



# Journal of the House

State of Indiana

118th General Assembly

Second Regular Session

Twelfth Day

Wednesday Morning

January 29, 2014

The invocation was offered by Representative David N. Frizzell.

The House convened at 10:00 a.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Christina E. Hale and the students from the Math and Science Academy.

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

Arnold	Kubacki
Austin	Lawson
Bacon	Lehe
Baird	Lehman
Bartlett	Leonard
Battles	Lucas
Bauer	Lutz
Behning <input type="checkbox"/>	Macer
Beumer	Mahan
Braun	Mayfield
C. Brown	McMillan
T. Brown	McNamera
Burton	Messmer
Candelaria Reardon	Moed
Carbaugh	Morris
Cherry	Morrison
Clere	Moseley
Cox	Neese
Culver	Negele
Davisson <input type="checkbox"/>	Niemeyer
DeLaney	Niezgodski
Dermody	Ober
DeVon	Pelath
Dvorak	Pierce
Eberhart	Porter
Errington	Price
Forestal	Pryor
Friend	Rhoads
Frizzell	Richardson
Frye	Riecken
GiaQuinta	Saunders
Goodin	Shackleford
Gutwein	Slager
Hale	Smaltz
Hamm	M. Smith
Harman	V. Smith
Harris	Soliday
Heaton	Speedy
Heuer	Stemler <input type="checkbox"/>
Huston	Steuerwald
Karickhoff	Sullivan
Kersey	Summers
Kirchhofer	Thompson
Klinker	Torr
Koch	Truitt

Turner	Wesco
Ubelhor	Wolkins
VanDenburgh	Zent
VanNatter	Ziemke
Washburne	Mr. Speaker

Roll Call 105: 97 present; 3 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, January 30, 2014, at 10:00 a.m.

FRIEND

The motion was adopted by a constitutional majority.

## HOUSE BILLS ON SECOND READING

Pursuant to House Rule 143.1, the following bills which had no amendments filed, were read a second time by title and ordered engrossed: House Bills 1051, 1056, 1080, 1107, 1139, 1178, 1190, 1199, 1300, 1323, 1347 and 1350.

## ENGROSSED HOUSE BILLS ON THIRD READING

### Engrossed House Bill 1045

Representative Kirchhofer called down Engrossed House Bill 1045 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

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

Roll Call 106: 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. Senate sponsor: Senator Pat Miller.

### Engrossed House Bill 1183

Representative Wolkins called down Engrossed House Bill 1183 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 107: yeas 97, 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. Senate sponsors: Senators Charbonneau and Stoops.

### Engrossed House Bill 1205

Representative Lehman called down Engrossed House Bill 1205 for third reading:

A BILL FOR AN ACT to amend the Indiana Code

concerning insurance.

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

Roll Call 108: yeas 57, nays 39. 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. Senate sponsors: Senator Holdman and Eckerty.

#### **Engrossed House Bill 1253**

Representative Zent called down Engrossed House Bill 1253 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 109: 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. Senate sponsors: Senator Pat Miller and Mishler.

#### **Engrossed House Bill 1335**

Representative T. Brown called down Engrossed House Bill 1335 for third reading:

A BILL FOR AN ACT concerning insurance.

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

Roll Call 110: 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. Senate sponsor: Senator Pat Miller.

#### **Engrossed House Bill 1336**

Representative T. Brown called down Engrossed House Bill 1336 for third reading:

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

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

Roll Call 111: 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. Senate sponsor: Senator Pat Miller.

#### **Engrossed House Bill 1360**

Representative C. Brown called down Engrossed House Bill 1360 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 112: yeas 93, 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. Senate sponsors: Senator Pat Miller and Hume.

The House recessed until the fall of the gavel.

#### **RECESS**

The House reconvened at 4:10 p.m.

Upon request of Representative Porter, the Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum. Roll Call 113: 80 present. The Speaker declared a quorum present.

Representatives Austin, Moed, Candelaria Reardon, Truitt and Steuerwald were excused.

### **HOUSE BILLS ON SECOND READING**

#### **House Bill 1001**

Representative Turner called down House Bill 1001 for second reading. The bill was read a second time by title.

#### **HOUSE MOTION** (Amendment 1001-6)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 3, after line 9, begin a new paragraph and insert the following:

"SECTION 2. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "commission" refers to the commission on state tax and financing policy established by IC 2-5-3-2.

(b) As used in this SECTION, "new business personal property" means business personal property that:

(1) a taxpayer places in service after January 1, 2015; and

(2) has not previously been used in Indiana before the taxpayer acquires the business personal property.

(c) The commission shall study the job creation that would be caused by eliminating the assessment and taxation of new business personal property. The commission shall estimate the number of jobs created in Indiana in calendar years 2017, 2020, and 2025 that would be directly attributable to a personal property tax exemption for new business personal property.

(d) The commission shall estimate the average wage for the jobs created in Indiana in calendar years 2017, 2020, and 2025 that would be directly attributable to a personal property tax exemption for new business personal property.

(e) The commission shall publish the estimates required by this SECTION in the commission's final report for the 2014 legislative interim and submit the final report to the legislative council in an electronic format under IC 5-14-6 before November 1, 2014.

(f) This SECTION expires January 1, 2015.

SECTION 3. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as printed January 27, 2014.)

PORTER

Upon request of Representatives Porter and Pelath, the Speaker ordered the roll of the House to be called. Roll Call 114: yeas 28, nays 61. Motion failed. The bill was ordered engrossed.

#### **House Bill 1028**

Representative DeVon called down House Bill 1028 for second reading. The bill was read a second time by title.

#### **HOUSE MOTION** (Amendment 1028-1)

Mr. Speaker: I move that House Bill 1028 be amended to read as follows:

Page 2, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 2. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "center" refers to the center for education and career innovation established by Executive Order 13-21.

(b) As used in this SECTION, "office" refers to the office of management and budget established by IC 4-3-22-3.

(c) As used in this SECTION, "public funds" has the meaning set forth in IC 5-13-4-20.

(d) The office may not cause or permit the distribution, transfer, allotment, or other expenditure of public funds to or for the benefit of the center."

Renumber all SECTIONS consecutively.  
(Reference is to HB 1028 as printed January 27, 2014.)

PELATH

Representative Torr rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. After discussion, Representative Pelath withdrew the motion. The bill was ordered engrossed.

**House Bill 1039**

Representative Lehman called down House Bill 1039 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1039-1)

Mr. Speaker: I move that House Bill 1039 be amended to read as follows:

Page 1, line 15, delete "products." and insert "**products, with one (1) of the members representing the state's largest general farming organization.**"

Page 2, between lines 10 and 11, begin a new line block indented and insert:

**"(7) The dean of the college of agriculture of Purdue University or the dean's designee, as an ex officio member."**

Page 2, line 18, delete "Six (6)" and insert "**Seven (7)**".

Page 2, line 19, delete "six (6)" and insert "**seven (7)**".

(Reference is to HB 1039 as printed January 27, 2014.)

LEHMAN

Motion prevailed. The bill was ordered engrossed.

**House Bill 1042**

Representative M. Smith called down House Bill 1042 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1042-1)

Mr. Speaker: I move that House Bill 1042 be amended to read as follows:

Page 5, between lines 27 and 28, begin a new paragraph and insert:

**"(d) A complaint and summons under subsection (c) may be sent only if the law enforcement agency possesses a written report from the operator of the school bus that was passed by a vehicle and that was the subject of the complaint and summons. The written report must:**

- (1) document the alleged violating incident; and**
- (2) have been made contemporaneously with the employment shift of the operator of the school bus when the offense occurred."**

Page 5, line 28, delete "(d)" and insert "**(e)**".

Page 5, line 30, delete "(e)" and insert "**(f)**".

(Reference is to HB 1042 as printed January 27, 2014.)

FRYE

Motion prevailed. The bill was ordered engrossed.

**House Bill 1062**

Representative Huston called down House Bill 1062 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**House Bill 1075**

Representative Burton called down House Bill 1075 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 1075-7)

Mr. Speaker: I move that House Bill 1075 be amended to read as follows:

Page 2, line 23, delete "July 1" and insert "**October 1, 2014, for the first year, and not later than April 1, for**".

Page 2, line 23, after "year" insert "**thereafter, beginning April 1, 2015,**".

Page 2, line 29, delete "The interest".

Page 2, delete line 30.

Page 2, line 36, after "(B) the" insert "**average of the**".

Page 2, line 38, delete "three (3) months" and insert "**ten (10) calendar years**".

Page 2, line 39, delete "July 1." and insert ":

**(i) October 1, 2014, for the first year; and**

**(ii) April 1, for each year thereafter."**

Page 3, line 2, delete "July 1." and insert ":

**(i) October 1, 2014, for the first year; and**

**(ii) April 1, for each year thereafter."**

(Reference is to HB 1075 as printed January 27, 2014.)

T. BROWN

Motion prevailed.

HOUSE MOTION  
(Amendment 1075-5)

Mr. Speaker: I move that House Bill 1075 be amended to read as follows:

Page 2, line 42, after "average" insert "**nominal**".

Page 3, line 1, delete "bills" and insert "**notes**".

(Reference is to HB 1075 as printed January 27, 2014.)

PORTER

Upon request of Representatives Mahan and VanNatter, the Speaker ordered the roll of the House to be called. Roll Call 115: yeas 91, nays 0. Motion prevailed. The bill was ordered engrossed.

**House Bill 1099**

Representative Niemeyer called down House Bill 1099 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1099-2)

Mr. Speaker: I move that House Bill 1099 be amended to read as follows:

Page 1, line 7, delete ":" and insert "**as either of the following:**".

Page 1, line 8, after "(A)" insert "**An**".

Page 1, line 8, delete "; or" and insert ".".

Page 1, line 9, after "(B)" insert "**A**".

Page 1, line 10, after "facility." insert "**After a municipality annexes territory under this clause, the municipality may annex additional territory to enlarge the territory for the use of the wastewater treatment facility or water treatment facility only if the county legislative body approves that use of the additional territory by ordinance.**".

Page 1, line 14, beginning with "However," begin a new line blocked left.

