



# Journal of the House

State of Indiana

120th General Assembly

First Regular Session

Thirty-seventh Day

Tuesday Afternoon

March 28, 2017

The invocation was offered by Reverend David Scifres of Bradley United Methodist Church in Greenfield, a guest of Representative Cherry.

The House convened at 1:30 p.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Torr.

The Speaker ordered the roll of the House to be called:

Arnold	Kirchhofer
Austin	Klinker
Aylesworth	Lawson
Bacon	Lehe
Baird	Lehman
Bartlett <input type="checkbox"/>	Leonard
Bauer	Lucas
Behning	Lyness
Beumer	Macer
Borders	Mahan
Braun	May
C. Brown	Mayfield
T. Brown	McNamara
Burton <input type="checkbox"/>	Miller
Candelaria Reardon	Moed
Carbaugh	Morris
Cherry	Morrison
Clere	Moseley
Cook	Negele
Culver	Nisly
Davisson	Ober
DeLaney	Olthoff
DeVon	Pelath
Dvorak <input type="checkbox"/>	Pierce
Eberhart	Porter
Ellington	Pressel
Engleman	Pryor
Errington	Richardson
Forestal	Saunders <input type="checkbox"/>
Friend	Schaibley
Frizzell	Shackleford
Frye	Siegrist
GiaQuinta	Slager
Goodin	Smaltz
Gutwein	M. Smith
Hamilton	V. Smith
Hamm	Soliday
Harris	Speedy
Hatfield	Stemler <input type="checkbox"/>
Heaton	Steuerwald
Heine	Sullivan
Huston	Summers
Jordan	J. Taylor
Judy	Thompson
Karickhoff	Torr
Kersey	VanNatter

Washburne  
Wesco  
Wolkins  
Wright

J. Young  
Zent  
Ziemke  
Mr. Speaker

Roll Call 318: 95 present; 5 excused. The Speaker announced a quorum in attendance. [NOTE:  indicates those who were excused.]

## HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Thursday, March 30, 2017, at 10:00 a.m.

LEHMAN

The motion was adopted by a constitutional majority.

## REPORTS FROM COMMITTEES

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 61, 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 2, line 14, delete "National Association for School" and insert "**Indiana School Resource Officers Association**,"

Page 2, line 15, delete "Resource Officers,"

Page 3, between lines 1 and 2, begin a new line double block indented and insert:

**"(G) Circumstances that may require more timely incident reporting and the requirements for such reporting."**

Page 3, line 2, strike "Before August 1, 2013, to develop" and insert "**To develop and maintain**".

Page 4, between lines 12 and 13, begin a new line block indented and insert:

**"(3) To update the model restraint and seclusion plan under subdivision (2) after reviewing incident reports and other information available to the commission.**

**(4) To review incident reports and forward to the attorney general's office any incident report that the commission determines warrants possible investigation by the attorney general's office.**

**(5) To accept and review reports from the public and advise the department of any discrepancies with reports from schools, in which case the department shall review under section 13.5 of this chapter."**

Page 4, between lines 18 and 19, begin a new paragraph and insert:

**"SECTION 3. IC 20-20-40-13.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 13.5. If the department has been advised of a discrepancy in a report under section 13(a)(5) of this chapter, the department shall require the school to provide a written explanation of the discrepancy to the department and the commission."**

Page 4, line 38, after "restraint" insert "**(as defined in IC 20-20-40-2)**".

Renumber all SECTIONS consecutively.

(Reference is to SB 61 as reprinted February 24, 2017.)  
and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 108, 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 2, line 39, after "enrollment" insert "**currently or**".

Page 6, line 3, delete "," and insert ".".

Page 6, delete lines 4 through 5.

Page 8, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 4. IC 20-30-5-20, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2017 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. (a) As used in this section, "**charter school**" does not include a virtual charter school, as defined in IC 20-24-7-13.

(a) (b) As used in this section, "psychomotor skills" means skills using hands on practice to support cognitive learning.

(b) (c) Except as provided in subsection (e); (f), each school corporation, **charter school**, and accredited nonpublic school shall include in the **charter school's**, school corporation's, or accredited nonpublic school's high school health education curriculum instruction in cardiopulmonary resuscitation and use of an automated external defibrillator for its students. The instruction must incorporate the psychomotor skills necessary to perform cardiopulmonary resuscitation and use an automated external defibrillator and must include either of the following:

(1) An instructional program developed by the American Heart Association or the American Red Cross.

(2) An instructional program that is nationally recognized and is based on the most current national evidence based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator.

(e) (d) A school corporation, **charter school**, or an accredited nonpublic school may offer the instruction required in subsection (b) (c) or may arrange for the instruction to be provided by available community based providers. The instruction is not required to be provided by a teacher. If instruction is provided by a teacher, the teacher is not required to be a certified trainer of cardiopulmonary resuscitation.

(f) (e) This section shall not be construed to require a student to become certified in cardiopulmonary resuscitation and the use of an automated external defibrillator. However, if a school corporation, **charter school**, or accredited nonpublic school chooses to offer a course that results in certification being earned, the course must be taught by an instructor authorized to provide the instruction by the American Heart Association, the American Red Cross, or a similar nationally recognized association.

(e) (f) A school administrator may waive the requirement that a student receive instruction under subsection (b) (c) if the student has a disability or is physically unable to perform the psychomotor skill component of the instruction required under subsection (b); (c).

(f) If a school is unable to comply with the psychomotor skill component of the instruction required under subsection (b); the governing body may submit a request to the state superintendent to waive the psychomotor skill component. The state superintendent shall take action on the waiver request within thirty (30) days of receiving the request for a waiver. A waiver request must:

(1) be in writing;

(2) include the reason or reasons that necessitated the waiver request;

(3) indicate the extent to which the school attempted to comply with the requirements under subsection (b); and

(4) be submitted each year for the school year the school requests the waiver.

This subsection expires July 1, 2015."

Page 9, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 9. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "**legislative council**" refers to the legislative council created by IC 2-5-1.1-1.

