster assistance property under Section  
9 168(n) of the Internal Revenue Code equal to the amount of adjusted gross income that would  
10 have been computed had the special allowance not been claimed for the property.

11 (12) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer  
12 that made an election under Section 179C of the Internal Revenue Code to expense costs for  
13 qualified refinery property equal to the amount of adjusted gross income that would have been  
14 computed had an election for federal income tax purposes not been made for the year.

15 (13) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer  
16 that made an election under Section 181 of the Internal Revenue Code to expense costs for a  
17 qualified film or television production equal to the amount of adjusted gross income that  
18 would have been computed had an election for federal income tax purposes not been made for  
19 the year.

20 (14) Add an amount equal to any loss that is treated under Section 301 of the Emergency  
21 Economic Stabilization Act of 2008 as an ordinary loss from the sale or exchange of preferred  
22 stock in:

- 23 (A) the Federal National Mortgage Association, established under the Federal National  
24 Mortgage Association Charter Act (12 U.S.C. 1716 et seq.); or
- 25 (B) the Federal Home Loan Mortgage Corporation, established under the Federal Home  
26 Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.).

27 Subtract an amount necessary to make the adjusted gross income of any taxpayer that added  
28 an amount to adjusted gross income in a previous year to offset the amount included in federal  
29 gross income as a result of any loss that is treated under Section 301 of the Emergency  
30 Economic Stabilization Act of 2008 as an ordinary loss from the sale or exchange of preferred  
31 stock described in clause (A) or (B).

32 (f) This subsection applies only to the extent that an individual paid property taxes in 2004 that were  
33 imposed for the March 1, 2002, assessment date or the January 15, 2003, assessment date. The maximum  
34 amount of the deduction under subsection (a)(17) is equal to the amount determined under STEP FIVE  
35 of the following formula:

36 STEP ONE: Determine the amount of property taxes that the taxpayer paid after December 31, 2003,  
37 in the taxable year for property taxes imposed for the March 1, 2002, assessment date and the  
38 January 15, 2003, assessment date.

39 STEP TWO: Determine the amount of property taxes that the taxpayer paid in the taxable year for  
40 the March 1, 2003, assessment date and the January 15, 2004, assessment date.

41 STEP THREE: Determine the result of the STEP ONE amount divided by the STEP TWO amount.

42 STEP FOUR: Multiply the STEP THREE amount by two thousand five hundred dollars (\$2,500).

43 STEP FIVE: Determine the sum of the STEP FOUR amount and two thousand five hundred dollars  
44 (\$2,500).

45 SECTION 78. IC 6-3-1-11, AS AMENDED BY P.L.131-2008, SECTION 12, IS AMENDED TO  
46 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 11. (a) The term  
47 "Internal Revenue Code" means the Internal Revenue Code of 1986 of the United States as amended and  
48 in effect on January 1, 2008: February 17, 2009.

49 (b) Whenever the Internal Revenue Code is mentioned in this article, the particular provisions that are  
50 referred to, together with all the other provisions of the Internal Revenue Code in effect on January 1,

1 2008; February 17, 2009, that pertain to the provisions specifically mentioned, shall be regarded as  
2 incorporated in this article by reference and have the same force and effect as though fully set forth in this  
3 article. To the extent the provisions apply to this article, regulations adopted under Section 7805(a) of the  
4 Internal Revenue Code and in effect on January 1, 2008; February 17, 2009, shall be regarded as rules  
5 adopted by the department under this article, unless the department adopts specific rules that supersede  
6 the regulation.

7 (c) An amendment to the Internal Revenue Code made by an act passed by Congress before January  
8 1, 2008; February 17, 2009, that is effective for any taxable year that began before January 1, 2008;  
9 2009, and that affects:

- 10 (1) individual adjusted gross income (as defined in Section 62 of the Internal Revenue Code);
- 11 (2) corporate taxable income (as defined in Section 63 of the Internal Revenue Code);
- 12 (3) trust and estate taxable income (as defined in Section 641(b) of the Internal Revenue Code);
- 13 (4) life insurance company taxable income (as defined in Section 801(b) of the Internal Revenue  
14 Code);
- 15 (5) mutual insurance company taxable income (as defined in Section 821(b) of the Internal Revenue  
16 Code); or
- 17 (6) taxable income (as defined in Section 832 of the Internal Revenue Code);

18 is also effective for that same taxable year for purposes of determining adjusted gross income under  
19 section 3.5 of this chapter.

20 SECTION 79. IC 6-3-2-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1,  
21 2009 (RETROACTIVE)]: Sec. 2.5. (a) This section applies to a resident person.

22 (b) Resident persons are entitled to a net operating loss deduction. The amount of the deduction taken  
23 in a taxable year may not exceed the taxpayer's unused Indiana net operating losses carried back or carried  
24 over to that year.

25 (c) An Indiana net operating loss equals the taxpayer's federal net operating loss for a taxable year as  
26 calculated under Section 172 of the Internal Revenue Code, adjusted for the modifications required by  
27 IC 6-3-1-3.5.

28 (d) The following provisions apply for purposes of subsection (c):

- 29 (1) The modifications that are to be applied are those modifications required under IC 6-3-1-3.5 for  
30 the same taxable year in which each net operating loss was incurred.
- 31 (2) An Indiana net operating loss includes a net operating loss that arises when the modifications  
32 required by IC 6-3-1-3.5 exceed the taxpayer's federal adjusted gross income (as defined in Section  
33 62 of the Internal Revenue Code) for the taxable year in which the Indiana net operating loss is  
34 determined.

35 (e) Subject to the limitations contained in subsection (g), an Indiana net operating loss carryback or  
36 carryover shall be available as a deduction from the taxpayer's adjusted gross income (as defined in  
37 IC 6-3-1-3.5) in the carryback or carryover year provided in subsection (f).

38 (f) Carrybacks and carryovers shall be determined under this subsection as follows:

- 39 (1) An Indiana net operating loss shall be an Indiana net operating loss carryback to each of the  
40 carryback years preceding the taxable year of the loss.
- 41 (2) An Indiana net operating loss shall be an Indiana net operating loss carryover to each of the  
42 carryover years following the taxable year of the loss.
- 43 (3) Carryback years shall be determined by reference to the number of years allowed for carrying  
44 back a net operating loss under Section 172(b) of the Internal Revenue Code. However, with  
45 respect to the carryback period for a net operating loss:

- 46 (A) for which for an eligible small business, as defined in Section 172(b)(1)(H)(iv) of the  
47 Internal Revenue Code, made an election to use five (5) years instead of two (2) years under  
48 Section 172(b)(1)(H) of the Internal Revenue Code, two (2) years shall be used instead of  
49 five (5) years; or
- 50 (B) that is a qualified disaster loss for which the taxpayer elected to have the net operating

1 loss carryback period with respect to the loss year determined without regard to Section  
2 172(b)(1)(J) of the Internal Revenue Code, five (5) years shall be used.

3 (4) Carryover years shall be determined by reference to the number of years allowed for carrying  
4 over net operating losses under Section 172(b) of the Internal Revenue Code.

5 (5) A taxpayer who makes an election under Section 172(b)(3) of the Internal Revenue Code to  
6 relinquish the carryback period with respect to a net operating loss for any taxable year shall be  
7 considered to have also relinquished the carryback of the Indiana net operating loss for purposes of  
8 this section.

9 (g) The entire amount of the Indiana net operating loss for any taxable year shall be carried to the  
10 earliest of the taxable years to which (as determined under subsection (f)) the loss may be carried. The  
11 amount of the Indiana net operating loss remaining after the deduction is taken under this section in a  
12 taxable year may be carried back or carried over as provided in subsection (f). The amount of the Indiana  
13 net operating loss carried back or carried over from year to year shall be reduced to the extent that the  
14 Indiana net operating loss carryback or carryover is used by the taxpayer to obtain a deduction in a taxable  
15 year until the occurrence of the earlier of the following:

16 (1) The entire amount of the Indiana net operating loss has been used as a deduction.

17 (2) The Indiana net operating loss has been carried over to each of the carryover years provided by  
18 subsection (f).

19 SECTION 80. IC 6-3-2-2.6, AS AMENDED BY P.L.2-2005, SECTION 21, IS AMENDED TO READ  
20 AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 2.6. (a) This section applies  
21 to a corporation or a nonresident person.

22 (b) Corporations and nonresident persons are entitled to a net operating loss deduction. The amount  
23 of the deduction taken in a taxable year may not exceed the taxpayer's unused Indiana net operating losses  
24 carried back or carried over to that year.

25 (c) An Indiana net operating loss equals the taxpayer's federal net operating loss for a taxable year as  
26 calculated under Section 172 of the Internal Revenue Code, derived from sources within Indiana and  
27 adjusted for the modifications required by IC 6-3-1-3.5.

28 (d) The following provisions apply for purposes of subsection (c):

29 (1) The modifications that are to be applied are those modifications required under IC 6-3-1-3.5 for  
30 the same taxable year in which each net operating loss was incurred.

31 (2) The amount of the taxpayer's net operating loss that is derived from sources within Indiana shall  
32 be determined in the same manner that the amount of the taxpayer's adjusted income derived from  
33 sources within Indiana is determined under section 2 of this chapter for the same taxable year during  
34 which each loss was incurred.

35 (3) An Indiana net operating loss includes a net operating loss that arises when the modifications  
36 required by IC 6-3-1-3.5 exceed the taxpayer's federal taxable income (as defined in Section 63 of  
37 the Internal Revenue Code), if the taxpayer is a corporation, or when the modifications required by  
38 IC 6-3-1-3.5 exceed the taxpayer's federal adjusted gross income (as defined by Section 62 of the  
39 Internal Revenue Code), if the taxpayer is a nonresident person, for the taxable year in which the  
40 Indiana net operating loss is determined.

41 (e) Subject to the limitations contained in subsection (g), an Indiana net operating loss carryback or  
42 carryover shall be available as a deduction from the taxpayer's adjusted gross income derived from  
43 sources within Indiana (as defined in section 2 of this chapter) in the carryback or carryover year provided  
44 in subsection (f).

45 (f) Carrybacks and carryovers shall be determined under this subsection as follows:

46 (1) An Indiana net operating loss shall be an Indiana net operating loss carryback to each of the  
47 carryback years preceding the taxable year of the loss.

48 (2) An Indiana net operating loss shall be an Indiana net operating loss carryover to each of the  
49 carryover years following the taxable year of the loss.

50 (3) Carryback years shall be determined by reference to the number of years allowed for carrying

1 back a net operating loss under Section 172(b) of the Internal Revenue Code. However, with  
2 respect to the carryback period for a net operating loss:

3 (A) for which for an eligible small business, as defined in Section 172(b)(1)(H)(iv) of the  
4 Internal Revenue Code, made an election to use five (5) years instead of two (2) years under  
5 Section 172(b)(1)(H) of the Internal Revenue Code, two (2) years shall be used instead of  
6 five (5) years; or

7 (B) that is a qualified disaster loss for which the taxpayer elected to have the net operating  
8 loss carryback period with respect to the loss year determined without regard to Section  
9 172(b)(1)(J) of the Internal Revenue Code, five (5) years shall be used.  
10 (4) Carryover years shall be determined by reference to the number of years allowed for carrying  
11 over net operating losses under Section 172(b) of the Internal Revenue Code.

12 (5) A taxpayer who makes an election under Section 172(b)(3) of the Internal Revenue Code to  
13 relinquish the carryback period with respect to a net operating loss for any taxable year shall be  
14 considered to have also relinquished the carryback of the Indiana net operating loss for purposes of  
15 this section.

16 (g) The entire amount of the Indiana net operating loss for any taxable year shall be carried to the  
17 earliest of the taxable years to which (as determined under subsection (f)) the loss may be carried. The  
18 amount of the Indiana net operating loss remaining after the deduction is taken under this section in a  
19 taxable year may be carried back or carried over as provided in subsection (f). The amount of the Indiana  
20 net operating loss carried back or carried over from year to year shall be reduced to the extent that the  
21 Indiana net operating loss carryback or carryover is used by the taxpayer to obtain a deduction in a taxable  
22 year until the occurrence of the earlier of the following:

- 23 (1) The entire amount of the Indiana net operating loss has been used as a deduction.  
24 (2) The Indiana net operating loss has been carried over to each of the carryover years provided by  
25 subsection (f).

26 (h) An Indiana net operating loss deduction determined under this section shall be allowed  
27 notwithstanding the fact that in the year the taxpayer incurred the net operating loss the taxpayer was not  
28 subject to the tax imposed under section 1 of this chapter because the taxpayer was:

- 29 (1) a life insurance company (as defined in Section 816(a) of the Internal Revenue Code); or  
30 (2) an insurance company subject to tax under Section 831 of the Internal Revenue Code.

31 (i) In the case of a life insurance company that claims an operations loss deduction under Section 810  
32 of the Internal Revenue Code, this section shall be applied by:

- 33 (1) substituting the corresponding provisions of Section 810 of the Internal Revenue Code in place  
34 of references to Section 172 of the Internal Revenue Code; and  
35 (2) substituting life insurance company taxable income (as defined in Section 801 the Internal  
36 Revenue Code) in place of references to taxable income (as defined in Section 63 of the Internal  
37 Revenue Code).

38 (j) For purposes of an amended return filed to carry back an Indiana net operating loss:

- 39 (1) the term "due date of the return", as used in IC 6-8.1-9-1(a)(1), means the due date of the return  
40 for the taxable year in which the net operating loss was incurred; and  
41 (2) the term "date the payment was due", as used in IC 6-8.1-9-2(c), means the due date of the return  
42 for the taxable year in which the net operating loss was incurred.

43 SECTION 81. IC 6-3-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1,  
44 2009 (RETROACTIVE)]: Sec. 10. (a) An individual who received unemployment compensation, as  
45 defined in subsection (c), during the taxable year is entitled to a deduction from the individual's adjusted  
46 gross income for that taxable year in the amount determined using the following formula:

47 STEP ONE: Determine the greater of zero (0) or the difference between:

48 (A) the sum of:

49 (i) the federal adjusted gross income of the individual (or the individual and the individual's  
50 spouse, in the case of a joint return), as defined in Section 62 of the Internal Revenue Code;



1 plus  
2 (ii) the amount of unemployment compensation excluded from federal gross income, as  
3 defined in Section 61 of the Internal Revenue Code, under Section 85(c) of the Internal  
4 Revenue Code; minus

5 (B) the base amount as defined in subsection (b).  
6 STEP TWO: Determine the greater of zero (0) or the difference between:

- 7 (A) the individual's unemployment compensation for the taxable year; minus  
8 (B) one-half (1/2) of the amount determined under STEP ONE.  
9 (b) As used in this section, "base amount" means:  
10 (1) twelve thousand dollars (\$12,000) in all cases not covered by subdivision (2) or (3);  
11 (2) eighteen thousand dollars (\$18,000) in the case of an individual who files a joint return for the  
12 taxable year; or  
13 (3) zero (0), in the case of an individual who:  
14 (A) is married at the close of the taxable year, as determined under Section 143 of the Internal  
15 Revenue Code;

16 (B) does not file a joint return for the taxable year; and  
17 (C) does not live apart from the individual's spouse at all times during the taxable year.  
18 (c) As used in this section, "unemployment compensation" means the amount of unemployment  
19 compensation that is included in the individual's federal gross income under Section 85 of the Internal  
20 Revenue Code.

21 SECTION 82. IC 6-3.1-30-2, AS AMENDED BY P.L.137-2006, SECTION 8, IS AMENDED TO  
22 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. As used in this chapter, "eligible business"  
23 means a business that:

- 24 (1) is engaged in either interstate or intrastate commerce;  
25 (2) maintains a corporate headquarters at a location outside Indiana;  
26 (3) has not previously maintained a corporate headquarters at a location in Indiana;  
27 (4) had annual worldwide revenues of at least:  
28 (A) one hundred million dollars (\$100,000,000); or  
29 (B) twenty million dollars (\$20,000,000) in the case of a qualifying project described in  
30 section 4(b) of this chapter;

31 for the taxable year immediately preceding the business's application for a tax credit under section  
32 12 of this chapter; and

33 (5) commits contractually to relocating its corporate headquarters to Indiana.

34 SECTION 83. IC 6-3.1-30-4, AS ADDED BY P.L.193-2005, SECTION 21, IS AMENDED TO READ  
35 AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) As used in this chapter, "qualifying project"  
36 means the relocation of the corporate headquarters of an eligible business from a location outside Indiana  
37 to a location in Indiana.

38 (b) In addition, a "qualifying project" for purposes of this chapter includes the relocation, before  
39 January 1, 2012, of the corporate headquarters of an eligible business described in section 2(4)(B)  
40 of this chapter from a location outside Indiana to a location in an Indiana county having an  
41 unemployment rate, after December 31, 2008, of at least fifteen percent (15%), according to the  
42 unemployment rate report by the department of workforce development.

43 SECTION 84. IC 6-3.1-30-14, IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO  
44 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. Notwithstanding the other provisions  
45 of this chapter, the department may not allow a credit for a headquarter's relocation made after  
46 December 31, 2011, by an eligible business described in section 2(4)(B) of this chapter for a  
47 qualifying project described in section 4(b) of this chapter. However, this section may not be  
48 construed to prevent a taxpayer from carrying an unused tax credit attributable to a headquarter's  
49 relocation made before January 1, 2012, forward to a taxable year beginning after December 31,  
50 2011, in the manner provided by section 11 of this chapter.

2009

1 SECTION 85. IC 6-3.5-1.1-14, AS AMENDED BY P.L.146-2008, SECTION 328, IS AMENDED TO  
2 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 14. (a) In determining  
3 the amount of property tax replacement credits civil taxing units and school corporations of a county are  
4 entitled to receive during a calendar year, the department of local government finance shall consider only  
5 property taxes imposed on tangible property that was assessed in that county.

6 (b) If a civil taxing unit or a school corporation is located in more than one (1) county and receives  
7 property tax replacement credits from one (1) or more of the counties, then the property tax replacement  
8 credits received from each county shall be used only to reduce the property tax rates that are imposed  
9 within the county that distributed the property tax replacement credits.

10 (c) A civil taxing unit shall treat any property tax replacement credits that it receives or is to receive  
11 during a particular calendar year as a part of its property tax levy for that same calendar year for purposes  
12 of fixing its budget and for purposes of the property tax levy limits imposed by IC 6-1.1-18.5.

13 (d) Subject to subsection (e), if a civil taxing unit or school corporation of an adopting county does not  
14 impose a property tax levy that is first due and payable in a calendar year in which property tax  
15 replacement credits are being distributed, the civil taxing unit or school corporation is entitled to use the  
16 property tax replacement credits distributed to the civil taxing unit or school corporation for any purpose  
17 for which a property tax levy could be used.

18 (e) A school corporation shall treat any property tax replacement credits that the school corporation  
19 receives or is to receive during a particular calendar year as a part of its property tax levy for its debt  
20 service fund, capital projects fund, transportation fund, and school bus replacement fund and special  
21 education preschool fund in proportion to the levy for each of these funds for that same calendar year for  
22 purposes of fixing its budget. A school corporation shall allocate the property tax replacement credits  
23 described in this subsection to all ~~five (5)~~ four (4) funds in proportion to the levy for each fund.

24 SECTION 86. IC 6-5.5-1-2, AS AMENDED BY P.L.223-2007, SECTION 5, IS AMENDED TO  
25 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 2. (a) Except as  
26 provided in subsections (b) through (d), "adjusted gross income" means taxable income as defined in  
27 Section 63 of the Internal Revenue Code, adjusted as follows:

- 28 (1) Add the following amounts:
- 29 (A) An amount equal to a deduction allowed or allowable under Section 166, Section 585, or  
30 Section 593 of the Internal Revenue Code.
  - 31 (B) An amount equal to a deduction allowed or allowable under Section 170 of the Internal  
32 Revenue Code.
  - 33 (C) An amount equal to a deduction or deductions allowed or allowable under Section 63 of the  
34 Internal Revenue Code for taxes based on or measured by income and levied at the state level by  
35 a state of the United States or levied at the local level by any subdivision of a state of the United  
36 States.
  - 37 (D) The amount of interest excluded under Section 103 of the Internal Revenue Code or under  
38 any other federal law, minus the associated expenses disallowed in the computation of taxable  
39 income under Section 265 of the Internal Revenue Code.
  - 40 (E) An amount equal to the deduction allowed under Section 172 or 1212 of the Internal Revenue  
41 Code for net operating losses or net capital losses.
  - 42 (F) For a taxpayer that is not a large bank (as defined in Section 585(c)(2) of the Internal  
43 Revenue Code), an amount equal to the recovery of a debt, or part of a debt, that becomes  
44 worthless to the extent a deduction was allowed from gross income in a prior taxable year under  
45 Section 166(a) of the Internal Revenue Code.
  - 46 (G) Add the amount necessary to make the adjusted gross income of any taxpayer that owns  
47 property for which bonus depreciation was allowed in the current taxable year or in an earlier  
48 taxable year equal to the amount of adjusted gross income that would have been computed had  
49 an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus  
50 depreciation to the property in the year that it was placed in service.

1 (H) Add the amount necessary to make the adjusted gross income of any taxpayer that placed  
2 Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the  
3 current taxable year or in an earlier taxable year equal to the amount of adjusted gross income  
4 that would have been computed had an election for federal income tax purposes not been made  
5 for the year in which the property was placed in service to take deductions under Section 179 of  
6 the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

7 (I) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic  
8 production activities for the taxable year under Section 199 of the Internal Revenue Code for  
9 federal income tax purposes.