Page 1, line 14, strike "this subsection" and insert "**subdivision (2) or (3)**".

Page 1, line 15, strike "as a municipally owned or regulated sanitary landfill, golf".

Page 1, line 16, strike "course, or hospital" and insert "**for the purpose for which the territory was annexed**".

Page 2, line 9, after "annexation." insert "**Territory that is annexed under subdivision (2) (including territory that is enlarged under subdivision (2)(B) for the use of the wastewater treatment facility or water treatment facility) or subdivision (3) may not be considered a part of the municipality for purposes of annexing additional territory.**".

Page 4, after line 9, begin a new paragraph and insert:

"SECTION 2. IC 36-7-4-205, AS AMENDED BY

P.L.172-2011, SECTION 143, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 205. (a) ADVISORY. A municipal plan commission shall adopt a comprehensive plan, as provided for under the 500 series of the advisory planning law, for the development of the municipality. For comprehensive plans adopted after July 1, 1999, if:

- (1) the municipality provides municipal services to the contiguous unincorporated area; or
- (2) the municipal plan commission obtains the approval of the county legislative body of each affected county;

the municipal plan commission may provide in the comprehensive plan for the development of the contiguous unincorporated area, designated by the commission, that is outside the corporate boundaries of the municipality, and that, in the judgment of the commission, bears reasonable relation to the development of the municipality. For purposes of this section, participation of a municipality in a fire protection territory established under IC 36-8-19 that includes unincorporated areas contiguous to the municipality may not be treated as providing municipal services to the contiguous unincorporated areas.

(b) ADVISORY. Except as limited by the boundaries of unincorporated areas subject to the jurisdiction of other municipal plan commissions, an area designated under this section may include any part of the contiguous unincorporated area within two (2) miles from the corporate boundaries of the municipality. ~~It~~ However, **the following applies to the designation of an area under this section:**

(1) If the corporate boundaries of the municipality or the boundaries of that contiguous unincorporated area include any part of the public waters or shoreline of a lake (which lies wholly within Indiana), the designated area may also include:

- (1) ~~(A)~~ **(A)** any part of those public waters and shoreline of the lake; and
- (2) ~~(B)~~ **(B)** any land area within two thousand five hundred (2,500) feet from that shoreline.

(2) **This subdivision applies to a municipality that annexes noncontiguous territory under IC 36-4-3-4(a)(2) or IC 36-4-3-4(a)(3). The boundaries of the noncontiguous territory (including territory that is enlarged under subdivision IC 36-4-3-4(a)(2)(B) for the use of the wastewater treatment facility or water treatment facility) may not be considered a part of the corporate boundaries of the municipality for purposes of designating an area under this section.**

(c) ADVISORY. Before exercising their rights, powers, and duties of the advisory planning law with respect to an area designated under this section, a municipal plan commission must file, with the recorder of the county in which the municipality is located, a description or map defining the limits of that area. If the commission revises the limits, it shall file, with the recorder, a revised description or map defining those revised limits.

(d) ADVISORY. If any part of the contiguous unincorporated area within the potential jurisdiction of a municipal plan commission is also within the potential jurisdiction of another municipal plan commission, the first municipal plan commission may exercise territorial jurisdiction over that part of the area within the potential jurisdiction of both municipal plan commissions that equals the product obtained by multiplying a fraction, the numerator of which is the area within the corporate boundaries of that municipality and the denominator of which is the total area within the corporate boundaries of both municipalities times the area within the potential jurisdiction of both municipal plan commissions. Furthermore, this commission may exercise territorial jurisdiction within those boundaries, enclosing an area reasonably compact and regular in shape, that the municipal plan commission first acting designates.

(e) ADVISORY. If the legislative body of a county adopts a

comprehensive plan and ordinance covering the unincorporated areas of the county, a municipal plan commission may not exercise jurisdiction, as provided in this section, over any part of that unincorporated area unless it is authorized by ordinance of the legislative body of the county. This ordinance may be initiated by the county legislative body or by petition duly signed and presented to the county auditor by:

- (1) not less than fifty (50) property owners residing in the area involved in the petition;
- (2) the county plan commission; or
- (3) the municipal plan commission.

Before final action on the ordinance by the county legislative body, the county plan commission must hold an advertised public hearing as required for other actions of the county plan commission under the advisory planning law. Upon the passage of the ordinance by the county legislative body and the subsequent acceptance of jurisdiction by the municipal plan commission, the municipal plan commission shall exercise the same rights, powers, and duties conferred in this section exclusively with respect to the contiguous unincorporated area. The jurisdiction of a municipal plan commission, as authorized under this subsection, may be terminated by ordinance at the discretion of the legislative body of the county, but only if the county has adopted a comprehensive plan for that area that is as comprehensive in scope and subject matter as that in effect by municipal ordinance.

(f) ADVISORY. Each municipal plan commission in a municipality located in a county having:

- (1) a population of less than ninety-five thousand (95,000); and
- (2) a county plan commission that has adopted, in accord with the advisory planning law, a comprehensive plan and ordinance covering the unincorporated areas of the county;

may, at any time, after filing notice with the county recorder and the county plan commission, exercise or reject territorial jurisdiction over any part of the area within two (2) miles of the corporate boundaries of that municipality and within that county, whether or not that commission has previously exercised that jurisdiction, if the municipality is providing municipal services to the area. Within sixty (60) days after receipt of that notice, the county plan commission and the county legislative body shall have the county comprehensive plan and ordinance revised to reflect the decision of the municipal plan commission exercising the option provided for in this subsection. If the municipality is not providing municipal services to the area, the municipal plan commission must obtain the approval of the county legislative body of each affected county before exercising jurisdiction.

(g) AREA. Wherever in the area planning law authority is conferred to establish a comprehensive plan or an ordinance for its enforcement, the authority applies everywhere:

- (1) within the county that is outside the municipalities; and
- (2) within each participating municipality.

(h) ADVISORY—AREA. Whenever a new town is incorporated in a county having a county plan commission or an area plan commission, that plan commission and its board of zoning appeals shall continue to exercise territorial jurisdiction within the town until the effective date of a town ordinance:

- (1) establishing an advisory plan commission under section 202(a) of this chapter; or
- (2) adopting the area planning law under section 202(b) or 204 of this chapter.

Beginning on that effective date, the planning and zoning functions of the town shall be exercised under the advisory planning law or area planning law, as the case may be."

Renumber all SECTIONS consecutively.

(Reference is to HB 1099 as printed January 24, 2014.)

NIEMEYER

Motion prevailed. The bill was ordered engrossed.

**House Bill 1127**

Representative Ober called down House Bill 1127 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1127-1)

Mr. Speaker: I move that House Bill 1127 be amended to read as follows:

Page 2, line 26, delete "ten (10)" and insert "**fifteen (15)**".  
(Reference is to HB 1127 as printed January 24, 2014.)

OBBER

Motion prevailed. The bill was ordered engrossed.

**House Bill 1180**

Representative Frye called down House Bill 1180 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1180-1)

Mr. Speaker: I move that House Bill 1180 be amended to read as follows:

Page 7, delete lines 12 through 42, begin a new paragraph and insert:

"SECTION 10. IC 9-13-2-31.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 31.5. (a) **Before January 1, 2016**, "commercial vehicle", for purposes of IC 9-18-2-4.5, means a motor vehicle or combination of motor vehicles used in commerce to transport property if the motor vehicle:

- (1) has a gross combination weight rating of at least twenty-six thousand one (26,001) pounds, including a towed unit with a gross vehicle weight rating of more than ten thousand (10,000) pounds;
- (2) has a gross vehicle weight rating of at least twenty-six thousand one (26,001) pounds; or
- (3) meets both of the following requirements:
  - (A) The motor vehicle has a gross vehicle weight rating of at least seven thousand (7,000) pounds, but less than twenty-six thousand one (26,001) pounds.
  - (B) The motor vehicle is owned by a registered carrier holding a valid Indiana fuel tax permit under IC 6-6-4.1.

(b) **After December 31, 2015**, "commercial vehicle", for purposes of IC 9-18-2-4.6, means a motor vehicle used in commerce to transport property if the motor vehicle:

- (1) has a declared gross vehicle weight of at least sixteen thousand (16,000) pounds; and
- (2) is subject to the commercial motor vehicle excise tax under IC 6-6-5.5.

SECTION 11. IC 9-18-2-4.5, AS AMENDED BY P.L.293-2013(ts), SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4.5. (a) Upon payment of the annual registration fee under IC 9-29-5, and any applicable commercial vehicle excise tax under IC 6-6-5.5, the department of state revenue may issue a license plate for each commercial vehicle registered to the ~~registered~~ owner of at least twenty-five (25) commercial vehicles with a declared gross vehicle weight rating exceeding twenty-six thousand (26,000) pounds. The license plate issued under this section for a commercial vehicle is permanently valid.

(b) ~~if the~~ A registered owner of at least twenty-five (25) commercial vehicles with a declared gross vehicle weight rating exceeding twenty-six thousand (26,000) pounds ~~submits~~ **shall submit** the application of registration for the commercial vehicles on an aggregate basis ~~it must be~~ by electronic means. If the application is approved, the department of state revenue shall issue a certificate of registration that shall be carried at all times in the vehicle for which it is issued.

(c) The registration for a commercial vehicle is void when the registered owner:

- (1) sells (and does not replace);
- (2) disposes of; or
- (3) does not renew the registration of;

the commercial vehicle or the commercial vehicle is destroyed.

(d) This section does not relieve the owner of the vehicle from payment of any applicable commercial vehicle excise tax under IC 6-6-5.5 on a yearly basis.

(e) A registered plate issued under subsection (a) may be transferred to another vehicle in a fleet of the same weight and plate type, with a new certificate issued under subsection (b), upon application to the department of state revenue. A commercial vehicle excise tax credit may be applied to any plate transfer of the same vehicle type and same weight category.

(f) The department of state revenue shall adopt rules under IC 4-22-2 necessary to administer this section.

(g) The following apply to rules adopted by the bureau before January 1, 2014, under subsection (f):

(1) The rules are transferred to the department of state revenue on January 1, 2014, and are considered, after December 31, 2013, rules of the department of state revenue.