(b) Before December 1, 2017, the department of workforce development shall commission an entity that specializes in improving access to adult literacy programs to do the following:

(1) Prepare and submit a report as described in subsection (c) to the legislative council in an electronic format under IC 5-14-6.

(2) Present the report required under this SECTION to the state workforce innovation council.

(c) The report must identify reading and math literacy programs (or the portion of programs) that exist throughout Indiana and serve adults who are at least eighteen (18) years of age and identify for each program:

(1) the types of services offered;

(2) the number of people served on an annual basis through each service offered;

(3) the source and amount of funding;

(4) the number of staff;

(5) the estimated unmet need;

(6) to what extent a program tracks employment and further job training and higher education outcomes; and

(7) the extent to which low literacy is a barrier to future employment and career advancement.

(d) This SECTION expires December 1, 2018."

Renumber all SECTIONS consecutively.

(Reference is to SB 108 as printed February 17, 2017.)  
and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 3.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred Senate Bill 112, 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 2, after line 12, begin a new paragraph and insert:

"SECTION 5. IC 16-19-4.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]:

**Chapter 4.5. Indiana Health Care Facilities Task Force**  
**Sec. 1. As used in this chapter, "task force" refers to the Indiana health care facilities task force established by section 2 of this chapter.**

**Sec. 2. The Indiana health care facilities task force is established.**

**Sec. 3. The task force shall do the following:**

(1) Study and review the current surveying process for hospital and health facility licensure and explore ways to make the process of hospital and health facility licensure more efficient through use of third party accreditation authorities.

(2) Study, review, and update the American Institute of Architects guidelines for the design and construction of hospitals and health care facilities.

(3) Study, review, and update National Fire Protection Association standards for hospitals and health care facilities.

(4) Submit a report to the governor and the legislative council setting forth the task force's findings and recommendations not later than August 31, 2018. A report to the legislative council under this subdivision must be in an electronic format under IC 5-14-6.

Sec. 4. (a) The membership of the task force shall consist of the following individuals:

- (1) The commissioner of the state department.
- (2) The Indiana department of homeland security's state fire marshal.
- (3) A representative of the Indiana Hospital Association.
- (4) A representative of the Indiana Health Care Association.
- (5) A representative of the American Institute of Architects (Indiana).
- (6) A representative of the Indiana Society for Healthcare Engineering.
- (7) Any other stakeholder designated by the chairperson of the task force.

(b) The commissioner of the state department shall serve as the chairperson of the task force.

Sec. 5. (a) A quorum of the task force shall consist of four (4) members. The task force may satisfy a quorum by allowing task force members to establish their presence telephonically.

(b) The affirmative votes of at least four (4) task force members is necessary for any action to be taken by the task force, including the approval of the report described in section 3(4) of this chapter.

Sec. 6. All state agencies and representatives of the task force shall fully cooperate with the task force and provide data and other information to assist the task force in carrying out the responsibilities described in section 3 of this chapter.

Sec. 7. This chapter expires June 30, 2019."

Renumber all SECTIONS consecutively.

(Reference is to SB 112 as printed January 18, 2017.) and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

FRYE R, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 182, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 20-23-6-4, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 4. (a) If the joint resolution under section 3 of this chapter provides that the consolidated schools shall be under the direction of the county superintendent of schools, the resolution may be amended by following the procedure in this section to provide that the consolidated schools are under the direction of a superintendent selected by the governing body of the new consolidated school corporation. The change shall be effected by a resolution adopted by a majority of the members of the governing body at a meeting held within the limits of the consolidated school corporation. All the members of the governing body shall receive or waive written notice of the:

- (1) date;
- (2) time;

- (3) place; and
- (4) purpose;

of the meeting. The resolution and proof of service or waiver of the notice shall be made a part of the records of the governing body. An amendment takes effect after the adoption of a resolution at the time a superintendent is selected by the governing body and commences the superintendent's duties. The superintendent shall serve under a contract in the same manner and under the same rules governing the employment and service of other licensed personnel. The superintendent's original contract and succeeding contracts may be for a period of from one (1) to five (5) years. **must comply with IC 20-28-8-6.**

(b) The joint resolution of a consolidated school corporation may not be amended under this section unless the corporation is entitled at the time the governing body adopts an amending resolution under:

- (1) the rules established by the state board or its successor; or
- (2) any appropriation or other statute;

to an additional unit or administrative unit of state support if the governing body employs a licensed superintendent devoting full time to administration or supervision of schools of the corporation.

(c) In all instances of reorganization under this chapter after March 11, 1965, the consolidated school corporation shall be under the direction of a superintendent selected by its governing body.

SECTION 2. IC 20-28-7.5-2, AS AMENDED BY P.L.179-2016, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. (a) Before a teacher's contract is canceled, the teacher has the following rights:

(1) The principal or superintendent shall notify the teacher of the principal's or superintendent's preliminary decision. The notification must be:

- (A) in writing; and
- (B) delivered in person or mailed by registered or certified mail to the teacher at the teacher's last known address.

(2) The notice in subdivision (1) must include a written statement, subject to IC 5-14-3-4, giving the reasons for the preliminary decision.

(3) Notification due to a reduction in force must be delivered between May 1 and July 1.

(b) For a cancellation of a teacher's contract for a reason other than a reduction in force, the notice required under subsection (a)(1) must inform the teacher that, not later than five (5) days after the teacher's receipt of the notice, the teacher may request a private conference with the superintendent or the assistant superintendent. The superintendent or the assistant superintendent, as applicable, must set the requested meeting not later than ten (10) days after the request.

(c) At the conference between the superintendent or the assistant superintendent, as applicable, and the teacher, the teacher may be accompanied by a representative.

(d) After the conference between the superintendent or the assistant superintendent, as applicable, and the teacher, the superintendent or the assistant superintendent, whoever attended the conference, shall make a written recommendation to the governing body of the school corporation regarding the cancellation of the teacher's contract.

(e) If the teacher does not request a conference under subsection (b), the principal's or superintendent's preliminary decision is considered final.

