



Journal of the Senate

State of Indiana

119th General Assembly

First Regular Session

Eighteenth Meeting Day

Tuesday Afternoon

February 10, 2015

The Senate convened at 1:32 p.m., with the President Pro Tempore of the Senate, David C. Long, in the Chair.

Prayer was offered by Senator Patricia L. Miller.

The Pledge of Allegiance to the Flag was led by Senator Patricia Miller.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Leising
Arnold	Long
Banks, A.	Merritt
Bassler	Messmer
Becker	Miller, Patricia
Boots	Miller, Pete
Bray	Mishler
Breaux	Mrvan
Broden	Niemeyer
Brown	Perfect
Buck	Raatz
Charbonneau	Randolph
Crider	Rogers
Delph	Schneider
Eckerty	Smith
Ford	Steele
Glick	Stoops
Grooms	Tallian
Head	Taylor
Hershman	Tomes
Holdman	Walker
Houchin	Waltz
Kenley	Yoder
Kruse	Young, M.
Lanane	Zakas

Roll Call 117: present 50; excused 0. [Note: A indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

REPORT OF THE PRESIDENT PRO TEMPORE

Madam President: I hereby report that, on January 26, 2015 the Senate Committee on Ethics recommended that Senator Delph be excused from voting on Senate Bill 55.

LONG

Report adopted.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Environmental Affairs, to which was referred Senate Resolution 8, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.

Committee Vote: Yeas 6, Nays 0.

CHARBONNEAU, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax & Fiscal Policy, to which was referred Senate Bill 1, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 4.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Civil Law, to which was referred Senate Bill 56, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 2. IC 30-4-3-38 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 38. Receipt of a document under this article is presumed if the trustee has procedures in place requiring the mailing or delivery of the document to a beneficiary or other person entitled to the document. The presumption applies to the delivery of a document by:**

- (1) a properly directed electronic message; or
- (2) any other means that enables the recipient to access the document electronically;

in accordance with an agreement between the trustee and the recipient for electronic delivery of the document.

SECTION 3. IC 30-4-3-39 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 39. Except as expressly prohibited by statute or a court rule, a trustee may provide notice of an action or a proposed action under this article by:**

- (1) a properly directed electronic message; or

(2) any other means that enables the recipient to access the notice electronically;

in accordance with an agreement between the trustee and the recipient for providing the notice electronically.

SECTION 4. IC 30-4-5-12, AS AMENDED BY P.L.137-2014, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 12. ~~(Accounting by Trustees)~~ (a) Unless the terms of the trust provide otherwise or unless waived in writing by an adult, competent beneficiary, the trustee shall deliver a written statement of accounts to each income beneficiary or the income beneficiary's personal representative annually. The statement shall contain at least:

(1) all receipts and disbursements since the last statement; and

(2) all items of trust property held by the trustee on the date of the statement at their inventory value.

(b) This subsection applies to a charitable trust with assets of at least five hundred thousand dollars (\$500,000). The trustee of a charitable trust shall annually file a verified written certification with the attorney general stating that a written statement of accounts has been prepared showing at least the items listed in section 13(a) of this chapter. The certification must state that the statement of accounts is available to the attorney general and any member of the general public upon request. A charitable trust may not be exempted from this requirement by a provision in a will, trust agreement, indenture, or other governing instrument. This subsection does not prevent a trustee from docketing a charitable trust to finalize a written statement of account or any other lawful purpose in the manner provided in this article. However, this subsection does not apply to an organization that is not required to file a federal information return under Section 6033(a)(3)(A)(1) of the Internal Revenue Code.

(c) Upon petition by the settlor, a beneficiary or the beneficiary's personal representative, a person designated by the settlor to have advisory or supervisory powers over the trust, or any other person having an interest in the administration or the benefits of the trust, including the attorney general in the case of a trust for a benevolent public purpose, the court may direct the trustee to file a verified written statement of accounts showing the items listed in section 13(a) of this chapter. The petition may be filed at any time; however, the court may not, in the absence of good cause shown, require the trustee to file a statement more than once a year.

(d) If the court's jurisdiction is of a continuing nature as provided in IC 30-4-6-2, the trustee shall file a verified written statement of accounts containing the items shown in section 13(a) of this chapter with the court biennially, and the court may, on its own motion, require the trustee to file such a statement at any other time if there is good cause for requiring a statement to be filed.

(e) Receipt of a written statement of accounts under this section is presumed if the trustee has procedures in place requiring the mailing or delivery of the statement to a beneficiary or other person entitled to the statement. The presumption applies to the delivery of a written statement of accounts by:

(1) a properly directed electronic message; or

(2) any other means that enables the recipient to access the statement electronically;

in accordance with an agreement between the trustee and the recipient for electronic delivery of the written statement of accounts.

SECTION 5. IC 30-4-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. ~~(Notice)~~ (a) Notice must be given to any person or his personal representative who is named as a party in a petition or complaint, whose rights may be affected or upon whom a liability might be imposed by any proceeding; to the Attorney General if the trust is for a benevolent public purpose; and to any other person whom the court may order to be given notice.

(b) The form of notice required shall be in the form of a summons as provided for in the Indiana Rules of Procedure or in such other form as may be ordered or approved by the court.

(c) The manner of service of a notice shall be the same as that provided in the Indiana Rules of Procedure for service of summons or such other manner as may be ordered or approved by the court.

(d) Any person who is a nonresident of this state or whose address is unknown may be served by publication according to the Indiana Rules of Procedure. All persons served by publication whose names and addresses are known or can by reasonable diligence be ascertained by the party seeking service shall, in addition to such published notice, be served by registered or certified mail, **a properly directed electronic message**, or other public means by which a return receipt may be requested.

(e) The court shall give notice in any case in which it acts on its own motion.

(f) Any person not under a legal disability or a personal representative may waive in writing notice of the proceeding.

(g) An order of the court is binding as to all persons who are given notice of the proceeding, even though less than all interested persons receive notice."

Page 6, line 5, delete "clear and convincing" and insert "**a preponderance of the**".

Page 6, line 6, delete "action" and insert "**action, including a judicial or administrative action,**".

Page 6, line 23, delete "unless:" and insert "**unless either of the following applies:**".

Page 6, line 24, after "(1)" delete "the" and insert "**The**".

Page 6, line 26, delete "the later of:" and insert "**the following applicable deadline:**".

Page 6, line 27, delete "two (2)" and insert "**Four (4)**".

Page 6, line 27, delete "made; or" and insert "**made unless clause (B) or (C) applies.**".

Page 6, line 28, delete "six (6) months" and insert "**Two (2) years**".

Page 6, line 29, after "(i)" insert "**if the transfer**".

Page 6, line 29, delete "or made a public record;" and insert "**in the county recorder's office in the county in which the transferor resides;**".