10 (J) Add an amount equal to any income not included in gross income as a result of the  
11 deferral of income arising from business indebtedness discharged in connection with the  
12 reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt  
13 instrument, as provided in Section 108(i) of the Internal Revenue Code. Subtract an amount  
14 necessary to make the adjusted gross income of any taxpayer that added an amount to  
15 adjusted gross income in a previous year to offset the amount included in federal gross  
16 income as a result of the deferral of income arising from business indebtedness discharged  
17 in connection with the reacquisition after December 31, 2008, and before January 1, 2011,  
18 of an applicable debt instrument, as provided in Section 108(i) of the Internal Revenue  
19 Code.

20 (K) Add the amount necessary to make the adjusted gross income of any taxpayer that  
21 placed qualified restaurant property in service during the taxable year and that was  
22 classified as 15-year property under Section 168(e)(3)(E)(v) of the Internal Revenue Code  
23 equal to the amount of adjusted gross income that would have been computed had the  
24 classification not applied to the property in the year that it was placed in service.

25 (L) Add the amount necessary to make the adjusted gross income of any taxpayer that  
26 placed qualified retail improvement property in service during the taxable year and that  
27 was classified as 15-year property under Section 168(e)(3)(E)(ix) of the Internal Revenue  
28 Code equal to the amount of adjusted gross income that would have been computed had the  
29 classification not applied to the property in the year that it was placed in service.

30 (M) Add or subtract the amount necessary to make the adjusted gross income of any  
31 taxpayer that claimed the special allowance for qualified disaster assistance property under  
32 Section 168(n) of the Internal Revenue Code equal to the amount of adjusted gross income  
33 that would have been computed had the special allowance not been claimed for the  
34 property.

35 (N) Add or subtract the amount necessary to make the adjusted gross income of any  
36 taxpayer that made an election under Section 179C of the Internal Revenue Code to  
37 expense costs for qualified refinery property equal to the amount of adjusted gross income  
38 that would have been computed had an election for federal income tax purposes not been  
39 made for the year.

40 (O) Add or subtract the amount necessary to make the adjusted gross income of any  
41 taxpayer that made an election under Section 181 of the Internal Revenue Code to expense  
42 costs for a qualified film or television production equal to the amount of adjusted gross  
43 income that would have been computed had an election for federal income tax purposes not  
44 been made for the year.

45 (P) Add an amount equal to any loss that is treated under Section 301 of the Emergency  
46 Economic Stabilization Act of 2008 as an ordinary loss from the sale or exchange of  
47 preferred stock in:

- 48 (i) the Federal National Mortgage Association, established under the Federal National  
49 Mortgage Association Charter Act (12 U.S.C. 1716 et seq.); or
- 50 (ii) the Federal Home Loan Mortgage Corporation, established under the Federal Home

1           **Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.).**  
2           **Subtract an amount necessary to make the adjusted gross income of any taxpayer that**  
3           **added an amount to adjusted gross income in a previous year to offset the amount included**  
4           **in federal gross income as a result of any loss that is treated under Section 301 of the**  
5           **Emergency Economic Stabilization Act of 2008 as an ordinary loss from the sale or**  
6           **exchange of preferred stock described in item (i) or (ii).**  
7           **(Q) Add an amount equal to any exempt insurance income under Section 953(e) of the**  
8           **Internal Revenue Code for active financing income under Subpart F, Subtitle A, Chapter**  
9           **1, Subchapter N of the Internal Revenue Code.**

10           **(2) Subtract the following amounts:**

11           **(A) Income that the United States Constitution or any statute of the United States prohibits from**  
12           **being used to measure the tax imposed by this chapter.**

13           **(B) Income that is derived from sources outside the United States, as defined by the Internal**  
14           **Revenue Code.**

15           **(C) An amount equal to a debt or part of a debt that becomes worthless, as permitted under**  
16           **Section 166(a) of the Internal Revenue Code.**

17           **(D) An amount equal to any bad debt reserves that are included in federal income because of**  
18           **accounting method changes required by Section 585(c)(3)(A) or Section 593 of the Internal**  
19           **Revenue Code.**

20           **(E) The amount necessary to make the adjusted gross income of any taxpayer that owns property**  
21           **for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year**  
22           **equal to the amount of adjusted gross income that would have been computed had an election not**  
23           **been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation.**

24           **(F) The amount necessary to make the adjusted gross income of any taxpayer that placed Section**  
25           **179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current**  
26           **taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would**  
27           **have been computed had an election for federal income tax purposes not been made for the year**  
28           **in which the property was placed in service to take deductions under Section 179 of the Internal**  
29           **Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).**

30           **(G) Income that is:**

31           **(i) exempt from taxation under IC 6-3-2-21.7; and**

32           **(ii) included in the taxpayer's taxable income under the Internal Revenue Code.**

33           **(b) In the case of a credit union, "adjusted gross income" for a taxable year means the total transfers**  
34           **to undivided earnings minus dividends for that taxable year after statutory reserves are set aside under**  
35           **IC 28-7-1-24.**

36           **(c) In the case of an investment company, "adjusted gross income" means the company's federal**  
37           **taxable income multiplied by the quotient of:**

38           **(1) the aggregate of the gross payments collected by the company during the taxable year from old**  
39           **and new business upon investment contracts issued by the company and held by residents of Indiana;**  
40           **divided by**

41           **(2) the total amount of gross payments collected during the taxable year by the company from the**  
42           **business upon investment contracts issued by the company and held by persons residing within**  
43           **Indiana and elsewhere.**

44           **(d) As used in subsection (c), "investment company" means a person, copartnership, association,**  
45           **limited liability company, or corporation, whether domestic or foreign, that:**

46           **(1) is registered under the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.); and**

47           **(2) solicits or receives a payment to be made to itself and issues in exchange for the payment:**

48           **(A) a so-called bond;**

49           **(B) a share;**

50           **(C) a coupon;**

- (D) a certificate of membership;
- (E) an agreement;
- (F) a pretended agreement; or
- (G) other evidences of obligation;

entitling the holder to anything of value at some future date, if the gross payments received by the company during the taxable year on outstanding investment contracts, plus interest and dividends earned on those contracts (by prorating the interest and dividends earned on investment contracts by the same proportion that certificate reserves (as defined by the Investment Company Act of 1940) is to the company's total assets) is at least fifty percent (50%) of the company's gross payments upon investment contracts plus gross income from all other sources except dividends from subsidiaries for the taxable year. The term "investment contract" means an instrument listed in clauses (A) through (G).

SECTION 87. IC 6-7-1-28.1, AS AMENDED BY P.L.3-2008, SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 28.1. The taxes, registration fees, fines, or penalties collected under this chapter shall be deposited in the following manner:

- (1) Four and twenty-two hundredths percent (4.22%) of the money shall be deposited in a fund to be known as the cigarette tax fund.
- (2) Six-tenths percent (0.6%) of the money shall be deposited in a fund to be known as the mental health centers fund.
- (3) Fifty-three and sixty-eight hundredths percent (53.68%) of the money shall be deposited in the state general fund.
- (4) Five and forty-three hundredths percent (5.43%) of the money shall be deposited into the pension relief fund established in IC 5-10.3-11.
- (5) Twenty-seven and five hundredths percent (27.05%) of the money shall be deposited in the Indiana check-up plan trust fund established by IC 12-15-44.2-17.
- (6) Two and forty-six hundredths percent (2.46%) of the money shall be deposited in the state general fund for the purpose of paying appropriations for Medicaid—Current Obligations, for provider reimbursements.
- (7) ~~Four and one-tenth~~ Six and fifty-six hundredths percent ~~(4.1%)~~ (6.56%) of the money shall be deposited in the state general fund for the purpose of paying any appropriation for a health initiative.
- (8) ~~Two and forty-six hundredths percent (2.46%)~~ of the money shall be deposited in the state general fund for the purpose of reimbursing the state general fund for a tax credit provided under IC 6-3-1-31.

The money in the cigarette tax fund, the mental health centers fund, the Indiana check-up plan trust fund, or the pension relief fund at the end of a fiscal year does not revert to the state general fund. However, if in any fiscal year, the amount allocated to a fund under subdivision (1) or (2) is less than the amount received in fiscal year 1977, then that fund shall be credited with the difference between the amount allocated and the amount received in fiscal year 1977, and the allocation for the fiscal year to the fund under subdivision (3) shall be reduced by the amount of that difference. Money deposited under subdivisions (6) through (8) (7) may not be used for any purpose other than the purpose stated in the subdivision.

SECTION 88. IC 8-16-17 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 17. Ohio River Bridges Project Commission

Sec. 1. As used in this chapter, "commission" refers to the Ohio River bridges project commission established by section 3 of this chapter.

Sec. 2. As used in this chapter, "project" refers to an Ohio River bridges project.

Sec. 3. The Ohio River bridges project commission is established.

Sec. 4. (a) The purpose of the commission is to facilitate and accelerate completion of Ohio River

1 bridges projects by reducing cost from further delays and developing legislative proposals as  
2 necessary to remove any hindrances that may develop.

3 (b) The commission may study the following topics relevant to a project:

4 (1) Funding options.

5 (2) Environmental issues.

6 (3) Opportunities to work with neighboring states concerning an accelerated completion of the  
7 project.

8 (4) Economic impact on Indiana.

9 (5) Urgency of the project.

10 (6) Safety concerns to motorists.

11 (7) Other factors that may hinder completion of the project.

12 (c) In addition to the topics listed in subsection (b), the commission shall study topics assigned  
13 to the commission by the legislative council.

14 Sec. 5. (a) The commission consists of fourteen (14) voting members appointed as follows:

15 (1) Four (4) members of the senate to be appointed by the president pro tempore of the senate,  
16 subject to the following restrictions:

17 (A) Not more than two (2) members appointed under this subdivision may be from the same  
18 political party.

19 (B) At least one (1) member appointed under this subdivision must be from a legislative  
20 district in which an Ohio River bridge project is located.

21 (2) Four (4) members of the house of representatives to be appointed by the speaker of the  
22 house of representatives, subject to the following restrictions:

23 (A) Not more than two (2) members appointed under this subdivision may be from the same  
24 political party.

25 (B) At least one (1) member appointed under this subdivision must be from a legislative  
26 district in which an Ohio River bridge project is located.

27 (3) The chairperson of the house standing committee having primary responsibility for  
28 transportation matters, as determined by the speaker of the house, serving ex officio.

29 (4) The chairperson of the senate standing committee having primary responsibility for  
30 transportation matters, as determined by the president pro tempore of the senate, serving ex  
31 officio.

32 (5) The commissioner of the Indiana department of transportation serving ex officio or the  
33 commissioner's designee. A designee of the commissioner serves at the pleasure of the  
34 commissioner.

35 (6) The president of the Indiana economic development corporation serving ex officio or the  
36 president's designee. A designee of the president serves at the pleasure of the president.

37 (7) The governor serving ex officio or the governor's designee. A designee of the governor  
38 serves at the pleasure of the governor.

39 (8) The elected member of the United States House of Representatives from Indiana's Ninth  
40 Congressional District serving ex officio or the representative's designee. A designee of the  
41 representative serves at the pleasure of the representative.

42 (b) The term of an appointee under subsection (a)(1) and (a)(2) is from July 1 of a calendar year  
43 through June 30 of the following calendar year. The appointing authorities under subsection (a)(1)  
44 and (a)(2) shall make the appointments on or before July 1 of each calendar year.

45 (c) A vacancy on the commission shall be filled by the appointing authority for the unexpired  
46 term not later than sixty (60) days after the date on which the commission seat becomes vacant.

47 Sec. 6. (a) The president pro tempore of the senate shall appoint a member of the commission  
48 to serve as chairperson of the commission from July 1 of an odd-numbered year through June 30  
49 of the following calendar year.

50 (b) The speaker of the house of representatives shall appoint a member of the commission to

1 serve as chairperson of the commission from July 1 of an even-numbered year through June 30 of  
2 the following calendar year.

3 Sec. 7. (a) The commission may meet at any time during the calendar year.

4 (b) The commission shall meet at the call of the chairperson.

5 Sec. 8. Except as provided in section 7(a) of this chapter, the commission shall operate under the  
6 policies governing study committees that are adopted by the legislative council. The commission  
7 shall file an annual report with the legislative council in an electronic format under IC 5-14-6 by  
8 November 1 of each year.

9 Sec. 9. (a) Eight (8) members of the commission constitute a quorum.

10 (b) The affirmative votes of a majority of the voting members appointed to the commission are  
11 required for the commission to take action on any measure, including final reports.

12 Sec. 10. The legislative services agency shall provide staff support for the commission.

13 Sec. 11. (a) Subject to subsection (b), each member of the commission appointed under this  
14 chapter is entitled to receive the same per diem, mileage, and travel allowances paid to members  
15 of the general assembly serving on legislative study committees established by the legislative  
16 council.

17 (b) This subsection applies to a member of the commission described under section 5(a)(5)  
18 through 5(a)(8) of this chapter. A member of the commission may not receive a per diem, mileage,  
19 or travel allowance under subsection (a) if the member also receives a per diem, mileage, or travel  
20 allowance from the corporation or governmental entity that employs the member.

21 Sec. 12. This chapter expires December 31, 2019.

22 SECTION 89. IC 11-10-4-3, AS AMENDED BY P.L.99-2007, SECTION 39, IS AMENDED TO  
23 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) A committed offender may be  
24 involuntarily transferred to the division of mental health and addiction or to a mental health facility only  
25 if:

26 (1) the offender has been examined by a psychiatrist employed or retained by the department and  
27 the psychiatrist reports to the department in writing that, in the psychiatrist's opinion, the offender  
28 has a mental illness and is in need of care and treatment by the division of mental health and  
29 addiction or in a mental health facility;

30 (2) the director of mental health approves of the transfer if the offender is to be transferred to the  
31 division of mental health and addiction; and

32 (3) the department affords the offender a hearing to determine the need for the transfer, which  
33 hearing must comply with the following minimum standards:

34 (A) The offender shall be given at least ten (10) days advance written and verbal notice of the  
35 date, time, and place of the hearing and the reason for the contemplated transfer. This notice must  
36 advise the offender of the rights enumerated in clauses (C) and (D). Notice must also be given  
37 to one (1) of the following:

- 38 (i) The offender's spouse.  
39 (ii) The offender's parent.  
40 (iii) The offender's attorney.  
41 (iv) The offender's guardian.  
42 (v) The offender's custodian.  
43 (vi) The offender's relative.

44 (B) A copy of the psychiatrist's report must be given to the offender not later than at the time  
45 notice of the hearing is given.

46 (C) The offender is entitled to appear in person, speak in the offender's own behalf, call  
47 witnesses, present documentary evidence, and confront and cross-examine witnesses.

48 (D) The offender is entitled to be represented by counsel or other representative.

49 (E) The offender must be given a written statement of the findings of fact, the evidence relied  
50 upon, and the reasons for the action taken.

1 (F) A finding that the offender is in need of mental health care and treatment in the division of  
2 mental health and addiction or a mental health facility must be based upon clear and convincing  
3 evidence.

4 (b) If the official in charge of the facility or program to which the offender is assigned determines that  
5 emergency care and treatment in the division of mental health and addiction or a mental health facility  
6 is necessary to control a mentally ill offender who is either gravely disabled or dangerous, that offender  
7 may be involuntarily transferred, subject to the approval of the director of the division of mental health  
8 and addiction, before holding the hearing described in subsection (a)(3). However, this subsection does  
9 not deprive the offender of the offender's right to a hearing.

10 (c) The official in charge of the division of mental health and addiction or facility to which an offender  
11 is transferred under this section must give the offender a semiannual written report, based on a  
12 psychiatrist's examination, concerning the offender's mental condition and the need for continued care  
13 and treatment in the division of mental health and addiction or facility. If the report states that the offender  
14 is still in need of care and treatment in the division of mental health and addiction or a mental health  
15 facility, the division of mental health and addiction or facility shall, upon request of the offender or a  
16 representative in the offender's behalf, conduct a hearing to review the need for that continued care and  
17 treatment. The hearing must comply with the minimum standards established by subsection (a)(3). The  
18 division of mental health and addiction or facility to which the offender is transferred under this section  
19 may conduct a hearing under this subsection upon its initiative.

20 (d) If the division of mental health and addiction or facility to which an offender is transferred under  
21 this section determines that the offender no longer needs care and treatment in the division of mental  
22 health and addiction or facility, the division of mental health and addiction or facility shall return the  
23 offender to the custody of the department of correction, and the department of correction shall reassign  
24 the offender to another facility or program.

25 (e) After an offender has been involuntarily transferred to and accepted by the division of mental  
26 health and addiction, the department shall transmit any information required by the division of state court  
27 administration for transmission to NICS (as defined in IC 35-47-2.5-2.5) in accordance with IC 33-24-6-3.

28 SECTION 90. IC 12-8-1-10, AS AMENDED BY P.L.113-2008, SECTION 2, IS AMENDED TO  
29 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. This chapter expires ~~January 1, 2010~~ June  
30 30, 2010.

31 SECTION 91. IC 12-8-2-12, AS AMENDED BY P.L.113-2008, SECTION 3, IS AMENDED TO  
32 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. This chapter expires ~~January 1, 2010~~ June  
33 30, 2010.

34 SECTION 92. IC 12-8-6-10, AS AMENDED BY P.L.113-2008, SECTION 4, IS AMENDED TO  
35 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. This chapter expires ~~January 1, 2010~~ June  
36 30, 2010.

37 SECTION 93. IC 12-12-8-6, AS AMENDED BY P.L.141-2006, SECTION 52, IS AMENDED TO  
38 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) There is established a statewide  
39 independent living council. The council is not a part of a state agency.

40 (b) The council consists of at least twenty (20) members appointed by the governor, including the  
41 following:

42 (1) **Each At least one (1) director of a center for independent living located in Indiana chosen by**  
43 **the directors of the centers for independent living located in Indiana.**

44 (2) Nonvoting members from state agencies that provide services for individuals with disabilities.

45 (3) Other members, who may include the following:

46 (A) Representatives of centers for independent living.

47 (B) Parents and guardians of individuals with disabilities.

48 (C) Advocates for individuals with disabilities.

49 (D) Representatives from private business.

50 (E) Representatives of organizations that provide services for individuals with disabilities.



(F) Other appropriate individuals.

(c) The members appointed under subsection (b) must:

- (1) provide statewide representation;
- (2) represent a broad range of individuals with disabilities from diverse backgrounds;
- (3) be knowledgeable about centers for independent living and independent living services; and
- (4) include a majority of members who:

(A) are individuals with disabilities; and

(B) are not employed by a state agency or a center for independent living.

SECTION 94. IC 12-8-8-8, AS AMENDED BY P.L.113-2008, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]; Sec. 8. This chapter expires January 1, 2010: June 30, 2010.

SECTION 95. IC 12-26-6-8, AS AMENDED BY P.L.141-2006, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]; Sec. 8. (a) If, upon the completion of the hearing and consideration of the record, the court finds that the individual is mentally ill and either dangerous or gravely disabled, the court may order the individual to:

- (1) be committed to an appropriate facility; or
- (2) enter an outpatient treatment program under IC 12-26-14 for a period of not more than ninety (90) days.

(b) The court's order must require that the superintendent of the facility or the attending physician file a treatment plan with the court within fifteen (15) days of the individual's admission to the facility under a commitment order.

(c) If the commitment ordered under subsection (a) is to a state institution administered by the division of mental health and addiction, the record of commitment proceedings must include a report from a community mental health center stating both of the following:

- (1) That the community mental health center has evaluated the individual.
- (2) That commitment to a state institution administered by the division of mental health and addiction under this chapter is appropriate.

(d) The physician who makes the statement required by section 2(c) of this chapter may be affiliated with the community mental health center that submits to the court the report required by subsection (c).

(e) If the commitment is of an adult to a research bed at Larue D. Carter Memorial Hospital as set forth in IC 12-21-2-3, the report from a community mental health center is not required.

(f) If a commitment ordered under subsection (a) is to a state institution administered by the division of disability and rehabilitative services, the record of commitment proceedings must include a report from a service coordinator employed by the division of disability and rehabilitative services stating that, based on a diagnostic assessment of the individual, commitment to a state institution administered by the division of disability and rehabilitative services under this chapter is appropriate.

(g) If the court makes a finding under subsection (a) (including a finding in reference to a child under IC 31-37-18-3), the court shall transmit any information required by the division of state court administration to the division of state court administration for transmission to NICS (as defined in IC 35-47-2.5-2.5) in accordance with IC 33-24-6-3.

SECTION 96. IC 12-26-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) If at the completion of the hearing and the consideration of the record an individual is found to be mentally ill and either dangerous or gravely disabled, the court may enter either of the following orders:

- (1) For the individual's custody, care, or treatment, or continued custody, care, or treatment in an appropriate facility.
- (2) For the individual to enter an outpatient therapy program under IC 12-26-14.

(b) An order entered under subsection (a) continues until any of the following occurs:

- (1) The individual has been:
  - (A) discharged from the facility; or

1 (B) released from the therapy program.  
2 (2) The court enters an order:

3 (A) terminating the commitment; or  
4 (B) releasing the individual from the therapy program.

5 (c) If the court makes a finding under subsection (a), the court shall transmit any information  
6 required by the division of state court administration to the division of state court administration  
7 for transmission to NICS (as defined in IC 35-47-2.5-2.5) in accordance with IC 33-24-6-3.

8 SECTION 97. IC 20-19-3-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ  
9 AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. Beginning with the school year beginning  
10 July 1, 2009, the department shall obtain and maintain student test number information in a  
11 manner and form that permits any person who is authorized to review the information, to:

12 (1) access the information at any time; and  
13 (2) accurately determine:

14 (A) where each student is enrolled and attending classes; and  
15 (B) the number of students enrolled in a school corporation or charter school and residing  
16 in the area served by a school corporation;

17 as of any date after June 30, 2009, occurring prior to two (2) regular instructional days before  
18 the date of the inquiry.

19 Each school corporation and charter school shall provide the information to the department in the  
20 form and on a schedule that permits the department to comply with this section. The department  
21 shall provide technical assistance to school corporations and charter schools to assist school  
22 corporations and charter schools in complying with this section.

23 SECTION 98. IC 20-20-13-6, AS AMENDED BY SEA 27-2009, SECTION 2, IS AMENDED TO  
24 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) The Senator David C. Ford educational  
25 technology fund is established to extend educational technologies to elementary and secondary schools.  
26 The fund may be used for any of the following:

27 (1) The 4R's technology grant program to assist school corporations (on behalf of public schools)  
28 in purchasing technology equipment:  
29 (A) for kindergarten and grade 1 students, to learn reading, writing, and arithmetic using  
30 technology;

31 (B) for students in all grades, to understand that technology is a tool for learning; and  
32 (C) for students in kindergarten through grade 3 who have been identified as needing  
33 remediation, to offer daily remediation opportunities using technology to prevent those students  
34 from failing to make appropriate progress at the particular grade level.

35 (2) A school technology program developed by the department. The program may include  
36 grants to school corporations for the purchase of:

37 (A) equipment, hardware, and software;  
38 (B) learning and teaching systems; and  
39 (C) other materials;

40 that promote student learning, as determined by the department.

41 (2) (3) Providing educational technologies, including computers in the homes of students.  
42 (3) (4) Conducting educational technology training for teachers. and  
43 (4) (5) Other innovative educational technology programs.

44 (b) The department may also use money in the fund under contracts entered into with the office of  
45 technology established by IC 4-13.1-2-1 to study the feasibility of establishing an information  
46 telecommunications gateway that provides access to information on employment opportunities, career  
47 development, and instructional services from data bases operated by the state among the following:

48 (1) Elementary and secondary schools.

49 (2) Postsecondary educational institutions.

50 (3) Career and technical educational centers and institutions that are not postsecondary educational

1 institutions.

2 (4) Libraries.

3 (5) Any other agencies offering education and training programs.

4 (c) The fund consists of:

5 (1) state appropriations;

6 (2) private donations to the fund;

7 (3) money directed to the fund from the corporation for educational technology under IC 20-20-15;

8 or

9 (4) any combination of the amounts described in subdivisions (1) through (3).

10 (d) The fund shall be administered by the department.

11 (e) Unexpended money appropriated to or otherwise available in the fund at the end of a state fiscal

12 year does not revert to the state general fund but remains available to the department for use under this

13 chapter.

14 (f) Subject to section 7 of this chapter, a school corporation may use money from the school

15 corporation's capital projects fund as permitted under IC 20-40-8 for educational technology equipment.

16 SECTION 99. IC 20-20-13-3, AS ADDED BY P.L.218-2005, SECTION 45, IS AMENDED TO

17 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. As used in sections 13 through 24 of this

18 chapter, "school corporation" includes, except as otherwise provided in this chapter, the Indiana School

19 for the Blind and Visually Impaired established by IC 20-21-2-1, and the Indiana School for the Deaf

20 established by IC 20-22-2-1, and a charter school established under IC 20-24.

21 SECTION 100. IC 20-20-36.2-4, AS ADDED BY HB 1198-2009, SECTION 120, IS AMENDED TO

22 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Notwithstanding any other provision,

23 a school corporation is eligible for a grant under this chapter in a particular year only if for that year the

24 school corporation's total property tax revenue is expected to be reduced by more than two three and

25 fifty-four hundredths percent (2%) (3.54%) because of the application of credits in that year.

26 (b) Subject to subsection (a), an eligible school corporation is entitled to a grant in:

27 (1) 2009 equal to the eligible school corporation's circuit breaker replacement amount for property

28 taxes imposed for the March 1, 2008, and January 15, 2009, assessment dates; and

29 (2) 2010 equal to the eligible school corporation's circuit breaker replacement amount for property

30 taxes imposed for the March 1, 2009, and January 15, 2010, assessment dates.

31 SECTION 101. IC 20-20-36.2-5, AS ADDED BY HB 1198-2009, SECTION 120, IS AMENDED TO

32 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) An eligible school corporation's

33 circuit breaker replacement amount for 2009 is equal to the result determined under STEP FOUR of the

34 following formula:

35 STEP ONE: Determine the amount of credits granted against the eligible school corporation's

36 combined levy for the eligible school corporation's debt service fund; capital projects fund;

37 transportation fund; school bus replacement fund; and racial balance fund.

38 STEP TWO: Determine the sum of the STEP ONE amounts for all eligible school corporations in

39 Indiana.

40 STEP THREE: Divide fifty million dollars (\$50,000,000) by the STEP TWO amount; rounding to

41 the nearest ten thousandth (0.0001).

42 STEP FOUR: Multiply the STEP THREE result by the STEP ONE amount; rounding to the nearest

43 dollar (\$1).

44 (b) An eligible school corporation is entitled to a grant under this chapter in a calendar year.

45 Subject to this chapter, the grant is equal to the eligible school corporation's circuit breaker

46 replacement amount, as determined for the calendar year. An eligible school corporation's circuit

47 breaker replacement amount for 2010 a calendar year is equal to the result determined under STEP

48 FOUR THREE of the following formula:

49 STEP ONE: Determine the amount of credits granted against the eligible school corporation's

50 combined levy, for the school corporation's debt service fund; capital projects fund; transportation

1 fund; school bus replacement fund; and racial balance fund; rounded to the nearest dollar (\$1).  
2 STEP TWO: Determine the sum of the STEP ONE amounts for all eligible school corporations in  
3 Indiana:  
4 STEP THREE: Divide seventy million dollars (\$70,000,000) by the STEP TWO amount, rounding  
5 to the nearest ten thousandth (0.0001).  
6 STEP FOUR: Multiply the STEP THREE result by the STEP ONE amount, rounding to the nearest  
7 dollar (\$1); an amount equal to three and fifty-four hundredths percent (3.54%) of the school  
8 corporation's total combined property tax levy for the calendar year, rounded to the nearest  
9 dollar (\$1).  
10 STEP THREE: Determine the greater of:  
11 (A) zero (0); or  
12 (B) the STEP ONE amount minus the STEP TWO amount.

13 SECTION 102. IC 20-20-36.2-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO  
14 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 11. Grants may be  
15 made only from Indiana's apportionment of grants to the states from the state fiscal stabilization  
16 fund established by Division A, Title XIV of the federal American Recovery and Reinvestment Act  
17 of 2009. The total of all grants distributed in a year to all school corporations may not exceed the  
18 lesser of:  
19 (1) in:

- 20 (A) 2009, sixteen million nine hundred sixty thousand dollars (\$16,960,000);
  - 21 (B) 2010, fifty-five million two hundred thirty thousand dollars (\$55,230,000); and
  - 22 (C) 2011, sixty-three million four hundred sixty thousand dollars (\$63,460,000); or
- 23 (2) the amount available to the state from Indiana's apportionment of grants to the states from  
24 the state fiscal stabilization fund under Section 14001(d) of Division A, Title XIV of the federal  
25 American Recovery and Reinvestment Act of 2009, after subtracting any reduction required  
26 under IC 20-43-12-7.

27 SECTION 103. IC 20-20-36.2-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO  
28 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 12. If the total  
29 amount to be distributed as grants for a particular year exceeds the amount specified in section 11  
30 of this chapter for a year, the amount to be distributed for grants to each school corporation shall  
31 be proportionately reduced so that the total reductions equal the amount of the excess.

32 SECTION 104. IC 20-20-36.2-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO  
33 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 13. The amount of  
34 the reduction for a particular school corporation under section 12 of this chapter is equal to the  
35 total amount of the excess determined under section 12 of this chapter multiplied by a fraction. The  
36 numerator of the fraction is the amount of the distribution for state fiscal stabilization fund grants  
37 that the school corporation would have received if a reduction were not made under section 12 of  
38 this chapter and this section. The denominator of the fraction is the total amount that would be  
39 distributed for state fiscal stabilization fund grants to all school corporations if a reduction were  
40 not made under section 12 of this chapter and this section.

41 SECTION 105. IC 20-20-36.2-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO  
42 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 14. (a) This section  
43 applies retroactively to January 1, 2009, until the expiration of this section.  
44 (b) Notwithstanding the effective date of HEA 1198-2009, IC 20-20-36.2, as amended by HEA  
45 1001-2009, applies to the distribution of levy replacement grants after December 31, 2008, and  
46 before the passage of HEA 1001-2009. IC 20-20-36, as added by P.L.146-2008, SECTION 456, does  
47 not apply to a distribution described in this section.  
48 (c) This section expires January 1, 2010.

49 SECTION 106. IC 20-20-36.2-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO  
50 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. This chapter expires January 1,

1 2012.

2 SECTION 107. IC 20-20-37 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO  
3 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

4 Chapter 37. The Comer School Development Program and Fund

5 Sec. 1. As used in this chapter, "fund" refers to the Comer school development program fund  
6 established by section 10 of this chapter.

7 Sec. 2. (a) There is established the Comer school development program.  
8 (b) The Comer school development program shall target at risk students enrolled in schools that  
9 have the following characteristics:

- 10 (1) A public urban school.  
11 (2) A public school in which:  
12 (A) at least fifty percent (50%) of the students who were enrolled at that school building  
13 during the prior school year qualified for free or reduced price lunches under guidelines  
14 established under 42 U.S.C. 1758(b); and  
15 (B) lunches are served to students.

16 (3) A public school in which at least ten percent (10%) of the teachers:  
17 (A) hold a limited license to teach; or  
18 (B) teach outside their licensed areas.

19 Sec. 3. The department may contract with a state educational institution to establish pilot  
20 programs targeting schools with characteristics set forth in section 2(b) of this chapter.

21 Sec. 4. In establishing pilot programs under this chapter, the department, in collaboration with  
22 a state educational institution located within the same county as a school described in section 2(b)  
23 of this chapter, shall focus on implementing programs that enable the local school corporations,  
24 appropriate community agencies, nonprofit entities, and colleges and universities to cooperate with  
25 each other.

26 Sec. 5. A pilot program established under this chapter shall include, but is not limited to, the  
27 following:

- 28 (1) Professional development for teachers.  
29 (2) Curriculum development and oversight.  
30 (3) Development of support systems that promote student learning and overall development.  
31 (4) Community involvement.  
32 (5) Significant matching funds from nonprofit entities or businesses.  
33 (6) Parental participation.

34 Sec. 6. The department, in collaboration with a state educational institution:  
35 (1) shall select certain school corporations to participate in pilot programs established under  
36 this chapter; and

37 (2) may not select under subdivision (1) a school corporation that, on June 30, 2009, is already  
38 participating in a pilot program as described in section 5 of this chapter.

39 Sec. 7. A school corporation selected or seeking to be selected to participate in a pilot program  
40 under this chapter may enter into an agreement with a nonprofit entity, college, or university to  
41 provide services to the school corporation in connection with the pilot program.

42 Sec. 8. The department, in collaboration with a state educational institution, shall develop  
43 guidelines necessary to implement this chapter.

44 Sec. 9. Each school corporation that participates in a pilot program under this chapter shall  
45 prepare a written report detailing all of the pertinent information concerning the implementation  
46 of the pilot program, including any:

- 47 (1) recommendations made as a result of; and  
48 (2) conclusions drawn from;

49 the pilot program. The school corporation shall submit the report to the department.

50 Sec. 10. (a) The Comer school development program fund is established to provide grants to

2009

1 enable participating school corporations to establish and operate pilot programs under this chapter.  
2 (b) The fund consists of the following:

- 3 (1) Gifts to the fund.
- 4 (2) Appropriations from the general assembly.
- 5 (3) Grants, including grants from private entities.
- 6 (4) Any combination of the resources described in subdivisions (1), (2), and (3).

7 (c) The department shall administer the fund.  
8 (d) The expenses of administering the fund shall be paid from money in the fund.  
9 (e) The treasurer of state shall invest the money in the fund not currently needed to meet the

10 obligations of the fund in the same manner as other public funds may be invested. The treasurer  
11 of state shall deposit in the fund the interest that accrues from the investment of the fund.  
12 (f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

13 Sec. 11. (a) To be eligible for a grant under this chapter:

- 14 (1) a school corporation; or
- 15 (2) two (2) or more school corporations acting under a joint agreement;

16 must timely apply to the department for a grant on forms provided by the department.  
17 (b) An applying school corporation must include at least the following information in the school  
18 corporation's application:

- 19 (1) A detailed description of the proposed pilot program format.
- 20 (2) The extent to which the applying school corporation intends to include appropriate  
21 community resources not directly affiliated with the applying school corporation in the pilot  
22 program.
- 23 (3) A statement of and any supporting information concerning the need to establish the pilot  
24 program as perceived by the applying school corporation.
- 25 (4) The estimated cost of implementing the pilot program.
- 26 (5) Any other pertinent information required by the department in collaboration with the state  
27 educational institution with which the department enters into a contract under section 3 of this  
28 chapter.

29 Sec. 12. This chapter expires June 30, 2014.

30 SECTION 108. IC 20-23-6-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO  
31 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 18. (a) This section applies to a school  
32 corporation with an ADM on January 1, 2012, of less than one hundred (100) students.

33 (b) Before July 1, 2012, a school corporation to which this section applies shall reorganize by  
34 consolidating with an adjacent school corporation under this chapter.

35 (c) If the governing body of a school corporation to which this section applies does not comply  
36 with this section before July 1, 2012, the state board shall after June 30, 2012, develop a  
37 reorganization plan for the school corporation and require the governing body to implement the  
38 plan.

39 SECTION 109. IC 20-24-3-1.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO  
40 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1.1. (a) Before a charter school or  
41 conversion charter school may be established under this article, the sponsor must receive the  
42 approval of the department.

43 (b) Notwithstanding any other provision in this article, the department may not approve the  
44 establishment of more than one (1) additional charter school or conversion charter school within  
45 the corporate boundaries of a school corporation in a calendar year.

46 (c) This section expires June 30, 2011.

47 SECTION 110. IC 20-24-7-11, AS ADDED BY P.L.246-2005, SECTION 129, IS CORRECTED AND  
48 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) If the United  
49 States Department of Education approves a new competition for states to receive matching funds for  
50 charter school facilities, the department shall pursue this federal funding.

1 (b) There is appropriated to the department of education ten million dollars (\$10,000,000) from the  
2 common school fund interest balance in the state general fund to provide state matching funds for the  
3 federal funding described in subsection (a) for the benefit of charter schools, beginning July 1, 2005, and  
4 ending June 30, 2007.

5 (b) The department shall use the common school fund interest balance to provide state matching funds  
6 for the federal funding described in subsection (a) for the benefit of charter schools.  
7 (c) The department shall develop guidelines and the state board shall adopt rules under IC 4-22-2  
8 necessary to implement this section.

9 (b) To increase the state's opportunity to receive matching funds from the United States  
10 Department of Education, the department shall develop a facilities incentive grants program before  
11 January 1, 2010.

12 (c) The department shall use the priority criteria set forth in 21 U.S.C. 7221d(b) and 34 CFR  
13 226.12 through 34 CFR 226.14 to develop the facilities incentive grants program.  
14 SECTION 111. IC 20-24-7-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO  
15 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13. (a) As used in this SECTION, "virtual  
16 charter school" means any charter school, including a conversion charter school, that provides for  
17 the delivery of more than fifty percent (50%) of instruction to students through:

- 18 (1) virtual distance learning;
- 19 (2) online technologies; or
- 20 (3) computer based instruction.

21 (b) The department shall establish a pilot program to provide funding for a statewide total of  
22 up to one hundred (100) students who attend virtual charter schools. In the first year of the pilot  
23 program, the department shall operate the virtual charter schools. Beginning with the second year  
24 of the pilot program, the department shall choose an entity or entities to operate the virtual charter  
25 school. The pilot program shall focus on children who have medical disabilities that prevent them  
26 from attending school or who are unable for other reasons to attend school.

27 (c) A virtual charter school is entitled to receive funding from the state in an amount equal to  
28 the product of:

- 29 (1) the number of students included in the virtual charter school's ADM who are participating  
30 in the pilot program; multiplied by
- 31 (2) eighty percent (80%) of the statewide average basic tuition support.

32 SECTION 112. IC 20-40-8-19, AS AMENDED BY P.L.146-2008, SECTION 528, IS AMENDED TO  
33 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 19. (a) Money in the fund may before 2013  
34 be used to pay for up to one hundred percent (100%) of the following costs of a school corporation:

- 35 (1) Utility services.
- 36 (2) Property or casualty insurance.
- 37 (3) Both utility services and property or casualty insurance.

38 (b) A school corporation's expenditures under this section may not exceed: in 2008 and  
39 (1) in 2009 three and five-tenths percent (3.5%);

- 40 (2) in 2010 three percent (3%);
- 41 (3) in 2011 two percent (2%); and
- 42 (4) in 2012 one percent (1%);

43 of the school corporation's 2005 calendar year distribution.  
44 SECTION 113. IC 20-43-1-1, AS AMENDED BY P.L.234-2007, SECTION 232, IS AMENDED TO  
45 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 1. This article expires  
46 January 1, 2010: 2012.

47 SECTION 114. IC 20-43-1-8, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO READ  
48 AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 8. "Basic tuition support"  
49 means the part of a school corporation's state tuition support for basic programs determined under  
50 IC 20-43-6-5: IC 20-43-6-3.

1 SECTION 115. IC 20-43-1-24.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO  
2 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 24.5. "Fiscal  
3 stabilization fund grant" refers to a grant under IC 20-43-12.

4 SECTION 116. IC 20-43-1-31 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO  
5 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 31. For purposes of  
6 the calculation of state tuition support under this article and for purposes of federal stabilization  
7 grants, a school corporation's fiscal year is the calendar year.

8 SECTION 117. IC 20-43-2-2, AS AMENDED BY P.L.146-2008, SECTION 482, IS AMENDED TO  
9 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 2. The maximum state  
10 distribution (excluding federal funds under the American Recovery and Reinvestment Act of 2009)  
11 for a calendar year for all school corporations for the purposes described in section 3 of this chapter is:  
12 (1) three billion eight hundred twelve million five hundred thousand dollars (\$3,812,500,000) in  
13 2007;

14 (2) three billion nine hundred sixty million nine hundred thousand dollars (\$3,960,900,000) in 2008;  
15 and  
16 (3) (1) six billion five two hundred nine eight-one million four hundred thousand dollars  
17 (\$6,509,000,000) (\$6,281,400,000) in 2009;  
18 (2) six billion three hundred ninety-five million nine hundred thousand dollars  
19 (\$6,395,900,000) in 2010; and  
20 (3) six billion five hundred forty-nine million nine hundred thousand dollars (\$6,549,900,000)  
21 in 2011.

22 SECTION 118. IC 20-43-3-4, AS AMENDED BY P.L.146-2008, SECTION 485, IS AMENDED TO  
23 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 4. (a) This subsection  
24 applies to calendar year 2009. A school corporation's previous year revenue equals the amount  
25 determined under STEP TWO of the following formula:

26 STEP ONE: Determine the sum of the following:  
27 (A) The school corporation's basic tuition support for the year that precedes the current year.  
28 (B) The school corporation's maximum permissible tuition support levy for calendar year 2008.  
29 (C) The school corporation's excise tax revenue for calendar year 2007.  
30 STEP TWO: Subtract from the STEP ONE result an amount equal to the reduction in the school  
31 corporation's state tuition support under any combination of subsection (b); (c), subsection (c); (d),  
32 IC 20-10.1-2-1 (before its repeal), or IC 20-30-2-4.

33 (b) This subsection applies to calendar years 2010 and 2011. A school corporation's previous  
34 year revenue equals the amount determined under STEP TWO of the following formula:  
35 STEP ONE: Determine the sum of the following:

36 (A) The school corporation's basic tuition support for the year that precedes the current  
37 year.  
38 (B) The distribution to the school corporation under IC 20-43-11.5 in the year that precedes  
39 the current year.  
40 (C) The amount of the annual decrease in federal aid to impacted areas from the year  
41 preceding the ensuing calendar year by three (3) years to the year preceding the ensuing  
42 calendar year by two (2) years.

43 STEP TWO: Subtract from the STEP ONE result an amount equal to the reduction in the  
44 school corporation's state tuition support under any combination of subsection (c) or  
45 IC 20-30-2-4.

46 (b) (c) A school corporation's previous year revenue must be reduced if:  
47 (1) the school corporation's state tuition support for special education or career and technical  
48 education is reduced as a result of a complaint being filed with the department after December 31,  
49 1988, because the school program overstated the number of children enrolled in special education  
50 programs or career and technical education programs; and



(2) the school corporation's previous year revenue has not been reduced under this subsection more than one (1) time because of a given overstatement.

The amount of the reduction equals the amount the school corporation would have received in state tuition support for special education and career and technical education because of the overstatement.

(c) (d) This section applies only to 2009. A school corporation's previous year revenue must be reduced if an existing elementary or secondary school located in the school corporation converts to a charter school under IC 20-24-11. The amount of the reduction equals the product of:

- (1) the sum of the amounts distributed to the conversion charter school under IC 20-24-7-3(c) and IC 20-24-7-3(d) (as effective December 31, 2008); multiplied by
- (2) two (2).

SECTION 119. IC 20-43-4-7, AS AMENDED BY P.L.234-2007, SECTION 240, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 7. (a) This subsection does not apply to a charter school. When calculating adjusted ADM for ~~2008~~ 2009 distributions, this subsection, as effective after December 31, ~~2007~~, 2008, shall be used to calculate the adjusted ADM for the previous year rather than the calculation used to calculate adjusted ADM for ~~2007~~ 2008 distributions. For purposes of this article, a school corporation's "adjusted ADM" for the current year is the result determined under the following formula:

STEP ONE: Determine the sum of the following:

- (A) The school corporation's ADM for the year preceding the current year by four (4) years multiplied by two-tenths (0.2);
- (B) The school corporation's ADM for the year preceding the current year by three (3) years multiplied by two-tenths (0.2);
- (C) (A) The school corporation's ADM for the year preceding the current year by two (2) years multiplied divided by two-tenths (0.2); three (3).
- (D) (B) The school corporation's ADM for the year preceding the current year by one (1) year multiplied divided by two-tenths (0.2); three (3).
- (E) (C) The school corporation's ADM for the current year multiplied divided by two-tenths (0.2); three (3).