(f) If a probationary, professional, or established teacher files a request with the governing body for an additional private conference not later than five (5) days after the initial private conference with the superintendent or the assistant superintendent, as applicable, the teacher is entitled to an additional private conference with the governing body before

the governing body makes a final decision. The final decision must be in writing and must be made not more than thirty (30) days after the governing body receives the teacher's request for the additional private conference. At the private conference the governing body shall do the following:

- (1) Allow the teacher to present evidence to refute the reason or reasons for contract cancellation and supporting evidence provided by the school corporation. Any evidence presented at the private conference must have been exchanged by the parties at least seven (7) days before the private conference.
- (2) Consider whether a preponderance of the evidence supports the cancellation of the teacher's contract."

Renumber all SECTIONS consecutively.  
 (Reference is to SB 182 as printed February 3, 2017.)  
 and when so amended that said bill do pass.  
 Committee Vote: yeas 10, nays 0.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 355, 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 3, after line 42, begin a new paragraph and insert:  
 "SECTION 3. IC 20-26-1-1, AS AMENDED BY P.L.121-2009, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. ~~(a)~~ **Except as otherwise provided**, IC 20-26-1 through IC 20-26-5 and IC 20-26-7 apply to all school corporations.

- ~~(b) Notwithstanding subsection (a), IC 20-26-5-10 applies to:~~
  - ~~(1) a school corporation;~~
  - ~~(2) a charter school; and~~
  - ~~(3) an accredited nonpublic school."~~

Page 4, delete lines 1 through 7, begin a new paragraph and insert:

"SECTION 4. IC 20-26-5-35.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 35.5. (a) This section applies to a:**

- (1) school corporation;**
- (2) charter school; or**
- (3) nonpublic school that employs one (1) or more employees.**

**(b) A school corporation, including a charter school and a nonpublic school, may not establish any policy that restricts or delays the duty of an employee or individual to report suspected child abuse or neglect as required under IC 31-33-5."**

Page 4, line 10, delete "October" and insert "**December**".

Page 4, line 11, delete "October" and insert "**December**".

Page 4, line 11, after "public school," insert "**including a**".

Page 4, line 12, delete "," and insert "**and**".

Page 4, line 16, delete "prepare" and insert "**identify**".

Page 4, after line 22, begin a new paragraph and insert:

"SECTION 5. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "committee" refers to the education interim study committee established by IC 2-5-1.3-4(5).**

**(b) As used in this SECTION, "legislative council" refers to the legislative council established by IC 2-5-1.1-1.**

**(c) The legislative council is urged to assign to the committee during the 2017 legislative interim the topic of teacher training requirements regarding student behavior and health issues. If the topic is assigned to the committee, the committee may make recommendations on ways that the amount of teacher training can be streamlined or eliminated**

**while considering ways to ensure that teachers are thoroughly prepared to recognize and respond to student behavior and health issues. Not later than November 1, 2017, the committee shall report its findings in the committee's final report.**

**(d) This SECTION expires December 31, 2017.**

**SECTION 6. An emergency is declared for this act."**

Renumber all SECTIONS consecutively.

(Reference is to SB 355 as printed February 7, 2017.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 498, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 498 as printed February 24, 2017.)

Committee Vote: Yeas 8, Nays 3.

BEHNING, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 64

Representatives Summers, Bartlett, C. Brown, Harris, Porter, Pryor, Shackelford and V. Smith introduced House Concurrent Resolution 64:

A CONCURRENT RESOLUTION recognizing Alpha Kappa Alpha Day at the Capitol.

*Whereas, Alpha Kappa Alpha sorority, which has the distinction of being the first sorority established by African-American college women, was founded at Howard University in Washington, D.C., in 1908 and has expanded internationally to 850 chapters;*

*Whereas, Indiana hosts 22 of these chapters located on college and university campuses and has active alumnae groups in communities throughout the state;*

*Whereas, Alpha Kappa Alpha is committed to community service and actively contributes to the educational, civic, and social life of Indiana's citizens;*

*Whereas, Alumnae chapters encourage their members to become involved community volunteers in one of their primary service components that include education, health, the economy, arts, and family;*

*Whereas, Alpha Kappa Alpha provides community support through service initiatives identified in the sorority's international platform Launching New Dimensions of Service as outlined by Dorothy Buckhanan Wilson, international president;*

*Whereas, Alpha Kappa Alpha plans to accomplish this goal through initiatives like Emerging Young Leaders, Alzheimer's disease and caregiver support, mental health, childhood hunger, fiscal responsibility, and environmental ownership and global impact;*

*Whereas, Alpha Kappa Alpha is dedicated to serving all mankind and has improved the lives of many people throughout the years; and*

*Whereas, This great sisterhood has established a nationally recognized program known as Alpha Kappa Alpha Day at the Capitol: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

SECTION 1. That the Indiana General Assembly recognizes Central Regional Director Kathy A. Walker-Steele; State Connection Chair Vanessa J. Summers; and members of the Alpha Kappa Alpha Day at the Capitol for all the good work they accomplish.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Central Regional Director Kathy A. Walker-Steele; State Connection Chair Vanessa J. Summers; and members of the Alpha Kappa Alpha Day at the Capitol.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator G. Taylor.

### **House Concurrent Resolution 65**

Representatives Porter, Pryor, DeLaney, Aylesworth, Behning, Borders, C. Brown, T. Brown, Candelaria Reardon, Carbaugh, Cherry, Cook, Davisson, DeVon, Eberhart, Engleman, Errington, Forestal, GiaQuinta, Hamilton, Hatfield, Heaton, Judy, Kersey, Kirchhofer, Klinker, Lawson, Lucas, Lyness, Macer, Mahan, May, McNamara, Moseley, Negele, Ober, Pelath, Richardson, Saunders, Shackelford, Siegrist, M. Smith, V. Smith, Speedy, Summers, J. Taylor, Thompson and Torr introduced House Concurrent Resolution 65:

A CONCURRENT RESOLUTION honoring Jim Shella.