(2) After December 31, 2013, the rules are treated as if they had been adopted by the department of state revenue.

(h) **A registered owner may continue to register commercial vehicles under this section even after a reduction in the registered owner's fleet to fewer than twenty-five (25) commercial vehicles.**

(i) **This section expires January 1, 2016.**

SECTION 12. IC 9-18-2-4.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4.6. (a) **This section applies to registrations in a calendar year beginning after December 31, 2015.**

(b) **Upon payment of the annual registration fee under IC 9-29-5 and any applicable commercial vehicle excise tax under IC 6-6-5.5, the department of state revenue may issue a license plate for each commercial vehicle registered to the owner of at least twenty-five (25) commercial vehicles. The license plate issued under this section for a commercial vehicle is permanently valid.**

(c) **The application of registration for the commercial vehicles must be on an aggregate basis by electronic means. If the application is approved, the department of state revenue shall issue a certificate of registration that shall be carried at all times in the vehicle for which it is issued.**

(d) The registration for a commercial vehicle is void when the registered owner:

- (1) sells (and does not replace);
- (2) disposes of; or
- (3) does not renew the registration of;

the commercial vehicle or the commercial vehicle is destroyed.

(e) **This section does not relieve the owner of a vehicle from payment of any applicable commercial vehicle excise tax under IC 6-6-5.5 on a yearly basis.**

(f) A registered license plate issued under subsection (b) may be transferred to another vehicle in a fleet of the same weight and plate type, with a new certificate of registration issued under subsection (c), upon application to the department of state revenue. A commercial vehicle excise tax credit may be applied to any plate transfer of the same vehicle type and same weight category.

(g) The department of state revenue shall adopt rules under IC 4-22-2 necessary to administer this section.

(h) The following apply to rules adopted by the bureau before January 1, 2014, under section 4.5(f) of this chapter (before its expiration):

- (1) The rules are transferred to the department of state revenue and are considered rules of the department of state revenue.

(2) The rules are treated as if they had been adopted by the department of state revenue.

(i) Upon qualification under this section, a vehicle subject to the commercial vehicle excise tax under IC 6-6-5.5, including trailers and semi-trailers, must be registered with the department of state revenue and issued a permanent license plate.

(j) A registered owner may continue to register commercial vehicles under this section even after a reduction in the registered owner's fleet to fewer than twenty-five (25) commercial vehicles.

SECTION 52. IC 9-18-2-47, AS AMENDED BY P.L.262-2013, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 47. (a) The commissioner shall adopt rules under IC 4-22-2 prescribing the cycle for the issuance and replacement of license plates under this article. The rules adopted under this section shall provide that a license plate for a vehicle issued under this article is valid for five (5) years.

(b) The rules adopted under this section do not apply to:

- (1) truck license plates issued under section 4.5 (before its expiration), 4.6, or 18 of this chapter; and
- (2) general assembly and other state official license plates issued under IC 9-18-16."

Renumber all SECTIONS consecutively.

(Reference is to HB 1180 as printed January 27, 2014.)

FRYE

Motion prevailed.

HOUSE MOTION  
(Amendment 1180-2)

Mr. Speaker: I move that House Bill 1180 be amended to read as follows:

Replace the effective date in SECTION 9 with "[EFFECTIVE JANUARY 1, 2014 (RETROACTIVE)]".

Page 5, delete lines 16 through 21, begin a new paragraph and insert:

"(c) The fees imposed under this section are subject to an annual adjustment under section 5 of this chapter.

Sec. 5. (a) As used in this section, "consumer price index" refers to the consumer price index for all urban users not seasonally adjusted as published by the Bureau of Labor Statistics, United States Department of Labor, or its successor agency.

(b) Subject to subsection (c), the department shall before February 1 of each year adjust each fee imposed under section 4 of this chapter as follows:

STEP ONE: Determine the quotient of:

- (A) the consumer price index for December of the immediately preceding calendar year; divided by
- (B) the consumer price index for December of the calendar year immediately preceding the calendar year described in clause (A).

STEP TWO: Determine the product of:

- (A) the amount of the fee imposed under section 4 of this chapter in the immediately preceding calendar year; multiplied by
- (B) the STEP ONE result.

STEP THREE: Round the STEP TWO result to the nearest ten dollar (\$10) increment.

(c) A fee imposed under section 4 of this chapter may not be increased under this section if the adjustment required by this section results in a fee increase of less than five dollars (\$5). However, in the following calendar year the amount of the disregarded adjustment must be treated as if it had been added to the fee imposed under section 4 of this chapter for purposes of making the determination under subsection (b) STEP TWO."

(Reference is to HB 1180 as printed January 27, 2014.)

FRYE

Motion prevailed. The bill was ordered engrossed.

House Bill 1181

Representative Frye called down House Bill 1181 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1187

Representative Bacon called down House Bill 1187 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1187-5)

Mr. Speaker: I move that House Bill 1187 be amended to read as follows:

Page 1, delete lines 1 through 6.

Page 1, line 8, delete "JULY 1, 2014:" and insert "UPON PASSAGE:".

Page 1, line 8, after "18." insert "(a)".

Page 1, delete lines 11 through 16, begin a new paragraph and insert:

"(b) This subsection applies to an ordinance that reserves to a municipality the exclusive right to exercise a power granted by section 14, 16, or 17 of this chapter in an area within four (4) miles outside the municipality's corporate boundaries. A municipality that adopted an ordinance described in this subsection before January 1, 2014, may not enforce the ordinance until May 1, 2017. An ordinance described in this subsection that is adopted after December 31, 2013, is void.

SECTION 2. An emergency is declared for this act."

Delete page 2.

Renumber all SECTIONS consecutively.

(Reference is to HB 1187 as printed January 24, 2014.)

HEUER

Motion prevailed.

HOUSE MOTION  
(Amendment 1187-1)

Mr. Speaker: I move that House Bill 1187 be amended to read as follows:

Page 2, line 5, delete "the area" and insert "an area that is".

Page 2, line 6, after "municipality" insert "and that is".

Page 2, after line 28, begin a new paragraph and insert:

"SECTION 5. IC 36-9-25-11, AS AMENDED BY P.L.168-2009, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) In connection with its duties, the board may fix fees for the treatment and disposal of sewage and other waste discharged into the sewerage system, collect the fees, and establish and enforce rules governing the furnishing of and payment for sewage treatment and disposal service. The fees must be just and equitable and shall be paid by any user of the sewage works and the owner of every lot, parcel of real property, or building that is connected with and uses the sewage works of the district by or through any part of the sewerage system. This section applies to owners of property that is partially or wholly exempt from taxation, as well as owners of property subject to full taxation.

(b) The board may change fees from time to time. The fees, together with the taxes levied under this chapter, must at all times be sufficient to produce revenues sufficient to pay operation, maintenance, and administrative expenses, to pay the principal and interest on bonds as they become due and payable, and to provide money for the revolving fund authorized by this chapter.

(c) Fees may not be established until a public hearing has been held at which all the users of the sewage works and owners of property served or to be served by the works, including interested parties, have had an opportunity to be heard concerning the proposed fees. After introduction of the resolution fixing fees, and before they are finally adopted, notice of the hearing setting forth the proposed schedule of fees shall be given by publication in accordance with IC 5-3-1. After the hearing the resolution establishing fees, either as originally introduced or as amended, shall be passed and put into effect. However, fees related to property that is subject to full taxation do not take effect until they have been approved by ordinance of the municipal legislative body or, in the case of a district described in section 3(b)(2) of this chapter, under section 11.3 of this chapter.

(d) A copy of the schedule of the fees shall be kept on file in the office of the board and must be open to inspection by all interested parties. **Subject to section 11.6 of this chapter**, the fees established for any class of users or property served shall be extended to cover any additional premises thereafter served that fall within the same class, without the necessity of hearing or notice.

(e) A change of fees may be made in the same manner as fees were originally established. However, **subject to section 11.6 of this chapter**, if a change is made substantially pro rata for all classes of service, hearing or notice is not required, but approval of the change by ordinance of the municipal legislative body is required, and, in the case of a district described in section 3(b)(2) of this chapter, approval under section 11.3 of this chapter is required.

(f) If a fee established is not paid within thirty (30) days after it is due, the amount, together with a penalty of ten percent (10%) and a reasonable attorney's fee, may be recovered by the board from the delinquent user or owner of the property served in a civil action in the name of the municipality.

(g) Fees assessed against real property under this section also constitute a lien against the property assessed. The lien attaches at the time of the filing of the notice of lien in the county recorder's office. The lien is superior to all other liens except tax liens, and shall be enforced and foreclosed in the same manner as is provided for liens under IC 36-9-23-33 and IC 36-9-23-34.

(h) A fee assessed against real property under this section constitutes a lien against the property assessed only when the fee is delinquent for no more than three (3) years from the day after the fee is due.

(i) In addition to the penalties under subsections (f) and (g) and section 11.5 of this chapter, a delinquent user may not discharge water into the public sewers and may have the property disconnected from the public sewers.

(j) The authority to establish a user fee under this section includes fees to recover the cost of construction of sewage works from industrial users as defined and required under federal statute or rule. Any industrial users' cost recovery fees may become a lien upon the real property and shall be collected in the manner provided by law. In addition, the imposition of the fees, the use of the amounts collected, and the criteria for the fees must be consistent with the regulations of the federal Environmental Protection Agency.

(k) The authority to establish a user fee under this section includes fees to recover the costs associated with providing financial assistance under section 42 of this chapter. A fee that is:

- (1) established under this subsection or any other law; and
- (2) used to provide financial assistance under section 42 of this chapter;

is considered just and equitable if the project for which the financial assistance is provided otherwise complies with the requirements of this chapter.

**SECTION 6. IC 36-9-25-11.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS**

**FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11.6. (a) As used in this section, "multipurpose building" means a building that:**

- (1) is connected with and uses the sewage works of a district; and**
- (2) is used for more than one (1) purpose or has individual units or parts that are used for different purposes.**

**(b) As used in this section, "purpose" means the primary use to which a lot, parcel of real property, or building is put and that is the basis for a particular schedule or class of fees established by a district under section 11 of this chapter. The term includes any of the following purposes to which a lot, parcel of real property, or building is put:**

- (1) Residential purposes.**
- (2) Industrial purposes.**
- (3) Commercial purposes.**
- (4) Agricultural purposes.**

**(c) In establishing fees under section 11 of this chapter for the treatment and disposal of sewage and other waste discharged into the district's sewer system, a district must provide for:**

- (1) the apportionment or proration of fees assessed with respect to a multipurpose building in a manner that recognizes the different purposes to which the multipurpose building is put; or**
- (2) the application of different fee schedules or classifications of fees to the individual units or parts of a multipurpose building in a manner that recognizes the primary purpose of the individual units or parts.**

**(d) Any schedule of fees that:**

- (1) is adopted under this chapter before April 1, 2014; and**
- (2) does not comply with the requirements of this section with respect to multipurpose buildings;**

**shall, not later than September 30, 2014, be changed or amended in the manner specified in section 11(e) of this chapter to comply with the requirements of this section.**

**SECTION 7. An emergency is declared for this act."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1187 as printed January 24, 2014.)

V. SMITH

Motion prevailed.

**HOUSE MOTION  
(Amendment 1187-2)**

Mr. Speaker: I move that House Bill 1187 be amended to read as follows:

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

"SECTION 1. IC 8-1.5-5-7, AS AMENDED BY P.L.114-2008, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) The acquisition, construction, installation, operation, and maintenance of facilities and land for storm water systems may be financed through:

- (1) proceeds of special taxing district bonds of the storm water district;
- (2) the assumption of liability incurred to construct the storm water system being acquired;
- (3) service rates;
- (4) revenue bonds; or
- (5) any other available funds.

(b) Except as provided in IC 36-9-23-37, the board, after holding a public hearing with notice given under IC 5-3-1 and obtaining the approval of the fiscal body of the unit served by the department, may assess and collect user fees from all of the property of the storm water district for the operation and maintenance of the storm water system. The amount of the user fees must be the minimum amount necessary for the operation

and maintenance of the storm water system. The assessment and collection of user fees under this subsection by the board of a county must also be approved by the county executive.

(c) **Subject to section 7.1 of this chapter**, the collection of the fees authorized by this section may be effectuated through a periodic billing system or through a charge appearing on the semiannual property tax statement of the affected property owner.

(d) The board shall use one (1) or more of the following factors to establish the fees authorized by this section:

- (1) A flat charge for each lot, parcel of property, or building.
- (2) The amount of impervious surface on the property.
- (3) The number and size of storm water outlets on the property.
- (4) The amount, strength, or character of storm water discharged.
- (5) The existence of improvements on the property that address storm water quality and quantity issues.
- (6) The degree to which storm water discharged from the property affects water quality in the storm water district.
- (7) Any other factors the board considers necessary.

(e) The board may exercise reasonable discretion in adopting different schedules of fees or making classifications in schedules of fees based on:

- (1) variations in the costs, including capital expenditures, of furnishing services to various classes of users or to various locations;
- (2) variations in the number of users in various locations; and
- (3) whether the property is used primarily for residential, commercial, or agricultural purposes.

SECTION 2. IC 8-1.5-5-7.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 7.1. (a) This section applies to real property that is served by a district's storm water system and occupied by someone other than the owner.**

(b) If:

- (1) the collection of user fees under section 7 of this chapter is made through a periodic billing system, as authorized by section 7(c) of this chapter; and
- (2) either the owner of real property to which this section applies or the person occupying the property submits to the department a copy of a rental agreement, a lease, or a contract that:
  - (A) is executed by the property owner and the person occupying the property;
  - (B) identifies the person occupying the property by name; and
  - (C) indicates that the person occupying the property is responsible for paying the user fees assessed by the board with respect to the property;

the department shall establish or continue service to the property in the name of the person occupying the property, as identified under subdivision (2)(B), and shall ensure that the account or other customer or billing records maintained by the department for the property are in the name of the person occupying the property, subject to any requirement for a deposit to ensure the payment of user fees, or to any requirement to ensure the creditworthiness of the account holder or customer, that the board may lawfully impose.

SECTION 3. IC 8-1.5-5-29, AS ADDED BY P.L.131-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 29. (a) Subsections (c), (d), and (e) do not apply to a city that before January 1, 2005, adopted an ordinance establishing procedures for the collection of unpaid user fees under this chapter through the enforcement of a lien.**

(b) **Except as provided in subsection (d)**, fees assessed

against real property under this chapter constitute a lien against the property assessed. The lien is superior to all other liens except tax liens. Except as provided in subsections (c) and (d), the lien attaches when notice of the lien is filed in the county recorder's office under section 30 of this chapter.

(c) A fee is not enforceable as a lien against a subsequent owner of property unless the lien for the fee was recorded with the county recorder before the conveyance to the subsequent owner. If property is conveyed before a lien is filed, the department shall notify the person who owned the property at the time the fee became payable. The notice must inform the person that payment, including penalty fees for delinquencies, is due not more than fifteen (15) days after the date of the notice. If payment is not received within one hundred eighty (180) days after the date of the notice, the amount due may be expensed as a bad debt loss.

(d) A lien attaches against real property occupied by someone other than the owner only if the department notifies the owner **within not later than** twenty (20) days after the time the user fees **became become** sixty (60) days delinquent. However, the department must give notice **of the delinquency** to the owner only if the owner has given the department written notice of the address to which to send notice. **A lien does not attach for user fees assessed against real property occupied by someone other than the owner if either of the following applies:**

(1) **The department:**

- (A) has received a copy of a rental agreement, a lease, or a contract described in section 7.1(b)(2) of this chapter with respect to the property; and
- (B) maintains the account or other customer or billing records for the property in the name of the person occupying the property, as required by section 7.1 of this chapter.

(2) **The account or other customer or billing records maintained by the department for the property otherwise indicate that:**

- (A) the property is occupied by someone other than the owner; and
- (B) the person occupying the property is responsible for paying the user fees assessed by the department with respect to the property.

(e) The department shall release:

- (1) liens filed with the county recorder after the recorded date of conveyance of the property; and
- (2) delinquent fees incurred by the seller;

upon receipt of a verified demand in writing from the purchaser. The demand must state that the delinquent fees were not incurred by the purchaser as a user, lessee, or previous owner and that the purchaser has not been paid by the seller for the delinquent fees.

(f) **Regardless of whether the department has notice under subsection (d)(1) or (d)(2) that real property is occupied by someone other than the owner, the department shall release:**

- (1) any lien filed with the county recorder for user fees assessed against real property occupied by someone other than the owner; and
- (2) delinquent user fees incurred by the person who occupies the property and is responsible for paying the user fees assessed by the department with respect to the property;

upon receipt of a verified demand in writing from the owner of the property. **The demand must state that the delinquent fees were not incurred by the owner as a user of the storm water system and that the owner has not been paid by the person occupying the property for the delinquent user fees.**

SECTION 4. IC 8-1.5-5-30, AS ADDED BY P.L.131-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 30. (a) With respect to real**



property for which the account or other customer or billing records maintained by the department indicate under section 29(d)(1) or 29(d)(2) of this chapter that:

(1) the property is occupied by someone other than the owner; and

(2) the person occupying the property is responsible for paying the user fees assessed by the department with respect to the property;

subsections (c) through (e) and subsections (g) through (k) do not apply to unpaid user fees and penalties assessed against the property under this chapter.

(~~h~~) (b) The board may defer enforcing the collection of unpaid fees and penalties assessed under this chapter until the unpaid fees and penalties have been due and unpaid for at least ninety (90) days. **However, in the case of real property that is occupied by someone other than the owner and for which the owner has given the department written notice of an address to which to send notice of delinquent fees with respect to the property, this subsection does not relieve the department of its duty under section 29(d) of this chapter to notify the owner not later than twenty (20) days after the time user fees become sixty (60) days delinquent.**

(~~h~~) (c) Except as provided in subsection (~~k~~); (m), the board shall enforce payment of fees imposed under this chapter. As often as the board determines necessary in a calendar year, the board shall prepare either of the following:

(1) A list of the delinquent fees and penalties that are enforceable under this section. The list must include the following:

(A) The name of the owner of each lot or parcel of real property on which fees are delinquent.

(B) A description of the premises, as shown by the records of the county auditor.

(C) The amount of the delinquent fees, together with the penalty.

(2) An individual instrument for each lot or parcel of real property on which the fees are delinquent.

(~~e~~) (d) An officer of the board shall record a copy of each list or each individual instrument with the county recorder who shall charge a fee for recording the list or each individual instrument in accordance with the fee schedule established in IC 36-2-7-10. The officer shall mail by certified mail, or by another delivery service providing proof of delivery, to each property owner on the list or on an individual instrument a notice stating that a lien against the owner's property has been recorded. A service charge of five dollars (\$5), which is in addition to the recording fee charged under this subsection and under subsection (~~e~~); (f), shall be added to each delinquent fee that is recorded.

(~~h~~) (e) Using the lists and instruments prepared under subsection (~~h~~) (c) and recorded under subsection (~~e~~); (d), the board shall, not later than ten (10) days after the list or each individual instrument is recorded under subsection (~~e~~); (d), certify to the county auditor a list of the liens that remain unpaid for collection **in not later than the due date of the next May installment of property taxes, as specified in subsection (g).** The county and its officers and employees are not liable for any material error in the information on this list.

(~~e~~) (f) The board shall release any recorded lien when **either of the following occurs:**

(1) The delinquent fees, penalties, service charges, and recording fees have been fully paid. The county recorder shall charge a fee for releasing ~~the~~ a lien **under this subdivision** in accordance with IC 36-2-7-10.

(2) **A verified demand has been filed with the county auditor under section 29(e) or 29(f) of this chapter. The county recorder may not charge a fee for releasing a lien under this subdivision.**

(~~h~~) (g) Upon receipt of the list under subsection (~~e~~); (e), the county auditor of each county shall add a fifteen dollar (\$15) certification fee for each lot or parcel of real property on which

fees are delinquent. The fee is in addition to all other fees and charges. The county auditor shall immediately enter on the tax duplicate for the district the delinquent fees, penalties, service charges, recording fees, and certification fees, which are due not later than the due date of the next May installment of property taxes. The county treasurer shall include any unpaid charges for the delinquent fee, penalty, service charge, recording fee, and certification fee to the owner or owners of each lot or parcel of property, at the time the next cycle's property tax installment is billed.

(~~g~~) (h) After certification of liens under subsection (~~h~~); (e), the board may not collect or accept delinquent fees, penalties, service charges, recording fees, or certification fees from property owners whose property has been certified to the county auditor.

(~~h~~) (i) If a delinquent fee, penalty, service charge, recording fee, and certification fee are not paid, they shall be collected by the county treasurer in the same way that delinquent property taxes are collected.

(~~h~~) (j) At the time of each semiannual tax settlement, the county treasurer shall certify to the county auditor all fees, charges, and penalties that have been collected. The county auditor shall deduct the service charges and certification fees collected by the county treasurer and pay over to the officer the remaining fees and penalties due the district. The county treasurer shall retain the service charges and certification fees that have been collected and shall deposit them in the county general fund.

(~~h~~) (k) Fees, penalties, and service charges that were not recorded before a recorded conveyance shall be removed from the tax roll for a purchaser who, in the manner prescribed by section 29(e) of this chapter, files a verified demand with the county auditor.

**(l) User fees, penalties, and service charges assessed against real property occupied by someone other than the owner, regardless of whether the department has notice under section 29(d)(1) or 29(d)(2) of this chapter that real property is occupied by someone other than the owner, shall be removed from the tax roll for an owner who, in the manner prescribed by section 29(f) of this chapter, files a verified demand with the county auditor.**

(~~k~~) (m) A board may write off a fee or penalty under subsection (~~a~~) (b) that is:

(1) less than forty dollars (\$40); or

(2) **removed from the tax roll under subsection (k) or (l).**

SECTION 5. IC 8-1.5-5-31, AS ADDED BY P.L.131-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 31. (a) A district may foreclose a lien, **other than a lien required to be released under section 30(f) of this chapter**, established by this chapter in order to collect fees and penalties. The district shall recover the amount of the fees and penalties, and a reasonable attorney's fee. The court shall order the sale to be made without relief from valuation or appraisal laws.

(b) Except as otherwise provided by this chapter, actions under this chapter are subject to the general statutes regarding municipal public improvement assessments."

Page 2, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 9. IC 36-9-23-25, AS AMENDED BY P.L.114-2008, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 25. (a) Subject to section 37 of this chapter, the municipal legislative body shall, by ordinance, establish just and equitable fees for the services rendered by the sewage works, and provide the dates on which the fees are due.

(b) Just and equitable fees are the fees required to maintain the sewage works in the sound physical and financial condition necessary to render adequate and efficient service. The fees

must be sufficient to:

- (1) pay all expenses incidental to the operation of the works, including legal expenses, maintenance costs, operating charges, repairs, lease rentals, and interest charges on bonds or other obligations;
- (2) provide the sinking fund required by section 21 of this chapter;
- (3) provide adequate money to be used as working capital; and
- (4) provide adequate money for improving and replacing the works.

Fees established after notice and hearing under this chapter are presumed to be just and equitable.

(c) **Subject to section 25.1 of this chapter**, the fees are payable by the owner of each lot, parcel of real property, or building that:

- (1) is connected with the sewage works by or through any part of the municipal sewer system; or
- (2) uses or is served by the works.

Unless the municipal legislative body finds otherwise, the works are considered to benefit every lot, parcel of real property, or building connected or to be connected with the municipal sewer system as a result of construction work under the contract, and the fees shall be billed and collected accordingly.

(d) The municipal legislative body may use one (1) or more of the following factors to establish the fees:

- (1) A flat charge for each sewer connection.
- (2) The amount of water used on the property.
- (3) The number and size of water outlets on the property.
- (4) The amount, strength, or character of sewage discharged into the sewers.
- (5) The size of sewer connections.
- (6) Whether the property has been or will be required to pay separately for any part of the sewage works.
- (7) Whether the property, although vacant or unimproved, is benefited by a local or lateral sewer because of the availability of that sewer. However, the owner must have been notified, by recorded covenants and restrictions or deed restrictions in the chain of title of ~~his~~ **the owner's** property, that a fee or assessment for sewer availability may be charged, and the fee may reflect only the capital cost of the sewer and not the cost of operation and maintenance of the sewage works.
- (8) The cost of collecting, treating, and disposing of garbage in a sanitary manner, including equipment and wages.
- (9) The amount of money sufficient to compensate the municipality for the property taxes that would be paid on the sewage works if the sewage works were privately owned.
- (10) Any other factors the legislative body considers necessary.

Fees collected under subdivision (8) may be spent for that purpose only after compliance with all provisions of the ordinance authorizing the issuance of the revenue bonds for the sewage works. The board may transfer fees collected in lieu of taxes under subdivision (9) to the general fund of the municipality.

(e) The municipal legislative body may exercise reasonable discretion in adopting different schedules of fees, or making classifications in schedules of fees, based on variations in:

- (1) the costs, including capital expenditures, of furnishing services to various classes of users or to various locations; or
- (2) the number of users in various locations.

SECTION 10. IC 36-9-23-25.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 25.1. (a) This section applies to real property that is served by a municipality's sewage works and occupied by someone other**

**than the owner.**

**(b) If either the owner of real property to which this section applies or the person occupying the property submits to the utility a copy of a rental agreement, a lease, or a contract that:**

- (1) is executed by the property owner and the person occupying the property;**
- (2) identifies the person occupying the property by name; and**
- (3) indicates that the person occupying the property is responsible for paying the user fees assessed by the utility with respect to the property;**

**the utility shall establish or continue service to the property in the name of the person occupying the property, as identified under subdivision (2), and shall ensure that the account or other customer or billing records maintained by the utility for the property are in the name of the person occupying the property, subject to any requirement for a deposit imposed under section 28 of this chapter to ensure the payment of user fees, or to any requirement to ensure the creditworthiness of the account holder or customer, that the municipality may lawfully impose.**

SECTION 11. IC 36-9-23-32, AS AMENDED BY P.L.113-2010, SECTION 153, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 32. (a) Except as provided in subsection (c)**, fees assessed against real property under this chapter or under any statute repealed by IC 19-2-5-30 (**repealed September 1, 1981**) constitute a lien against the property assessed. The lien is superior to all other liens except tax liens. Except as provided in subsections (b) and (c), the lien attaches when notice of the lien is filed in the county recorder's office under section 33 of this chapter.

(b) A fee is not enforceable as a lien against a subsequent owner of property unless the lien for the fee was recorded with the county recorder before the conveyance to the subsequent owner. If the property is conveyed before the lien can be filed, the municipality shall notify the person who owned the property at the time the fee became payable. The notice must inform the person that payment, including penalty fees for delinquencies, is due not more than fifteen (15) days after the date of the notice. If payment is not received within one hundred eighty (180) days after the date of the notice, the amount due may be expensed as a bad debt loss.

(c) A lien attaches against real property occupied by someone other than the owner only if the utility ~~notified~~ **notifies** the owner ~~within not later than~~ **twenty (20) days** after the time the utility fees ~~became~~ **become** sixty (60) days delinquent. However, the utility is required to give notice of the **delinquency** to the owner **only** if the owner has given the general office of the utility written notice of the address to which the owner's notice is to be sent. A notice sent to the owner under this subsection must be sent by certified mail, return receipt requested, or an equivalent service permitted under IC 1-1-7-1 to ~~(1) the owner of record of real property with a single owner; or (2) at least one (1) of the owners of real property with multiple owners; at the last address of the owner for the property as indicated in the records of the county auditor on the date of the notice; the address specified by the owner in the owner's written notice to the utility.~~ The cost of sending notice under this subsection is an administrative cost that may be billed to the owner. **A lien does not attach for user fees assessed against real property occupied by someone other than the owner if either of the following applies:**

- (1) The utility:**
  - (A) has received a copy of a rental agreement, a lease, or a contract described in section 25.1(b) of this chapter with respect to the property; and**
  - (B) maintains the account or other customer or billing records for the property in the name of the person occupying the property, as required by**

section 25.1 of this chapter.

(2) The account or other customer or billing records maintained by the utility for the property otherwise indicate that:

(A) the property is occupied by someone other than the owner; and

(B) the person occupying the property is responsible for paying the user fees assessed by the utility with respect to the property.

(d) The municipality shall release:

(1) liens filed with the county recorder after the recorded date of conveyance of the property; and

(2) delinquent fees incurred by the seller;

upon receipt of a verified demand in writing from the purchaser. The demand must state that the delinquent fees were not incurred by the purchaser as a user, lessee, or previous owner, and that the purchaser has not been paid by the seller for the delinquent fees.

(e) **Regardless of whether the utility has notice under subsection (c)(1) or (c)(2) that real property is occupied by someone other than the owner, the utility shall release:**

(1) any lien filed with the county recorder for user fees assessed against real property occupied by someone other than the owner; and

(2) delinquent user fees incurred by the tenant or person who occupies the property and is responsible for paying the user fees assessed by the utility with respect to the property;

upon receipt of a verified demand in writing from the owner of the property. The demand must state that the delinquent fees were not incurred by the owner as a user of the sewage works and that the owner has not been paid by the tenant or person occupying the property for the delinquent user fees.

SECTION 12. IC 36-9-23-33, AS AMENDED BY P.L.39-2008, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 33. (a) **With respect to real property for which the account or other customer or billing records maintained by the utility indicate under section 32(c)(1) or 32(c)(2) of this chapter that:**

(1) the property is occupied by someone other than the owner; and

(2) the person occupying the property is responsible for paying the user fees assessed by the utility with respect to the property;

as described in section 32(c) of this chapter, subsections (c) through (f) and subsections (h) through (l) do not apply to unpaid user fees and penalties assessed against the property under this chapter.

(a) (b) An officer described in subsection (b) (c) may defer enforcing the collection of unpaid fees and penalties assessed under this chapter until the unpaid fees and penalties have been due and unpaid for at least ninety (90) days. **However, in the case of real property that is occupied by someone other than the owner and for which the owner has given the utility written notice of an address to which to send notice of delinquent fees with respect to the property, this subsection does not relieve the department of its duty under section 32(c) of this chapter to notify the owner not later than twenty (20) days after the time user fees become sixty (60) days delinquent.**

(b) (c) Except as provided in subsection (f); (n), the officer charged with the collection of fees and penalties assessed under this chapter shall enforce their payment. As often as the officer determines is necessary in a calendar year, the officer shall prepare either of the following:

(1) A list of the delinquent fees and penalties that are enforceable under this section, which must include the following:

(A) The name or names of the owner or owners of each

lot or parcel of real property on which fees are delinquent.

(B) A description of the premises, as shown by the records of the county auditor.

(C) The amount of the delinquent fees, together with the penalty.

(2) An individual instrument for each lot or parcel of real property on which the fees are delinquent.

(c) (d) The officer shall record a copy of each list or each individual instrument with the county recorder who shall charge a fee for recording the list or each individual instrument in accordance with the fee schedule established in IC 36-2-7-10. The officer shall then mail to each property owner on the list or on an individual instrument a notice stating that a lien against the owner's property has been recorded. Except for a county having a consolidated city, a service charge of five dollars (\$5), which is in addition to the recording fee charged under this subsection and under subsection (f); (g), shall be added to each delinquent fee that is recorded.

(c) (e) This subsection applies only to a county containing a consolidated city. Using the lists and instruments prepared under subsection (b) (c) and recorded under subsection (c); (d), the officer shall certify to the county auditor a list of the liens that remain unpaid according to a schedule agreed upon by the county treasurer and the officer for collection with the next cycle's property tax installment. The county and its officers and employees are not liable for any material error in the information on the list.

(c) (f) **This subsection applies to a county not described in subsection (e).** Using the lists and instruments prepared under subsection (b) (c) and recorded under subsection (c); (d), the officer shall, not later than ten (10) days after the list or each individual instrument is recorded under subsection (c); (d), certify to the county auditor a list of the liens that remain unpaid for collection **in not later than the due date of the next May installment of property taxes.** The county and its officers and employees are not liable for any material error in the information on this list.

(c) (g) The officer shall release any recorded lien when **either of the following occurs:**

(1) The delinquent fees, penalties, service charges, and recording fees have been fully paid. The county recorder shall charge a fee for releasing ~~the~~ a lien **under this subdivision** in accordance with IC 36-2-7-10.

(2) **A verified demand has been filed with the county auditor under section 32(d) or 32(e) of this chapter. The county recorder may not charge a fee for releasing a lien under this subdivision.**

(c) (h) On receipt of the list under subsection (c); (f), the county auditor of each county shall add a fifteen dollar (\$15) certification fee for each lot or parcel of real property on which fees are delinquent, which fee is in addition to all other fees and charges. The county auditor shall immediately enter on the tax duplicate for the municipality the delinquent fees, penalties, service charges, recording fees, and certification fees, which are due not later than the due date of the next cycle's installment of property taxes. The county treasurer shall then include any unpaid charges for the delinquent fee, penalty, service charge, recording fee, and certification fee to the owner or owners of each lot or parcel of property, at the time the next cycle's property tax installment is billed.

(c) (i) After certification of liens under subsection (c); (f), the officer may not collect or accept delinquent fees, penalties, service charges, recording fees, or certification fees from property owners whose property has been certified to the county auditor. This subsection does not apply to a county containing a consolidated city.

(c) (j) If a delinquent fee, penalty, service charge, recording fee, and certification fee are not paid, they shall be collected by the county treasurer in the same way that delinquent property

taxes are collected.

(†) **(k)** At the time of each semiannual tax settlement, the county treasurer shall certify to the county auditor all fees, charges, and penalties that have been collected. The county auditor shall deduct the service charges and certification fees collected by the county treasurer and pay over to the officer the remaining fees and penalties due the municipality. The county treasurer shall retain the service charges and certification fees that have been collected, and shall deposit them in the county general fund.

(\*) **(l)** Fees, penalties, and service charges that were not recorded before a recorded conveyance shall be removed from the tax roll for a purchaser who, in the manner prescribed by section 32(d) of this chapter, files a verified demand with the county auditor.

**(m) User fees, penalties, and service charges assessed against real property occupied by someone other than the owner, regardless of whether the utility has notice under section 32(c)(1) or 32(c)(2) of this chapter that real property is occupied by someone other than the owner, shall be removed from the tax roll for an owner who, in the manner prescribed by section 32(e) of this chapter, files a verified demand with the county auditor.**

(†) **(n)** A board may write off a fee or penalty under subsection (a) **(b)** that is:

**(1)** for less than forty dollars (\$40); or

**(2)** removed from the tax roll under subsection **(l)** or **(m)**.

SECTION 13. IC 36-9-23-34 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 34. (a) A municipality or board may foreclose a lien, **other than a lien required to be released under section 33(g) of this chapter,** established by this chapter in order to collect fees and penalties. The municipality or board shall recover the amount of the fees and penalties, and a reasonable attorney's fee. The court shall order the sale to be made without relief from valuation or appraisal laws.

(b) Except as otherwise provided by this chapter, actions under this chapter are subject to the general statutes regarding municipal public improvement assessments."

Page 2, line 5, delete "the area" and insert "**an area that is**".

Page 2, line 6, after "municipality" insert "**and that is**".

Page 2, after line 28, begin a new paragraph and insert:

"SECTION 15. IC 36-9-25-11, AS AMENDED BY P.L.168-2009, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) In connection with its duties, the board may fix fees for the treatment and disposal of sewage and other waste discharged into the sewerage system, collect the fees, and establish and enforce rules governing the furnishing of and payment for sewage treatment and disposal service. The fees must be just and equitable and shall be paid by any user of the sewage works and the owner of every lot, parcel of real property, or building that is connected with and uses the sewage works of the district by or through any part of the sewerage system. This section applies to owners of property that is partially or wholly exempt from taxation, as well as owners of property subject to full taxation.

(b) The board may change fees from time to time. The fees, together with the taxes levied under this chapter, must at all times be sufficient to produce revenues sufficient to pay operation, maintenance, and administrative expenses, to pay the principal and interest on bonds as they become due and payable, and to provide money for the revolving fund authorized by this chapter.

(c) Fees may not be established until a public hearing has been held at which all the users of the sewage works and owners of property served or to be served by the works, including interested parties, have had an opportunity to be heard concerning the proposed fees. After introduction of the

resolution fixing fees, and before they are finally adopted, notice of the hearing setting forth the proposed schedule of fees shall be given by publication in accordance with IC 5-3-1. After the hearing the resolution establishing fees, either as originally introduced or as amended, shall be passed and put into effect. However, fees related to property that is subject to full taxation do not take effect until they have been approved by ordinance of the municipal legislative body or, in the case of a district described in section 3(b)(2) of this chapter, under section 11.3 of this chapter.

(d) A copy of the schedule of the fees shall be kept on file in the office of the board and must be open to inspection by all interested parties. The fees established for any class of users or property served shall be extended to cover any additional premises thereafter served that fall within the same class, without the necessity of hearing or notice.

(e) A change of fees may be made in the same manner as fees were originally established. However, if a change is made substantially pro rata for all classes of service, hearing or notice is not required, but approval of the change by ordinance of the municipal legislative body is required, and, in the case of a district described in section 3(b)(2) of this chapter, approval under section 11.3 of this chapter is required.

(f) **Subject to subsection (i)**, if a fee established is not paid within thirty (30) days after it is due, the amount, together with a penalty of ten percent (10%) and a reasonable attorney's fee, may be recovered by the board from the delinquent user or owner of the property served in a civil action in the name of the municipality.

(g) **Except as provided in subsections (h) and (j)**, fees assessed against real property under this section also constitute a lien against the property assessed. The lien attaches at the time of the filing of the notice of lien in the county recorder's office. The lien is superior to all other liens except tax liens, and shall be enforced and foreclosed in the same manner as is provided for liens under IC 36-9-23-33 and IC 36-9-23-34.

(h) A fee assessed against real property under this section constitutes a lien against the property assessed only when the fee is delinquent for no more than three (3) years from the day after the fee is due.

**(i) This subsection applies to real property that is served by a district's sewage works and occupied by someone other than the owner. If either the owner of real property to which this subsection applies or the person occupying the property submits to the board a copy of a rental agreement, a lease, or a contract that:**

**(1) is executed by the property owner and the person occupying the property;**

**(2) identifies the person occupying the property by name; and**

**(3) indicates that the person occupying the property is responsible for paying the user fees assessed by the board with respect to the property;**

**the board shall establish or continue service to the property in the name of the person occupying the property, as identified under subdivision (2), and shall ensure that the account or other customer or billing records maintained by the board for the property are in the name of the person occupying the property, subject to any requirement for a deposit to ensure the payment of user fees, or to any requirement to ensure the creditworthiness of the account holder or customer, that the board may lawfully impose.**

**(j) A lien attaches for user fees assessed against real property occupied by someone other than the owner only if the board provides the notice required under section 11.2 of this chapter to the owner at the latest address of the owner as shown on the property tax records of the county in which the property is located. However, a lien does not attach for user fees assessed against real property occupied by someone other than the owner if either of the following**

applies:

**(1) The board:**

**(A) has received a copy of a rental agreement, a lease, or a contract described in subsection (i) with respect to the property; and**

**(B) maintains the account or other customer or billing records for the property in the name of the person occupying the property, as required by subsection (i).**

**(2) The account or other customer or billing records maintained by the board for the property otherwise indicate that:**

**(A) the property is occupied by someone other than the owner; and**

**(B) the person occupying the property is responsible for paying the user fees assessed by the board with respect to the property.**

**(k) Regardless of whether the board has notice under subsection (i)(1) or (i)(2) that real property is occupied by someone other than the owner, the board shall release:**

**(1) any lien filed with the county recorder for user fees assessed against real property occupied by someone other than the owner; and**

**(2) delinquent user fees incurred by the tenant or person who occupies the property and is responsible for paying the user fees assessed by the board with respect to the property;**

**upon receipt of a verified demand in writing from the owner of the property. The demand must state that the delinquent fees were not incurred by the owner as a user of the sewage works and that the owner has not been paid by the tenant or person occupying the property for the delinquent user fees.**

**(†) (l) In addition to the:**

**(1) penalties under subsections (f) and (g); and or**

**(2) alternative penalty available under section 11.5 of this chapter;**

a delinquent user may not discharge water into the public sewers and may have the property disconnected from the public sewers.