STEP TWO: Determine the school corporation's ADM for the current year.

STEP THREE: Determine the greater of the following:

- (A) The STEP ONE result.
- (B) The STEP TWO result.
- (b) A charter school's adjusted ADM for purposes of this article is the charter school's current ADM.

SECTION 120. IC 20-43-5-3, AS AMENDED BY P.L.3-2008, SECTION 125, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 3. A school corporation's complexity index is determined under the following formula:

STEP ONE: Determine the greater of zero (0) or the result of the following:

- (1) Determine the percentage of the school corporation's students who were eligible for free or reduced price lunches in the school year ending in the later of ~~2007~~ 2009 or the first year of operation of the school corporation.
- (2) Determine the quotient of:

(A) in 2008:

- (i) two thousand two hundred fifty dollars (\$2,250); divided by
- (ii) four thousand seven hundred ninety dollars (\$4,790); and

(B) (A) in 2009:

- (i) two thousand four two hundred twenty-one dollars (\$2,400); (\$2,221); divided by
- (ii) four thousand eight four hundred twenty-five sixty-five dollars (\$4,825); (\$4,465);

(B) in 2010:

- (i) two thousand two hundred thirty-eight dollars (\$2,238); divided by
- (ii) four thousand five hundred dollars (\$4,500); and

2009

1 (C) in 2011:

2 (i) two thousand two hundred sixty-one dollars (\$2,261); divided by

3 (ii) four thousand five hundred forty-six dollars (\$4,546).

4 (3) Determine the product of:

5 (A) the subdivision (1) amount; multiplied by

6 (B) the subdivision (2) amount.

7 STEP TWO: Determine the result of one (1) plus the STEP ONE result.

8 STEP THREE: This STEP applies if the STEP TWO result is equal to or greater than at least one

9 and twenty-five hundredths (1.25). Determine the result of the following:

10 (1) Subtract one and twenty-five hundredths (1.25) from the STEP TWO result.

11 (2) Determine the result of:

12 (A) the STEP TWO result; plus

13 (B) the subdivision (1) result.

14 The data to be used in making the calculations under STEP ONE must be the data collected in the annual

15 pupil enrollment count by the department.

16 SECTION 121. IC 20-43-5-4, AS AMENDED BY P.L.234-2007, SECTION 244, IS AMENDED TO

17 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 4. A school

18 corporation's foundation amount for a calendar year is the result determined under STEP TWO of the

19 following formula:

20 STEP ONE: Determine The STEP ONE amount is:

21 (A) in 2008, four thousand seven hundred ninety dollars (\$4,790); or

22 (B) (A) in 2009, four thousand eight hundred twenty-five dollars (\$4,825);

23 (\$4,465);

24 (B) in 2010, four thousand five hundred dollars (\$4,500); and

25 (C) in 2011, four thousand five hundred forty-six dollars (\$4,546).

26 STEP TWO: Multiply the STEP ONE amount by the school corporation's complexity index.

27 SECTION 122. IC 20-43-5-5, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO READ

28 AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 5. A school corporation's

29 previous year revenue foundation amount for a calendar year is equal to the result of:

30 (1) the school corporation's previous year revenue; divided by

31 (2) the school corporation's adjusted ADM for the previous year.

32 SECTION 123. IC 20-43-5-6, AS AMENDED BY P.L.234-2007, SECTION 245, IS AMENDED TO

33 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 6. (a) A school

34 corporation's transition to foundation amount for a calendar year is equal to the result determined under

35 STEP THREE of the following formula:

36 STEP ONE: Determine the difference of:

37 (A) the school corporation's foundation amount; minus

38 (B) the school corporation's previous year revenue foundation amount.

39 STEP TWO: Divide the STEP ONE result by:

40 (A) four (4) in 2008; or

41 (B) (A) three (3) in 2009;

42 (B) two (2) in 2010; and

43 (C) one (1) in 2011.

44 STEP THREE: A school corporation's STEP THREE amount is the following:

45 (A) For a charter school located outside Marion County that has previous year revenue that is not

46 greater than zero (0), the charter school's STEP THREE amount is the quotient of:

47 (i) the school corporation's transition to foundation revenue for the calendar year where the

48 charter school is located; divided by

49 (ii) the school corporation's current ADM.

50 (B) For a charter school located in Marion County that has previous year revenue that is not

1 greater than zero (0), the charter school's STEP THREE amount is the weighted average of the  
2 transition to foundation revenue for the school corporations where the students counted in the  
3 current ADM of the charter school have legal settlement, as determined under item (iv) of the  
4 following formula:

- 5 (i) Determine the transition to foundation revenue for each school corporation where a student  
6 counted in the current ADM of the charter school has legal settlement.
  - 7 (ii) For each school corporation identified in item (i), divide the item (i) amount by the school  
8 corporation's current ADM.
  - 9 (iii) For each school corporation identified in item (i), multiply the item (ii) amount by the  
10 number of students counted in the current ADM of the charter school that have legal settlement  
11 in the particular school corporation.
  - 12 (iv) Determine the sum of the item (iii) amounts for the charter school.
- 13 (C) The STEP THREE amount for a school corporation that is not a charter school described in  
14 clause (A) or (B) is the following:

- 15 (i) The school corporation's foundation amount for the calendar year if the STEP ONE amount  
16 is at least negative one hundred fifty dollars (-\$50) (-\$150) and not more than one hundred  
17 dollars (\$100).
- 18 (ii) For 2009, the school corporation's foundation amount for the calendar year, if the  
19 foundation amount in 2008 equaled the school corporation's transition to foundation revenue  
20 per adjusted ADM in 2008:
- 21 (iii) (i) The sum of the school corporation's previous year revenue foundation amount and the  
22 greater of the school corporation's STEP TWO amount or one hundred dollars (\$100), if the  
23 school corporation's STEP ONE amount is greater than one hundred dollars (\$100).
- 24 (iv) (ii) The difference determined by subtracting fifty dollars (\$50) from amount determined  
25 under subsection (b), if the school corporation's STEP ONE amount is less than negative  
26 one hundred fifty dollars (-\$150).

- 27 (b) For the purposes of STEP THREE (C)(iii) in subsection (a), determine the result of:
- 28 (1) the school corporation's previous year revenue foundation amount; if the school corporation's  
29 STEP ONE amount is less than negative fifty dollars (-\$50): minus
  - 30 (2) the greater of:
    - 31 (A) one hundred and fifty dollars (\$150); or
    - 32 (B) the result of:
      - 33 (i) the absolute value of the STEP ONE amount; divided by
      - 34 (ii) ten (10) in 2009, nine (9) in 2010, and eight (8) in 2011.

35 SECTION 124. IC 20-43-5-7, AS AMENDED BY P.L.3-2008, SECTION 126, IS AMENDED TO  
36 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 7. A school  
37 corporation's transition to foundation revenue for a calendar year is equal to the sum of the following:

- 38 (1) The product of:
  - 39 (A) the school corporation's transition to foundation amount for the calendar year; multiplied by
  - 40 (B) the school corporation's:
    - 41 (i) current ADM, if the current ADM for the school corporation is less than one hundred (100);
    - 42 and
    - 43 (ii) current adjusted ADM, if item (i) does not apply.
- 44 (2) Either:
  - 45 (A) The result of:
    - 46 (i) one hundred dollars (\$100) for calendar year 2008 and one hundred fifty dollars (\$150) for
    - 47 calendar year 2009; multiplied by
    - 48 (ii) the school corporation's adjusted ADM;
  - 49 if the school corporation's current ADM is less than three thousand and six hundred (3,600) and
  - 50 the amount determined under subdivision (1) is less than the school corporation's previous year

revenue:

(B) The result of:

(i) one hundred dollars (\$100) for calendar year 2008 and one hundred fifty dollars (\$150) for calendar year 2009; multiplied by

(ii) the school corporation's adjusted ADM;

if clause (A) does not apply and the result of the amount under subdivision (1) is less than the result of the school corporation's previous year revenue multiplied by nine hundred sixty-five thousandths (0.965).

(C) The school corporation's current adjusted ADM multiplied by the lesser of:

(i) one hundred dollars (\$100); or

(ii) the school corporation's STEP TWO amount under section 6 of this chapter; if clauses (A) and (B) do not apply, the amount under subdivision (1) is less than the school corporation's previous year revenue; and the school corporation's result under STEP ONE of section 6 of this chapter is greater than zero (0); or

(D) Zero (0); if clauses (A), (B), and (C) do not apply.

(3) (2) This subdivision does not apply to a charter school. Either:

(A) the lesser of:

(i) three hundred dollars (\$300); or

(ii) one dollar (\$1) multiplied by the result of one thousand seven hundred (1,700) minus the school corporation's current ADM;

multiplied by the school corporation's current ADM, if the school corporation's current ADM is less than one thousand seven hundred (1,700) and the school corporation's complexity index is greater than one and two-tenths (1.2);

(B) the lesser of:

(i) one hundred dollars (\$100); or

(ii) one dollar (\$1) multiplied by the result of one thousand seven hundred (1,700) minus the school corporation's current ADM;

multiplied by the school corporation's current ADM, if the school corporation's current ADM is less than one thousand seven hundred (1,700) and the school corporation's complexity index is greater than one and one-tenth (1.1) and not greater than one and two-tenths (1.2); or

(C) zero (0), if clauses (A) and (B) do not apply.

SECTION 125. IC 20-43-6-1, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 1. Subject to the amount

appropriated by the general assembly for state tuition support and IC 20-43-2, the amount that a school corporation is entitled to receive in basic tuition support for a year is the amount determined in section 5 3 of this chapter.

SECTION 126. IC 20-43-6-3, AS AMENDED BY P.L.146-2008, SECTION 488, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 3. (a) A school corporation's total regular program basic tuition support for a calendar year is the amount determined under the applicable provision of this section.

(b) This subsection applies to a school corporation that has transition to foundation revenue per adjusted ADM for a calendar year that is not equal to the school corporation's foundation amount for the calendar year. The school corporation's total regular program basic tuition support for a calendar year is equal to the school corporation's transition to foundation revenue for the calendar year.

(c) This subsection applies to a school corporation that has transition to foundation revenue per adjusted ADM for a calendar year that is equal to the school corporation's foundation amount for the calendar year. The school corporation's total regular program basic tuition support for a calendar year is the sum of the following:

(1) The school corporation's foundation amount for the calendar year multiplied by the school corporation's adjusted ADM. for the current year.

1 (2) The amount of the annual decrease in federal aid to impacted areas from the year preceding the  
2 ensuing calendar year by three (3) years to the year preceding the ensuing calendar year by two (2)  
3 years.

4 (3) The distribution to the school corporation under IC 20-43-11.5 in the year that precedes  
5 the current year.

6 (d) This subsection applies to students of a virtual charter school who are participating in the  
7 pilot program under IC 20-24-7-13. A virtual charter school's basic tuition support for a year for  
8 those students is the amount determined under IC 20-24-7-13.

9 SECTION 127. IC 20-43-7-6, AS AMENDED BY P.L.234-2007, SECTION 252, IS AMENDED TO  
10 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 6. A school  
11 corporation's special education grant for a calendar year is equal to the sum of the following:

- 12 (1) The nonduplicated count of pupils in programs for severe disabilities multiplied by  
13 (A) in 2008, eight thousand three hundred dollars (~~\$8,300~~); and  
14 (B) in 2009, eight thousand three hundred fifty dollars (\$8,350);  
15 (C) in 2010, eight thousand five hundred seventy-five dollars (\$8,575); and  
16 (2) The nonduplicated count of pupils in programs of mild and moderate disabilities multiplied by  
17 (A) in 2008, two thousand two hundred fifty dollars (~~\$2,250~~); and  
18 (B) in 2009, two thousand two hundred sixty-five dollars (\$2,265);  
19 (C) in 2010, two thousand three hundred twenty-five dollars (\$2,325); and  
20 (3) The duplicated count of pupils in programs for communication disorders multiplied by  
21 (A) in 2008, five hundred thirty-one dollars (~~\$531~~); and  
22 (B) in 2009, five hundred thirty-three dollars (\$533).  
23 (4) The cumulative count of pupils in homebound programs multiplied by  
24 (A) in 2008, five hundred thirty-one dollars (~~\$531~~); and  
25 (B) in 2009, five hundred thirty-three dollars (\$533).  
26 (5) The nonduplicated count of pupils in special preschool education programs multiplied by:  
27 (A) in 2009, two thousand seven hundred fifty dollars (\$2,750);  
28 (B) in 2010, two thousand eight hundred dollars (\$2,800); and  
29 (C) in 2011, two thousand eight hundred fifty dollars (\$2,850).

30 SECTION 128. IC 20-43-8-9, AS AMENDED BY P.L.234-2007, SECTION 139, IS AMENDED TO  
31 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 9. A school  
32 corporation's career and technical education grant for a calendar year is the sum of the following amounts:  
33 STEP ONE: For each career and technical education program provided by the school corporation:

- 34 (A) the number of credit hours of the program (either one (1) credit, two (2) credits, or three (3)  
35 credits); multiplied by  
36 (B) the number of students enrolled in the program; multiplied by  
37 (C) the following applicable amount:  
38 (i) Four hundred fifty dollars (\$450) in 2009, four hundred eight dollars (\$480) in 2010, and  
39 five hundred ten dollars (\$510) in 2011, in the case of a program described in section 5 of  
40 this chapter (more than a moderate labor market need) for which the average wage level  
41 determined under section 2(b) of this chapter is a high wage.  
42 (ii) Three hundred seventy-five dollars (\$375) in 2009, four hundred dollars (\$400) in 2010,  
43 and four hundred twenty-five dollars (\$425) in 2011, in the case of a program described in  
44 section 5 of this chapter (more than a moderate labor market need) for which the average wage  
45 level determined under section 2(b) of this chapter is a moderate wage.  
46 (iii) Three hundred dollars (\$300) in 2009, three hundred twenty dollars (\$320) in 2010, and  
47 three hundred forty dollars (\$340) in 2011, in the case of a program described in section 5  
48 of this chapter (more than a moderate labor market need) for which the average wage level  
49 of this chapter (more than a moderate labor market need) for which the average wage level  
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determined under section 2(b) of this chapter is a less than moderate wage.

(iv) **Three hundred seventy-five dollars (\$375) in 2009, four hundred dollars (\$400) in 2010, and four hundred twenty-five dollars (\$425) in 2011**, in the case of a program described in section 6 of this chapter (moderate labor market need) for which the average wage level determined under section 2(b) of this chapter is a high wage.

(v) **Three hundred dollars (\$300) in 2009, three hundred twenty dollars (\$320) in 2010, and three hundred forty dollars (\$340) in 2011**, in the case of a program described in section 6 of this chapter (moderate labor market need) for which the average wage level determined under section 2(b) of this chapter is a moderate wage.

(vi) **Two hundred twenty-five dollars (\$225) in 2009, two hundred forty dollars (\$240) in 2010, and two hundred fifty-five dollars (\$255) in 2011**, in the case of a program described in section 6 of this chapter (moderate labor market need) for which the average wage level determined under section 2(b) of this chapter is a less than moderate wage.

(vii) **Three hundred dollars (\$300) in 2009, three hundred twenty dollars (\$320) in 2010, and three hundred forty dollars (\$340) in 2011**, in the case of a program described in section 7 of this chapter (less than a moderate labor market need) for which the average wage level determined under section 2(b) of this chapter is a high wage.

(viii) **Two hundred twenty-five dollars (\$225) in 2009, two hundred forty dollars (\$240) in 2010, and two hundred fifty-five dollars (\$255) in 2011**, in the case of a program described in section 7 of this chapter (less than a moderate labor market need) for which the average wage level determined under section 2(b) of this chapter is a moderate wage.

(ix) **One hundred fifty dollars (\$150) in 2009, one hundred sixty dollars in 2010, and one hundred seventy dollars in 2011**, in the case of a program described in section 7 of this chapter (less than a moderate labor market need) for which the average wage level determined under section 2(b) of this chapter is a less than moderate wage.

STEP TWO: The number of pupils described in section 8 of this chapter (all other programs) multiplied by two hundred fifty dollars (\$250).

STEP THREE: The number of pupils participating in a career and technical education program in which pupils from multiple schools are served at a common location multiplied by one hundred fifty dollars (\$150).

SECTION 129. IC 20-43-9-4, AS AMENDED BY P.L.234-2007, SECTION 253, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 4. For purposes of computation under this chapter, the following shall be used:

- (1) The staff cost amount for a school corporation  
(A) ~~in 2008, is seventy-two thousand dollars (\$72,000); and~~  
(B) (A) in 2009, is seventy-four thousand five hundred dollars (\$74,500);  
(C) in 2010, is seventy-six thousand dollars (\$76,000); and  
(C) in 2011, is seventy-seven thousand five hundred dollars (\$77,500).

(2) The guaranteed primetime amount for a school corporation is the primetime allocation, before any penalty is assessed under this chapter, that the school corporation would have received under this chapter for the 1999 calendar year or the first year of participation in the program, whichever is later.

(3) The following apply to determine whether amounts received under this chapter have been devoted to reducing class size in kindergarten through grade 3 as required by section 2 of this chapter:

- (A) Except as permitted under section 8 of this chapter, only a licensed teacher who is an actual classroom teacher in a regular instructional program is counted as a teacher.
- (B) If a school corporation is granted approval under section 8 of this chapter, the school corporation may include as one-third (1/3) of a teacher each classroom instructional aide who meets qualifications and performs duties prescribed by the state board.

1 SECTION 130. IC 20-43-9-6, AS AMENDED BY P.L.234-2007, SECTION 254, IS AMENDED TO  
2 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 6. A school  
3 corporation's primetime distribution for a calendar year under this chapter is the amount determined by  
4 the following formula:  
5 STEP ONE: Determine the applicable target pupil/teacher ratio for the school corporation as  
6 follows:  
7 (A) If the school corporation's complexity index is less than one and one-tenth (1.1), the school  
8 corporation's target pupil/teacher ratio is eighteen to one (18:1).  
9 (B) If the school corporation's complexity index is at least one and one-tenth (1.1) but less than  
10 one and two-tenths (1.2), the school corporation's target pupil/teacher ratio is fifteen (15) plus  
11 the result determined in item (iii) to one (1):  
12 (i) Determine the result of one and two-tenths (1.2) minus the school corporation's complexity  
13 index.  
14 (ii) Determine the item (i) result divided by one-tenth (0.1).  
15 (iii) Determine the item (ii) result multiplied by three (3).  
16 (C) If the school corporation's complexity index is at least one and two-tenths (1.2), the school  
17 corporation's target pupil/teacher ratio is fifteen to one (15:1).  
18 STEP TWO: Determine the result of:  
19 (A) the ADM of the school corporation in kindergarten through grade 3 for the current school  
20 year; divided by  
21 (B) the school corporation's applicable target pupil/teacher ratio, as determined in STEP ONE.  
22 STEP THREE: Determine the result of:  
23 (A) the total regular program basic tuition support for the year multiplied by seventy-five  
24 hundredths (0.75); divided by  
25 (B) the school corporation's total ADM.  
26 STEP FOUR: Determine the result of:  
27 (A) the STEP THREE result; multiplied by  
28 (B) the ADM of the school corporation in kindergarten through grade 3 for the current school  
29 year.  
30 STEP FIVE: Determine the result of:  
31 (A) the STEP FOUR result; divided by  
32 (B) the staff cost amount.  
33 STEP SIX: Determine the greater of zero (0) or the result of:  
34 (A) the STEP TWO amount; minus  
35 (B) the STEP FIVE amount.  
36 STEP SEVEN: Determine the result of:  
37 (A) the STEP SIX amount; multiplied by  
38 (B) the staff cost amount.  
39 STEP EIGHT: Determine the greater of the STEP SEVEN amount or the school corporation's  
40 guaranteed primetime amount.  
41 STEP NINE: A school corporation's amount under this STEP is the following:  
42 (A) If the amount the school corporation received under this chapter in the previous calendar year  
43 is greater than zero (0), the amount under this STEP is the lesser of:  
44 (i) the STEP EIGHT amount; or  
45 (ii) the amount the school corporation received under this chapter for the previous calendar  
46 year multiplied by one hundred seven and one-half percent (107.5%) in 2009, one hundred  
47 twenty percent (120%) in 2010, and one hundred twenty-five percent (125%) in 2011.  
48 (B) If the amount the school corporation received under this chapter in the previous calendar year  
49 is not greater than zero (0), the amount under this STEP is the STEP EIGHT amount.  
50 SECTION 131. IC 20-43-10-2, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO

1 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 2. (a) A school  
2 corporation's academic honors diploma award for a calendar year is the amount determined under STEP  
3 TWO of the following formula:

4 STEP ONE: Determine the number of the school corporation's eligible pupils who successfully  
5 completed an academic honors diploma program in the school year ending in the previous calendar  
6 year.

7 STEP TWO: Multiply the STEP ONE amount by nine hundred dollars (\$900) in 2009, one  
8 thousand six hundred dollars (\$1,600) in 2010, and two thousand eight hundred dollars  
9 (\$2,800) in 2011.

10 (b) An amount received by a school corporation as an honors diploma award may be used only for:

11 (1) any:

12 (A) staff training;

13 (B) program development;

14 (C) equipment and supply expenditures; or

15 (D) other expenses;

16 directly related to the school corporation's academic honors diploma program; and  
17 (2) the school corporation's program for high ability students.

18 (c) A governing body that does not comply with this section for a school year is not eligible to receive  
19 an academic honors diploma award for the following school year.

20 SECTION 132. IC 20-43-11.5-1, AS ADDED BY P.L.146-2008, SECTION 490, IS AMENDED TO  
21 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) A school corporation may appeal to the  
22 department of local government finance under ~~IC 6-1-1-19~~ for a new facility adjustment to increase the  
23 school corporation's tuition support distribution for the following year. by the amount described in section  
24 2 of this chapter.

25 (b) Upon the demonstration by the school corporation to the department of local government finance  
26 that an adjustment is necessary to pay increased costs to open:

27 (1) a new school facility; or

28 (2) an existing facility that has not been used for at least three (3) years and that is being reopened  
29 to provide additional classroom space;

30 the department of local government finance may grant the appeal. If the department of local government  
31 finance grants an appeal, it shall determine the amount of the new facility adjustment to be distributed  
32 to the school corporation under this chapter. In determining the amount of a new facility adjustment, the  
33 department of local government finance shall consider the extent to which a part of tuition support  
34 distributions offsets any increased costs described in subdivision (1) or (2).

35 SECTION 133. IC 20-43-11.5-2, AS ADDED BY P.L.146-2008, SECTION 490, IS AMENDED TO  
36 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) If a school corporation's appeal under  
37 this chapter is granted, the department shall, subject to amounts appropriated, distribute to the school  
38 corporation the amount of the new facility adjustment approved by the department. of local government  
39 finance.

40 (b) A new facility adjustment is in addition to the amount of the state tuition support distribution to  
41 which the school corporation is otherwise entitled under this article.

42 SECTION 134. IC 20-43-12 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO  
43 READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]:

44 Chapter 12. Fiscal Stabilization Fund Grant

45 Sec. 1. A school corporation is entitled to a fiscal stabilization fund grant.

46 Sec. 2. Subject to section 4 of this chapter, the amount of the fiscal stabilization fund grant to  
47 which a school corporation is entitled in a year is equal to the result determined under STEP SIX  
48 of the following formula:

49 STEP ONE: Determine the school corporation's basic tuition support for the current year.

50 STEP TWO: Determine the amount of the basic tuition support to which the school



1 corporation would have been entitled for the 2009 year if:  
2 (A) the school corporation's basic tuition support had been computed using the formula for  
3 computing basic tuition support for 2009 as that formula existed after the amendments  
4 made by P.L.146-2008; and  
5 (B) the changes made to this article in the 2009 session of the general assembly were not  
6 applied.

7 STEP THREE: For 2010 and 2011, determine the sum of:  
8 (A) the STEP TWO amount divided by the school corporation's 2009 ADM; plus  
9 (B) three hundred seventy-five dollars (\$375) for 2010 and six hundred fifty dollars (\$650)  
10 for 2011.

11 STEP FOUR: Determine the result of:  
12 (A) the school corporation's STEP THREE amount; multiplied by

13 (B) the school corporation's ADM for the current year.

14 STEP FIVE: For 2009, determine the STEP TWO amount, and for 2010 and 2011 determine  
15 the lesser of:

16 (A) the STEP FOUR amount; or  
17 (B) the STEP TWO amount.

18 STEP SIX: Determine the greater of zero (0) or the result of:

19 (A) the STEP FIVE amount; minus  
20 (B) the STEP ONE amount.

21 Sec. 3. Fiscal stabilization fund grants may be made only from Indiana's allocation of grants to  
22 the states from the state fiscal stabilization fund under Section 14001(d) of Division A, Title XIV  
23 of the federal American Recovery and Reinvestment Act of 2009. The total of all grants distributed  
24 in a year to all school corporations may not exceed the lesser of the following:

25 (1) in:

26 (A) 2009, two hundred and six million six hundred and eighty thousand dollars  
27 (\$206,680,000);

28 (B) 2010, one hundred seventy-five million five hundred thirty thousand dollars  
29 (\$175,530,000); and

30 (C) 2011, one hundred sixty-seven million five hundred twenty thousand dollars  
31 (\$167,520,000); or

32 (2) the amount available to the state from Indiana's apportionment of grants to the states from  
33 the state fiscal stabilization fund under Section 14001(d) of Division A, Title XIV of the federal  
34 American Recovery and Reinvestment Act of 2009, after subtracting any reduction required  
35 under section 7 of this chapter.

36 Sec. 4. If the total amount to be distributed as fiscal stabilization fund grants for a particular  
37 year exceeds in a year the amount specified in section 3 of this chapter for the year, the amount to  
38 be distributed for fiscal stabilization fund grants to each school corporation shall be proportionately  
39 reduced so that the total reductions equal the amount of the excess.

40 Sec. 5. The amount of a reduction for a particular school corporation under section 4 of this  
41 chapter is equal to the total amount of the excess determined under section 4 of this chapter  
42 multiplied by a fraction. The numerator of the fraction is the amount of the distribution for fiscal  
43 stabilization fund grants that the school corporation would have received if reduction were not  
44 required under section 4 of this chapter. The denominator of the fraction is the total amount that  
45 would be distributed for fiscal stabilization fund grants to all school corporations if reductions were  
46 not required under section 4 of this chapter.

47 Sec. 6. A reduction in distributions under section 4 of this chapter shall be made before making  
48 any additional reductions required under IC 20-43-2-3 and IC 20-43-2-4.

49 Sec. 7. (a) If the total amount to be distributed under:

50 (1) section 3 of this chapter for fiscal stabilization fund grants;

1 (2) IC 20-20-36.2-11 for circuit breaker replacement grants; and  
2 (3) any appropriations to state educational institutions that are payable from the amount  
3 available from Indiana's apportionment of grants to the states from the state fiscal  
4 stabilization fund established by Division A, Title XIV of the federal American Recovery and  
5 Reinvestment Act of 2009;

6 exceeds the total amount available from Indiana's apportionment of grants to the states from the  
7 state fiscal stabilization fund under Section 14001(d) of Division A, Title XIV of the federal  
8 American Recovery and Reinvestment Act of 2009, as determined by the budget agency with the  
9 approval of the governor, the total amount to be distributed for fiscal stabilization fund grants shall  
10 be reduced to the extent required under subsection (b).

11 (b) If a shortfall exists in the amount needed to fund all distributions described in subsection (a),  
12 the budget agency, with the approval of the governor, shall reduce the total of all distributions  
13 described in subsection (a) by the amount necessary to eliminate the excess. The reductions shall  
14 be allocated by the budget agency with the approval of the governor among the three (3) categories  
15 of distributions described in subsection (a)(1), (a)(2), and (a)(3) as follows:

16 (1) The distributions shall be reduced in a manner that complies with Section 14002(a)(2)(B)  
17 of Division A, Title XIV of the federal American Recovery and Reinvestment Act of 2009.  
18 (2) To the extent permitted under subdivision (1), the:

19 (A) distributions to state educational institutions shall be proportionally reduced first by  
20 the amount necessary to eliminate the shortfall before reducing any distribution described  
21 in subsection (a)(1) or (a)(2); and

22 (B) if any shortfall remains after complying with clause (A), distributions described in  
23 subsection (a)(2) shall be reduced as necessary to eliminate the shortfall before reducing  
24 any distribution described in subsection (a)(1).

25 SECTION 135. IC 20-46-5-6, AS AMENDED BY P.L.146-2008, SECTION 504, IS AMENDED TO  
26 READ AS FOLLOWS [EFFECTIVE DECEMBER 31, 2008 (RETROACTIVE)]: Sec. 6. (a) This section  
27 does not apply to a school corporation located in South Bend, unless a resolution adopted under  
28 IC 6-1.1-17-5.6(d) by the governing body of the school corporation is in effect.

29 (b) Before a governing body may collect property taxes for the fund in a particular calendar year, the  
30 governing body must, after January 1 and not later than September 20 of the immediately preceding year:  
31 (1) conduct a public hearing on; and  
32 (2) pass a resolution to adopt;

33 a plan.  
34 (c) This section expires January 1, ~~2009~~ 2011.

35 SECTION 136. IC 20-46-5-7, AS AMENDED BY P.L.146-2008, SECTION 505, IS AMENDED TO  
36 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) Except as provided in subsection  
37 (b), this section applies only to a school corporation located in South Bend.

38 (b) After December 31, ~~2009~~ 2010, this section applies to all school corporations.  
39 (c) This subsection expires January 1, ~~2010~~ 2011. This section does not apply to the school  
40 corporation if a resolution adopted under IC 6-1.1-17-5.6(d) by the governing body of the school  
41 corporation is in effect.

42 (d) Before the governing body of the school corporation may collect property taxes for the fund in a  
43 particular calendar year, the governing body must, after January 1 and on or before February 1 of the  
44 immediately preceding year:

45 (1) conduct a public hearing on; and  
46 (2) pass a resolution to adopt;

47 a plan.  
48 SECTION 137. IC 20-46-6-8, AS AMENDED BY P.L.146-2008, SECTION 507, IS AMENDED TO  
49 READ AS FOLLOWS [EFFECTIVE DECEMBER 31, 2008 (RETROACTIVE)]: Sec. 8. (a) This section  
50 does not apply to a school corporation that is located in South Bend, unless a resolution adopted under

1 IC 6-1.1-17-5.6(d) by the governing body of the school corporation is in effect.  
2 (b) Before a governing body may collect property taxes for a capital projects fund in a particular year,  
3 the governing body must:  
4 (1) after January 1; and  
5 (2) not later than September 20;  
6 of the immediately preceding year, hold a public hearing on a proposed or amended plan and pass a  
7 resolution to adopt the proposed or amended plan.  
8 (c) This section expires January 1, ~~2009~~ 2011.  
9 SECTION 138. IC 20-46-6-9, AS AMENDED BY P.L.146-2008, SECTION 508, IS AMENDED TO  
10 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) Except as provided in subsection  
11 (b), this section applies only to a school corporation that is located in South Bend.  
12 (b) After December 31, ~~2009~~ 2010, this section applies to all school corporations.  
13 (c) This subsection expires January 1, ~~2010~~ 2011. This section does not apply to the school  
14 corporation if a resolution adopted under IC 6-1.1-17-5.6(d) by the governing body of the school  
15 corporation is in effect.  
16 (d) Before the governing body of the school corporation may collect property taxes for a fund in a  
17 particular year, the governing body must:  
18 (1) after January 1; and  
19 (2) before February 2;  
20 of the immediately preceding year, hold a public hearing on a proposed or amended plan and pass a  
21 resolution to adopt the proposed or amended plan.  
22 SECTION 139. IC 20-49-7-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO  
23 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 21. (a) A charter school, including a  
24 conversion charter school, that has received an advance for operational costs from the common  
25 school fund under this chapter does not have to make principal or interest payments during the  
26 state fiscal year beginning:  
27 (1) July 1, 2009; and  
28 (2) July 1, 2010;  
29 notwithstanding contrary terms in the charter school and state board advance agreement.  
30 (b) The repayment term of the advance shall be extended by two (2) years to provide for the  
31 waiver even though it may make the repayment term for the advance longer than twenty (20) years.  
32 SECTION 140. IC 21-29-3-3, AS ADDED BY P.L.2-2007, SECTION 270, IS AMENDED TO READ  
33 AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) Subject to subsections (b) through (d), any state  
34 educational institution may enter into and modify, amend, or terminate one (1) or more swap agreements  
35 that the state educational institution determines to be necessary or desirable in connection with or  
36 incidental to the issuance, carrying, or securing of obligations. Swap agreements entered into by a state  
37 educational institution must:  
38 (1) contain the provisions (including payment, term, security, default, and remedy provisions); and  
39 (2) be with the parties;  
40 that the state educational institution determines are necessary or desirable after due consideration is given  
41 to the creditworthiness of the parties.  
42 (b) A state educational institution may not:  
43 (1) enter into, modify, amend, or terminate any swap agreement without the specific approval  
44 of the public finance director appointed under IC 4-4-11-9;  
45 (1) (2) enter into any swap agreement under this section other than for the purpose of managing an  
46 interest rate or similar risk that arises in connection with or incidental to the issuance, carrying, or  
47 securing of obligations by the state educational institution; or  
48 (2) (3) carry on a business of acting as a dealer in swap agreements.  
49 (c) A swap agreement is considered as being entered into in connection with or incidental to the  
50 issuance, carrying, or securing of obligations if:

- 1 (1) the swap agreement is entered into not more than one hundred eighty (180) days after the
- 2 issuance of the obligations and specifically indicates the agreement's relationship to the obligations;
- 3 (2) the board of trustees of the state educational institution specifically designates the swap
- 4 agreement as having a relationship to the particular obligations;
- 5 (3) the swap agreement amends, modifies, or reverses a swap agreement described in subdivision
- 6 (1) or (2); or
- 7 (4) the terms of the swap agreement bear a reasonable relationship to the terms of the obligations.

8 (d) Payments to be made by a state educational institution to any other party under a swap agreement  
 9 are payable only from the same source or sources of funds from which the related obligations are payable.

10 SECTION 141. IC 22-4-19-6, AS AMENDED BY P.L.108-2006, SECTION 39, IS AMENDED TO  
 11 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) Each employing unit shall keep true and  
 12 accurate records containing information the department considers necessary. These records are:

- 13 (1) open to inspection; and
- 14 (2) subject to being copied;
- 15 by an authorized representative of the department at any reasonable time and as often as may be
- 16 necessary. The department, the review board, or an administrative law judge may require from any
- 17 employing unit any verified or unverified report, with respect to persons employed by it, which is
- 18 considered necessary for the effective administration of this article.

19 (b) Except as provided in subsections (d) and (f), information obtained or obtained from any person  
 20 in the administration of this article and the records of the department relating to the unemployment tax,  
 21 the skills 2016 assessment under IC 22-4-10.5-3, or the payment of benefits is confidential and may not  
 22 be published or be open to public inspection in any manner revealing the individual's or the employing  
 23 unit's identity, except in obedience to an order of a court or as provided in this section.

24 (c) A claimant at a hearing before an administrative law judge or the review board shall be supplied  
 25 with information from the records referred to in this section to the extent necessary for the proper  
 26 presentation of the subject matter of the appearance. The department may make the information necessary  
 27 for a proper presentation of a subject matter before an administrative law judge or the review board  
 28 available to an agency of the United States or an Indiana state agency.

29 (d) The department may release the following information:  
 30 (1) Summary statistical data may be released to the public.  
 31 (2) Employer specific information known as ES 202 data and data resulting from enhancements  
 32 made through the business establishment list improvement project may be released to the Indiana  
 33 economic development corporation only for the following purposes:

- 34 (A) The purpose of conducting a survey.
- 35 (B) The purpose of aiding the officers or employees of the Indiana economic development
- 36 corporation in providing economic development assistance through program development,
- 37 research, or other methods.
- 38 (C) Other purposes consistent with the goals of the Indiana economic development corporation
- 39 and not inconsistent with those of the department.

40 (3) Employer specific information known as ES 202 data and data resulting from enhancements  
 41 made through the business establishment list improvement project may be released to the budget  
 42 agency and the legislative services agency only for aiding the employees of the budget agency or  
 43 the legislative services agency in forecasting tax revenues.

44 (4) Information obtained from any person in the administration of this article and the records of the  
 45 department relating to the unemployment tax or the payment of benefits for use by the following  
 46 governmental entities:

- 47 (A) department of state revenue; or
- 48 (B) state or local law enforcement agencies;
- 49 only if there is an agreement that the information will be kept confidential and used for legitimate
- 50 governmental purposes.

1 (e) The department may make information available under subsection (d)(1), (d)(2), or (d)(3) only:  
2 (1) if:

3 (A) data provided in summary form cannot be used to identify information relating to a specific  
4 employer or specific employee; or

5 (B) there is an agreement that the employer specific information released to the Indiana economic  
6 development corporation, or the budget agency, or the legislative services agency will be treated  
7 as confidential and will be released only in summary form that cannot be used to identify  
8 information relating to a specific employer or a specific employee; and

9 (2) after the cost of making the information available to the person requesting the information is paid  
10 under IC 5-14-3.

11 (f) In addition to the confidentiality provisions of subsection (b), the fact that a claim has been made  
12 under IC 22-4-15-1(c)(8) and any information furnished by the claimant or an agent to the department to  
13 verify a claim of domestic or family violence are confidential. Information concerning the claimant's  
14 current address or physical location shall not be disclosed to the employer or any other person. Disclosure  
15 is subject to the following additional restrictions:

16 (1) The claimant must be notified before any release of information.

17 (2) Any disclosure is subject to redaction of unnecessary identifying information, including the  
18 claimant's address.

19 (g) An employee:

20 (1) of the department who recklessly violates subsection (a), (c), (d), (e), or (f); or

21 (2) of any governmental entity listed in subsection (d)(4) who recklessly violates subsection (d)(4);  
22 commits a Class B misdemeanor.

23 (h) An employee of the Indiana economic development corporation, or the budget agency, or the  
24 legislative services agency who violates subsection (d) or (e) commits a Class B misdemeanor.

25 (i) An employer or agent of an employer that becomes aware that a claim has been made under  
26 IC 22-4-15-1(c)(8) shall maintain that information as confidential.  
27 SECTION 142. IC 25-26-13-4, AS AMENDED BY P.L.204-2005, SECTION 15, IS AMENDED TO  
28 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) The board may:

29 (1) promulgate rules and regulations under IC 4-22-2 for implementing and enforcing this chapter;  
30 (2) establish requirements and tests to determine the moral, physical, intellectual, educational,  
31 scientific, technical, and professional qualifications for applicants for pharmacists' licenses;  
32 (3) refuse to issue, deny, suspend, or revoke a license or permit or place on probation or fine any  
33 licensee or permittee under this chapter;

34 (4) regulate the sale of drugs and devices in the state of Indiana;

35 (5) impound, embargo, confiscate, or otherwise prevent from disposition any drugs, medicines,  
36 chemicals, poisons, or devices which by inspection are deemed unfit for use or would be dangerous  
37 to the health and welfare of the citizens of the state of Indiana; the board shall follow those embargo  
38 procedures found in IC 16-42-1-18 through IC 16-42-1-31, and persons may not refuse to permit or  
39 otherwise prevent members of the board or their representatives from entering such places and  
40 making such inspections;

41 (6) prescribe minimum standards with respect to physical characteristics of pharmacies, as may be  
42 necessary to the maintenance of professional surroundings and to the protection of the safety and  
43 welfare of the public;

44 (7) subject to IC 25-1-7, investigate complaints, subpoena witnesses, schedule and conduct hearings  
45 on behalf of the public interest on any matter under the jurisdiction of the board;

46 (8) prescribe the time, place, method, manner, scope, and subjects of licensing examinations which  
47 shall be given at least twice annually; and

48 (9) perform such other duties and functions and exercise such other powers as may be necessary to  
49 implement and enforce this chapter.

50 (b) The board shall adopt rules under IC 4-22-2 for the following:

2009

- 1 (1) Establishing standards for the competent practice of pharmacy.
- 2 (2) Establishing the standards for a pharmacist to counsel individuals regarding the proper use of
- 3 drugs.
- 4 (3) Establishing standards and procedures before January 1, 2006, to ensure that a pharmacist:

- 5 (A) has entered into a contract that accepts the return of expired drugs with; or
- 6 (B) is subject to a policy that accepts the return of expired drugs of;

7 a wholesaler, manufacturer, or agent of a wholesaler or manufacturer concerning the return by the  
8 pharmacist to the wholesaler, the manufacturer, or the agent of expired legend drugs or controlled  
9 drugs. In determining the standards and procedures, the board may not interfere with negotiated  
10 terms related to cost, expenses, or reimbursement charges contained in contracts between parties,  
11 but may consider what is a reasonable quantity of a drug to be purchased by a pharmacy. The  
12 standards and procedures do not apply to vaccines that prevent influenza, medicine used for the  
13 treatment of malignant hyperthermia, and other drugs determined by the board to not be subject to  
14 a return policy. An agent of a wholesaler or manufacturer must be appointed in writing and have  
15 policies, personnel, and facilities to handle properly returns of expired legend drugs and controlled  
16 substances.

17 (c) The board may grant or deny a temporary variance to a rule it has adopted if:  
18 (1) the board has adopted rules which set forth the procedures and standards governing the grant or  
19 denial of a temporary variance; and  
20 (2) the board sets forth in writing the reasons for a grant or denial of a temporary variance.

21 (d) The board shall adopt rules and procedures, in consultation with the medical licensing board,  
22 concerning the electronic transmission of prescriptions. The rules adopted under this subsection must  
23 address the following:

- 24 (1) Privacy protection for the practitioner and the practitioner's patient.
- 25 (2) Security of the electronic transmission.
- 26 (3) A process for approving electronic data intermediaries for the electronic transmission of
- 27 prescriptions.
- 28 (4) Use of a practitioner's United States Drug Enforcement Agency registration number.
- 29 (5) Protection of the practitioner from identity theft or fraudulent use of the practitioner's prescribing
- 30 authority.

31 (e) The board shall develop:

- 32 (1) a prescription drug program that includes the establishment of criteria to eliminate or
- 33 significantly reduce prescription fraud; and
- 34 (2) a standard format for an official tamper resistant prescription drug form for prescriptions
- 35 (as defined in IC 16-42-19-7(1)).

36 The board may adopt rules under IC 4-22-2 necessary to implement this subsection.

37 (f) The standard format for a prescription drug form described in subsection (e)(2) must include  
38 the following:

- 39 (1) A counterfeit protection bar code with human readable representation of the data in the
- 40 bar code.
- 41 (2) A thermochromic mark on the front and the back of the prescription that:  
42 (A) is at least one-fourth (1/4) of one (1) inch in height and width; and  
43 (B) changes from blue to clear when exposed to heat.

44 (g) The board may contract with a supplier to implement and manage the prescription drug  
45 program described in subsection (e). The supplier must:

- 46 (1) have been audited by a third party auditor using the SAS 70 audit or an equivalent audit
- 47 for at least the three (3) previous years; and
- 48 (2) be audited by a third party auditor using the SAS 70 audit or an equivalent audit
- 49 throughout the duration of the contract;

50 in order to be considered to implement and manage the program.

1 SECTION 143. IC 31-19-19-2, AS AMENDED BY P.L.145-2006, SECTION 254, IS AMENDED TO  
2 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) All files and records pertaining to the  
3 adoption proceedings in:

- 4 (1) the county office of family and children;  
5 (2) (1) the department; or  
6 (3) (2) any of the licensed child placing agencies;

7 are confidential and open to inspection only as provided in IC 31-19-13-2(2), IC 31-19-17, or  
8 IC 31-19-25.

9 (b) The files and records described in subsection (a), including investigation records under  
10 IC 31-19-8-5 (or IC 31-3-1-4 before its repeal):

- 11 (1) are open to the inspection of the court hearing the petition for adoption; and  
12 (2) on order of the court, may be:  
13 (A) introduced into evidence; and  
14 (B) made a part of the record;

15 in the adoption proceeding.

16 SECTION 144. IC 31-25-5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ  
17 AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

18 **Chapter 5. Cooperation With Department of Child Services Ombudsman**

19 **Sec. 1. As used in this chapter, "ombudsman" refers to the office of the department of child**  
20 **services ombudsman established within the Indiana department of administration by IC 4-13-19-3.**  
21 **The term includes an employee of the office of the department of child services ombudsman or an**  
22 **individual approved by the office of the department of child services ombudsman to investigate and**  
23 **resolve complaints regarding the health and safety of a child.**

24 **Sec. 2. The department and the juvenile court with jurisdiction over a child shall provide the**  
25 **ombudsman with:**

26 (1) appropriate access to all records of the department concerning the child, excluding  
27 adoption records, but including all records of the department related to vendors and  
28 contractors; and

29 (2) immediate access, without prior notice, to any facility in which the child is placed or is  
30 receiving services funded by the department.

31 SECTION 145. IC 31-27-3-18, AS AMENDED BY P.L.138-2007, SECTION 49, IS AMENDED TO  
32 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 18. (a) A licensee shall keep records regarding  
33 each child in the control and care of the licensee as the department requires and shall report to the  
34 department upon request the facts the department requires with reference to children.

35 (b) The department shall keep records regarding children and facts learned about children and the  
36 children's parents or relatives confidential.

37 (c) The following have access to records regarding children and facts learned about children:

- 38 (1) A state agency involved in the licensing of the child caring institution.  
39 (2) A legally mandated child protection agency.  
40 (3) A law enforcement agency.  
41 (4) An agency having the legal responsibility to care for a child placed at the child caring institution.  
42 (5) The parent, guardian, or custodian of the child at the child caring institution.  
43 (6) A citizen review panel established under IC 31-25-2-20.4.

44 (7) **The office of the department of child services ombudsman established by IC 4-13-19-3.**

45 SECTION 146. IC 31-27-4-21, AS AMENDED BY P.L.138-2007, SECTION 54, IS AMENDED TO  
46 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 21. (a) A licensee shall keep records required  
47 by the department regarding each child in the control and care of the licensee and shall report to the  
48 department upon request the facts the department requires with reference to children.

49 (b) The department shall keep records regarding children and facts learned about children and the  
50 children's parents or relatives confidential.

1 (c) The following have access to records regarding children and facts learned about children:

2 (1) A state agency involved in the licensing of the foster family home.

3 (2) A legally mandated child protection agency.

4 (3) A law enforcement agency.

5 (4) An agency having the legal responsibility to care for a child placed at the foster family home.

6 (5) The parent, guardian, or custodian of the child at the foster family home.

7 (6) A citizen review panel established under IC 31-25-2-20.4.

8 (7) **The office of the department of child services ombudsman established by IC 4-13-19-3.**

9 SECTION 147. IC 31-27-5-18, AS AMENDED BY P.L.138-2007, SECTION 58, IS AMENDED TO  
10 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 18. (a) A licensee shall keep records required  
11 by the department regarding each child in the control and care of the licensee and shall report to the  
12 department, upon request, the facts the department requires with reference to children.

13 (b) The department shall keep records regarding children and facts learned about children and the  
14 children's parents or relatives confidential.

15 (c) The following have access to records regarding children and facts learned about children:

16 (1) A state agency involved in the licensing of the group home.

17 (2) A legally mandated child protection agency.

18 (3) A law enforcement agency.

19 (4) An agency having the legal responsibility to care for a child placed at the group home.

20 (5) The parent, guardian, or custodian of the child at the group home.

21 (6) A citizen review panel established under IC 31-25-2-20.4.

22 (7) **The office of the department of child services ombudsman established by IC 4-13-19-3.**

23 SECTION 148. IC 31-27-6-15, AS AMENDED BY P.L.138-2007, SECTION 62, IS AMENDED TO  
24 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 15. (a) A licensee shall keep records required  
25 by the department regarding each child in the control and care of the licensee and shall report to the  
26 department upon request the facts the department requires with reference to children.

27 (b) The department shall keep records regarding children and facts learned about children and the  
28 children's parents or relatives confidential.

29 (c) The following have access to records regarding children and facts learned about children:

30 (1) A state agency involved in the licensing of the child placing agency.

31 (2) A legally mandated child protection agency.

32 (3) A law enforcement agency.

33 (4) A citizen review panel established under IC 31-25-2-20.4.

34 (5) **The office of the department of child services ombudsman established by IC 4-13-19-3.**

35 SECTION 149. IC 31-33-18-1, AS AMENDED BY P.L.145-2006, SECTION 283, IS AMENDED TO  
36 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) Except as provided in section 1.5 of this  
37 chapter, the following are confidential:

38 (1) Reports made under this article (or IC 31-6-11 before its repeal).

39 (2) Any other information obtained, reports written, or photographs taken concerning the reports in  
40 the possession of:

41 (A) the division of family resources;

42 (B) the county office; or

43 (C) the department; or

44 (D) **the office of the department of child services ombudsman established by IC 4-13-19-3.**

45 (b) Except as provided in section 1.5 of this chapter, all records held by:

46 (1) the division of family resources;

47 (2) a county office;

48 (3) the department;

49 (4) a local child fatality review team established under IC 31-33-24; or

50 (5) the statewide child fatality review committee established under IC 31-33-25; or



1 (6) the office of the department of child services ombudsman established by IC 4-13-19-3;  
2 regarding the death of a child determined to be a result of abuse, abandonment, or neglect are confidential  
3 and may not be disclosed.

4 SECTION 150. IC 31-33-18-1.5, AS AMENDED BY P.L.145-2006, SECTION 284, IS AMENDED  
5 TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1.5. (a) This section applies to records held  
6 by:

7 (1) the division of family resources;

8 (2) a county office;

9 (3) the department;

10 (4) a local child fatality review team established under IC 31-33-24; or

11 (5) the statewide child fatality review committee established under IC 31-33-25; or

12 (6) the office of the department of child services ombudsman established by IC 4-13-19-3;  
13 regarding a child whose death or near fatality may have been the result of abuse, abandonment, or neglect.

14 (b) For purposes of subsection (a), a child's death or near fatality may have been the result of abuse,  
15 abandonment, or neglect if:

16 (1) an entity described in subsection (a) determines that the child's death or near fatality is the result  
17 of abuse, abandonment, or neglect; or

18 (2) a prosecuting attorney files:

19 (A) an indictment or information; or

20 (B) a complaint alleging the commission of a delinquent act;

21 that, if proven, would cause a reasonable person to believe that the child's death or near fatality may  
22 have been the result of abuse, abandonment, or neglect.

23 Upon the request of any person, or upon its own motion, the court exercising juvenile jurisdiction in the  
24 county in which the child's death or near fatality occurred shall determine whether the allegations  
25 contained in the indictment, information, or complaint described in subdivision (2), if proven, would  
26 cause a reasonable person to believe that the child's death or near fatality may have been the result of  
27 abuse, abandonment, or neglect.

28 (c) As used in this section:

29 (1) "identifying information" means information that identifies an individual, including an  
30 individual's:

31 (A) name, address, date of birth, occupation, place of employment, and telephone number;

32 (B) employer identification number, mother's maiden name, Social Security number, or any  
33 identification number issued by a governmental entity;

34 (C) unique biometric data, including the individual's fingerprint, voice print, or retina or iris  
35 image;

36 (D) unique electronic identification number, address, or routing code;

37 (E) telecommunication identifying information; or

38 (F) telecommunication access device, including a card, a plate, a code, an account number, a  
39 personal identification number, an electronic serial number, a mobile identification number, or  
40 another telecommunications service or device or means of account access; and

41 (2) "near fatality" has the meaning set forth in 42 U.S.C. 5106a.

42 (d) Unless information in a record is otherwise confidential under state or federal law, a record  
43 described in subsection (a) that has been redacted in accordance with this section is not confidential and  
44 may be disclosed to any person who requests the record. The person requesting the record may be  
45 required to pay the reasonable expenses of copying the record.

46 (e) When a person requests a record described in subsection (a), the entity having control of the record  
47 shall immediately transmit a copy of the record to the court exercising juvenile jurisdiction in the county  
48 in which the death or near fatality of the child occurred. However, if the court requests that the entity  
49 having control of a record transmit the original record, the entity shall transmit the original record.

50 (f) Upon receipt of the record described in subsection (a), the court shall, within thirty (30) days, redact

1 the record to exclude:

2 (1) identifying information described in subsection (c)(1)(B) through (c)(1)(F) of a person; and

3 (2) all identifying information of a child less than eighteen (18) years of age.

4 (g) The court shall disclose the record redacted in accordance with subsection (f) to any person who  
5 requests the record, if the person has paid:

6 (1) to the entity having control of the record, the reasonable expenses of copying under IC 5-14-3-8;  
7 and

8 (2) to the court, the reasonable expenses of copying the record.

9 (h) The court's determination under subsection (f) that certain identifying information or other  
10 information is not relevant to establishing the facts and circumstances leading to the death or near fatality  
11 of a child is not admissible in a criminal proceeding or civil action.

12 SECTION 151. IC 31-33-18-2, AS AMENDED BY P.L.138-2007, SECTION 66, IS AMENDED TO  
13 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. The reports and other material described  
14 in section 1(a) of this chapter and the unredacted reports and other material described in section 1(b) of  
15 this chapter shall be made available only to the following:

16 (1) Persons authorized by this article.

17 (2) A legally mandated public or private child protective agency investigating a report of child abuse  
18 or neglect or treating a child or family that is the subject of a report or record.

19 (3) A police or other law enforcement agency, prosecuting attorney, or coroner in the case of the  
20 death of a child who is investigating a report of a child who may be a victim of child abuse or  
21 neglect.

22 (4) A physician who has before the physician a child whom the physician reasonably suspects may  
23 be a victim of child abuse or neglect.

24 (5) An individual legally authorized to place a child in protective custody if:

25 (A) the individual has before the individual a child whom the individual reasonably suspects may  
26 be a victim of abuse or neglect; and

27 (B) the individual requires the information in the report or record to determine whether to place  
28 the child in protective custody.

29 (6) An agency having the legal responsibility or authorization to care for, treat, or supervise a child  
30 who is the subject of a report or record or a parent, guardian, custodian, or other person who is  
31 responsible for the child's welfare.

32 (7) An individual named in the report or record who is alleged to be abused or neglected or, if the  
33 individual named in the report is a child or is otherwise incompetent, the individual's guardian ad  
34 litem or the individual's court appointed special advocate, or both.

35 (8) Each parent, guardian, custodian, or other person responsible for the welfare of a child named  
36 in a report or record and an attorney of the person described under this subdivision, with protection  
37 for the identity of reporters and other appropriate individuals.

38 (9) A court, for redaction of the record in accordance with section 1.5 of this chapter, or upon the  
39 court's finding that access to the records may be necessary for determination of an issue before the  
40 court. However, except for disclosure of a redacted record in accordance with section 1.5 of this  
41 chapter, access is limited to in camera inspection unless the court determines that public disclosure  
42 of the information contained in the records is necessary for the resolution of an issue then pending  
43 before the court.

44 (10) A grand jury upon the grand jury's determination that access to the records is necessary in the  
45 conduct of the grand jury's official business.

46 (11) An appropriate state or local official responsible for child protection services or legislation  
47 carrying out the official's official functions.

48 (12) A foster care review board established by a juvenile court under IC 31-34-21-9 (or IC 31-6-4-19  
49 before its repeal) upon the court's determination that access to the records is necessary to enable the  
50 foster care review board to carry out the board's purpose under IC 31-34-21.

1 (13) The community child protection team appointed under IC 31-33-3 (or IC 31-6-11-14 before its  
2 repeal), upon request, to enable the team to carry out the team's purpose under IC 31-33-3.

3 (14) A person about whom a report has been made, with protection for the identity of:

4 (A) any person reporting known or suspected child abuse or neglect; and

5 (B) any other person if the person or agency making the information available finds that  
6 disclosure of the information would be likely to endanger the life or safety of the person.

7 (15) An employee of the department, a caseworker, or a juvenile probation officer conducting a  
8 criminal history check under IC 31-26-5, IC 31-34, or IC 31-37 to determine the appropriateness of  
9 an out-of-home placement for a:

10 (A) child at imminent risk of placement;

11 (B) child in need of services; or

12 (C) delinquent child.

13 The results of a criminal history check conducted under this subdivision must be disclosed to a court  
14 determining the placement of a child described in clauses (A) through (C).

15 (16) A local child fatality review team established under IC 31-33-24-6.

16 (17) The statewide child fatality review committee established by IC 31-33-25-6.

17 (18) The department.

18 (19) The division of family resources, if the investigation report:

19 (A) is classified as substantiated; and

20 (B) concerns:

21 (i) an applicant for a license to operate;

22 (ii) a person licensed to operate;

23 (iii) an employee of; or

24 (iv) a volunteer providing services at;

25 a child care center licensed under IC 12-17.2-4 or a child care home licensed under IC 12-17.2-5.

26 (20) A citizen review panel established under IC 31-25-2-20.4.

27 (21) The office of the department of child services ombudsman established by IC 4-13-19-3.

28 SECTION 152. IC 31-33-25-6, AS ADDED BY P.L.145-2006, SECTION 288, IS AMENDED TO  
29 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) The statewide child fatality review  
30 committee is established to review a child's death that is:

31 (1) sudden;

32 (2) unexpected; or

33 (3) unexplained;

34 if the county where the child died does not have a local child fatality review team or if the local child  
35 fatality review team requests a review of the child's death by the statewide committee.

36 (b) The statewide child fatality review committee may also review the death of a child upon request  
37 by an individual or the office of the department of child services ombudsman established by  
38 IC 4-13-19-3.

39 (c) A request submitted under subsection (b) must set forth:

40 (1) the name of the child;

41 (2) the age of the child;

42 (3) the county where the child died;

43 (4) whether a local child fatality review team reviewed the death; and

44 (5) the cause of death of the deceased child.

45 SECTION 153. IC 31-33-25-8, AS AMENDED BY P.L.225-2007, SECTION 8, IS AMENDED TO  
46 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. The statewide child fatality review  
47 committee consists of the following members appointed by the governor:

48 (1) a coroner or deputy coroner;

49 (2) a representative from:

50 (A) the state department of health established by IC 16-19-1-1;

- 1 (B) a local health department established under IC 16-20-2; or
- 2 (C) a multiple county health department established under IC 16-20-3;
- 3 (3) a pediatrician;
- 4 (4) a representative of law enforcement;
- 5 (5) a representative from an emergency medical services provider;
- 6 (6) the director or a representative of the department;
- 7 (7) a representative of a prosecuting attorney;
- 8 (8) a pathologist who is:
  - 9 (A) certified by the American Board of Pathology in forensic pathology; and
  - 10 (B) licensed to practice medicine in Indiana;
  - 11 (9) a mental health provider;
  - 12 (10) a representative of a child abuse prevention program; and
  - 13 (11) a representative of the department of education; and
  - 14 (12) at the discretion of the office of the department of child services ombudsman, a
  - 15 representative of the department of child services ombudsman established by IC 4-13-19-3.

16 SECTION 154. IC 31-33-26-5, AS ADDED BY P.L.138-2007, SECTION 67, IS AMENDED TO  
 17 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) Subject to the accessibility to files  
 18 provided in subsection (b), at least ten (10) levels of security for confidentiality in the index must be  
 19 maintained.

20 (b) The index must have a comprehensive system of limited access to information as follows:

- 21 (1) The index must be accessed only by the entry of an operator identification number and a
- 22 password.
- 23 (2) A child welfare caseworker must be allowed to access only:
  - 24 (A) cases that are assigned to the caseworker; and
  - 25 (B) other cases or investigations that involve:
    - 26 (i) a family member of a child; or
    - 27 (ii) a child;
  - 28 who is the subject of a case described in clause (A).
- 29 (3) A child welfare supervisor may access only the following:
  - 30 (A) Cases assigned to the supervisor.
  - 31 (B) Cases assigned to a caseworker who reports to the supervisor.
  - 32 (C) Other cases or investigations that involve:
    - 33 (i) a family member of a child; or
    - 34 (ii) a child;
  - 35 who is the subject of a case described in clause (A) or (B).
  - 36 (D) Cases that are unassigned.
- 37 (4) To preserve confidentiality in the workplace, child welfare managers, as designated by the
- 38 department, may access any case, except restricted cases involving:
  - 39 (A) a state employee; or
  - 40 (B) the immediate family member of a state employee;
  - 41 who has access to the index. Access to restricted information under this subdivision may be obtained
  - 42 only if an additional level of security is implemented.
- 43 (5) Access to records of authorized users, including passwords, is restricted to:
  - 44 (A) users designated by the department as administrators; and
  - 45 (B) the administrator's level of access as determined by the department.
- 46 (6) Ancillary programs that may be designed for the index may not be executed in a manner that
- 47 would circumvent the index's log-on security measures.
- 48 (7) Certain index functions must be accessible only to index operators with specified levels of
- 49 authorization as determined by the department.
- 50 (8) Files containing passwords must be encrypted.

1 (9) There must be two (2) additional levels of security for confidentiality as determined by the  
2 department.

3 (10) The office of the department of child services ombudsman established by IC 4-13-19-3  
4 shall have read-only access to the index concerning:

5 (A) children who are the subject of complaints filed with; or

6 (B) cases being investigated by;

7 the office of the department of child services ombudsman. The office of the department of child  
8 services ombudsman shall not have access to any information related to cases or information  
9 that involves the ombudsman or any member of the ombudsman's immediate family.

10 SECTION 155. IC 31-39-2-6, AS AMENDED BY P.L.145-2006, SECTION 359, IS AMENDED TO  
11 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. The records of the juvenile court are  
12 available without a court order to:

13 (1) the attorney for the department of child services; or

14 (2) any authorized staff member of:

15 (A) the county office;

16 (B) the department of child services; or

17 (C) the department of correction; or

18 (D) the office of the department of child services ombudsman established by IC 4-13-19-3.

19 SECTION 156. IC 31-39-4-7, AS AMENDED BY P.L.145-2006, SECTION 361, IS AMENDED TO  
20 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. The records of a law enforcement agency  
21 are available, without specific permission from the head of the agency, to the:

22 (1) the attorney for the department of child services or any authorized staff member; or

23 (2) any authorized staff member of the office of the department of child services ombudsman  
24 established by IC 4-13-19-3.

25 SECTION 157. IC 31-39-9-1, AS ADDED BY P.L.67-2007, SECTION 6, IS AMENDED TO READ  
26 AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. The following entities and agencies may exchange  
27 records of a child who is a child in need of services or has been determined to be a delinquent child under  
28 IC 31-37-1-2, if the information or records are not confidential under state or federal law:

29 (1) A court.

30 (2) A law enforcement agency.

31 (3) The department of correction.

32 (4) The department of child services.

33 (5) The office of the secretary of family and social services.

34 (6) A primary or secondary school, including a public or nonpublic school.

35 (7) The office of the department of child services ombudsman established by IC 4-13-19-3.

36 SECTION 158. IC 33-23-1-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO  
37 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9.5. "NICS" has the meaning set forth in  
38 IC 35-47-2.5-2.5.

39 SECTION 159. IC 33-23-15 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO  
40 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

41 **Chapter 15. NICS Appeals**

42 **Sec. 1. This chapter applies to the following:**

43 (1) A person civilly committed under IC 12-26-6-8.

44 (2) A person found to be mentally ill and either dangerous or gravely disabled under  
45 IC 12-26-7-5.

46 (3) A person found guilty but mentally ill under IC 35-36-2-5.

47 (4) A person found not responsible by reason of insanity under IC 35-36-2-4.

48 (5) A person found incompetent to stand trial under IC 35-36-3-1.

49 (6) A confined offender who is determined to be mentally ill and has been involuntarily  
50 transferred to and accepted by the division of mental health and addiction under IC 11-10-4-3.

1       **Sec. 2. (a) If a person described in section 1 of this chapter:**

2           **(1) has been released from commitment; or**

3           **(2) successfully completes a treatment or rehabilitation program;**

4       **the person may petition the court (if the adjudication leading to the person's commitment,**  
5       **rehabilitation, or treatment program was from a court) or the department of correction (if the**  
6       **determination leading to the person's rehabilitation or treatment program was from a psychiatrist**  
7       **employed by or retained by the department of correction) to determine whether the person is**  
8       **prohibited from possessing a handgun because the person is not a proper person under**  
9       **IC 35-47-1-7(5) or IC 35-47-1-7(6).**

10       **(b) In determining whether the person is prohibited from possessing a handgun because the**  
11       **person is not a proper person under IC 35-47-1-7(5) or IC 35-47-1-7(6), the court or department**  
12       **of correction shall consider the following evidence:**

13           **(1) The facts and circumstances leading to the person being included in the category of persons**  
14           **to whom this chapter applies.**

15           **(2) The person's mental health and criminal history records.**

16           **(3) Evidence concerning the person's reputation, including the testimony of character**  
17           **witnesses.**

18           **(4) A recent mental health evaluation by a psychiatrist or psychologist licensed to practice in**  
19           **Indiana.**

20       **(c) If the court or the department of correction, after considering the evidence described in**  
21       **subsection (b), finds by clear and convincing evidence that:**

22           **(1) the person is not a danger to the person or to others;**

23           **(2) the person is not likely to act in a manner dangerous to public safety; and**

24           **(3) the requested relief would not be contrary to public interest;**

25       **the court or department of correction shall transmit its findings to the department of state court**  
26       **administration, and any other information required by the division of state court administration,**  
27       **for transmission to NICS in accordance with IC 33-24-6-3.**

28       **(d) A determination under this section may be appealed only in accordance with section 3 of this**  
29       **chapter.**

30       **Sec. 3. (a) A person who receives an adverse decision under section 2 of this chapter may seek**  
31       **review the decision by filing, not later than thirty (30) days after receiving the adverse decision, an**  
32       **action for review:**

33           **(1) in the court of conviction, if the adverse decision was made by the department of**  
34           **correction; or**

35           **(2) in a circuit or superior court in a county adjacent to the county in which the court rendered**  
36           **the adverse decision, if the adverse decision was made by a court.**

37       **(b) The court hearing an action for review filed under this section shall conduct the review**  
38       **hearing de novo. The hearing shall be conducted in accordance with section 2 of this chapter.**

39       **(c) The determination of a court under this section is a final appealable order.**

40       **SECTION 160. IC 33-24-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:**

41       **Sec. 3. (a) The division of state court administration shall do the following:**

42           **(1) Examine the administrative and business methods and systems employed in the offices of the**  
43           **clerks of court and other offices related to and serving the courts and make recommendations for**  
44           **necessary improvement.**

45           **(2) Collect and compile statistical data and other information on the judicial work of the courts in**  
46           **Indiana. All justices of the supreme court, judges of the court of appeals, judges of all trial courts,**  
47           **and any city or town courts, whether having general or special jurisdiction, court clerks, court**  
48           **reporters, and other officers and employees of the courts shall, upon notice by the executive director**  
49           **and in compliance with procedures prescribed by the executive director, furnish the executive**  
50           **director the information as is requested concerning the nature and volume of judicial business. The**

1 information must include the following:

2 (A) The volume, condition, and type of business conducted by the courts.

3 (B) The methods of procedure in the courts.

4 (C) The work accomplished by the courts.

5 (D) The receipt and expenditure of public money by and for the operation of the courts.

6 (E) The methods of disposition or termination of cases.

7 (3) Prepare and publish reports, not less than one (1) or more than two (2) times per year, on the  
8 nature and volume of judicial work performed by the courts as determined by the information  
9 required in subdivision (2).

10 (4) Serve the judicial nominating commission and the judicial qualifications commission in the  
11 performance by the commissions of their statutory and constitutional functions.

12 (5) Administer the civil legal aid fund as required by IC 33-24-12.

13 (6) Administer the judicial technology and automation project fund established by section 12 of this  
14 chapter.

15 **(7) Establish and administer an electronic system for receiving information that relates to**  
16 **certain individuals who may be prohibited from possessing a firearm and transmitting this**  
17 **information to the Federal Bureau of Investigation for inclusion in NICS.**

18 (b) All forms to be used in gathering data must be approved by the supreme court and shall be  
19 distributed to all judges and clerks before the start of each period for which reports are required.

20 (c) **The division may adopt rules to implement this section.**

21 SECTION 161. IC 34-30-2-39.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO  
22 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 39.6. IC 4-13-19-6 (Concerning a person**  
23 **who releases information to the office of the department of child services ombudsman).**

24 SECTION 162. IC 34-30-2-39.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO  
25 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 39.7. IC 4-13-19-9 (Concerning the office**  
26 **of the department of child services ombudsman for the good faith performance of official duties).**

27 SECTION 163. IC 35-36-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:  
28 Sec. 4. (a) Whenever a defendant is found not responsible by reason of insanity at the time of the crime,  
29 the prosecuting attorney shall file a written petition with the court under IC 12-26-6-2(a)(3) or under  
30 IC 12-26-7. If a petition is filed under IC 12-26-6-2(a)(3), the court shall hold a commitment hearing  
31 under IC 12-26-6. If a petition is filed under IC 12-26-7, the court shall hold a commitment hearing under  
32 IC 12-26-7.

33 (b) The hearing shall be conducted at the earliest opportunity after the finding of not responsible by  
34 reason of insanity at the time of the crime, and the defendant shall be detained in custody until the  
35 completion of the hearing. The court may take judicial notice of evidence introduced during the trial of  
36 the defendant and may call the physicians appointed by the court to testify concerning whether the  
37 defendant is currently mentally ill and dangerous or currently mentally ill and gravely disabled, as those  
38 terms are defined by IC 12-7-2-96 and IC 12-7-2-130(1). The court may subpoena any other persons with  
39 knowledge concerning the issues presented at the hearing.

40 (c) The defendant has all the rights provided by the provisions of IC 12-26 under which the petition  
41 against the defendant was filed. The prosecuting attorney may cross-examine the witnesses and present  
42 relevant evidence concerning the issues presented at the hearing.

43 (d) If a court orders an individual to be committed under IC 12-26-6 or IC 12-26-7 following a verdict  
44 of not responsible by reason of insanity at the time of the crime, the superintendent of the facility to which  
45 the individual is committed and the attending physician are subject to the requirements of IC 12-26-15-1.

46 (e) **If a defendant is found not responsible by reason of insanity, the court shall transmit any**  
47 **information required by the division of state court administration to the division of state court**  
48 **administration for transmission to NICS (as defined in IC 35-47-2.5-2.5) in accordance with**  
49 **IC 33-24-6-3.**

50 SECTION 164. IC 35-36-2-5, AS AMENDED BY P.L.99-2007, SECTION 200, IS AMENDED TO

1 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) Except as provided by subsection (e),  
2 whenever a defendant is found guilty but mentally ill at the time of the crime or enters a plea to that effect  
3 that is accepted by the court, the court shall sentence the defendant in the same manner as a defendant  
4 found guilty of the offense.

5 (b) Before sentencing the defendant under subsection (a), the court shall require the defendant to be  
6 evaluated by a physician licensed under IC 25-22.5 who practices psychiatric medicine, a licensed  
7 psychologist, or a community mental health center (as defined in IC 12-7-2-38). However, the court may  
8 waive this requirement if the defendant was evaluated by a physician licensed under IC 25-22.5 who  
9 practices psychiatric medicine, a licensed psychologist, or a community mental health center and the  
10 evaluation is contained in the record of the defendant's trial or plea agreement hearing.

11 (c) If a defendant who is found guilty but mentally ill at the time of the crime is committed to the  
12 department of correction, the defendant shall be further evaluated and then treated in such a manner as  
13 is psychiatrically indicated for the defendant's mental illness. Treatment may be provided by:

14 (1) the department of correction; or

15 (2) the division of mental health and addiction after transfer under IC 11-10-4.

16 (d) If a defendant who is found guilty but mentally ill at the time of the crime is placed on probation,  
17 the court may, in accordance with IC 35-38-2-2.3, require that the defendant undergo treatment.

18 (e) As used in this subsection, "individual with mental retardation" has the meaning set forth in  
19 IC 35-36-9-2. If a court determines under IC 35-36-9 that a defendant who is charged with a murder for  
20 which the state seeks a death sentence is an individual with mental retardation, the court shall sentence  
21 the defendant under IC 35-50-2-3(a).

22 **(f) If a defendant is found guilty but mentally ill, the court shall transmit any information**  
23 **required by the division of state court administration to the division of state court administration**  
24 **for transmission to NICS (as defined in IC 35-47-2.5-2.5) in accordance with IC 33-24-6-3.**

25 SECTION 165. IC 35-36-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:  
26 Sec. 1. (a) If at any time before the final submission of any criminal case to the court or the jury trying  
27 the case, the court has reasonable grounds for believing that the defendant lacks the ability to understand  
28 the proceedings and assist in the preparation of a defense, the court shall immediately fix a time for a  
29 hearing to determine whether the defendant has that ability. The court shall appoint two (2) or three (3)  
30 competent, disinterested:

31 (1) psychiatrists; or

32 (2) psychologists endorsed by the Indiana state board of examiners in psychology as health service  
33 providers in psychology.

34 At least one (1) of the individuals appointed under this subsection must be a psychiatrist. However, none  
35 may be an employee or a contractor of a state institution (as defined in IC 12-7-2-184). The individuals  
36 who are appointed shall examine the defendant and testify at the hearing as to whether the defendant can  
37 understand the proceedings and assist in the preparation of the defendant's defense.

38 (b) At the hearing, other evidence relevant to whether the defendant has the ability to understand the  
39 proceedings and assist in the preparation of the defendant's defense may be introduced. If the court finds  
40 that the defendant has the ability to understand the proceedings and assist in the preparation of the  
41 defendant's defense, the trial shall proceed. If the court finds that the defendant lacks this ability, it shall  
42 delay or continue the trial and order the defendant committed to the division of mental health and  
43 addiction. The division of mental health and addiction shall provide competency restoration services or  
44 enter into a contract for the provision of competency restoration services by a third party in the:

45 (1) location where the defendant currently resides; or

46 (2) least restrictive setting appropriate to the needs of the defendant and the safety of the defendant  
47 and others.

48 However, if the defendant is serving an unrelated executed sentence in the department of correction at  
49 the time the defendant is committed to the division of mental health and addiction under this section, the  
50 division of mental health and addiction shall provide competency restoration services or enter into a



1 contract for the provision of competency restoration services by a third party at a department of correction  
2 facility agreed upon by the division of mental health and addiction or the third party contractor and the  
3 department of correction.

4 (c) If the court makes a finding under subsection (b), the court shall transmit any information  
5 required by the division of state court administration to the division of state court administration  
6 for transmission to NICS (as defined in IC 35-47-2.5-2.5) in accordance with IC 33-24-6-3.

7 SECTION 166. IC 35-48-7-8.1, AS ADDED BY P.L.65-2006, SECTION 9, IS AMENDED TO READ  
8 AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8.1. (a) This section applies after June 30, 2007.

9 (b) The advisory committee shall provide for a controlled substance prescription monitoring program  
10 that includes the following components:

11 (1) Each time a controlled substance designated by the advisory committee under IC 35-48-2-5  
12 through IC 35-48-2-10 is dispensed, the dispenser shall transmit to the INSPECT program the  
13 following information:

14 (A) The controlled substance recipient's name.

15 (B) The controlled substance recipient's or the recipient representative's identification number  
16 or the identification number or phrase designated by the INSPECT program.

17 (C) The controlled substance recipient's date of birth.

18 (D) The national drug code number of the controlled substance dispensed.

19 (E) The date the controlled substance is dispensed.

20 (F) The quantity of the controlled substance dispensed.

21 (G) The number of days of supply dispensed.

22 (H) The dispenser's United States Drug Enforcement Agency registration number.

23 (I) The prescriber's United States Drug Enforcement Agency registration number.

24 (J) An indication as to whether the prescription was transmitted to the pharmacist orally or in  
25 writing.

26 (K) Other data required by the advisory committee.

27 (2) The information required to be transmitted under this section must be transmitted not more than  
28 seven (7) days after the date on which a controlled substance is dispensed.

29 (3) A dispenser shall transmit the information required under this section by:

30 (A) uploading to the INSPECT web site;

31 (B) a computer diskette; or

32 (C) a CD-ROM disk;

33 that meets specifications prescribed by the advisory committee.

34 (4) The advisory committee may require that prescriptions for controlled substances be written on  
35 a one (1) part form that cannot be duplicated. However, the advisory committee may not apply such  
36 a requirement to prescriptions filled at a pharmacy with a Type II permit (as described in  
37 IC 25-26-13-17) and operated by a hospital licensed under IC 16-21, or prescriptions ordered for and  
38 dispensed to bona fide enrolled patients in facilities licensed under IC 16-28. The committee may  
39 not require multiple copy prescription forms and serially numbered prescription forms for any  
40 prescriptions written. The advisory committee may not require different prescription forms for any  
41 individual drug or group of drugs. Prescription forms required under this subdivision must be jointly  
42 approved by the committee and by the Indiana board of pharmacy established by IC 25-26-13-3.

43 (5) The costs of the program.

44 SECTION 167. IC 36-1-8-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO  
45 READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 17. (a) As used in this section,  
46 "compensation" means the total of all money paid to an elected county, city, town, or township  
47 officer for performing duties as an elected officer, regardless of the source of funds from which the  
48 money is paid. The term includes all employee benefits paid to the elected officer, including life  
49 insurance, health insurance, disability insurance, retirement benefits, and pension benefits.

50 (b) An elected county, city, town, or township officer may waive some or all of the elected

1 officer's compensation for any year by filing a notice that satisfies the following:

2 (1) The notice is in writing.

3 (2) The notice states in substance all of the following:

4 (A) The position held by the elected officer.

5 (B) The calendar year covered by the notice.

6 (C) The part of the elected officer's compensation that will be waived under this section.

7 (D) That the elected officer understands that the notice is irrevocable beginning January

8 1 of the year covered by the notice.

9 (3) The notice is signed by the elected officer who wants to waive compensation.

10 (c) An elected county, city, town, or township officer who wants to waive compensation under  
11 this section must file the notice with the fiscal officer of the elected officer's county, city, town, or  
12 township before January 1 of the year covered by the notice.

13 (d) Beginning January 1 of the year covered by the notice, a notice filed under this section is  
14 irrevocable during the year covered by the notice.

15 (e) An elected county, city, town, or township officer who files a notice under this section:

16 (1) is not entitled to the part of compensation waived for duties performed in the year covered  
17 by the notice; and

18 (2) may not be paid the part of compensation waived for duties performed in the year covered  
19 by the notice.

20 SECTION 168. IC 36-4-8-15.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO  
21 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15.5. A political subdivision,  
22 governmental entity, private foundation, private corporation or business, civic foundation, or any  
23 other public or private entity may do any of the following:

24 (1) Enter into one (1) or more agreements or leases with the Lawrenceburg community school  
25 corporation or another public or private entity to provide for the construction or renovation  
26 of a school building that will be used by the Lawrenceburg community school corporation. The  
27 agreements and leases may provide for the financing of the construction or renovation of the  
28 school building.

29 (2) A school building constructed or renovated as provided in subdivision (1) may be donated,  
30 sold, or leased to the Lawrenceburg community school corporation under the conditions  
31 determined by the Lawrenceburg community school corporation and the political subdivision,  
32 governmental entity, private foundation, private corporation or business, civic foundation, or  
33 other public or private entity.

34 (3) The political subdivision, governmental entity, private foundation, private corporation or  
35 business, civic foundation, other public or private entity, or the Lawrenceburg community  
36 school corporation may use any revenues (including any gaming revenues) to pay for the  
37 construction or renovation of the school building or to finance the construction or renovation  
38 of the school building.

39 SECTION 169. THE FOLLOWING ARE REPEALED [EFFECTIVE JANUARY 1, 2009  
40 (RETROACTIVE)]: IC 20-20-34; IC 20-40-4; IC 20-43-1-27; IC 20-43-5-1; IC 20-43-5-2; IC 20-43-6-5;  
41 IC 20-45-1-2; IC 20-45-1-6; IC 20-45-1-12; IC 20-45-1-21.3; IC 20-45-1-21.5; IC 20-45-1-21.7.

42 SECTION 170. IC 36-5-3-6 IS REPEALED [EFFECTIVE JANUARY 1, 2010].

43 SECTION 171. [EFFECTIVE JULY 1, 2009] (a) IC 36-1-8-17, as added by this act, applies only  
44 to a waiver of compensation for calendar years beginning after December 31, 2009.

45 (b) This SECTION expires January 1, 2012.

46 SECTION 172. [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)] (a) The department of  
47 education shall, on the schedule determined by the department of education, adjust the special  
48 education grant distributed to a school corporation under IC 20-43-7-6, as amended by this act, in  
49 2009 to reflect any special education preschool grant distributions made to the school corporation  
50 under IC 20-20-34-3 before the effective date of this SECTION. The amount of any reduction in a

1 special education grant under this SECTION shall not be considered for purposes of applying  
2 IC 20-43-2-3. The unencumbered balance of a school corporation's special education preschool fund  
3 shall be transferred to the school corporation's general fund for purposes of the school  
4 corporation's general fund as soon as practicable after the effective date of this SECTION.

5 (b) The department of education shall, on the schedule determined by the department of  
6 education, adjust state tuition support grants distributed to a school corporation under IC 20-43,  
7 as amended by this act, after the passage of this act to reflect any state tuition support grant  
8 distributions made before the passage of this act under IC 20-43, as it existed before the passage of  
9 this act. The amount of:

10 (1) any reduction in a state tuition support grant distribution made to comply with this  
11 SECTION after the passage of this act shall not be considered for the purposes of applying  
12 IC 20-43-2-3; and

13 (2) any state tuition support grant distributions made before the passage of this act (after any  
14 reduction required by this SECTION) shall be considered for purposes of applying  
15 IC 20-43-2-3.

16 (c) This SECTION expires January 1, 2010.

17 SECTION 173. [EFFECTIVE JULY 1, 2009] The general assembly finds that the state needs the  
18 construction, equipping, renovation, refurbishing, and alteration of additional correctional facilities  
19 for use by the department of correction. The general assembly finds that the state will have a  
20 continuing need for use and occupancy of those correctional facilities. The correctional facilities  
21 shall be provided as additions to two (2) existing correctional facilities. The general assembly  
22 authorizes the Indiana finance authority to provide the correctional facilities under IC 4-13.5-1 and  
23 IC 4-13.5-4, including the borrowing of money or the issuance and sale of bonds, or both, under  
24 IC 4-13.5-4, subject to the approval of the budget agency after review by the budget committee, at  
25 a cost of not more than forty-five million dollars (\$45,000,000).

26 SECTION 174. [EFFECTIVE JULY 1, 2009] (a) The commission for higher education with the  
27 assistance of the state student assistance commission shall study the funding of college scholarship  
28 programs provided by the state student assistance commission and the state's public universities.  
29 The study must examine the following issues:

30 (1) The limits established for awards and the differences between the limits established for  
31 private and public universities.

32 (2) The extent to which criteria for establishing the eligibility of an applicant should consider  
33 receipt of Pell Grants, other wrap-around assistance provided by a university, tax credits, and  
34 other assistance.

35 (3) The relative amounts of assistance provided on the basis of merit and on the basis of need.

36 (4) Whether means tests should be required for students participating in the twenty-first  
37 century scholars program as those students enter college.

38 (5) Scholarships and awards provided for members of the military and national guard.

39 (6) Scholarships and awards provided to individuals being held in state correctional facilities.

40 (b) The state's public universities shall provide the commission for higher education with the  
41 data necessary to complete the study. The commission shall before June 30, 2010, provide a report  
42 and recommendations to the budget committee for modernizing and improving scholarship  
43 programs.

44 (c) This SECTION expires January 1, 2011.

45 SECTION 175. [EFFECTIVE JULY 1, 2009] (a) The budget agency shall review the costs of  
46 providing employee health, vision, and dental insurance for state employees and employees of  
47 school corporations and public universities. In conducting the review the budget agency shall collect  
48 data on the cost of existing plans offered by the state, school corporations, and public universities.  
49 School corporations and public universities shall provide the data needed to complete the review  
50 as requested by the budget agency. The budget agency shall review the following:

- 1 (1) Comparative costs of providing health insurance among the employer groups.
- 2 (2) Comparative benefits among the employee groups.
- 3 (3) Differences in amounts paid by employees and amounts paid by the employers.
- 4 (4) Opportunities to modernize health plans and take advantage of employee tax incentives in
- 5 the delivery of health insurance plans.
- 6 (5) Opportunities for efficiencies and cost savings for employers and employees by creating
- 7 additional or larger employee pools.
- 8 (6) Other factors the budget agency considers relevant to the review.

9 (b) The budget agency may use a part of the departmental and institutional contingency fund  
 10 to hire professionals to assist in gathering and examining data. The budget agency shall report  
 11 findings of the review to the budget committee before July 1, 2010.

12 (c) This SECTION expires January 1, 2011.

13 SECTION 176. P.L.3-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 OCTOBER 1, 2008 (RETROACTIVE)]: SECTION 1. (a) As used in this SECTION, "continuing care  
 15 retirement community" means a health care facility that:

- 16 (1) provides independent living services and health facility services in a campus setting with
- 17 common areas;
- 18 (2) holds continuing care agreements with at least twenty-five percent (25%) of its residents
- 19 (as defined in IC 23-2-4-1);
- 20 (3) uses the money described in subdivision (2) to provide services to the resident before the
- 21 resident may be eligible for Medicaid under IC 12-15; and
- 22 (4) meets the requirements of IC 23-2-4.

23 (b) As used in this SECTION, "health facility" refers to a health facility that is licensed under IC 16-28  
 24 as a comprehensive care facility.

25 (b) (c) As used in this SECTION, "nursing facility" means a health facility that is certified for  
 26 participation in the federal Medicaid program under Title XIX of the federal Social Security Act (42  
 27 U.S.C. 1396 et seq.).

28 (c) (d) As used in this SECTION, "office" refers to the office of Medicaid policy and planning  
 29 established by IC 12-8-6-1.

30 (d) As used in this SECTION, "total annual revenue" does not include revenue from Medicare services  
 31 provided under Title XVIII of the federal Social Security Act (42 U.S.C. 1395 et seq.).

32 (e) Effective August 1, 2003; 2009, the office shall collect a quality assessment from each nursing  
 33 health facility, that has:

- 34 (1) a Medicaid utilization rate of at least twenty-five percent (25%); and
- 35 (2) at least seven hundred thousand dollars (\$700,000) in annual Medicaid revenue, adjusted
- 36 annually by the average annual percentage increase in Medicaid rates.

37 The office shall offset the collection of the assessment for a health facility:

- 38 (1) against a Medicaid payment to the health facility by the office; or
- 39 (2) in another manner determined by the office.

40 (f) If The office shall implement the waiver approved by the United States Centers for Medicare  
 41 and Medicaid Services determines not to approve payments under this SECTION using the methodology  
 42 described in subsection (e); the office shall revise the state plan amendment and waiver request submitted  
 43 under subsection (f) as soon as possible to demonstrate compliance with 42 CFR 433.68(e)(2)(ii). The  
 44 revised state plan amendment and waiver request must provide that provides for the following:

- 45 (1) Effective August 1, 2003; collection of a quality assessment by the office from each nursing
- 46 facility.
- 47 (2) Effective August 1, 2003; collection of a quality assessment by the department of state revenue
- 48 from each health facility that is not a nursing facility.
- 49 (3) An exemption from collection of a quality assessment from the following:

50 (A)

1 (1) A continuing care retirement community as follows:

2 (A) A continuing care retirement community that was registered with the securities  
3 commissioner as a continuing care retirement community on January 1, 2007, is not  
4 required to meet the definition of a continuing care retirement community in subsection (a).

5 (B) A continuing care retirement community that, for the period January 1, 2007, through  
6 June 30, 2009, operates independent living units, at least twenty-five percent (25%) of  
7 which are provided under contracts that require the payment of a minimum entrance fee  
8 of at least twenty-five thousand dollars (\$25,000).

9 (C) An organization registered under IC 23-2-4 before July 1, 2009, that provides housing  
10 in an independent living unit for a religious order.

11 (D) A continuing care retirement community that meets the definition set forth in  
12 subsection (a).

13 ~~(E) A health facility that only receives revenue from Medicare services provided under 42 U.S.C.~~  
14 ~~1395 et seq.~~

15 ~~(E)~~

16 (2) A hospital based health facility, that has less than seven hundred fifty thousand dollars  
17 (\$750,000) in total annual revenue, adjusted annually by the average annual percentage increase in  
18 Medicaid rates.

19 ~~(D)~~

20 (3) The Indiana Veterans' Home.

21 Any revision to the state plan amendment or waiver request under this subsection is subject to and must  
22 comply with the provisions of this SECTION.

23 (g) If the United States Centers for Medicare and Medicaid Services determines not to approve  
24 payments under this SECTION using the methodology described in subsections (d) and (e), and ~~(f)~~; the  
25 office shall revise the state plan amendment and waiver request submitted under subsection ~~(f)~~ this  
26 SECTION as soon as possible to demonstrate compliance with 42 CFR 433.68(e)(2)(ii) and to provide  
27 for collection of a quality assessment from health facilities effective August 1, ~~2003~~ 2009. In amending  
28 the state plan amendment and waiver request under this subsection, the office may modify the parameters  
29 described in subsection ~~(f)(3)~~. However, if the office determines a need to modify the parameters  
30 described in subsection ~~(f)(3)~~, the office shall modify the parameters in order to achieve a methodology  
31 and result as similar as possible to the methodology and result described in subsection (f). Any revision  
32 of the state plan amendment and waiver request under this subsection is subject to and must comply with  
33 the provisions of this SECTION.

34 (h) The money collected from the quality assessment may be used only to pay the state's share of the  
35 costs for Medicaid services provided under Title XIX of the federal Social Security Act (42 U.S.C. 1396  
36 et seq.) as follows:

37 (1) At the following percentages when the state's regular federal medical assistance percentage  
38 (FMAP) applies, excluding the time frame in which the adjusted FMAP is provided to the state  
39 by the federal American Recovery and Reinvestment Act of 2009:

40 (A) Twenty percent (20%) as determined by the office.

41 ~~(2)~~ (B) Eighty percent (80%) to nursing facilities.

42 (2) At the following percentages when the state's federal medical assistance percentage  
43 (FMAP) is adjusted by the federal American Recovery and Reinvestment Act of 2009:

44 (A) Thirty-five percent (35%) as determined by the office.

45 (B) Sixty-five percent (65%) to nursing facilities.

46 (i) After:

47 (1) the amendment to the state plan and waiver request submitted under this SECTION is approved  
48 by the United States Centers for Medicare and Medicaid Services; and

49 (2) the office calculates and begins paying enhanced reimbursement rates set forth in this SECTION;

1 the office and the department of state revenue shall begin the collection of the quality assessment set  
2 under this SECTION. The office and the department of state revenue shall may establish a method to  
3 allow a facility to enter into an agreement to pay the quality assessment collected under this SECTION  
4 subject to an installment plan.

5 (j) If federal financial participation becomes unavailable to match money collected from the quality  
6 assessments for the purpose of enhancing reimbursement to nursing facilities for Medicaid services  
7 provided under Title XIX of the federal Social Security Act (42 U.S.C. 1396 et seq.), the office and  
8 department of state revenue shall cease collection of the quality assessment under this SECTION.

9 (k) To implement this SECTION, the

10 (1) office shall adopt rules under IC 4-22-2. and

11 (2) office and department of state revenue shall adopt joint rules under IC 4-22-2.

12 (l) Not later than July 1, 2003; August 1, 2009, the office shall do the following:

13 (1) Request the United States Department of Health and Human Services under 42 CFR 433.72 to  
14 approve waivers of 42 CFR 433.68(c) and 42 CFR 433.68(d) by demonstrating compliance with 42  
15 CFR 433.68(e)(2)(ii).

16 (2) Submit any state Medicaid plan amendments to the United States Department of Health and  
17 Human Services that are necessary to implement this SECTION.

18 (m) After approval of the waivers and state Medicaid plan amendment applied for under subsection  
19 (f); this SECTION, the office and the department of state revenue shall implement this SECTION  
20 effective July 1, 2003; August 1, 2009.

21 (n) The select joint commission on Medicaid oversight, established by IC 2-5-26-3, shall review the  
22 implementation of this SECTION. The office may not make any change to the reimbursement for nursing  
23 facilities unless the select joint commission on Medicaid oversight recommends the reimbursement  
24 change.

25 (o) A nursing facility or a health facility may not charge the facility's residents for the amount of the  
26 quality assessment that the facility pays under this SECTION.

27 (p) The office may withdraw a state plan amendment submitted under subsection (e); (f); or (g) this  
28 SECTION only if the office determines that failure to withdraw the state plan amendment will result in  
29 the expenditure of state funds not funded by the quality assessment.

30 (q) If a health facility fails to pay the quality assessment under this SECTION not later than ten (10)  
31 days after the date the payment is due, the health facility shall pay interest on the quality assessment at  
32 the same rate as determined under IC 12-15-21-3(6)(A).

33 (r) The following shall be provided to the state department of health:

34 (1) The office shall report to the state department of health each nursing facility and each health  
35 facility that fails to pay the quality assessment under this SECTION not later than one hundred  
36 twenty (120) days after payment of the quality assessment is due.

37 (2) The department of state revenue shall report each health facility that is not a nursing facility that  
38 fails to pay the quality assessment under this SECTION not later than one hundred twenty (120) days  
39 after payment of the quality assessment is due:

40 (s) The state department of health shall do the following:

41 (1) Notify each nursing facility and each health facility reported under subsection (r) that the nursing  
42 facility's or health facility's license under IC 16-28 will be revoked if the quality assessment is not  
43 paid.

44 (2) Revoke the nursing facility's or health facility's license under IC 16-28 if the nursing facility or  
45 the health facility fails to pay the quality assessment.

46 (t) An action taken under subsection (s)(2) is governed by:

47 (1) IC 4-21.5-3-8; or

48 (2) IC 4-21.5-4.

49 (u) The office shall report the following information to the select joint commission on Medicaid  
50 oversight established by IC 2-5-26-3 at every meeting of the commission:

1 (1) Before the quality assessment is approved by the United States Centers for Medicare and  
2 Medicaid Services:

3 (A) an update on the progress in receiving approval for the quality assessment; and

4 (B) a summary of any discussions with the United States Centers for Medicare and Medicaid  
5 Services.

6 (2) After the quality assessment has been approved by the United States Centers for Medicare and  
7 Medicaid Services:

8 (A) an update on the collection of the quality assessment;

9 (B) a summary of the quality assessment payments owed by a nursing facility or a health facility;  
10 and

11 (C) any other relevant information related to the implementation of the quality assessment.

12 (v) This SECTION expires August 1, ~~2009~~ 2011.

13 SECTION 177. [EFFECTIVE UPON PASSAGE] (a) The following definitions apply throughout  
14 this SECTION:

15 (1) "Children's home" refers to the Indiana Soldiers' and Sailors' Children's Home established  
16 by IC 16-33-4-5.

17 (2) "Task force" refers to the Indiana Soldiers' and Sailors' Children's Home task force  
18 established by subsection (b).

19 (b) The Indiana Soldiers' and Sailors' Children's Home task force is established to evaluate  
20 possible alternative uses for the children's home after June 30, 2010. The Indiana state department  
21 of health shall provide administrative support for the task force.

22 (c) The task force consists of the following members:

23 (1) The governor or the governor's designee.

24 (2) The state superintendent of public instruction or the state superintendent's designee.

25 (3) The director of the department of child services established by IC 31-25-1-1 or the  
26 director's designee.

27 (4) One (1) member appointed by the president pro tempore of the senate.

28 (5) One (1) member appointed by the minority leader of the senate.

29 (6) One (1) member appointed by the speaker of the house of representatives.

30 (7) One (1) member appointed by the minority leader of the house of representatives.

31 (d) The governor shall before July 1, 2009, appoint one (1) of the members of the task force as  
32 chair of the task force.

33 (e) The task force may seek advice and assistance from the following organizations or individuals  
34 or their representatives or designees:

35 (1) The commissioner of the Indiana department of administration established by IC 4-13-1-2.

36 (2) The state health commissioner of the state department of health established by  
37 IC 16-19-1-1.

38 (3) The adjutant general.

39 (4) The department adjutant of the American Legion Department of Indiana.

40 (5) The Alumni Association of the Indiana Soldiers' and Sailors' Children's Home.

41 (6) The superintendent of the children's home.

42 (7) The advisory committee for the Indiana Soldiers' and Sailors' Children's Home established  
43 by IC 16-19-6-9.

44 (8) IARCCA.

45 (9) School corporations located near the children's home.

46 (10) Any other organization or individual that the task force determines might be useful to the  
47 deliberations of the task force.

48 (f) The task force shall meet at the call of the chair of the task force and shall hold at least one  
49 (1) meeting each month. At least two (2) meetings of the task force shall be held at the children's  
50 home.

1 (g) Each member of the task force who is not a state employee is entitled to the minimum salary  
2 per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling  
3 expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with  
4 the member's duties as provided in the state policies and procedures established by the Indiana  
5 department of administration and approved by the budget agency.

6 (h) Each member of the task force who is a state employee but is not a member of the general  
7 assembly is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and  
8 other expenses actually incurred in connection with the member's duties as provided in the state  
9 travel policies and procedures established by the Indiana department of administration and  
10 approved by the budget agency.

11 (i) Each member of the task force who is a member of the general assembly is entitled to receive  
12 the same per diem, mileage, and travel allowances paid to members of the general assembly serving  
13 on interim study committees established by the legislative council.

14 (j) Before January 1, 2010, the task force shall submit a report to the governor and the legislative  
15 council. The report submitted to the legislative council shall be submitted in an electronic format  
16 under IC 5-14-6. The report must include the following:

17 (1) Estimated future capital and operating costs needed to continue to operate the children's  
18 home as it was operated on July 1, 2008.

19 (2) The current fee structure for parents or guardians of children residing at the children's  
20 home.

21 (3) Whether potential significant efficiencies exist if the children's home is permitted to  
22 continue to operate under the same management structure as it was operated under on July  
23 1, 2008.

24 (4) Whether federal or private funds may be available to continue to operate the children's  
25 home as it was operated on July 1, 2008, or under an alternative management and ownership  
26 structure.

27 (5) Possible alternative uses for the buildings, grounds, equipment, and other assets of the  
28 children's home, including the possible use as a charter school, a vocational school, a higher  
29 education facility, an alternate facility for a state agency or a unit of local government, or any  
30 other alternative that the task force considers to be appropriate.

31 (6) The potential to operate the children's home in its current capacity or in some other  
32 capacity under a public-private agreement.

33 (7) The best alternatives for education and other services for the children at the children's  
34 home.

35 (8) Whether the home should cease operation after June 30, 2010, or whether it should operate  
36 in a different capacity.

37 (9) Specific recommendations regarding the placement of children if the children's home is  
38 closed.

39 (k) This SECTION expires June 30, 2010.

40 SECTION 178. [EFFECTIVE UPON PASSAGE] (a) The legislative council shall assign to an  
41 interim study committee or a statutory study committee the task of studying the mission,  
42 organization, and management structure of the I-Light fiber optic network. The study shall include  
43 the following issues:

44 (1) Whether the capabilities of the network are being used in a manner that maximizes benefits  
45 to the state, public and private universities, and other existing and potential consortium  
46 members.

47 (2) Whether an alternate provider could provide comparable service levels at a lower cost to  
48 the state.

49 (3) Whether there are opportunities for increased use of the network to support electronic  
50 learning, worker training, and workforce development.



1 (b) A public university that uses or benefits from the I-Light fiber optic network must provide  
2 to the committee and the legislative council any information concerning the network that is  
3 requested by the committee.

4 (c) The committee responsible for conducting the study shall before November 1, 2009, submit  
5 a report of its findings and any recommendations to the governor and (in an electronic format  
6 under IC 5-14-6) to the legislative council.

7 (d) This SECTION expires July 1, 2010.

8 SECTION 179. [EFFECTIVE UPON PASSAGE] Notwithstanding IC 21-12-4, the state student  
9 assistance commission (SSACI) may transfer funds among freedom of choice awards, higher  
10 education awards, and twenty-first century awards to ensure maximum use of the funds and the  
11 awards.

12 SECTION 180. [EFFECTIVE UPON PASSAGE] The department of state revenue shall conduct  
13 a study of the feasibility of changing the design and method for verifying, tracking, and tracing  
14 cigarette stamps (as defined in IC 6-7-1-9), including issues related to the use of electronic cigarette  
15 stamp readers, to incorporate the latest technical advances used by other states to reduce  
16 counterfeiting and misuse of cigarette stamps. The study must at least:

17 (1) describe the changes that could be made;

18 (2) describe the sources where necessary products and services could be obtained, including  
19 whether there is more than one (1) potential source for necessary products and services;

20 (3) described and estimate the capital and operating costs necessary to implement a new  
21 system;

22 (4) estimate the likely effects on revenue collection and evaluate any other benefits that would  
23 accrue from implementing a new system; and

24 (5) if beneficial to the state, estimate a schedule on which a conversion could be made and  
25 describe any changes in statutory law that would be necessary to implement the changes.

26 The department shall pay for the study from unrestricted funds that are otherwise available to the  
27 department of state revenue. The department of state revenue shall report the results of the study  
28 to the legislative council in an electronic format under IC 5-14-6 before November 1, 2009.

29 SECTION 181. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "commission"  
30 refers to the criminal code evaluation commission established by subsection (b).

31 (b) The criminal code evaluation commission is established to evaluate the criminal laws of  
32 Indiana. If, based on the commission's evaluation, the commission determines that changes are  
33 necessary or appropriate, the commission shall make recommendations to the general assembly for  
34 the modification of the criminal laws.

35 (c) The commission may study other topics assigned by the legislative council or as directed by  
36 the commission chair.

37 (d) The commission may meet during the months of:

38 (1) June, July, August, and September of 2009;

39 (2) April, May, June, July, August, and September of 2010; and

40 (3) June, July, August, and September of 2011.

41 (e) The commission consists of seventeen (17) members appointed as follows:

42 (1) Four (4) members of the senate, not more than two (2) of whom may be affiliated with the  
43 same political party, to be appointed by the president pro tempore of the senate.

44 (2) Four (4) members of the house of representatives, not more than two (2) of whom may be  
45 affiliated with the same political party, to be appointed by the speaker of the house of  
46 representatives.

47 (3) The attorney general or the attorney general's designee.

48 (4) The commissioner of the department of correction or the commissioner's designee.

49 (5) The executive director of the prosecuting attorneys council of Indiana or the executive  
50 director's designee.

1 (6) The executive director of the public defender council of Indiana or the executive director's  
2 designee.

3 (7) The chief justice of the supreme court or the chief justice's designee.

4 (8) Two (2) judges who exercise criminal jurisdiction, who may not be affiliated with the same  
5 political party, to be appointed by the governor.

6 (9) Two (2) professors employed by a law school in Indiana whose expertise includes criminal  
7 law, to be appointed by the governor.

8 (f) The governor shall appoint a member of the commission to serve as chair of the commission.  
9 The chair of the commission must be a member described in subsection (e)(1) or (e)(2).

10 (g) If a legislative member of the commission ceases to be a member of the chamber from which  
11 the member was appointed, the member also ceases to be a member of the commission.

12 (h) A legislative member of the commission may be removed at any time by the appointing  
13 authority who appointed the legislative member.

14 (i) If a vacancy exists on the commission, the appointing authority who appointed the former  
15 member whose position is vacant shall appoint an individual to fill the vacancy.

16 (j) The commission shall submit a final report of the results of its study to the legislative council  
17 before November 1, 2011. The report must be in an electronic format under IC 5-14-6.

18 (k) The Indiana criminal justice institute shall provide staff support to the commission to  
19 prepare:

20 (1) minutes of each meeting; and

21 (2) the final report.

22 (l) The legislative services agency shall provide staff support to the commission to:

23 (1) advise the commission on legal matters, criminal procedures, and legal research; and

24 (2) draft potential legislation.

25 (m) Each member of the commission is entitled to receive the same per diem, mileage, and travel  
26 allowances paid to individuals who serve as legislative and lay members, respectively, of interim  
27 study committees established by the legislative council.

28 (n) The affirmative votes of a majority of all the members who serve on the commission are  
29 required for the commission to take action on any measure, including the final report.

30 (o) Except as otherwise specifically provided by this SECTION, the commission shall operate  
31 under the rules of the legislative council. All funds necessary to carry out this SECTION shall be  
32 paid from appropriations to the legislative council and the legislative services agency.

33 (p) This SECTION expires December 31, 2011.

34 SECTION 182. [EFFECTIVE UPON PASSAGE] (a) This SECTION applies to:

35 (1) an entity that:

36 (A) failed to file a timely application under IC 6-1.1-11 for an exemption under  
37 IC 6-1.1-10-16; or

38 (B) failed to accompany an application for an exemption under IC 6-1.1-10-16 with  
39 sufficient information for the county property tax assessment board of appeals to determine  
40 whether the applicant was eligible for the an exemption under IC 6-1.1-10-16;

41 for an assessment date after March 1, 2000, and before March 1, 2010; and

42 (2) property or part of property that would have qualified for an exemption under  
43 IC 6-1.1-10-16 as property owned, occupied, or predominantly used for a charitable purpose,  
44 if the entity would have filed a timely for the exemption or presented sufficient information  
45 for the county property tax assessment board of appeals to determine whether the applicant  
46 was eligible for the an exemption under IC 6-1.1-10-16.

47 (b) Notwithstanding IC 6-1.1-11 or any other law specifying a date by which a complete  
48 application for a property tax exemption must be filed to claim an exemption for a particular  
49 assessment date, an entity described in subsection (a) may before July 1, 2009, file or refile with the

1 county assessor an application for a property tax exemption under IC 6-1.1-10-16 for a an  
2 assessment date after March 1, 2000, and before March 1, 2010.

3 (c) Notwithstanding IC 6-1.1-11 or any other law, an application or statement for property tax  
4 exemption filed under subsection (b) is considered to be timely filed for the assessment date for  
5 which it is filed, and the county assessor shall forward the applications and statement to the county  
6 property tax assessment board of appeals for review or reconsideration. The board shall grant an  
7 exemption claimed for the assessment date covered by the application if, after reviewing all the  
8 information submitted by the applicant, the board determines that:

9 (1) the entity's application for the property tax exemption satisfy the requirements of this  
10 SECTION; and

11 (2) except for the failure to timely file an application, with sufficient supporting information  
12 for a property tax exemption, the entity's property or part of the entity's property was owned,  
13 occupied, and predominantly used for a charitable purpose that was eligible for the an  
14 exemption under IC 6-1.1-10-16 on the assessment date covered by the application.

15 IC 6-1.1-11-17 applies to a determination under this SECTION.

16 (d) If an entity is granted an exemption under this SECTION, any unpaid property tax liability,  
17 including interest, for the entity's property shall be canceled by the county auditor and the county  
18 treasurer. Notwithstanding IC 6-1.1-26-1, if an entity has previously paid the tax liability for  
19 property with respect to the assessment date covered by the application and the property is granted  
20 an exemption under this SECTION for the assessment date, the county auditor shall issue a refund  
21 of the property tax paid by the entity. An entity is not required to apply for any refund due under  
22 this SECTION. The county auditor shall, without an appropriation being required, issue a warrant  
23 to the entity payable from the county general fund for the amount of the refund, if any, due the  
24 entity. No interest is payable on the refund.

25 (e) This SECTION expires January 1, 2010.

26 SECTION 183. An emergency is declared for this act.

(Reference is to EHB 1001 as reprinted April 14, 2009.)

**Conference Committee Report**  
**on**  
**Engrossed House Bill 1001**

**S**igned by:

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**Representative Crawford**  
**Chairperson**

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**Senator Kenley**

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**Representative Pelath**

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**Senator Broden**

**House Conferees**

**Senate Conferees**