Page 6, line 30, delete "recorded or made a public record," and insert "**recorded,**".

Page 6, line 32, delete "creditor; or" and insert "**creditor.**".

Page 6, between lines 32 and 33, begin a new line double block indented and insert:

"(C) Six (6) months after the transferor delivers written notice of the qualified disposition to the creditor if the transferor owes a debt to the creditor at the time of the qualified disposition."

Page 6, line 33, delete "notwithstanding" and insert "**Notwithstanding**".

Page 6, line 34, delete "concurrent with or".

Re-number all SECTIONS consecutively.

(Reference is to SB 56 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 4, Nays 3.

ZAKAS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Rules & Legislative Procedure, to which was referred Senate Bill 93, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-22-2-37.2, IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 37.2. (a) This section applies to a rule (including an emergency rule under IC 25-26-13-4.1) adopted by the Indiana board of pharmacy declaring a substance to be a synthetic drug.**

(b) The publisher of the Indiana administrative code shall establish a new article in the Indiana administrative code with the citation 856 IAC 8 and entitled "SYNTHETIC DRUGS". The article must be in the format of the Indiana administrative code.

(c) Not later than thirty (30) days after the publisher of the Indiana administrative code receives for filing a rule (including an emergency rule under IC 25-26-13-4.1) adopted by the Indiana board of pharmacy declaring a substance to be a synthetic drug, the publisher shall publish the name of the synthetic drug in 856 IAC 8, in the format of the Indiana administrative code.

(d) Before July 1, 2015, the publisher of the Indiana administrative code shall collect and compile a list of all substances previously declared by the Indiana board of pharmacy to be synthetic drugs by rule and published in the Indiana Register. The publisher shall publish the list of these drugs in 856 IAC 8, unless the rule declaring the substances to be synthetic drugs has expired and has not been readopted.

(e) If the publisher of the Indiana administrative code receives notice from the Indiana board of pharmacy that a rule declaring a compound to be a synthetic drug has expired and has not been readopted, the publisher shall remove that compound from the list of synthetic drugs in 856 IAC 8.

SECTION 2. IC 25-26-13-4.1, AS AMENDED BY P.L.196-2013, SECTION 11, IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.1. (a) The board may adopt an emergency rule to declare that a substance is a synthetic drug.

(b) The board may, on its own initiative or under a written request from the state police department, the United States Drug Enforcement Administration, or a poison control center, adopt an emergency rule declaring a substance to be a synthetic drug if the board finds that the substance:

(1) has been scheduled or emergency scheduled by the United States Drug Enforcement Administration;

(2) has been scheduled, emergency scheduled, or criminalized by another state; or

(3) has:

(A) a high potential for abuse; and

(B) no accepted medical use in treatment in the United States or lacks accepted safety for use in treatment under medical supervision.

(c) In making its determination under subsection (b)(3), the board shall consider the following factors relating to the substance:

(1) The actual or relative potential for abuse.

(2) Scientific evidence of the substance's pharmacological effect, if known.

(3) The state of current scientific knowledge regarding the substance.

(4) The history and current pattern of abuse of the substance.

(5) The scope, duration, and significance of abuse of the substance.

(6) The degree of risk to the public health.

(7) The psychic or psychological dependence liability of the substance.

(d) A rule adopted under this section becomes effective thirty (30) days after it is filed with the publisher under IC 4-22-2-37.1.

(e) A rule adopted under this section expires on June 30 of the year following the year in which it is filed with the publisher under IC 4-22-2-37.1.

(f) The board may readopt under this section an emergency rule that has expired.

(g) If an emergency rule adopted under this section expires and is not readopted, the board shall notify the publisher of the Indiana administrative code under IC 4-22-2-37.2.

(h) The board shall include a prominent link on the home page of its Internet web site to the list of synthetic drugs in 856 IAC 8 maintained by the publisher of the Indiana administrative code.

SECTION 3. IC 35-31.5-2-321, AS AMENDED BY P.L.196-2013, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 321. "Synthetic drug" means:

(1) a substance containing one (1) or more of the following chemical compounds, including an analog of the compound:

(A) JWH-015 ((2-Methyl-1-propyl-1H-indol-3-yl)-1-naphthalenylmethanone).

(B) JWH-018 (1-pentyl-3-(1-naphthoyl)indole).

(C) JWH-019 (1-hexyl-3-(naphthalen-1-oyl)indole).

(D) JWH-073

- (naphthalen-1-yl-(1-butylindol-3-yl)methanone).
 (E) JWH-081 (4-methoxynaphthalen-1-yl-(1-pentylindol-3-yl)methanone).
 (F) JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole).
 (G) JWH-200 ((1-(2-morpholin-4-ylethyl)indol-3-yl)-naphthalen-1-yl-methanone).
 (H) JWH-250 (1-pentyl-3-(2-methoxyphenylacetyl)indole).
 (I) JWH-251 (1-pentyl-3-(2-methylphenylacetyl)indole).
 (J) JWH-398 (1-pentyl-3-(4-chloro-1-naphthoyl)indole).
 (K) HU-210 ((6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol).
 (L) HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol).
 (M) HU-308 ([1-(1R,2R,5R)-2-[2,6-dimethoxy-4-(2-methyloctan-2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl] methanol).
 (N) HU-331 (3-hydroxy-2-[(1R,6R)-3-methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene-1,4-dione).
 (O) CP 55,940 (2-[(1R,2R,5R)-5-hydroxy-2-(3-hydroxypropyl)cyclohexyl]-5-(2-methyloctan-2-yl)phenol).
 (P) CP 47,497 (2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol) and its homologues, or 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol), where side chain n=5, and homologues where side chain n=4, 6, or 7.
 (Q) WIN 55212-2 ((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl) pyrrolo [1,2,3-de]- 1,4- benzoxazin-6-yl]-1-naphthalenylmethanone).
 (R) RCS-4 ((4-methoxyphenyl) (1-pentyl-1H-indol-3-yl)methanone).
 (S) RCS-8 (1-(1-(2-cyclohexylethyl)-1H-indol-3-yl)-2-(2-methoxyphenyl)ethanone).
 (T) 4-Methylmethcathinone. Other name: mephedrone.
 (U) 3,4-Methylenedioxy-methcathinone. Other name: methylone.
 (V) Fluoromethcathinone.
 (W) 4-Methoxymethcathinone. Other name: methedrone.
 (X) 4-Ethylmethcathinone (4-EMC).
 (Y) Methylenedioxy-pyrovalerone. Other name: MDPV.
 (Z) JWH-007, or 1-pentyl-2-methyl-3-(1-naphthoyl)indole.
 (AA) JWH-098, or 1-pentyl-2-methyl-3-(4-methoxy-1-naphthoyl)indole.
 (BB) JWH-164, or 1-pentyl-3-(7-methoxy-1-naphthoyl)indole.
 (CC) JWH-210, or 1-pentyl-3-(4-ethyl-1-naphthoyl)indole.
 (DD) JWH-201, or 1-pentyl-3-(4-methoxyphenylacetyl)indole.
 (EE) JWH-203, or 1-pentyl-3-(2-chlorophenylacetyl)indole.
 (FF) AM-694, or 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole.
 (GG) CP 50,556-1, or [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenylpe ntan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate.
 (HH) Dimethylheptylpyran, or DMHP.
 (II) 4-Methyl-alpha-pyrrolidinobutiophenone, or MPBP.
 (JJ) 6-APB [6-(2-aminopropyl)benzofuran].
 (LL) 7-hydroxymitragynine.
 (MM) α -PPP [α -pyrrolidinopropiophenone].
 (NN) α -PVP (desmethylpyrovalerone).
 (OO) AM-251.
 (PP) AM-1241.
 (QQ) AM-2201.
 (RR) AM-2233.
 (SS) Buphedrone.
 (TT) Butylone.
 (UU) CP-47,497-C7.
 (VV) CP-47,497-C8.
 (WW) Desoxypipradol.
 (XX) Ethylone.
 (YY) Eutylone.
 (ZZ) Flephedrone.
 (AAA) JWH-011.
 (BBB) JWH-020.
 (CCC) JWH-022.
 (DDD) JWH-030.
 (EEE) JWH-182.
 (FFF) JWH-302.
 (GGG) MDAI [5,6-methylenedioxy-2-aminoindane].
 (HHH) Mitragynine.
 (III) Naphyrone.
 (JJJ) Pentedrone.
 (LLL) Pentylone.
 (MMM) Methoxetamine [2-(3-methoxyphenyl)-2-(ethylamino)-cyclohexanone].
 (NNN) A796,260 [1-(2-morpholin-4-ylethyl)-1H-indol-3-yl]- (2,2,3,3-tetramethylcyclopropyl)methanone].
 (OOO) AB-001 [(1s,3s)-adamantan-1-yl] (1-pentyl-1H-indol-3-yl)methanone] or [1-Pentyl-3-(1-adamantoyl)indole].
 (PPP) AM-356 [Methanandamide].
 (QQQ) AM 1248 [1-[(1-methyl-2-piperidinyl)methyl]-1H-indol-3-yl] tricyclo[3.3.1.1.3,7] dec-1-yl-methanone] or [(1-[(N-methylpiperidin-2-yl)

Methyl]-3-(Adamant-1-oyl)indole].
 (RRR) AM 2233 Azepane isomer [(2-iodophenyl)
 (1-(1-methylazepan-3-yl)- 1H-indol-3-yl)methanone].
 (SSS) CB-13 [1-Naphthalenyl [4-(pentyoxy)-
 1-naphthalenyl]methanone].
 (TTT) UR-144 [(1-pentyl-1H-indol-3-yl)
 (2,2,3,3-tetramethylcyclopropyl)-methanone].
 (UUU) URB 597 [(3'-(aminocarbonyl)
 [1,1'-biphenyl]-3-yl)- cyclohexylcarbamate].
 (VVV) URB602 [[1,1'-biphenyl]- 3-yl-carbamic acid,
 cyclohexyl ester].
 (WWW) URB 754 [6-methyl-2-[(4-methylphenyl)
 amino]-1-benzoxazin-4-one].
 (XXX) XLR-11 or 5-fluoro UR-144
 (1-(5-fluoropentyl)-1H-indol-3-yl)
 (2,2,3,3-tetramethylcyclopropyl)methanone].
 (YYY) AKB48 (Other names include:
 N-Adamantyl-1-pentyl-1H-Indazole-3-carboxamide;
 1-pentyl-N-tricyclo[3.3.1.1.3.7]dec-1-yl-1H-indazole-3-
 -
 carboxamide).
 (ZZZ) 25I-NBOMe (Other names include:
 4-Iodo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-
 benzeneethanamine);
 2-(4-iodo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)
 methyl]ethanamine).
 (AAAA) 2C-C-NBOMe (Other names include:
 25C-NBOMe;
 2-(4-chloro-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)
 methyl]ethanamine;
 2,5-Dimethoxy-4-chloro-N-(2-methoxybenzyl)
 phenethylamine).
 (BBBB) 2NE-1 (Other names include: 1-Pentyl-3-
 (1-adamantylamido)indole).
 (CCCC) STS-135 (Other names include:
 N-Adamantyl-1-fluoropentylindole-3- carboxamide
 (1-5-fluoropentyl)-N-tricyclo[3.3.1.1.3.7]dec-1-yl-1H-
 indole-3-carboxamide).

(2) Any compound structurally derived from
 3-(1-naphthoyl)indole or
 1H-indol-3-yl-(1-naphthyl)methane by substitution at the
 nitrogen atom of the indole ring by alkyl, haloalkyl,
 cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
 1-(N-methyl-2-piperidinyl)methyl,
 2-(4-morpholinyl)ethyl, or
 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-
 morpholinyl)methyl, or tetrahydropyranylmethyl group,
 whether or not further substituted in the indole ring to
 any extent and whether or not substituted in the naphthyl
 ring to any extent.

(3) Any compound structurally derived from
 3-(1-naphthoyl) pyrrole by substitution at the nitrogen
 atom of the pyrrole ring by alkyl, haloalkyl, cyanoalkyl,
 alkenyl, cycloalkylmethyl, cycloalkylethyl,
 1-(N-methyl-2-piperidinyl)methyl,

2-(4-morpholinyl)ethyl, or
 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-
 morpholinyl)methyl, or tetrahydropyranylmethyl group,
 whether or not further substituted in the pyrrole ring to
 any extent and whether or not substituted in the naphthyl
 ring to any extent.

(4) Any compound structurally derived from
 1-(1-naphthylmethyl)indene by substitution at the
 3-position of the indene ring by alkyl, haloalkyl,
 cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
 1-(N-methyl-2-piperidinyl)methyl,
 2-(4-morpholinyl)ethyl, or
 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-
 morpholinyl)methyl, or tetrahydropyranylmethyl group,
 whether or not further substituted in the indene ring to
 any extent and whether or not substituted in the naphthyl
 ring to any extent.

(5) Any compound structurally derived from
 3-phenylacetylindole by substitution at the nitrogen atom
 of the indole ring with alkyl, haloalkyl, cyanoalkyl,
 alkenyl, cycloalkylmethyl, cycloalkylethyl,
 1-(N-methyl-2-piperidinyl)methyl,
 2-(4-morpholinyl)ethyl, or
 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-
 morpholinyl)methyl, or tetrahydropyranylmethyl group,
 whether or not further substituted in the indole ring to
 any extent and whether or not substituted in the phenyl
 ring to any extent.

(6) Any compound structurally derived from
 2-(3-hydroxycyclohexyl)phenol by substitution at the
 5-position of the phenolic ring by alkyl, haloalkyl,
 cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
 1-(N-methyl-2-piperidinyl)methyl,
 2-(4-morpholinyl)ethyl, or
 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-
 morpholinyl)methyl, or tetrahydropyranylmethyl group,
 whether or not substituted in the cyclohexyl ring to any
 extent.

(7) Any compound containing a 3-(benzoyl)indole
 structure with substitution at the nitrogen atom of the
 indole ring by alkyl, haloalkyl, cyanoalkyl, alkenyl,
 cycloalkylmethyl, cycloalkylethyl,
 1-(N-methyl-2-piperidinyl)methyl,
 2-(4-morpholinyl)ethyl, or
 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-
 morpholinyl)methyl, or tetrahydropyranylmethyl group,
 whether or not further substituted in the indole ring to
 any extent and whether or not substituted in the phenyl
 ring to any extent.

(8) Any compound, except bupropion or a compound
 listed under a different schedule, structurally derived
 from 2-aminopropan-1-one by substitution at the
 1-position with either phenyl, naphthyl, or thiophene ring
 systems, whether or not the compound is further
 modified:

(A) by substitution in the ring system to any extent
 with alkyl, alkylendioxy, alkoxy, haloalkyl, hydroxyl,

or halide substituents, whether or not further substituted in the ring system by one or more other univalent substituents;

(B) by substitution at the 3-position with an acyclic alkyl substituent;

(C) by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups; or

(D) by inclusion of the 2-amino nitrogen atom in a cyclic structure.

(9) Any compound structurally derived from 3-tetramethyl cyclopropanoylindole with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl) ethyl, 1-(N-methyl-2-pyrrolidinyl) methyl, 1-(N-methyl-3- morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the tetramethylcyclopropyl ring to any extent.

(10) Any compound containing a N-(1-adamantyl)-1H-indazole-3-carboxamide structure with substitution at the nitrogen atom of the indazole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2- piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted at the nitrogen atom of the carboxamide to any extent, whether or not further substituted in the indazole ring to any extent, and whether or not further substituted on the adamantyl ring system to any extent. An example of this structural class includes AKB48.

(11) Any compound containing a N-(1-adamantyl)-1H-indole-3-carboxamide structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2- piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted at the nitrogen atom of the carboxamide to any extent, whether or not further substituted in the indole ring to any extent, and whether or not further substituted on the adamantyl ring system to any extent. An example of this structural class includes STS-135.

(12) Any compound containing a 3-(1-adamantoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, 1-(N-methyl-2- pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted on the adamantyl ring system to any extent.

An example of this structural class includes AM-1248.

(13) Any compound determined to be a synthetic drug by rule adopted under IC 25-26-13-4.1 **and codified at 856 IAC 8 (synthetic drugs). The list of synthetic drugs codified at 856 IAC 8 may be accessed electronically from the Indiana board of pharmacy's Internet web site.**

SECTION 4. **An emergency is declared for this act.**

(Reference is to SB 93 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Judiciary.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Environmental Affairs, to which was referred Senate Bill 177, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 9.

Delete page 2.

Renumber all SECTIONS consecutively.

(Reference is to SB 177 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

CHARBONNEAU, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Civil Law, to which was referred Senate Bill 306, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 10.

Page 1, line 15, delete "IC 34-31-11-2." and insert "**IC 34-31-11-1.**"

Page 2, line 3, delete "IC 34-31-11-3." and insert "**IC 34-31-11-2.**"

Page 2, delete lines 8 through 9.

Page 2, line 10, delete "2." and insert "**1.**"

Page 2, line 18, delete "3." and insert "**2.**"

Page 2, line 19, delete "possessed by" and insert "**of**".

Page 2, delete lines 24 through 41, begin a new paragraph and insert:

"Sec. 3. (a) A possessor of land does not owe a duty of care to a trespasser, except to refrain from willfully or wantonly injuring the trespasser, after the trespasser has been discovered on real property possessed by the possessor of land.

(b) Notwithstanding subsection (a), a possessor of land may be subject to liability for physical injury or death to a child trespasser if all of the following apply:

(1) The structure or condition complained of is maintained or permitted on the property by the possessor.

- (2) The structure or condition is particularly dangerous to children.
- (3) The danger is latent, uncommon to nature, and unlikely to be comprehended by children.
- (4) The structure or condition is particularly attractive to children and provides a special enticement for children to play or sport on the structure or condition.
- (5) The possessor has actual or constructive knowledge of both the structure or condition and the likelihood that children will trespass and be injured.
- (6) The injury is a natural, probable, and foreseeable result of the wrong."

Page 3, delete lines 1 through 16.

Page 3, line 17, delete "6." and insert "4."

Page 3, line 18, delete "and" and insert "or".

Page 3, after line 23, begin a new paragraph and insert:

"Sec. 5. The purpose of this chapter is to codify Indiana common law as it exists on July 1, 2015, with respect to the duty owed by a possessor of land to a trespasser."

Renumber all SECTIONS consecutively.

(Reference is to SB 306 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

ZAKAS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred Senate Bill 535, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass and be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 5, Nays 4.

WALKER, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 4

Senate Concurrent Resolution 4, introduced by Senator Lanane:

A CONCURRENT RESOLUTION congratulating the Wapahani baseball team on winning the 2014 2A State Championship.

Whereas, On June 21, 2014, the Wapahani Raiders overcame their opponent to clinch the Class 2A State Baseball Championship;

Whereas, This win marks the first year that the Wapahani Raiders finished their season with a State Championship victory and the first baseball state title for any Delaware County team;

Whereas, Zack Thompson, a left-handed pitcher, led the team for the win with a complete game shutout;

Whereas, Wapahani senior right fielder Collin Hoots received the L.V. Phillips Mental Attitude Award in 2A baseball;

Whereas, Coach Brian Dudley led the Raiders to an impressive overall record of 30-4; and

Whereas, Winning a state championship requires dedication, commitment, and drive from every member of the team. It is remarkable that the Raiders have been able to secure a championship for the first time in Wapahani's history. We congratulate them for their hard work and wish them continued success in the future: Therefore,

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

SECTION 1. That the Indiana General Assembly congratulates the State Champion Wapahani High School baseball team on their 2014 2A State Championship.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Coach Brian Dudley, Assistant Coach Jason Dudley, Assistant Coach Randy Murphy, Assistant Coach Willie Pease, Manager Tyler Dudley, and team members Drew Brant, Zach Thompson, Luke Snider, Bret Lawson, Alec Summers, Dougy Burgess, Talon Craycraft, Kyzer York, Collin Hoots, Jacob Walters, Grant Thompson, Hunter Stanley, Taylor McKee, Austin White, Jourdan Hill, Hayden Castor, Austin Martin, Jared Coats, Corbin Priddy, Zach Walters, and Cory Huffman.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Beumer.

Senate Resolution 12

Senate Resolution 12, introduced by Senator Arnold:

A SENATE RESOLUTION to recognize the invaluable contribution of the Indiana Sheriffs' Association.

Whereas, The Indiana Sheriffs' Association was established in 1930 to promote better communication and exchange between the sheriffs and other law enforcement personnel;

Whereas, For the past 80 years with the support of its membership and supporters, the Indiana Sheriffs' Association has proven itself to be an asset to both those in law enforcement and the citizens of Indiana;

Whereas, In 1977, the Association was incorporated as a not-for-profit organization and began to focus on providing education and training for sheriffs and department personnel throughout the state that was not otherwise available;

Whereas, The Association also provides college scholarships to qualified recipients and two annual leadership camps for teenagers each summer; and

Whereas, The Indiana Sheriffs' Association website serves as an important resource for detailed information about individuals who by law must register as sex or violent offenders when moving into an Indiana county: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. The Indiana Senate recognizes the invaluable contribution of the Indiana Sheriffs' Association.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Stephen Luce, Executive Director of the Indiana Sheriffs' Association.

The resolution was read in full and adopted by voice vote.

SENATE MOTION

Madam President: I move that the following resolution be adopted:

SR 18 Senator Head
Honoring the China Philanthropy Leadership Initiative.

LONG

Motion prevailed.

RESOLUTIONS ON FIRST READING

Senate Resolution 18

Senate Resolution 18, introduced by Senator Head:

A SENATE RESOLUTION honoring the China Philanthropy Leadership Initiative for its work in improving cross-cultural communication of philanthropy and promoting the development of philanthropy in China.

Whereas, The China Philanthropy Leadership Initiative is comprised of students from the IUPUI School of Public and Environmental Affairs who have an interest in philanthropy and nonprofit organizations;

Whereas, CPLI's mission is to improve cross-cultural communication of philanthropy and promote the development of philanthropy in China by creating a platform to engage young philanthropic practitioners and scholars, providing resources and perspectives to these individuals, and by inspiring practices and leadership through Chinese and American experiences;

Whereas, Providing over 10 seminars focused on Chinese topics, philanthropy, and civil society, CPLI invited guest speakers from the International Center, Tabernacle Presbyterian Church, RESULTS Global Grassroots Associate, and the Sister Cities of Louisville;

Whereas, Recently CPLI worked with the Chinese Nonprofit Study Association to launch a translation project funded by Philanthropy Weekly, introducing thought-provoking articles

produced by the Chronicle of Philanthropy and other American mainstream newspapers and magazines for a Chinese speaking audience, to help Chinese practitioners understand American philanthropy and to become inspired by great ideas and practices in other countries; and

Whereas, CPLI's efforts and goals help bring together students and cultures and will lead to the realization of the organization's philanthropic vision of implementing the practices learned through CPLI in China: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate honors the China Philanthropy Leadership Initiative for its work in improving cross-cultural communication in philanthropy and promoting the development of philanthropy in China.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to all members of the China Philanthropy Leadership Initiative including its President Xinyi Zhao and the organization's advisors Dr. Yi Wang and Dr. Leslie Lenkowsky.

The resolution was read in full and adopted by voice vote.

ENGROSSED JOINT RESOLUTIONS ON THIRD READING

Engrossed Senate Joint Resolution 2

Senator Steele called up Engrossed Senate Joint Resolution 2 for third reading:

A JOINT RESOLUTION proposing an amendment to Article 1 of the Constitution of the State of Indiana concerning natural and cultural resources.

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

SECTION 1. The following amendment to the Constitution of the State of Indiana, which was agreed to by the One Hundred Eighteenth General Assembly of the State of Indiana and referred to this General Assembly for reconsideration and agreement, is agreed to by this the One Hundred Nineteenth General Assembly of the State of Indiana.

SECTION 2. ARTICLE 1 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS: **Section 39. (a) The right to hunt, fish, and harvest wildlife:**

(1) is a valued part of Indiana's heritage; and

(2) shall be forever preserved for the public good.

(b) The people have a right, which includes the right to use traditional methods, to hunt, fish, and harvest wildlife, subject only to the laws prescribed by the General Assembly and rules prescribed by virtue of the authority of the General Assembly to:

(1) promote wildlife conservation and management; and

(2) preserve the future of hunting and fishing.

(c) Hunting and fishing shall be a preferred means of managing and controlling wildlife.

(d) This section shall not be construed to limit the application of any provision of law relating to trespass or property rights.

The joint resolution was read in full and placed upon its passage. The question was, Shall the joint resolution pass?

Roll Call 118: yeas 42, nays 7. The joint resolution was declared passed. The question was, Shall the title of the joint resolution remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the joint resolution. House sponsors: Representatives Eberhart and VanNatter.

SENATE BILLS ON SECOND READING

Senate Bill 313

Senator Head called up Senate Bill 313 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 379

Senator Stoops called up Senate Bill 379 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 398

Senator Bassler called up Senate Bill 398 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 415

Senator Merritt called up Senate Bill 415 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 415-2)

Madam President: I move that Senate Bill 415 be amended to read as follows:

Page 15, line 22, delete "fifteen (15)" and insert "**seven (7)**". (Reference is to SB 415 as printed January 30, 2015.)

RAATZ

Motion prevailed.

SENATE MOTION
(Amendment 415-3)

Madam President: I move that Senate Bill 415 be amended to read as follows:

Page 50, delete lines 36 through 42, begin a new paragraph and insert:

"SECTION 31. IC 32-30-10.5-8, AS AMENDED BY P.L.102-2012, SECTION 2, IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) This section applies to a foreclosure action that is filed after June 30, 2009. Except as provided in subsection (e) and ~~section sections~~ **10(g) and 12** of this chapter, not later than thirty (30) days before a creditor files an action for foreclosure, the creditor shall send to the debtor by certified mail a presuit notice on a form prescribed by the authority. The notice required by this subsection must do the following:

- (1) Inform the debtor that:
 - (A) the debtor is in default;
 - (B) the debtor is encouraged to obtain assistance from a mortgage foreclosure counselor; and
 - (C) if the creditor proceeds to file a foreclosure action and obtains a foreclosure judgment, the debtor has a right to do the following before a sheriff's sale is conducted:
 - (i) Appeal a finding of abandonment by a court under IC 32-30-10.6.
 - (ii) Redeem the real estate from the judgment under IC 32-29-7-7.
 - (iii) Retain possession of the property under IC 32-29-7-11(b), subject to the conditions set forth in IC 32-29-7-11(b).

(2) Provide the contact information for the Indiana Foreclosure Prevention Network.

(3) Include the following statement printed in at least 14 point boldface type:

"NOTICE REQUIRED BY STATE LAW
Mortgage foreclosure is a complex process. People may approach you about "saving" your home. You should be careful about any such promises. There are government agencies and nonprofit organizations you may contact for helpful information about the foreclosure process. For the name and telephone number of an organization near you, please call the Indiana Foreclosure Prevention Network."

- (b) The notice required by subsection (a) shall be sent to:
 - (1) the address of the mortgaged property; or
 - (2) the last known mailing address of the debtor if the creditor's records indicate that the mailing address of the debtor is other than the address of the mortgaged property.

If the creditor provides evidence that the notice required by subsection (a) was sent ~~by certified mail; return receipt requested;~~ and in accordance with this subsection, it is not necessary that the debtor accept receipt of the notice for an action to proceed as allowed under this chapter.

(c) Except as provided in subsection (e) and section 10(g) of this chapter, if a creditor files an action to foreclose a mortgage, the creditor shall:

- (1) in the case of a foreclosure action filed after June 30, 2009, but before July 1, 2011, include with the complaint served on the debtor, on a form prescribed by the authority; and
- (2) subject to subsection (f), in the case of a foreclosure action filed after June 30, 2011, include on the first page of the summons that is served on the debtor in conjunction with the complaint;

a notice that informs the debtor of the debtor's right to participate in a settlement conference, subject to section 9(b) of this chapter. The notice under subdivision (1) or (2) must inform the debtor that the debtor may schedule a settlement conference by notifying the court, not later than thirty (30) days after the complaint is served on the debtor, of the debtor's intent to participate in a settlement conference.

(d) If a creditor files an action to foreclose a mortgage the creditor shall do the following:

(1) Include with the complaint filed with the court:

(A) except as provided in subsection (e) and **section sections 10(g) and 12** of this chapter, a copy of the notices sent to the debtor under subsections (a) and (c), if the foreclosure action is filed after June 30, 2009, but before July 1, 2011; or

(B) the following, if the foreclosure action is filed after June 30, 2011:

(i) Except as provided in subsection (e) and section 10(g) of this chapter, a copy of the notice sent to the debtor under subsection (a).

(ii) The following most recent contact information for the debtor that the creditor has on file: all telephone numbers and electronic mail addresses for the debtor and any mailing address described in subsection (b)(2). The contact information provided under this item is confidential under IC 5-14-3-4(a)(13).

(2) For a foreclosure action filed after June 30, 2011, at the time the complaint is filed with the court, send:

(A) by certified mail, return receipt requested; and

(B) to the last known mailing address of the insurance company;

a copy of the complaint filed with the court to the insurance company of record for the property that is the subject of the foreclosure action.

It is not necessary that the insurance company accept receipt of the copy of the complaint for the creditor to satisfy the requirement of subdivision (2). A creditor's failure to provide a copy of the complaint as required by subdivision (2) does not affect the foreclosure action or subject the creditor to any liability. Subject to section 9(b) of this chapter, in the case of a foreclosure action filed after June 30, 2011, upon the filing of the complaint by the creditor, the court shall send to the debtor, by United States mail and to the address of the mortgaged property, or to an address for the debtor provided by the creditor under subdivision (1)(B)(ii), if applicable, a notice that informs the debtor of the debtor's right to participate in a settlement conference. The court's notice must inform the debtor that the debtor may schedule a settlement conference by notifying the court of the debtor's intent to participate in a settlement conference. The court's notice must specify a date by which the debtor must request a settlement conference, which date must be the date that is thirty (30) days after the date of the creditor's service of the complaint on the debtor under subsection (c), as determined by the court from the service list included with the complaint filed with the court. The court may not delegate the duty to send the notice the court is required to provide under this subsection to the creditor or to any other person.

(e) A creditor is not required to send the notices described in this section if:

(1) the mortgage is secured by a dwelling that is not occupied by the debtor as the debtor's primary residence;

(2) the mortgage has been the subject of a prior foreclosure prevention agreement under this chapter and the debtor has defaulted with respect to the terms of that foreclosure prevention agreement; or

(3) bankruptcy law prohibits the creditor from participating in a settlement conference under this chapter with respect to the mortgage.

(f) Not later than June 1, 2011, the authority, in consultation with the division of state court administration, shall prescribe language for the notice required under subsection (c)(2) to be included on the first page of the summons that is served on the debtor in a foreclosure action filed after June 30, 2011. The language must convey the same information as the form prescribed by the authority under subsection (c)(1) for foreclosure actions filed after June 30, 2009, but before July 1, 2011. The authority shall make the language prescribed under this subsection available on the authority's Internet web site. A creditor complies with subsection (c)(2) in a foreclosure action filed after June 30, 2011, if the creditor includes on the first page of the summons served on the debtor:

(1) the language that is prescribed by the authority under this subsection and made available on the authority's Internet web site; or

(2) language that conveys the same information as the language that is prescribed by the authority under this subsection and made available on the authority's Internet web site.

SECTION 32. IC 32-30-10.5-8.5, AS ADDED BY P.L.170-2011, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8.5. (a) **Except as provided in section 12 of this chapter**, this section applies to the following:

(1) A mortgage foreclosure action with respect to which:

(A) the creditor has filed the complaint in the proceeding before July 1, 2011;

(B) the debtor has contacted the court under section 8(c) of this chapter or under section 11(b) of this chapter to schedule a settlement conference under this chapter; and

(C) the court having jurisdiction over the action has not:

(i) issued a stay in the foreclosure proceedings pending the conclusion of the settlement conference under this chapter;

(ii) issued a default judgment against the debtor in the action; or

(iii) rendered a judgment of foreclosure in the action.

(2) A mortgage foreclosure action with respect to which:

(A) the creditor has filed the complaint in the proceeding after June 30, 2011; and

(B) the debtor has contacted the court under section 8(c) of this chapter to schedule a settlement conference under this chapter.

(b) In a mortgage foreclosure action to which this section applies, the court, notwithstanding Indiana Trial Rule 56, shall

stay the granting of any dispositive motion until one (1) of the following occurs, subject to the court's right under section 10(b) of this chapter to order the creditor and the debtor to reconvene a settlement conference at any time before judgment is entered:

(1) The court receives notice under section 10(e) of this chapter that after the conclusion of a settlement conference held under this chapter:

(A) the debtor and the creditor have agreed to enter into a foreclosure prevention agreement; and

(B) the creditor has elected under section 10(e) of this chapter to dismiss the foreclosure action for as long as the debtor complies with the terms of the foreclosure prevention agreement.

(2) The court receives notice under section 10(f) of this chapter that after the conclusion of a settlement conference held under this chapter, the creditor and the debtor are unable to agree on the terms of a foreclosure prevention agreement.

(c) If the debtor requests a settlement conference under this chapter, the court shall treat the request as the entry of an appearance under Indiana Trial Rule 3.1(B).

SECTION 33. IC 32-30-10.5-9, AS AMENDED BY P.L.102-2012, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) Except as provided in sections 8(e), ~~and~~ 10(g), **and 12** of this chapter and subsection (b), and subject to section 8.5 of this chapter, after June 30, 2009, a court may not issue a judgment of foreclosure under IC 32-30-10 on a mortgage subject to this chapter unless all of the following apply:

(1) The creditor has given the notice required under section 8(c) of this chapter.

(2) One (1) of the following applies:

(A) The debtor does not contact the court within the thirty (30) day period described in section 8(c) of this chapter to schedule a settlement conference under this chapter.

(B) The debtor contacts the court within the thirty (30) day period described in section 8(c) of this chapter to schedule a settlement conference under this chapter and, upon conclusion of the settlement conference, the parties are unable to reach agreement on the terms of a foreclosure prevention agreement.

(C) In a foreclosure action filed after June 30, 2011, the debtor:

(i) contacts the court within the thirty (30) day period described in section 8(c) of this chapter to schedule a settlement conference under this chapter; and

(ii) does not provide to the creditor and the court at least one (1) of the documents required as part of the debtor's loss mitigation package, as specified by the authority in the listing developed under section 10(i) of this chapter and included with the court's notice under section 10(a)(8) of this chapter, within the time specified in the court's notice under section 10(a)(3)(A) of this chapter.

(3) At least sixty (60) days have elapsed since the date the notice required by section 8(a) of this chapter was sent.

(b) If the court finds that a settlement conference would be of limited value based on the result of a prior loss mitigation effort between the creditor and the debtor:

(1) a settlement conference is not required under this chapter; and

(2) the conditions set forth in subsection (a) do not apply, and the foreclosure action may proceed as otherwise allowed by law.

SECTION 34. IC 32-30-10.5-12 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2015]: **Sec. 12. This chapter does not apply to a mortgage that is serviced by a mortgage servicer that is subject to the requirements of 12 CFR 1024.39, 12 CFR 1024.40, and 12 CFR 1024.41.**"

Delete pages 51 through 62.

Page 63, delete lines 1 through 25.

Page 63, line 28, delete "JANUARY 1, 2015 (RETROACTIVE)]." and insert "JANUARY 1, 2015 (RETROACTIVE)].":

Renumber all SECTIONS consecutively.

(Reference is to SB 415 as printed January 30, 2015.)

TALLIAN

Motion prevailed. The bill was ordered engrossed.

Senate Bill 439

Senator Hershman called up Senate Bill 439 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 439-1)

Madam President: I move that Senate Bill 439 be amended to read as follows:

Page 3, line 1, delete "an equivalent" and insert "**a similar trade name**".

Page 3, line 25, delete "is either".

Page 3, line 26, after "(i)" insert "**is**".

Page 3, line 29, delete "certified under and".

Page 3, line 34, delete "Provider Certification" and insert "**Providers**".

(Reference is to SB 439 as printed February 6, 2015.)

HERSHMAN

Motion prevailed. The bill was ordered engrossed.

Senate Bill 508

Senator Steele called up Senate Bill 508 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 508-1)

Madam President: I move that Senate Bill 508 be amended to read as follows:

Page 1, delete lines 1 through 16.

Page 2, delete lines 1 through 15.

Page 3, line 5, delete "and manipulation therapy (as defined by" and insert "**therapy**".

Page 3, delete line 6, begin a new paragraph and insert:

"(c) As used in this section, "equine massage therapy" means a method of treating the body of a horse for remedial or hygienic purposes through techniques that:

(1) include rubbing, stroking, kneading, or tapping the body of the horse; and

(2) may be applied with or without the aid of a massage device that mimics the actions possible using human hands.

The term does not include prescribing a drug, performing surgery, or diagnosing a medical condition."

Re-number all SECTIONS consecutively.

(Reference is to SB 508 as printed February 4, 2015.)

STEELE

Motion prevailed. The bill was ordered engrossed.

SENATE MOTION

Madam President: I move that the following resolution be adopted:

HCR 18 Senator Rogers

Congratulating the West Side Leadership Academy Boys Track and Field team.

LONG

Motion prevailed.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 18

House Concurrent Resolution 18, sponsored by Senator Rogers:

A CONCURRENT RESOLUTION congratulating the West Side Leadership Academy Boys Track and Field team.

Whereas, West Side Leadership Academy won the 2014 Boys Track and Field State Championship on June 7, 2014, the Cougars' first state title since 1980 and sixth overall;

Whereas, West Side Leadership Academy defeated Carmel High School by just two points (41-39) after placing fifth in the final event, the 4x400 meter relay, gaining the points needed to take the lead;

Whereas, The outstanding athletes on this team included Darius Barnes, Deronte Bell, Deronte Buggs, Jonvae Johnson, Lonnie Johnson, Carlton Sims, Khalil Upshaw, and Barry Wesby;

Whereas, Senior Lonnie Johnson earned his own title as 2014 State Champion in the long jump event;

Whereas, Eugene M. Johnson has served as a coach at West Side Leadership Academy since the school opened as West Side High School in 1968;

Whereas, Eugene M. Johnson and assistant coaches Ronnie Bond, Steve Harper, and Brandon Wesby guided these hard working athletes to the state championship through their dedication and hard work;

Whereas, Coach Johnson has served as a gifted teacher and devoted coach for hundreds of young people in the sports of basketball, football, and wrestling, as well as track and field;

Whereas, No Gary high school had earned a state title in boys track and field since Horace Mann High School in 1991; and

Whereas, Eugene M. Johnson and I have shared not only a strong friendship but also a love of athletics and a special place in our hearts for young people since our days, as young people, back in Philadelphia and at Cheyney State Teachers College (now Cheyney University of Pennsylvania): Therefore,

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

SECTION 1. That the Indiana General Assembly congratulates the West Side Leadership Academy on winning the 2014 Boys Track and Field State Championship and wishes the team continued success in all its future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to team members Darius Barnes, Deronte Bell, Deronte Buggs, Jonvae Johnson, Lonnie Johnson, Carlton Sims, Khalil Upshaw, and Barry Wesby, head coach Eugene M. Johnson, assistant coaches Ronnie Bond, Steve Harper, and Brandon Wesby, principal Terrance Little, and superintendent Dr. Cheryl L. Pruitt.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 50

Senator M. Young called up Engrossed Senate Bill 50 for third reading:

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

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

Roll Call 119: yeas 45, nays 5. 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 Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Frizzell.

Engrossed Senate Bill 174

Senator M. Young called up Engrossed Senate Bill 174 for third reading:

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

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

Roll Call 120: yeas 46, nays 4. 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 Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Frizzell.

Engrossed Senate Bill 233

Senator Smith called up Engrossed Senate Bill 233 for third reading:

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

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

Roll Call 121: yeas 48, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives M. Smith and Burton.

Engrossed Senate Bill 285

Senator Tomes called up Engrossed Senate Bill 285 for third reading:

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

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

Roll Call 122: yeas 50, 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 Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Dermody and McMillin.

Engrossed Senate Bill 315

Senator Smith called up Engrossed Senate Bill 315 for third reading:

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

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

Roll Call 123: yeas 50, 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 Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Cherry.

Engrossed Senate Bill 356

Senator Grooms called up Engrossed Senate Bill 356 for third reading:

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

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

Roll Call 124: yeas 37, nays 13. 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 Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Davisson, Stemler, Clere and Goodin.

Engrossed Senate Bill 363

Senator Broden called up Engrossed Senate Bill 363 for third reading:

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

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

Roll Call 125: yeas 50, 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 Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives DeVon, Niezgodski and Hale.

Engrossed Senate Bill 370

Senator Becker called up Engrossed Senate Bill 370 for third reading:

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

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

Roll Call 126: yeas 50, 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 Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Bacon, McNamara, Sullivan and Riecken.

Engrossed Senate Bill 375

Senator Houchin called up Engrossed Senate Bill 375 for third reading:

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

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

Roll Call 127: yeas 50, 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 Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives McNamara, Cox and Hale.

Engrossed Senate Bill 406

Senator Merritt called up Engrossed Senate Bill 406 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 128: yeas 50, 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 Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives McMillin and Ziemke.

Engrossed Senate Bill 409

Senator Merritt called up Engrossed Senate Bill 409 for third reading:

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

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

Roll Call 129: yeas 47, nays 3. 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 Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Huston.

Engrossed Senate Bill 412

Senator Merritt called up Engrossed Senate Bill 412 for third reading:

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

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

Roll Call 130: yeas 42, nays 8. 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 Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Koch.

Engrossed Senate Bill 443

Senator Kruse called up Engrossed Senate Bill 443 for third reading:

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

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

Roll Call 131: yeas 35, nays 15. 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 Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Behning.

Engrossed Senate Bill 456

Senator Boots called up Engrossed Senate Bill 456 for third reading:

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

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

Roll Call 132: yeas 50, 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 Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Leonard.

Engrossed Senate Bill 478

Senator Brown called up Engrossed Senate Bill 478 for third reading:

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

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

Roll Call 133: yeas 45, nays 5. 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 Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Morris and Carbaugh.

Engrossed Senate Bill 492

Senator Boots called up Engrossed Senate Bill 492 for third reading:

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

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

Roll Call 134: yeas 49, 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 Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Burton.

Engrossed Senate Bill 517

Senator M. Young called up Engrossed Senate Bill 517 for third reading:

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

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

Roll Call 135: yeas 50, 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 Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Behning.

Engrossed Senate Bill 524

Senator Zakas called up Engrossed Senate Bill 524 for third reading:

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

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

Roll Call 136: yeas 50, 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 Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Steuerwald.

Engrossed Senate Bill 567

Senator Pete Miller called up Engrossed Senate Bill 567 for third reading:

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

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

Roll Call 137: yeas 50, 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 Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Truitt.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bills 1042, 1093, 1184, 1196, 1240, 1358, 1469, 1501, 1505, 1509, 1545, 1549, 1601, and 1609 and the same are herewith transmitted to the Senate for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 18 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bills 1104 and 1287 and the same are herewith transmitted to the Senate for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolution 4 and the same is herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

SENATE MOTION

Madam President: I move that Senators Delph and Rogers be added as coauthors of Engrossed Senate Bill 517.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Houchin be added as third author of Engrossed Senate Bill 567.

PETE MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Charbonneau be added as second author of Engrossed Senate Bill 429.

NIEMEYER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Senate Bill 422.

GROOMS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Buck be added as third author of Engrossed Senate Bill 456.

BOOTS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Alting be added as coauthor of Engrossed Senate Bill 356.

GROOMS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Stoops be added as coauthor of Senate Bill 491.

BOOTS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Senate Bill 456.

BOOTS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Senate Bill 429.

NIEMEYER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Senate Bill 409.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Senate Bill 406.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Senate Bill 356.

GROOMS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Senate Bill 443.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Stoops be added as coauthor of Senate Bill 413.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Tallian be added as coauthor of Engrossed Senate Bill 409.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Zakas be added as coauthor of Senate Bill 289.

ARNOLD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Breaux be added as coauthor of Senate Bill 412.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Stoops be added as coauthor of Senate Bill 236.

SMITH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Patricia Miller be added as coauthor of Engrossed Senate Bill 375.

HOUCHIN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Leising and M. Young be added as coauthors of Engrossed Senate Bill 233.

SMITH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lanane be added as coauthor of Engrossed Senate Bill 285.

TOMES

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Long be removed as first author and Senator Merritt be substituted therefor of Senate Bill 93.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Merritt be added as second author of Engrossed Senate Bill 382.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Arnold be added as second author, Senator Merritt be added as third author, and Senators Crider, Eckerty, Grooms and Rogers be added as coauthors of Senate Bill 491.

BOOTS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Patricia Miller be added as second author of Senate Bill 539.

YODER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Head be added as coauthor of Senate Bill 405.

LEISING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Merritt be added as second author of Senate Bill 463.

PATRICIA MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Taylor be added as coauthor of Senate Bill 306.

BRAY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Taylor be added as coauthor of Senate Bill 373.

HEAD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Mrvan be added as coauthor of Senate Bill 126.

BASSLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Stoops be added as coauthor of Senate Bill 439.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be added as coauthor of Senate Bill 436.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be added as coauthor of Senate Bill 441.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be added as coauthor of Senate Bill 488.

WALKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Charbonneau be added as second author of Senate Bill 488.

WALKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Becker be added as second author of Senate Bill 504.

GROOMS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Becker be added as second author of Senate Bill 260.

GROOMS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as coauthor of Engrossed Senate Bill 370.

BECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Steele be added as second author and Senator Waltz be added as coauthor of Senate Bill 98.

TOMES

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Head be added as coauthor of Senate Bill 286.

TOMES

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Thursday, February 12, 2015.

HERSHMAN

Motion prevailed.

The Senate adjourned at 3:50 p.m.

JENNIFER L. MERTZ
Secretary of the Senate

SUE ELLSPERMANN
President of the Senate