**(†) (m) The authority to establish a user fee under this section includes fees to recover the cost of construction of sewage works from industrial users as defined and required under federal statute or rule. Any industrial users' cost recovery fees may become a lien upon the real property and shall be collected in the manner provided by law. In addition, the imposition of the fees, the use of the amounts collected, and the criteria for the fees must be consistent with the regulations of the federal Environmental Protection Agency.**

**(†) (n) The authority to establish a user fee under this section includes fees to recover the costs associated with providing financial assistance under section 42 of this chapter. A fee that is:**

- (1) established under this subsection or any other law; and**
- (2) used to provide financial assistance under section 42 of this chapter;**

is considered just and equitable if the project for which the financial assistance is provided otherwise complies with the requirements of this chapter."

Renumber all SECTIONS consecutively.

(Reference is to HB 1187 as printed January 24, 2014.)

V. SMITH

Motion withdrawn. The bill was ordered engrossed.

**House Bill 1218**

Pursuant to House Rule 146, the author of House Bill 1218, Representative Davisson, granted consent to the coauthor, Representative Clere, to call the bill down for second reading. Representative Clere called down House Bill 1218 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1218-2)

Mr. Speaker: I move that House Bill 1218 be amended to read as follows:

Page 1, line 11, delete "but least addictive".

Page 1, line 12, delete "drugs" and insert "medications".

Page 1, between lines 12 and 13, begin a new line block indented and insert:

**"(2) Ensure that each patient voluntarily chooses maintenance treatment and that relevant facts concerning the use of opioid treatment medications are clearly and adequately explained to the patient."**

Page 1, line 13, delete "(2)" and insert "(3)".

Page 2, line 1, delete "less addictive" and insert "other approved".

Page 2, line 1, delete "drugs." and insert "medications."

Page 2, delete lines 2 through 5.

Page 2, line 10, delete "drugs" and insert "medications".

Page 2, line 10, delete "a less addictive replacement" and insert "an alternative".

Page 2, line 15, delete "drug" and insert "medication".

Page 2, line 19, delete "drug," and insert "medication,".

Page 2, line 21, delete "drug." and insert "medication.".

Page 2, line 23, delete "drugs that are less addictive than" and insert "medications as alternatives to".

Page 2, line 30, delete "a controlled substance designated by" and insert "an opioid treatment program dispenses a controlled substance designated by the Indiana board of pharmacy under IC 35-48-2-5 through 35-48-2-10, the opioid treatment program shall provide the following information upon request from the division:

- (1) The medications dispensed by the program.**
- (2) The medication delivery process, which includes whether the medication was in liquid, film, or another form.**
- (3) The number of doses dispensed of each medication.**
- (4) The dosage quantities for each medication.**
- (5) The number of patients receiving take home medications.**
- (6) The number of days of supply dispensed.**
- (7) Patient demographic information for each medication, including gender, age, and time in treatment.**
- (8) The dispenser's United States Drug Enforcement Agency registration number."**

Page 2, delete lines 31 through 42.

Page 3, delete lines 1 through 4.

Page 7, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 5. IC 35-48-7-12.1, AS AMENDED BY P.L.42-2011, SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12.1. (a) The board shall adopt rules under IC 4-22-2 to implement this chapter, including the following:

- (1) Information collection and retrieval procedures for the INSPECT program, including the controlled substances to be included in the program required under section 8.1 of this chapter.**
- (2) Design for the creation of the data base required under section 10.1 of this chapter.**
- (3) Requirements for the development and installation of online electronic access by the board to information collected by the INSPECT program.**
- (4) Identification of emergency situations or other circumstances in which a practitioner may prescribe, dispense, and administer a prescription drug specified in section 8.1 of this chapter without a written prescription or on a form other than a form specified in section 8.1(a)(4) of this chapter.**
- (5) Requirements for a practitioner and an opioid treatment program operating under IC 12-23-18 to check the INSPECT program:**

**(A) before initially prescribing a controlled substance to a patient; and**  
**(B) periodically during the course of treatment that uses a controlled substance.**

(b) The board may:

- (1) set standards for education courses for individuals authorized to use the INSPECT program;
- (2) identify treatment programs for individuals addicted to controlled substances monitored by the INSPECT program; and
- (3) work with impaired practitioner associations to provide intervention and treatment."

Page 8, between lines 30 and 31, begin a new paragraph and insert:

**"(g) Before January 1, 2015, the Indiana professional licensing agency shall study and analyze the integrity and security of the INSPECT program concerning all controlled substances required to be reported to the INSPECT program. Notwithstanding any other provision of this section, if the Indiana professional licensing agency is unable to certify the integrity and security of the INSPECT program before January 1, 2015, the board may not accept noncontrolled substance prescription information or require the submission of noncontrolled substance prescription information until the Indiana professional licensing agency certifies to the board the integrity and security of the INSPECT program.**

SECTION 8. [EFFECTIVE JULY 1, 2014] **(a) During the 2014 interim of the general assembly, the health finance commission (IC 2-5-23) shall study the integrity and security of the INSPECT program (IC 35-48-7). The commission shall make findings and recommendations, including recommendations to the Indiana professional licensing agency established by IC 25-1-5-3 to ensure that data collected by the INSPECT program may be used only for lawful purposes.**

**(b) This SECTION expires January 1, 2015."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1218 as printed January 24, 2014.)

CLERE

Motion prevailed. The bill was ordered engrossed.

### House Bill 1303

Representative VanNatter called down House Bill 1303 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1303-1)

Mr. Speaker: I move that House Bill 1303 be amended to read as follows:

Page 2, strike lines 3 through 4, begin a new line block indented and insert:

**"(2) a special purpose bus or school bus does not comply with the safety requirements for school bus construction and equipment established by the rules of the committee and the noncompliance is a serious safety critical violation, as determined by the committee;"**

(Reference is to HB 1303 as printed January 27, 2014.)

VANNATTER

Motion prevailed. The bill was ordered engrossed.

Representative Ober was excused.

### House Bill 1319

Pursuant to House Rule 143, the author of House Bill 1319, Representative Behning, granted consent to the coauthor, Representative Huston, to call the bill down for second reading. Representative Huston called down House Bill 1319 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1319-4)

Mr. Speaker: I move that House Bill 1319 be amended to read as follows:

Page 3, between lines 34 and 35, begin a new paragraph and insert:

**"SECTION 8. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "center" refers to the center for education and career innovation established by Executive Order 13-21.**

**(b) As used in this SECTION, "office" refers to the office of management and budget established by IC 4-3-22-3.**

**(c) As used in this SECTION, "public funds" has the meaning set forth in IC 5-13-4-20.**

**(d) The office may not cause or permit the distribution, transfer, allotment, or other expenditure of public funds to or for the benefit of the center."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1319 as printed January 27, 2014.)

PELATH

Upon request of Representatives Pelath and Porter, the Speaker ordered the roll of the House to be called. Roll Call 116: yeas 26, nays 63. Motion failed.

HOUSE MOTION  
(Amendment 1319-2)

Mr. Speaker: I move that House Bill 1319 be amended to read as follows:

Page 1, line 3, after "commission" insert "on education".

Page 3, between lines 34 and 35, begin a new paragraph and insert:

**"SECTION 8. [EFFECTIVE UPON PASSAGE] (a) The general assembly urges the legislative council to assign to the commission on education established by IC 2-5-38.1-1.5, as added by this act, for study during the 2014 legislative interim the topics of:**

**(1) requirements for schools to make up time for days on which the start of the school day was delayed; and**

**(2) school start times in general;**

**in relation to academic achievement, student safety, and parental work schedules.**

**(b) This SECTION expires November 1, 2014."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1319 as printed January 27, 2014.)

THOMPSON

Motion prevailed.

HOUSE MOTION  
(Amendment 1319-1)

Mr. Speaker: I move that House Bill 1319 be amended to read as follows:

Page 1, line 3, after "commission" insert "on education".

Page 3, between lines 34 and 35, begin a new paragraph and insert:

**"SECTION 8. [EFFECTIVE UPON PASSAGE] (a) The general assembly urges the legislative council to assign to the commission on education established by IC 2-5-38.1-1.5, as added by this act, for study during the 2014 legislative interim the topic of student discipline and the suspension, expulsion, or exclusion of a student from school.**

**(b) This SECTION expires November 1, 2014."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1319 as printed January 27, 2014.)

VANDENBURGH

Motion prevailed. The bill was ordered engrossed.

### House Bill 1321

Pursuant to House Rule 143, the author of House Bill 1321, Representative Behning, granted consent to the coauthor, Representative Huston, to call the bill down for second reading.

Representative Huston called down House Bill 1321 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1321-8)

Mr. Speaker: I move that House Bill 1321 be amended to read as follows:

Page 2, line 22, delete "Subject to section 3 of this chapter, the" and insert "**The**".

Page 3, delete lines 8 through 18.

Page 3, line 19, delete "4." and insert "**3.**".

Page 3, line 37, delete "5." and insert "**4.**".

Page 4, line 5, delete "6." and insert "**5.**".

Page 4, line 17, delete "7." and insert "**6.**".

Page 4, line 22, delete "8." and insert "**7.**".

(Reference is to HB 1321 as printed January 27, 2014.)

HUSTON

Motion prevailed.

HOUSE MOTION  
(Amendment 1321-9)

Mr. Speaker: I move that House Bill 1321 be amended to read as follows:

Page 4, line 2, after "into" insert "**by the board**".

Page 4, line 3, delete "not".

Page 4, line 4, delete "IC 20-29-6." and insert "**IC 20-29.**".

(Reference is to HB 1321 as printed January 27, 2014.)

HUSTON

Motion prevailed.

HOUSE MOTION  
(Amendment 1321-10)

Mr. Speaker: I move that House Bill 1321 be amended to read as follows:

Page 4, between lines 4 and 5, begin a new paragraph and insert:

**"(c) Individuals employed by the innovation network school are entitled to participate in either:**

**(1) the state teachers' retirement fund created by IC 5-10.4; or**

**(2) the public employees' retirement fund created by IC 5-10.3."**

(Reference is to HB 1321 as printed January 27, 2014.)

HUSTON

Motion prevailed.

HOUSE MOTION  
(Amendment 1321-1)

Mr. Speaker: I move that House Bill 1321 be amended to read as follows:

Page 3, delete lines 40 through 42, begin a new paragraph and insert:

**"(b) A school management team that operates an innovation network school under this chapter shall conduct staff performance evaluations under IC 20-28-11.5. The school management team is bound by contracts entered into under IC 20-29. Employees of the innovation network school shall be included in a collective bargaining agreement under IC 20-29-6 with the school corporation."**

Page 4, delete lines 1 through 4.

(Reference is to HB 1321 as printed January 27, 2014.)

VANDENBURGH

Upon request of Representatives VanDenburgh and Pelath, the Speaker ordered the roll of the House to be called. Roll Call 117: yeas 27, nays 59. Motion failed.

HOUSE MOTION  
(Amendment 1321-3)

Mr. Speaker: I move that House Bill 1321 be amended to read as follows:

Page 2, line 24, delete "an" and insert "**not more than one (1)**".

(Reference is to HB 1321 as printed January 27, 2014.)

VANDENBURGH

Upon request of Representatives VanDenburgh and Pelath, the Speaker ordered the roll of the House to be called. Roll Call 118: yeas 26, nays 61. Motion failed.

HOUSE MOTION  
(Amendment 1321-11)

Mr. Speaker: I move that House Bill 1321 be amended to read as follows:

Page 3, between lines 39 and 40, begin a new paragraph and insert:

**"(b) Notwithstanding any other law, teachers employed at an eligible school who have received staff performance evaluations of highly effective and effective as described under IC 20-28-11.5-4 may not be terminated or be subject to a reduction in force by the school corporation."**

Page 3, line 40, delete "(b)" and insert "**(c)**".

(Reference is to HB 1321 as printed January 27, 2014.)

BATTLES

Motion failed.

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

HOUSE MOTION  
(Amendment 1321-2)

Mr. Speaker: I move that House Bill 1321 be amended to read as follows:

Page 1, line 4, delete "SCHOOLS" and insert "**SCHOOL PILOT PROGRAM**".

Page 2, line 22, after "(a)" insert "**The innovation network school pilot program is established.**".

Page 2, line 24, after "school." insert "**The term of the agreement may not exceed two (2) years. However, an agreement may be renewed for a period not to exceed two (2) years if the eligible school's category of school improvement at the time the agreement expires is higher than the eligible school's category of school improvement at the time the agreement is established.**".

Page 4, after line 24, begin a new paragraph and insert:

**"Sec. 9. This chapter expires July 1, 2018."**

(Reference is to HB 1321 as printed January 27, 2014.)

VANDENBURGH

Upon request of Representatives Pelath and Goodin, the Speaker ordered the roll of the House to be called. Roll Call 119: yeas 27, nays 62. Motion failed.

HOUSE MOTION  
(Amendment 1321-5)

Mr. Speaker: I move that House Bill 1321 be amended to read as follows:

Page 3, line 25, delete "shall" and insert "**may**".

(Reference is to HB 1321 as printed January 27, 2014.)

V. SMITH

Motion prevailed.

HOUSE MOTION  
(Amendment 1321-7)

Mr. Speaker: I move that House Bill 1321 be amended to read as follows:

Page 4, line 5, delete "subsection (b)," and insert "**subsections (b) and (c),**".

Page 4, between lines 16 and 17, begin a new paragraph and insert:

**"(c) IC 20-30 applies to an innovation network school."**

(Reference is to HB 1321 as printed January 27, 2014.)

THOMPSON

Motion prevailed. The bill was ordered engrossed.

#### House Bill 1342

Representative Wolkins called down House Bill 1342 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 1342-2)

Mr. Speaker: I move that House Bill 1342 be amended to read as follows:

Page 11, delete lines 11 through 39.

Renumber all SECTIONS consecutively.

(Reference is to HB 1342 as printed January 24, 2014.)

WOLKINS

Motion prevailed.

#### HOUSE MOTION (Amendment 1342-1)

Mr. Speaker: I move that House Bill 1342 be amended to read as follows:

Page 11, line 8, delete "in the" and insert "**and paid over as provided in section 3.6 of this chapter.**".

Page 11, delete lines 9 through 10, begin a new paragraph and insert:

"SECTION 23. IC 13-22-12-3.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 3.6. (a) The fees collected under section 3.5 of this chapter upon the disposal of a quantity of hazardous waste shall be deposited and paid over as follows:**

**(1) Seventy-five percent (75%) shall be deposited in the hazardous substances response trust fund established by IC 13-25-4-1.**

**(2) Twenty-five percent (25%) shall be paid over to the county in which the hazardous waste is disposed of.**

**(b) Except as provided in subsection (e), and subject to subsections (f) and (g), the revenue paid over to the county under subsection (a)(2) shall be deposited in a separate fund established by the county for the purposes of the following:**

**(1) Establishing monitoring wells on land near the site of the disposal facility.**

**(2) Analyzing samples from the monitoring wells established under subdivision (1).**

**(3) Conducting other types of testing and surveillance for hazardous waste contamination of land near the disposal facility.**

**(4) Providing training for county and local public health and public safety officers in the proper procedures for dealing with emergencies involving hazardous substances or hazardous waste.**

**(5) Providing special clothing and equipment needed by county and local public health and public safety officers for dealing with emergencies involving hazardous substances or hazardous waste.**

**(6) Funding research on alternatives to land disposal as a means of eliminating hazardous waste.**

**(7) Paying the cost of hazardous waste, hazardous substance, or solid waste removal and remedial action at a site located within the county.**

**(8) Meeting the county's requirements under IC 13-21 for the planning and implementation of a solid waste management district plan.**

**(9) Paying the costs associated with the construction or rehabilitation of a facility used for training described in subdivision (4).**

**(10) Paying the costs associated with any other project that has identifiable environmental benefits.**

**(11) Paying the costs associated with the construction, structural rehabilitation, and equipment of a facility used for either of the following purposes:**

**(A) A county public safety central dispatch.**

**(B) A county emergency operations center.**

**(12) Paying costs associated with the maintenance or repair of county roads.**

**(13) Paying for the costs of county ambulance service.**

**(c) The county fund established under subsection (b) shall be administered by the county treasurer, and the expenses of administering the fund shall be paid from money in the fund. Money in the fund not currently needed to meet the obligations of the fund may be invested in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund. Money in the fund at the end of a particular fiscal year does not revert to the county general fund.**

**(d) No money in the county fund established under subsection (b) shall be used for activities authorized in subsection (b)(8) or (b)(9) until the purposes listed in subsection (b)(1) through (b)(7) have been fulfilled.**

**(e) Subsection (b)(9), (b)(10), and (b)(11) do not apply to a county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).**

**(f) The county may not pay from the county fund established under subsection (b) in a calendar year for the purposes set forth in subsection (b)(11) an amount that exceeds ten percent (10%) of the balance in the fund as of January 1 of that calendar year.**

**(g) If a county expends money in the county fund established under subsection (b) for the maintenance or repair of county roads, the county may not annually expend more than ten percent (10%) of the balance in the fund (as determined on January 1 of the calendar year in which the expenditures are made) for those purposes.**

**(h) A fund established by a county under IC 6-6-6.6-3 before its repeal:**

**(1) satisfies the requirement of subsection (b) that a county establish a fund;**

**(2) shall be administered under subsection (c); and**

**(3) is in all other respects subject to this section.**

**(i) Money deposited in a fund established by a county under IC 6-6-6.6-3 before its repeal:**

**(1) may remain in the fund; and**

**(2) may be used for the purposes set forth in subsection (b), subject to subsections (d) through (g);**

**notwithstanding the repeal of IC 6-6-6.6-3."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1342 as printed January 24, 2014.)

BAIRD

Motion prevailed. The bill was ordered engrossed.

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

#### House Bill 1370

Representative Baird called down House Bill 1370 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### House Bill 1384

Representative Speedy called down House Bill 1384 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

### OTHER BUSINESS ON THE SPEAKER'S TABLE

#### HOUSE MOTION

Mr. Speaker: I move that Representatives Thompson, Goodin and Battles be added as coauthors of House Bill 1011.

FRYE

Motion prevailed.



HOUSE MOTION

Mr. Speaker: I move that Representative Forestal be added as coauthor of House Bill 1032.

TORR

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Zent be added as coauthor of House Bill 1039.

LEHMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three coauthors, and that Representatives Beumer, Gutwein, M. Smith, Lehe, Mayfield, VanNatter, Koch, Friend, Messmer, Negele, Heaton, Ubelhor, Richardson, and Huston be added as coauthors of House Bill 1046.

CHERRY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Richardson be added as coauthor of House Bill 1056.

CHERRY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives VanNatter, Mahan and Goodin be added as coauthors of House Bill 1080.

KARICKHOFF

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Sullivan be removed as coauthor of Engrossed Senate Bill 1187.

BACON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Carbaugh be added as coauthor of House Bill 1205.

LEHMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Riecken be added as coauthor of House Bill 1303.

VANNATTER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Hale be added as coauthor of House Bill 1306.

FRIEND

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Bartlett, Hamm and GiaQuinta be added as coauthors of House Bill 1318.

RICHARDSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Goodin be added as coauthor of House Bill 1350.

BAIRD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative DeLaney be added as coauthor of House Bill 1369.

COX

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Dermody be added as coauthor of House Bill 1387.

MESSMER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Battles and Hale be added as coauthors of House Bill 1423.

KOCH

Motion prevailed.

On the motion of Representative Ubelhor, the House adjourned at 6:15 p.m., this twenty-ninth day of January, 2014, until Thursday, January 30, 2014, at 10:00 a.m.

BRIAN C. BOSMA

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives