



Reprinted
April 4, 2017

ENGROSSED HOUSE BILL No. 1394

DIGEST OF HB 1394 (Updated April 3, 2017 4:21 pm - DI 102)

Citations Affected: IC 36-1.

Synopsis: Waiver of local occupational license fees. Requires a unit (county, city, town, or township) to waive as applicable all or part of the occupational and professional license fees and taxes imposed by the unit for the initial issuance and reinstatement of an occupational or professional license for applicants who are veterans, on active duty with the military or national guard, or indigent.

Effective: July 1, 2017.

Frizzell, Taylor J, Carbaugh

(SENATE SPONSORS — YOUNG M, BOOTS, NIEZGODSKI)

January 17, 2017, read first time and referred to Committee on Employment, Labor and Pensions.

February 21, 2017, amended, reported — Do Pass.

February 23, 2017, read second time, amended, ordered engrossed.

February 24, 2017, engrossed.

February 27, 2017, read third time, passed. Yeas 93, nays 0.

SENATE ACTION

March 1, 2017, read first time and referred to Committee on Pensions and Labor.

March 30, 2017, amended, reported favorably — Do Pass.

April 3, 2017, read second time, amended, ordered engrossed.

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First Regular Session of the 120th General Assembly (2017)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2016 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1394

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 36-1-3-11.2 IS ADDED TO THE INDIANA CODE
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2017]: **Sec. 11.2. (a) This section applies to a license for which a**
4 **unit imposed a fee before July 1, 2017.**
5 **(b) As used in this section, "license" means any license, permit,**
6 **registration, endorsement, or certificate required by a unit for:**
7 **(1) an individual to practice or a business to engage one (1) or**
8 **more individuals to practice an occupation or profession in an**
9 **area over which the unit has jurisdiction; or**
10 **(2) an individual or business to use in an area over which the**
11 **unit has jurisdiction, a name, or other designation that is**
12 **associated with an occupation or a profession.**
13 **(c) After June 30, 2017, a unit shall waive fees and taxes related**
14 **to the initial issuance and reinstatement, including tests,**
15 **inspections, and other activities that are a condition of the initial**
16 **issuance or reinstatement of a license, of an occupational or**
17 **professional license if:**

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1 (1) the combined adjusted gross income (as defined in Section
2 62 of the Internal Revenue Code) of:

3 (A) the applicant and the applicant's spouse; and

4 (B) any other individuals living together with the applicant
5 at one (1) residence as a domestic unit with mutual
6 economic dependency;

7 for the calendar year preceding the year in which an
8 application to issue, renew, or reinstate is made did not exceed
9 one hundred twenty percent (120%) of the federal poverty
10 level;

11 (2) the applicant, at the time of submitting an application for
12 the initial issuance or reinstatement of a license, is enrolled in
13 a state or federal public assistance program;

14 (3) the applicant is a veteran (as defined in IC 10-17-15-3) or
15 the spouse of a veteran; or

16 (4) the applicant is a member of the armed forces of the
17 United States (as defined in IC 5-9-4-3) or national guard (as
18 defined in IC 5-9-4-4) on active duty or the spouse of the
19 member.

20 (d) After June 30, 2017, a unit shall waive fifty percent (50%) of
21 the fees and taxes related to the initial issuance and reinstatement,
22 including tests, inspections, and other activities that are a condition
23 of the initial issuance or reinstatement of a license, of an
24 occupational or professional license if the combined adjusted gross
25 income (as defined in Section 62 of the Internal Revenue Code) of:

26 (1) the applicant and the applicant's spouse; and

27 (2) any other individuals living together with the applicant at
28 one (1) residence as a domestic unit with mutual economic
29 dependency;

30 for the calendar year preceding the year in which an application to
31 issue, renew, or reinstate is made equaled or exceeded one hundred
32 twenty percent (120%) of the federal poverty level and did not
33 exceed one hundred eighty-five percent (185%) of the federal
34 poverty level.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred House Bill 1394, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 20.

Page 21, delete lines 1 through 32.

Page 22, delete lines 2 through 25.

Page 22, line 26, delete "(d)" and insert "(b)".

Page 22, line 28, after "related to" insert "**the initial**".

Page 22, line 28, delete ", renewal,".

Page 22, line 30, after "condition of" insert "**the initial**".

Page 22, line 30, delete ", renewal,".

Page 22, line 39, after "exceed" insert "**one hundred twenty percent (120%) of the federal poverty level;**".

Page 22, delete lines 40 through 42.

Page 23, line 1, after "for" insert "**the initial**".

Page 23, line 2, delete ", renewal,".

Page 23, delete lines 10 through 42.

Delete page 24.

and when so amended that said bill do pass.

(Reference is to HB 1394 as introduced.)

VANNATTER

Committee Vote: yeas 10, nays 0.

 HOUSE MOTION

Mr. Speaker: I move that House Bill 1394 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Page 1, line 3, after "(a)" insert "**This section applies to a license for which a unit imposed a fee before July 1, 2017.**

(b)".

Page 1, line 12, delete "(b) This subsection applies to a license for which a unit imposed" and insert "(c)".

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Page 1, line 13, delete "a fee before July 1, 2017."

Page 2, after line 19, begin a new paragraph and insert:

"(d) After June 30, 2017, a unit shall waive fifty percent (50%) of the fees and taxes related to the initial issuance and reinstatement (including tests, inspections, and other activities that are a condition of the initial issuance or reinstatement of a license) of an occupational or professional license if the combined adjusted gross income (as defined in Section 62 of the Internal Revenue Code) of:

(1) the applicant and the applicant's spouse; and

(2) any other individuals living together with the applicant at one (1) residence as a domestic unit with mutual economic dependency;

for the calendar year preceding the year in which an application to issue, renew, or reinstate is made equaled or exceeded one hundred twenty percent (120%) of the federal poverty level and did not exceed one hundred eighty-five percent (185%) of the federal poverty level."

(Reference is to HB 1394 as printed February 21, 2017.)

CARBAUGH

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred House Bill No. 1394, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

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

"SECTION 1. IC 25-1-8-2, AS AMENDED BY P.L.197-2007, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. (a) Notwithstanding any other provision regarding the fees to be assessed by a board **and except as provided in section 9 of this chapter**, a board shall establish by rule and cause to be collected fees for the following:

(1) Examination of applicants for licensure, registration, or certification.

(2) Issuance, renewal, or transfer of a license, registration, or certificate.

(3) Restoration of an expired license, registration, or certificate

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when such action is authorized by law.

(4) Issuance of licenses by reciprocity or endorsement for out-of-state applicants.

(5) Issuance of board or committee reciprocity or endorsements for practitioners licensed, certified, or registered in Indiana who apply to another state for a license.

No fee shall be less than ten dollars (\$10) unless the fee is collected under a rule adopted by the board which sets a fee for miscellaneous expenses incurred by the board on behalf of the practitioners the board regulates.

(b) Fees established by statute shall remain in effect until replaced by a new fee adopted by rule under this section.

(c) In no case shall the fees be less than are required to pay all of the costs, both direct and indirect, of the operation of the board.

(d) For the payment of fees, a board shall accept cash, a draft, a money order, a cashier's check, and a certified or other personal check. If a board receives an uncertified personal check for the payment of a fee and if the check does not clear the bank, the board may void the license, registration, or certificate for which the check was received.

(e) Unless designated by rule, a fee is not refundable.

(f) A board shall charge a fee of not more than twenty-five dollars (\$25) for the issuance of a duplicate license, registration, or certificate.

SECTION 2. IC 25-1-8-6, AS AMENDED BY P.L.3-2014, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 6. (a) As used in this section, "board" means any of the entities described in IC 25-0.5-10.

(b) This section does not apply to a license, certificate, or registration that has been revoked or suspended.

(c) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration and except as provided in ~~section~~ **sections 8 and 9** of this chapter, the holder of a license, certificate, or registration that was issued by the board that is three (3) years or less delinquent must be reinstated upon meeting the following requirements:

- (1) Submission of the holder's completed renewal application.
- (2) Payment of the current renewal fee established by the board under section 2 of this chapter.
- (3) Payment of a reinstatement fee established by the Indiana professional licensing agency.
- (4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:
 - (A) shall provide the board with a sworn statement, signed by



the holder, that the holder has fulfilled the continuing education requirements required by the board; or

(B) shall, if the holder has not complied with the continuing education requirements, meet any requirements imposed under IC 25-1-4-5 and IC 25-1-4-6.

(d) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration and except as provided in ~~section~~ **sections 8 and 9** of this chapter, unless a statute specifically does not allow a license, certificate, or registration to be reinstated if it has lapsed for more than three (3) years, the holder of a license, certificate, or registration that was issued by the board that is more than three (3) years delinquent must be reinstated upon meeting the following requirements:

- (1) Submission of the holder's completed renewal application.
- (2) Payment of the current renewal fee established by the board under section 2 of this chapter.
- (3) Payment of a reinstatement fee equal to the current initial application fee.
- (4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:
 - (A) shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board; or
 - (B) shall, if the holder has not complied with the continuing education requirements, meet any requirements imposed under IC 25-1-4-5 and IC 25-1-4-6.
- (5) Complete such remediation and additional training as deemed appropriate by the board given the lapse of time involved.
- (6) Any other requirement that is provided for in statute or rule that is not related to fees.

SECTION 3. IC 25-1-8-9 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2017]: **Sec. 9. (a) This section applies to fees assessed by a board after June 30, 2017, for an action described in section 2(a) of this chapter related to the initial issuance or reinstatement of a license, registration, or certification, including tests, inspections, and other activities that are a condition of the initial issuance or reinstatement of a license, registration, or certification.**

(b) After June 30, 2017, a board shall waive fees related to the initial issuance or reinstatement of a license, registration, or certification, including tests, inspections, and other activities that are a condition of the initial issuance or reinstatement of a license,



registration, or certification, if:

(1) the combined adjusted gross income (as defined in Section 62 of the Internal Revenue Code) of:

(A) the applicant and the applicant's spouse; and

(B) any other individuals living together with the applicant at one (1) residence as a domestic unit with mutual economic dependency;

for the calendar year preceding the year in which an application to issue, or reinstate is made did not exceed one hundred twenty percent (120%) of the federal poverty level;

(2) the applicant, at the time of submitting an application for the initial issuance or reinstatement of a license, is enrolled in a state or federal public assistance program;

(3) the applicant is a veteran (as defined in IC 10-17-15-3) or the spouse of a veteran; or

(4) the applicant is a member of the armed forces of the United States (as defined in IC 5-9-4-3) or national guard (as defined in IC 5-9-4-4) on active duty or the spouse of the member.

(c) After June 30, 2017, a board shall waive fifty percent (50%) of the fees related to the initial issuance and reinstatement of a license, registration, or certification, including tests, inspections, and other activities that are a condition of the initial issuance or reinstatement of a license, registration, or certification, if the combined adjusted gross income (as defined in Section 62 of the Internal Revenue Code) of:

(1) the applicant and the applicant's spouse; and

(2) any other individuals living together with the applicant at one (1) residence as a domestic unit with mutual economic dependency;

for the calendar year preceding the year in which an application to issue, or reinstate is made equaled or exceeded one hundred twenty percent (120%) of the federal poverty level and did not exceed one hundred eighty-five percent (185%) of the federal poverty level."

Page 1, line 1, delete "IC 36-1-3-11" and insert "IC 36-1-3-11.2".

Page 1, line 3, delete "11." and insert "11.2".

Page 1, line 14, delete "(including" and insert ", including".

Page 1, line 16, delete "license)" and insert "license,".

Page 2, line 22, delete "(including" and insert ", including".



Page 2, line 23, delete "license)" and insert "**license**".
Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1394 as reprinted February 24, 2017.)

BOOTS, Chairperson

Committee Vote: Yeas 9, Nays 0.

SENATE MOTION

Madam President: I move that Engrossed House Bill 1394 be amended to read as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 3.

Page 4, delete lines 1 through 28.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1394 as printed March 31, 2017.)

BOOTS