*Whereas, After a 40 year career in television news, Jim Shella retired;*

*Whereas, Jim Shella covered Indiana politics longer than any other television reporter in the state;*

*Whereas, For the last 34 years, Jim Shella was WISH-TV's political reporter and, for 25 years, served as the host and producer of WFYI-TV's Indiana Week in Review;*

*Whereas, During his illustrious career, Jim Shella has followed six Indiana governors, covered 14 national conventions, and interviewed hundreds of politicians from former President Ronald Reagan to President Donald Trump;*

*Whereas, In recognition of his outstanding work, Jim Shella received the Larry Conrad Award from the Indianapolis Press Club, as well as numerous Associated Press, UPI, and SPJ awards;*

*Whereas, Jim Shella first reported Sen. Richard Lugar's decision to run for President in 1996 and broke the story that then-Governor Mike Pence was traveling to New York where he was named President Trump's running mate;*

*Whereas, However, Jim Shella considers his greatest accomplishment to be the success of WFYI-TV's Indiana Week in Review;*

*Whereas, Jim Shella took over the show in 1991 after it had been temporarily suspended;*

*Whereas, Jim Shella trusted his instincts and, through hard work and dedication, transformed the show into an award-winning standout program;*

*Whereas, Jim Shella has received three Sagamore of the Wabash awards from three different governors and will soon be inducted into the Indiana Associated Press Broadcasters Hall of Fame;*

*Whereas, Before coming to Indiana, Jim Shella worked at television stations in Grand Rapids, Michigan, and Cedar Rapids, Iowa;*

*Whereas, A native of Jasper, Minnesota, Jim Shella graduated from St. Cloud State University, St. Cloud, Minnesota, with a bachelor of arts degree in mass communications;*

*Whereas, However, Jim Shella had originally entered college to pursue a career in pharmacy;*

*Whereas, Together with Connie, his wife of 41 years, Jim Shella has a daughter named Kate, whose battle with diabetes has inspired his charity work for the past 38 years; and*

*Whereas, Jim Shella will be missed far beyond the walls of the Indiana Statehouse: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

SECTION 1. That the Indiana General Assembly recognizes the many accomplishments of Jim Shella during his 40 year career in television news.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Jim Shella and his family

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator G. Taylor.

### **ENGROSSED SENATE BILLS ON THIRD READING**

Representative Stemler, who had been excused, is now present.

Representative Summers, who had been present, is now excused.

#### **Engrossed Senate Bill 510**

Representative Kirchhofer called down Engrossed Senate Bill 510 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 319: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

#### **Engrossed Senate Bill 515**

Representative T. Brown called down Engrossed Senate Bill 515 for third reading:

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

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 320: yeas 93, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Summers, who had been excused, is now present.

#### **Engrossed Senate Bill 507**

Representative Torr called down Engrossed Senate Bill 507 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning economic development.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 321: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

**Engrossed Senate Bill 475**

Representative T. Brown called down Engrossed Senate Bill 475 for third reading:

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

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 322: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

**Engrossed Senate Bill 446**

Representative Kirchhofer called down Engrossed Senate Bill 446 for third reading:

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

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 323: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

**Engrossed Senate Bill 442**

Representative Richardson called down Engrossed Senate Bill 442 for third reading:

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

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 324: yeas 88, nays 7. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

**Engrossed Senate Bill 425**

Representative Frizzell called down Engrossed Senate Bill 425 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 325: yeas 92, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

**Engrossed Senate Bill 421**

Representative Wolkins called down Engrossed Senate Bill 421 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 326: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the

act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Ober, who had been present, is now excused.

**Engrossed Senate Bill 386**

Representative Slager called down Engrossed Senate Bill 386 for third reading:

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

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 327: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

**REPORTS FROM COMMITTEES**

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 449, 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 2, line 27, delete "one (1) year." and insert "**three (3) years.**"

(Reference is to SB 449 as reprinted February 8, 2017.) and when so amended that said bill do pass.

Committee Vote: yeas 16, nays 0.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 455, 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:

Delete the title and insert the following:

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

Page 5, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 7. IC 6-1.1-7-15, AS ADDED BY P.L.182-2009(ss), SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) This section applies to a mobile home or manufactured home:

- (1) that has deteriorated to a degree that it can no longer provide suitable protection from the elements as to be used as a primary place of residence;
- (2) that has little or no value as a structure to be rehabilitated for use as a primary place of residence;
- (3) on which personal property tax liability has been imposed in an amount that exceeds the estimated resale value of the mobile home or manufactured home; and
- (4) that has been abandoned in a mobile home community licensed under IC 16-41-27.

(b) The holder of:

(1) the title; ~~of~~ or

(2) a bureau of motor vehicles affidavit of sale or disposal;

for a mobile home or manufactured home described in subsection (a) may submit a written request to the county assessor for the county where the mobile home or manufactured home is located requesting that personal property tax liability imposed on the mobile home or manufactured home be waived. If the county assessor determines that the property that is the subject of the request meets the requirements in subsection (a), the county assessor shall send to the applicant a letter that waives the property taxes, special assessments, interest, penalties, and costs assessed against the property under this article, subject to compliance with subsection (c). The county assessor shall deliver a copy of the letter to the county auditor and the county treasurer.

(c) Upon receipt of a letter waiving property taxes imposed on a mobile home or manufactured home, the holder of the title of the property that is the subject of a letter issued under subsection (b) shall:

(1) deliver a signed statement to the county assessor stating that the mobile home or manufactured home:

(A) will be dismantled or destroyed either at its present site or at a remote site; and

(B) will not be used again as a dwelling or other shelter; and

(2) dismantle or destroy the mobile home or manufactured home and not use the mobile home or manufactured home as a structure after the issuance date of the letter waiving property taxes.

(d) The county auditor shall remove from the tax duplicate the property taxes, special assessments, interest, penalties, and costs for which a waiver is granted under this section."

Page 6, line 22, delete "and:" and insert "**as evidenced by the certificate of title issued by the bureau of motor vehicles.**".

Page 6, delete lines 23 through 27.

Page 11, line 28, delete "the county".

Page 11, line 29, delete "treasurer shall".

Page 16, after line 42, begin a new line block indented and insert:

**"(4) Fourth, to the payment of amounts owed to creditors having a security interest in the mobile home."**

Page 17, line 1, delete "**(4) Fourth,**" and insert "**(5) Fifth,**".

Page 17, line 3, delete "**(5) Fifth,**" and insert "**(6) Sixth,**".

Page 18, line 16, delete "state treasurer" and insert "**treasurer of state**".

Page 22, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 9. IC 9-14-12-9, AS ADDED BY P.L.198-2016, SECTION 192, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 9. **(a) Subject to subsection (b),** the bureau may destroy or otherwise dispose of any records of the bureau:

(1) in accordance with the bureau's record retention schedule; or

(2) with permission from the Indiana archives and record administration under IC 5-15-5.1-14.

**(b) The bureau shall retain any record described in section 2(1) of this chapter that relates to a certificate of title for a manufactured home or a mobile home for at least twenty (20) years from the date the record is created."**

Page 23, delete lines 8 through 10, begin a new paragraph and insert:

"SECTION 10. IC 33-37-4-6, AS AMENDED BY P.L.136-2012, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 30, 2017]: Sec. 6. (a) For each small claims action, the clerk shall collect the following fees:

(1) From the party filing the action:

(A) a small claims costs fee of thirty-five dollars (\$35);

(B) a small claims service fee of ten dollars (\$10) for each named defendant that is not a garnishee defendant; and

(C) if the party has named more than three (3) garnishees or garnishee defendants, a small claims garnishee service fee of ten dollars (\$10) for each garnishee or garnishee defendant in excess of three (3).

(2) From any party adding a defendant that is not a garnishee defendant, a small claims service fee of ten dollars (\$10) for each defendant that is not a garnishee defendant added in the action.

(3) From any party adding a garnishee or garnishee defendant, a small claims garnishee service fee of ten dollars (\$10) for each garnishee or garnishee defendant added to the action. However, a clerk may not collect a small claims garnishee service fee for the first three (3) garnishees named in the action.

However, a clerk may not collect a small claims costs fee, small claims service fee, or small claims garnishee service fee for a small claims action filed by or on behalf of the attorney general.

**(b) A clerk may not collect a fee under subsection (a)(1)(B), (a)(1)(C), (a)(2), or (a)(3) for a small claims action filed through the Indiana electronic filing system adopted by the Indiana supreme court.**

~~(b)~~ (c) In addition to a small claims costs fee, small claims service fee, and small claims garnishee service fee collected under this section, the clerk shall collect the following fees, if they are required under IC 33-37-5:

(1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).

(2) A document storage fee (IC 33-37-5-20).

(3) An automated record keeping fee (IC 33-37-5-21).

(4) A public defense administration fee (IC 33-37-5-21.2).

(5) A judicial insurance adjustment fee (IC 33-37-5-25).

(6) A judicial salaries fee (IC 33-37-5-26).

(7) A court administration fee (IC 33-37-5-27).

(8) Before ~~July 1, 2017~~, **July 1, 2022**, a pro bono legal services fee (IC 33-37-5-31).

SECTION 11. IC 33-37-5-20, AS AMENDED BY P.L.213-2015, SECTION 257, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 20. (a) This section applies to all civil, criminal, infraction, and ordinance violation actions.

(b) The clerk shall collect a document storage fee of:

- (1) five dollars (\$5), after June 30, 2015, and before July 1, ~~2017~~; **2022**; and
- (2) two dollars (\$2), after June 30, ~~2017~~; **2022**.

~~(c) This subsection applies to a document storage fee collected after June 30, 2015, and before July 1, 2017. For a county not operating under the state's automated judicial system, three dollars (\$3) of the document storage fee may be used for purposes of the county's case management system.~~

SECTION 12. IC 33-37-5-28, AS AMENDED BY P.L.174-2006, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 28. (a) Except as provided in subsection (c), this section applies to a civil action in which the clerk is required to collect a civil costs fee under IC 33-37-4-4(a).

(b) The clerk shall collect the following:

- (1) From the party filing the civil action, a service fee of ten dollars (\$10) for each additional defendant that is not a garnishee defendant named other than the first named defendant.
- (2) From any party adding a defendant that is not a garnishee defendant, a service fee of ten dollars (\$10) for each defendant that is not a garnishee defendant added in the civil action.
- (3) From a party that has named more than three (3) garnishees or garnishee defendants, a garnishee service fee of ten dollars (\$10) for each garnishee or garnishee defendant in excess of three (3).
- (4) From a party adding a garnishee or garnishee defendant, a garnishee service fee of ten dollars (\$10) for each garnishee or garnishee defendant added to the action. However, a clerk may not collect a garnishee service fee for the first three (3) garnishees or garnishee defendants named in the action.

(c) This section does not apply to an action in which service is made by publication in accordance with Indiana Trial Rule 4.13 **or to an action filed through the Indiana electronic filing system adopted by the Indiana supreme court.**

SECTION 13. **An emergency is declared for this act."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 455 as printed February 8, 2017.)

BROWN T, Chair

Committee Vote: yeas 18, nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 497, 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 line 4.
- Page 1, line 5, delete "(2)" and insert "(1)".
- Page 1, line 8, delete "(3)" and insert "(2)".
- Page 1, line 10, delete "1396a(10)(A)(i)(IX)." and insert "**1396a(a)(10)(A)(i)(IX).**"

(Reference is to ESB 497 as printed March 24, 2017.) and when so amended that said bill do pass.

Committee Vote: yeas 18, nays 0.

BROWN T, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

House Resolution 48

Representative Lehman introduced House Resolution 48:

A HOUSE RESOLUTION congratulating BeniComp Insurance Company on the occasion of its 55th year in business.

*Whereas, The Short Associates Insurance Agency was founded in 1962 by Donald L. Short;*

*Whereas, For 18 years, Donald Short worked to grow the agency into one of the top insurance agencies in the Fort Wayne area;*

*Whereas, Joined in 1980 by his sons, Steve and Doug, the company expanded to include a property and casualty division and later BeniComp, a third party administrator;*

*Whereas, Through the hard work and dedicated service of Donald, Steve, and Doug, Short Associates Insurance Agency soon represented many property and casualty companies, with ERIE Insurance Group being one of the main underwriters, making Short Associates one of the first ERIE agents established in Fort Wayne;*

*Whereas, In the early 2000s, BeniComp developed a wellness product, "BeniComp Advantage", to add to its administrative services; this patent-pending product has received Indiana Department of Insurance approval for distribution in many of the 50 states, and, in the early 2010s, venturing into the central Florida market by adding a presence in Tampa;*

*Whereas, In 2014, BeniComp expanded with the formation of BeniComp Insurance Company;*

*Whereas, In 2016, BeniComp added a presence in Tampa and began offering third-party administrators a full ecosystem of innovative products, including IncentiCare; and*

*Whereas, Donald, Steve, and Doug Short have served the citizens of Fort Wayne with integrity and honor for many years: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the members of the Indiana House of Representatives acknowledge BeniComp's 55 years of dedicated service to the citizens of Fort Wayne.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the Short family.

The resolution was read a first time and adopted by voice vote.

Senate Concurrent Resolution 42

The Speaker handed down Senate Concurrent Resolution 42, sponsored by Representative Hatfield:



A CONCURRENT RESOLUTION honoring Raymond Werner on the occasion of his retirement from St. Benedict Cathedral School and parish.

*Whereas, Raymond Werner went to high school and college at St. Meinrad Archabbey in Spencer County, Indiana, and has since been a dedicated teacher for 49 years;*

*Whereas, Mr. Werner began his teaching career at Saints Peter and Paul in Haubstadt, Indiana, and has spent the past 47 years teaching at St. Benedict Cathedral School in Evansville, Indiana;*

*Whereas, During his 47 years at St. Benedict Cathedral School, Mr. Werner has taught history, geography, and religion to fifth through eighth grade students, and he has been named the Evansville diocesan teacher of the year;*

*Whereas, According to those who know Mr. Werner well, his personality and the manner in which he conducted his classes always made those subjects more enjoyable, and he would never raise his voice or resort to fear to motivate his students. He conducted his classes with compassion and always gave a personal touch to all of his lessons;*

*Whereas, Mr. Werner's former students say that he had an impact on them not just during their middle school years, but throughout their entire educational careers because he taught them not just what they needed to know, but how to truly learn and make the most of their education;*

*Whereas, Mr. Werner's colleagues say that he is so well regarded amongst his peers that other teachers will often come to him for advice, no matter the subject;*

*Whereas, Mr. Werner's impact on St. Benedict's extends beyond the classroom - he is heavily involved with the church and the parish as a whole;*

*Whereas, Mr. Werner has played a major role in the addition to the school and the church renovations throughout the years. He has also coordinated the Christmas Eve pageant for over thirty years;*

*Whereas, From coaching football to helping set up the church's annual Summer Social, Mr. Werner has had his hand in everything at St. Benedict Cathedral School and parish for the past 47 years;*

*Whereas, Mr. Werner has truly become an institution of not just the school, but the entire St. Benedict community. Mr. Werner has taught multiple generations of students, and he taught the parents of some of his current students;*

*Whereas, According to those who know Mr. Werner best, he has had a positive impact on everyone in the St. Benedict's community and anyone who came through St. Benedict's during the past 47 years can remember his or her favorite Mr. Werner moment;*

*Whereas, Mr. Werner will be retiring from the St. Benedict Cathedral School and parish in May 2017, and he will be greatly missed by his students, colleagues, and the church congregation; and*

*Whereas, It is fitting that the Indiana General Assembly honors Raymond Werner on the occasion of his retirement, thanks him for his many years of dedicated service to his community, and wishes him health and happiness in the years to come: Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly honors Raymond Werner on the occasion of his retirement, thanks him for his many years of dedicated service to his community, and wishes him health and happiness in the years to come.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Raymond Werner.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

The House recessed until the fall of the gavel.

## RECESS

The House reconvened at 4:25 p.m. Upon request of Representative GiaQuinta, the Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum. Roll Call 328: 67 present. The Speaker declared a quorum present.

The Speaker yielded the gavel to the Deputy Speaker Pro Tempore, Representative Karickhoff.

Representatives T. Brown and Huston, who had been present, are now excused.

## ENGROSSED SENATE BILLS ON THIRD READING

### Engrossed Senate Bill 42

Representative Clere called down Engrossed Senate Bill 42 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 329: yeas 91, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

### Engrossed Senate Bill 43

Representative Lucas called down Engrossed Senate Bill 43 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 330: yeas 76, nays 16. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

### Engrossed Senate Bill 121

Representative Steuerwald called down Engrossed Senate Bill 121 for third reading:

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

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 331: yeas 91, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

**Engrossed Senate Bill 220**

Representative Slager called down Engrossed Senate Bill 220 for third reading:

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

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 332: yeas 59, nays 30. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Davisson, who had been present, is now excused.

**Engrossed Senate Bill 243**

Representative Kirchofer called down Engrossed Senate Bill 243 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 333: yeas 88, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

**Engrossed Senate Bill 265**

Representative Carbaugh called down Engrossed Senate Bill 265 for third reading:

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

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 334: yeas 90, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Wolkins, who had been present, is now excused.

**Engrossed Senate Bill 275**

Representative Mahan called down Engrossed Senate Bill 275 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 335: yeas 89, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representatives Eberhart and Speedy, who had been present, are now excused.

**Engrossed Senate Bill 299**

Representative Washburne called down Engrossed Senate Bill 299 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 336: yeas 89, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

**Engrossed Senate Bill 300**

Representative May called down Engrossed Senate Bill 300 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 337: yeas 88, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Candelaria Reardon, who had been present, is now excused.

The Deputy Speaker Pro Tempore yielded the gavel to the Speaker.

**Engrossed Senate Bill 310**

Representative VanNatter called down Engrossed Senate Bill 310 for third reading:

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

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 338: yeas 88, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representatives Davisson, Eberhart and Candelaria Reardon, who had been excused, are now present.

**Engrossed Senate Bill 312**

Representative Leonard called down Engrossed Senate Bill 312 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 339: yeas 79, nays 12. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Huston, who had been excused, is now present.

**Engrossed Senate Bill 344**

Representative Lucas called down Engrossed Senate Bill 344 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 340: yeas 91, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

**ENGROSSED SENATE BILLS  
ON SECOND READING**

**Engrossed Senate Bill 539**

Representative Carbaugh called down Engrossed Senate Bill 539 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 539-2)

Mr. Speaker: I move that Engrossed Senate Bill 539 be amended to read as follows:

Replace the effective dates in SECTIONS 1 through 22 with "[EFFECTIVE JULY 1, 2018]".

Replace the effective dates in SECTIONS 24 through 30 with "[EFFECTIVE JULY 1, 2018]".

Page 9, line 20, delete "an affirmation or oath." and insert "**an oath or affirmation.**".

Page 10, line 26, after "on" insert "**an**".

Page 11, line 34, delete "by:" and insert "**through one (1) of the following means:**

**(1) An inspection of any of the following that, if expired, has not been expired for more than three (3) years:**

**(A) The individual's passport.**

**(B) The individual's driver's license.**

**(C) The individual's government issued identification card.**

**(D) A credential that:**

**(i) is not described in clauses (A) through (C);**

**(ii) is government issued; and**

**(iii) contains a photograph of the individual.**

Page 11, delete lines 35 through 42.

Page 12, delete lines 1 through 4.

Page 12, line 5, delete "a verification of" and insert "**A verification on**".

Page 18, line 15, delete " or" and insert "**bond or the functional equivalent of a surety bond**".

Page 18, line 16, delete "other entity licensed to do business in this state".

Page 18, between lines 18 and 19, begin a new paragraph and insert:

**"(b) As used in this section, "surety" means an entity that:**

**(1) is licensed or authorized to do the business described in subdivision (2) in Indiana; and**

**(2) guarantees the legal liability of a notary public for:**

**(A) debt;**

**(B) default; or**

**(C) failure to perform a duty of a notary public."**

Page 18, line 19, delete "(b)" and insert "(c)".

Page 18, line 19, delete "(c)" and insert "(d)".

Page 18, line 23, delete "(c)" and insert "(d)".

Page 18, line 33, delete "(d)" and insert "(e)".

Page 18, line 40, delete ", in the form of a surety bond or its".

Page 18, line 41, delete "functional equivalent,".

Page 19, line 1, delete "assurance" and insert "**surety**".

Page 19, line 2, delete "surety bond" and insert "**assurance**".

Page 19, line 3, delete "surety".

Page 19, line 4, delete "bond;" and insert "**assurance;**".

Page 19, line 7, delete "(e)" and insert "(f)".

Page 19, line 10, delete "(f) An assurance" and insert "**(g) A surety**".

Page 19, line 11, delete "policy" and insert "**assurance**".

Page 19, line 13, delete "(g)" and insert "(h)".

Page 19, line 14, delete "that" and insert "**who**".

Page 19, line 16, delete "(h)" and insert "(i)".

Page 19, line 20, delete "(i)" and insert "(j)".

Page 19, line 22, delete "(j)" and insert "(k)".

Page 19, line 32, after "state" insert "**, not to exceed two (2) hours of continuing education**".

Page 20, line 8, delete "company".

Page 23, line 41, delete "affirmation or oath." and insert "**oath or affirmation.**".

Page 24, line 14, delete "general services" and insert "**General Services Administration.**".

Page 24, delete line 15. Page 25, line 32, delete "surety".

Page 25, line 33, delete "bonds or".

Page 26, line 31, delete "January" and insert "**July**".

(Reference is to ESB 539 as printed March 21, 2017.)

TORR

Motion prevailed. The bill was ordered engrossed.

Representatives Behning and Davisson, who had been present, are now excused.

**RESOLUTIONS ON SECOND READING**

**House Resolution 41**

Representatives Sullivan, Soliday, Forestal, McNamara, Washburne, Hatfield, Speedy, Braun, Culver, Frye, Pryor, Candelaria Reardon, Stemler, Morris, Saunders. Smaltz and Nisly introduced House Resolution 41:

A HOUSE RESOLUTION urging Congress to study the modernization of the International Symbol of Access.

The resolution was read a second time and adopted. Roll Call 341: yeas 88, nays 0.

**REPORTS FROM COMMITTEES**

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred Senate Bill 404, 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 2, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 2. IC 16-21-2-2.5, AS AMENDED BY P.L.92-2015, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2.5. (a) The state department shall adopt rules under IC 4-22-2 to do the following concerning birthing centers and abortion clinics:

(1) Establish minimum license qualifications.

(2) Establish the following requirements:

(A) Sanitation standards.

(B) Staff qualifications.

(C) Necessary emergency equipment.

(D) Procedures to provide emergency care.

**(E) Procedures to monitor patients after the administration of anesthesia.**

**(F) Procedures to provide follow-up care for patient complications.**

~~(G)~~ **(G)** Quality assurance standards.

~~(H)~~ **(H)** Infection control.

**(I) Provision of informed consent brochures, as described in IC 16-34-2-1.5, in English, Spanish, and a third language determined by the state department, inside abortion clinics.**

**(J) Provision of a hotline telephone number that provides assistance for patients who are:**

**(i) coerced into an abortion; or**

**(ii) victims of sex trafficking.**

**(K) Annual training by law enforcement officers on identifying and assisting women who are:**

**(i) coerced into an abortion; or**

**(ii) victims of sex trafficking.**

(3) Prescribe the operating policies, supervision, and maintenance of medical records, **including the**

requirement that all forms that require a patient signature be stored in the patient's medical record.

(4) Establish procedures for the issuance, renewal, denial, and revocation of licenses under this chapter. The rules adopted under this subsection must address the following:

(A) The form and content of the license.

(B) The collection of an annual license fee.

(5) Prescribe the procedures and standards for inspections.

**(6) Prescribe procedures for:**

**(A) implementing a plan of correction to address any violations of any provision of this chapter or any rules adopted under this chapter; and**

**(B) implementing a system for the state department to follow if the abortion clinic or birthing center fails to comply with the plan of correction described in clause (A) and disciplinary action is needed.**

(b) A person who knowingly or intentionally:

(1) operates a birthing center or an abortion clinic that is not licensed under this chapter; or

(2) advertises the operation of a birthing center or an abortion clinic that is not licensed under this chapter;

commits a Class A misdemeanor.

**(c) Not later than January 1, 2019, the state department shall:**

**(1) adopt separate rules under IC 4-22-2, including those required under subsection (a), for abortion clinics that perform only surgical abortions;**

**(2) adopt separate rules under IC 4-22-2, including those required under subsection (a), for abortion clinics that perform abortions only through the provision of an abortion inducing drug; and**

**(3) establish procedures regarding the issuance of licenses to abortion clinics that:**

**(A) perform only surgical abortions;**

**(B) perform abortions only through the provision of an abortion inducing drug; or**

**(C) perform both surgical abortions and abortions through the provision of abortion inducing drugs."**

Page 2, line 23, delete "minor." and insert "**minor, as determined by a physician who certifies the determination in writing.**".

Page 2, line 28, delete ":" and insert "**from one (1) of the parents, a legal guardian, or a custodian accompanying the unemancipated pregnant minor:**".

Page 2, line 29, delete "notarized".

Page 2, line 29, delete "the unemancipated".

Page 2, line 30, delete "pregnant minor and".

Page 2, line 30, strike "one (1) of the parents or the" and insert "**the parent,**".

Page 2, line 30, after "guardian" insert ",".

Page 3, line 10, delete "." and insert "**and the parental notification requirement under subsection (d).**".

Page 3, line 16, delete ", subject to the".

Page 3, line 17, delete "thirty (30) day requirement described in subsection (d)".

Page 3, line 19, delete "." and insert "**and the parental notification requirement under subsection (d).**".

Page 3, line 20, delete "A petition for a waiver of the parental consent requirement" and insert "**Unless the juvenile court finds that it is in the best interests of an unemancipated pregnant minor to obtain an abortion without parental notification following a hearing on a petition filed under subsection (b) or (c), a parent, legal guardian, or custodian of a pregnant unemancipated minor is entitled to receive notice of the emancipated minor's intent to obtain an abortion before the abortion is performed on the unemancipated pregnant minor. The attorney representing**

**the unemancipated pregnant minor shall serve the notice required by this subsection by certified mail or by personal service and provide the court with documentation of the attorney's good faith effort to serve the notice, including any return receipt for a certified mailing. The court shall retain the documentation provided in the confidential records of the waiver proceedings held under this section."**

Page 3, delete lines 21 through 27.

Page 3, line 30, reset in roman "petition".

Page 3, line 30, delete "proof of".

Page 3, line 31, delete "service, as described in subsection (d)".

Page 3, line 32, delete "evidence submitted by the parent or legal".

Page 3, line 33, delete "guardian or custodian of the pregnant minor and".

Page 3, line 38, after "." insert "**The juvenile court shall waive the requirement of parental notification under subsection (d) if the court finds that obtaining an abortion without parental notification is in the best interests of the unemancipated pregnant minor. If the juvenile court does not find that obtaining an abortion without parental notification is in the best interests of the unemancipated pregnant minor, the court shall, subject to an appeal under subsection (g), order the attorney representing the unemancipated pregnant minor to serve the notice required under subsection (d).**".

Page 4, line 3, after "minor" delete ",".

Page 4, line 3, after "her" insert "**or**".

Page 4, line 3, after "physician" delete ",".

Page 4, line 3, delete "or the minor's".

Page 4, line 4, delete "parent or legal guardian or custodian".

Page 7, line 31, strike "not later than July 30".

Page 7, strike lines 32 through 33.

Page 7, line 34, strike "months of the preceding year." and insert "**within thirty (30) days after the date of each abortion.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 404 as reprinted February 28, 2017.) and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 4.

SMALTZ, Chair

Report adopted.

**OTHER BUSINESS ON THE SPEAKER'S TABLE**

**HOUSE MOTION**

Mr. Speaker: I move that Representative DeLaney be added as cosponsor of Engrossed Senate Bill 42.

CLERE

Motion prevailed.

**HOUSE MOTION**

Mr. Speaker: I move that Representative Klinker be added as cosponsor of Engrossed Senate Bill 59.

FRIZZELL

Motion prevailed.

**HOUSE MOTION**

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three cosponsors and that Representative Bacon be added as cosponsor of Engrossed Senate Bill 243.

KIRCHHOFER

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Schaibley and Klinker be added as cosponsors of Engrossed Senate Bill 355.

OLTHOFF

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Hatfield be added as cosponsor of Engrossed Senate Bill 442.

RICHARDSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three cosponsors and that Representative Shackelford be added as cosponsor of Engrossed Senate Bill 446.

KIRCHHOFFER

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Ober be removed as first sponsor and Representative Lehman be substituted therefor and Representative Ober be added as cosponsor of Engrossed Senate Bill 478.

OBER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three cosponsors and that Representatives Klinker and Shackelford be added as cosponsors of Engrossed Senate Bill 499.

KIRCHHOFFER

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three cosponsors and that Representatives Zent, C. Brown and Shackelford be added as cosponsors of Engrossed Senate Bill 510.

KIRCHHOFFER

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Clere be added as coauthor of House Concurrent Resolution 65.

PORTER

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative J. Young, the House adjourned at 5:45 p.m., this twenty-eighth day of March, 2017, until Thursday, March 30, 2017, at 10:00 a.m.

BRIAN C. BOSMA

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives