



Journal of the Senate

State of Indiana

119th General Assembly

Second Regular Session

Tenth Meeting Day

Thursday Morning

January 21, 2016

The Senate convened at 9:03 a.m., with the President of the Senate, Sue Ellspermann, in the Chair.

Prayer was offered by Pastor James Faris from the Second Reformed Presbyterian Church, Indianapolis.

The Pledge of Allegiance to the Flag was led by Senator Gregory G. Taylor.

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

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

Roll Call 25: present 48; excused 2. [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.

RESOLUTIONS ON FIRST READING

Senate Resolution 15

Senate Resolution 15, introduced by Senator Kruse:

A SENATE RESOLUTION urging the legislative council to assign to the appropriate study committee the topic of the expansion of the TAP System as a comprehensive school improvement model to address teacher effectiveness, retention, and recruitment.

Whereas, Teacher effectiveness is the single most important school-based factor in a student's academic achievement;

Whereas, Development, recruitment, and retention of effective teachers are critical to improving student achievement outcomes;

Whereas, The elements of the TAP System align to the recommendations set forth by the Indiana Department of Education's Blue Ribbon Commission on the Recruitment and Retention of Excellent Educators;

Whereas, The TAP System is a research-based model with proven teacher effectiveness, retention, and student achievement results in Indiana schools and other states; and

Whereas, More Indiana schools would benefit from an expansion of the implementation of the TAP System model, and this topic should be studied further: Therefore,

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

SECTION 1. That the legislative council is urged to assign to the appropriate study committee the topic of the expansion of the TAP System as a comprehensive school improvement model to address teacher effectiveness, retention, and recruitment.

The resolution was read in full and referred to the Committee on Education & Career Development.

Senate Resolution 16

Senate Resolution 16, introduced by Senator Kruse:

A SENATE RESOLUTION urging the legislative council to assign to the appropriate study committee the topic of student educational success with a specific focus on establishing Communities in Schools as a means to increase the number of students who graduate from high school.

Whereas, The economic well-being of the state of Indiana requires an educated workforce where all students graduate from high school;

Whereas, 8,000 students in Indiana from the class of 2014 failed to graduate from high school;

Whereas, Research shows the effectiveness and cost efficiency of integrated student supports (ISS) programs like Communities in Schools (CIS) in improving education outcomes;

Whereas, Funds to support education should be directed to evidence-based programs that demonstrate a significant return on investment;

Whereas, Vital student supports are most effectively delivered through public/private partnerships; and

Whereas, A majority of teachers surveyed believe that providing wrap-around services improves their effectiveness by helping students be more engaged, more committed to learning and better prepared for class: Therefore,

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

SECTION 1. That the Legislative Council is urged to assign to the appropriate study committee the topic of student educational success with a specific focus on establishing Communities in Schools as a means to increase the number of students who graduate from high school.

The resolution was read in full and referred to the Committee on Education & Career Development.

SENATE MOTION

Madam President: I move that Engrossed Senate Bill 163, which is eligible for third reading, be returned to second reading for purposes of amendment.

PATRICIA MILLER

Motion prevailed.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Education & Career Development, to which was referred Senate Bill 10, 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 17, begin a new paragraph and insert:

"SECTION 1. IC 20-28-7.5-1, AS AMENDED BY P.L.239-2015, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) This chapter applies to a teacher in a school corporation (as defined in IC 20-18-2-16(a)).

(b) A contract with a teacher may be canceled immediately in the manner set forth in sections 2 through 4 of this chapter for any of the following reasons:

(1) Immorality.

(2) Insubordination, which means a willful refusal to obey

the state school laws or reasonable rules adopted for the governance of the school building or the school corporation.

(3) Incompetence, including:

(A) for probationary teachers, receiving an ineffective designation on a performance evaluation or receiving two (2) consecutive improvement necessary ratings on a performance evaluation under IC 20-28-11.5; or

(B) for any teacher, receiving an ineffective designation on two (2) consecutive performance evaluations or an ineffective designation or improvement necessary rating under IC 20-28-11.5 for three (3) years of any five (5) year period.

(4) Neglect of duty.

(5) A conviction of an offense listed in IC 20-28-5-8(c).

(6) Other good or just cause.

(c) In addition to the reasons set forth in subsection (b), a probationary teacher's contract may be canceled for any reason relevant to the school corporation's interest in the manner set forth in sections 2 through 4 of this chapter.

(d) After June 30, 2012, the cancellation of teacher's contracts due to a justifiable decrease in the number of teaching positions shall be determined on the basis of performance rather than seniority. In cases where teachers are placed in the same performance category, any of the items in ~~IC 20-28-9-1.5(b)~~ **IC 20-28-9-1.5** may be considered.

(e) Only the governing body may terminate, cancel, or otherwise refuse to renew a contract of a superintendent or assistant superintendent. Notice of the contract cancellation or the refusal to renew the individual's contract must be provided in the manner provided in IC 20-28-8-3(a).

SECTION 2. IC 20-28-9-1.5, AS AMENDED BY P.L.213-2015, SECTION 179, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.5. (a) This ~~subsection~~ **section** governs salary increases for a teacher employed by a school corporation. Compensation attributable to additional degrees or graduate credits earned before the effective date of a local compensation plan created under this chapter before July 1, 2015, shall continue for school years beginning after June 30, 2015. Compensation attributable to additional degrees for which a teacher has started course work before July 1, 2011, and completed course work before September 2, 2014, shall also continue for school years beginning after June 30, 2015.

(b) For school years beginning after June 30, 2015, a school corporation may provide a supplemental payment to a teacher in excess of the salary specified in the school corporation's compensation plan **if under the following circumstances:**

(1) The teacher has earned a master's degree from an accredited postsecondary educational institution **or has received approval for the teacher's advanced placement syllabus from the College Board** in a content area directly related to the subject matter of:

~~(A)~~ (A) a dual credit course; ~~or~~

(B) an advanced placement course; or

~~(2) (C) another course;~~

taught by the teacher.

(2) For school years beginning after June 30, 2016, to attract or retain a teacher as needed.

(3) For school years beginning after June 30, 2016, the attainment of either additional degrees or credit hours beyond the requirements for employment with at least eighteen (18) hours in a content area currently taught by the teacher or a content area the teacher plans to teach upon receiving the degree or credit hours. ~~In~~ addition, a supplemental payment may be made to

(4) The teacher is an elementary school teacher who earns a master's degree in math or reading and literacy.

In addition, an amount determined under the policies adopted by the governing body but not exceeding fifty percent (50%) of the amount of a supplemental payment to an individual teacher in a particular state fiscal year beginning after June 30, 2016, becomes a permanent part of and increases the base salary of the teacher receiving the supplemental payment for school years beginning after the state fiscal year in which the supplemental payment is received. A ~~supplement~~ supplemental payment or an addition to a teacher's base salary provided under this subsection is not subject to collective bargaining, but a discussion of the ~~supplement~~ supplemental payment or addition to a teacher's base salary must be held. Such A ~~supplement~~ supplemental payment under this subsection is in addition to any increase permitted under subsection ~~(b)~~ (c).

~~(b) (c)~~ Increases or increments in a local salary range must be based upon a combination of the following factors:

(1) A combination of the following factors taken together may account for not more than thirty-three **and one-third** percent ~~(33%)~~ **(33.33%)** of the calculation used to determine a teacher's increase or increment:

(A) The number of years of a teacher's experience.

(B) The attainment of either:

(i) additional content area degrees beyond the requirements for employment; or

(ii) additional content area degrees and credit hours beyond the requirements for employment, if required under an agreement bargained under IC 20-29.

(2) The results of an evaluation conducted under IC 20-28-11.5.

(3) The assignment of instructional leadership roles, including the responsibility for conducting evaluations under IC 20-28-11.5.

(4) The academic needs of students in the school corporation.

~~(e) (d)~~ A teacher rated ineffective or improvement necessary under IC 20-28-11.5 may not receive any raise or increment for the following year if the teacher's employment contract is continued. The amount that would otherwise have been allocated for the salary increase of teachers rated ineffective or

improvement necessary shall be allocated for compensation of all teachers rated effective and highly effective based on the criteria in subsection ~~(b)~~ (c).

~~(d) (e)~~ A teacher who does not receive a raise or increment under subsection ~~(e)~~ (d) may file a request with the superintendent or superintendent's designee not later than five (5) days after receiving notice that the teacher received a rating of ineffective. The teacher is entitled to a private conference with the superintendent or superintendent's designee.

~~(e) (f)~~ The department shall publish a model compensation plan with a model salary range that a school corporation may adopt. ~~Before July 1, 2015, the department may modify the model compensation plan, as needed, to comply with subsection (f).~~

~~(f) (g)~~ Each school corporation shall submit its local compensation plan to the department. For a school year beginning after June 30, 2015, a local compensation plan must specify the range for teacher salaries. The department shall publish the local compensation plans on the department's Internet web site.

~~(g) (h)~~ The department shall report any noncompliance with this section to the state board.

~~(h) (i)~~ The state board shall take appropriate action to ensure compliance with this section.

~~(i) (j)~~ This chapter may not be construed to require or allow a school corporation to decrease the salary of any teacher below the salary the teacher was earning on or before July 1, 2015, if that decrease would be made solely to conform to the new compensation plan.

~~(j) (k)~~ After June 30, 2011, all rights, duties, or obligations established under IC 20-28-9-1 before its repeal are considered rights, duties, or obligations under this section."

Delete pages 2 through 3.

Renumber all SECTIONS consecutively.

(Reference is to SB 10 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 4.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax & Fiscal Policy, to which was referred Senate Bill 11, 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, line 7, delete "IC 12-11-14-4." and insert "**IC 12-11-14-5.**"

Page 2, line 14, delete "IC 12-11-14-5." and insert "**IC 12-11-14-6.**"

Page 2, line 29, delete "IC 12-11-14-6." and insert "**IC 12-11-14-7.**"

Page 2, line 34, delete "IC 12-11-14-7." and insert "**IC 12-11-14-8.**".

Page 3, line 6, delete "8" and insert "9".

Page 3, line 8, delete "9" and insert "10".

Page 3, between lines 8 and 9, begin a new paragraph and insert:

"Sec. 4. As used in this chapter, "contracting state" means a state that has entered into a contract with Indiana to:

(1) provide residents of the contracting state access to Indiana's qualified ABLE program; or

(2) provide residents of Indiana access to the contracting state's qualified ABLE program."

Page 3, line 9, delete "4." and insert "5.".

Page 3, line 12, delete "5." and insert "6.".

Page 3, line 20, delete "6." and insert "7.".

Page 3, line 27, delete "7." and insert "8.".

Page 4, line 2, delete "8." and insert "9.".

Page 4, line 8, delete "shall" and insert "may".

Page 4, line 30, after "IC 5-14-3." insert "**However, the data, information, and records (including medical records) relating to designated beneficiaries of and individual contributors to an ABLE account, including any records that reveal personally identifiable information about such individuals, are confidential for purposes of IC 5-14-3-4(a), are excepted from IC 5-14-3, and may not be disclosed by the authority, unless access to the records is specifically required by a state or federal statute or is ordered by a court under the rules of discovery.**".

Page 4, line 32, delete "9." and insert "10.".

Page 4, delete lines 38 through 42, begin a new line block indented and insert:

"(2) Four (4) appointed members who:

(A) are appointed by the governor; and

(B) consist of the following:

(i) One (1) member who has significant experience in actuarial analysis, accounting, investment management, or other areas of finance that are relevant to the authority.

(ii) One (1) member who has significant legal expertise and knowledge of estate planning.

(iii) One (1) member who is a representative of a statewide organization that advocates on behalf of individuals with disabilities.

(iv) One (1) member who is an individual with a disability or a family member of an individual with a disability.

(b) A certificate of appointment or reappointment of each member shall be filed with the authority, and this certificate is conclusive evidence of the due and proper appointment of the member."

Page 5, delete lines 1 through 2.

Page 5, line 3, delete "three (3)" and insert "two (2)".

Page 5, line 17, delete "Meetings of the".

Page 5, delete line 18.

Page 5, delete lines 34 through 36, begin a new paragraph and insert:

"(I) The majority of the members of the board constitute a quorum for the purposes of conducting the board's business and exercising the board's powers and for all other purposes. Vacant positions may not be counted when determining whether a majority of the members is present."

Page 6, line 6, delete "10." and insert "11.".

Page 6, line 23, after "managers" delete "." and insert ", including investment advisers."

Page 6, delete line 25.

Page 6, line 26, delete "(D)" and insert "(C)".

Page 6, line 27, delete "(E)" and insert "(D)".

Page 6, line 28, delete "(F)" and insert "(E)".

Page 6, line 29, delete "(G)" and insert "(F)".

Page 7, line 27, after "However" delete ":" and insert ",".

Page 7, line 28, delete "(A)".

Page 7, run in lines 27 through 28.

Page 7, line 29, delete "; and" and insert ".".

Page 7, delete lines 30 through 31.

Page 7, between lines 35 and 36, begin a new line block indented and insert:

"(20) To develop marketing plans and promotional material.

(21) To enter into agreements with other states to:

(A) allow Indiana residents to participate in a plan operated by a contracting state with a qualified ABLE program; or

(B) allow residents of contracting states to participate in the Indiana qualified ABLE program.

(22) To do all things necessary and appropriate to carry out the purposes of this chapter."

Page 7, line 36, delete "11." and insert "12.".

Page 8, line 14, delete "12." and insert "13.".

Page 8, line 37, delete "13." and insert "14.".

Page 9, line 5, delete "14." and insert "15.".

Page 9, line 19, delete "15." and insert "16.".

Page 9, line 24, delete "16." and insert "17.".

Page 9, line 30, delete "17." and insert "18.".

Page 9, line 37, delete "18." and insert "19.".

Page 9, line 42, delete "19." and insert "20.".

Page 10, line 4, delete "20." and insert "21.".

Page 10, line 8, delete "21." and insert "22.".

Page 10, line 19, delete "22." and insert "23.".

Page 10, line 27, delete "23." and insert "24.".

Page 10, after line 38, begin a new paragraph and insert:

"(d) Funds held in an ABLE account:

(1) are exempt from creditors and are not liable to attachment, levy, garnishment, or other process; and

(2) may not be seized, taken, appropriated, or applied by any legal or equitable process or operation of law to pay any debt or liability of any contributor or beneficiary.

However, the state of residency of the designated beneficiary of an ABLE account is a creditor of the account in the event of the death of the designated beneficiary.

(e) Funds held in an ABLE account may not be included in determining income eligibility of the designated beneficiary for state and local assistance programs."

(Reference is to SB 11 as introduced.)
and when so amended that said bill do pass.
Committee Vote: Yeas 12, Nays 0.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 12, 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, line 1, delete "may" and insert "**may, in accordance with IC 12-10-3,**".

Page 2, line 13, delete "not liable to any person" and insert "**immune from civil liability under Indiana law for the release or failure to release a record described in this section. However, this subsection does not:**

- (1) apply if the release or failure to release a record constitutes gross negligence or willful or wanton misconduct; or**
- (2) relieve a person described in this subsection from the obligation to comply with the laws and regulations of the United States, of another state, or of a political subdivision of another state."**

Page 2, delete lines 14 through 19.
(Reference is to SB 12 as introduced.)
and when so amended that said bill do pass.
Committee Vote: Yeas 9, Nays 0.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Public Policy, to which was referred Senate Bill 13, 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 0.

ALTING, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 17, 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 6, Nays 0.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 26, 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 0.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health & Provider Services, to which was referred Senate Bill 41, 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 4, line 19, delete ":" and insert "**, as determined by the covered individual's treating health care provider:"**".

Page 8, line 6, delete ":" and insert "**, as determined by the insured's treating health care provider:"**".

Page 11, line 38, delete ":" and insert "**, as determined by the enrollee's treating health care provider:"**".

(Reference is to SB 41 as printed January 12, 2016.)
and when so amended that said bill do pass.
Committee Vote: Yeas 10, Nays 1.

PATRICIA MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections & Criminal Law, to which was referred Senate Bill 80, 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 17.

Page 2, delete lines 1 through 12.

Page 4, line 35, delete "may:" and insert "**may, consistent with IC 35-48-4-14.7:"**".

Page 5, line 13, delete "IC 35-48-4-18, has the meaning set forth in" and insert "**IC 35-48-4-14.5, means a felony conviction for an offense described in:**

- (1) IC 35-48-4-1 through IC 35-48-4-11.5; and**
- (2) IC 35-48-4-13 through IC 35-48-4-14.7."**

Page 5, delete line 14.

Page 8, line 20, delete "IC 35-48-4-18);" and insert "**IC 35-31.5-2-106.5);"**".

Page 10, between lines 36 and 37, begin a new line block indented and insert:

"If the pharmacist determines that an individual has a legitimate medical or pharmaceutical need for ephedrine or pseudoephedrine, the pharmacist shall permit the individual to purchase ephedrine or pseudoephedrine. A person or corporate entity may not mandate a protocol or procedure that interferes with the pharmacist's ability to exercise the pharmacist's independent professional judgment as to whether an individual has a legitimate medical or pharmaceutical need for ephedrine or pseudoephedrine."

Page 11, line 35, delete "," and insert ".".

Page 11, delete lines 36 through 37.

Page 13, line 9, after "section" insert **"and a pharmacist who makes a professional determination under this section"**.

Page 13, line 9, strike "is" and insert "are".

Page 13, line 12, strike "negligence,".

Page 13, line 12, delete "recklessness," and insert "recklessness".

Page 13, delete lines 29 through 42.

Delete page 14.

Renumber all SECTIONS consecutively.

(Reference is to SB 80 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 2.

M. YOUNG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections & Criminal Law, to which was referred Senate Bill 90, 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, after line 17, begin a new paragraph and insert:

"SECTION 2. IC 31-37-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) If a child taken into custody is not released, a detention hearing must be held in accordance with IC 31-37-6-2.

(b) If a child taken into custody is released by an intake officer subject to one (1) or more conditions described in section 5 of this chapter, the court must conduct a hearing to review the appropriateness of the conditions of release not later than seven (7) business days from the date the child is released."

(Reference is to SB 90 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

M. YOUNG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education & Career Development, to which was referred Senate Bill 96, 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, line 3, delete "JULY 1, 2016]" and insert "UPON PASSAGE]".

Page 1, after line 6, begin a new paragraph and insert:

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

(Reference is to SB 96 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections & Criminal Law, to which was referred Senate Bill 161, 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 10, Nays 0.

M. YOUNG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Public Policy, to which was referred Senate Bill 172, 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, line 5, reset in roman "one (1)".

Page 1, line 5, after "week" insert **"or more days each calendar month"**.

Page 1, line 5, strike "a".

Page 1, line 5, delete ""guest" and insert "guest".

Page 1, line 5, strike "day"" and insert **"days, not to exceed a total of four (4) guest days in any calendar month."**

Page 1, delete lines 6 through 8.

(Reference is to SB 172 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

ALTING, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health & Provider Services, to which was referred Senate Bill 187, 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, delete lines 23 through 35, begin a new paragraph and insert:

"SECTION 4. IC 16-31-3-23.7, AS ADDED BY P.L.32-2015, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 23.7. (a) An advanced emergency medical technician, an emergency medical responder, an emergency medical technician, a firefighter, a volunteer firefighter, a law enforcement officer, or a paramedic who:

- (1) administers an overdose intervention drug; or
- (2) is summoned immediately after ~~administering the an~~ overdose intervention drug **is administered;**

shall ~~report~~ **inform the emergency ambulance service responsible for submitting the report to the commission of the number of times an overdose intervention drug is dispensed to the state department under the state trauma registry in compliance with rules adopted by the state department. has been administered.**

(b) The emergency ambulance service shall include information received under subsection (a) in the emergency ambulance service's report to the commission under the emergency medical services system review in accordance with the commission's rules."

Page 4, after line 31, begin a new paragraph and insert:

"SECTION 7. IC 25-26-13-25, AS AMENDED BY P.L.13-2013, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 25. (a) All original prescriptions, whether in written or electronic format, shall be numbered and maintained in numerical and chronological order, or in a manner approved by the board and accessible for at least two (2) years in the pharmacy. A prescription transmitted from a practitioner by means of communication other than writing must immediately be reduced to writing or recorded in an electronic format by the pharmacist. **A pharmacy shall keep a record for at least two (2) years of the dispensing of an overdose intervention drug (as defined in IC 16-18-2-263.9) through the use of a standing order under IC 16-42-27-2.** The files shall be open for inspection to any member of the board or the board's duly authorized agent or representative.

(b) A prescription may be electronically transmitted from the practitioner by computer or another electronic device to a pharmacy that is licensed under this article or any other state or territory. An electronic data intermediary that is approved by the board:

- (1) may transmit the prescription information between the prescribing practitioner and the pharmacy;
- (2) may archive copies of the electronic information related to the transmissions as necessary for auditing and security purposes; and
- (3) must maintain patient privacy and confidentiality of all archived information as required by applicable state and federal laws.

(c) Except as provided in subsection (d), a prescription for any drug, the label of which bears either the legend, "Caution:

Federal law prohibits dispensing without prescription" or "Rx Only", may not be refilled without written, electronically transmitted, or oral authorization of a licensed practitioner.

(d) A prescription for any drug, the label of which bears either the legend, "Caution: Federal law prohibits dispensing without prescription" or "Rx Only", may be refilled by a pharmacist one (1) time without the written, electronically transmitted, or oral authorization of a licensed practitioner if all of the following conditions are met:

(1) The pharmacist has made every reasonable effort to contact the original prescribing practitioner or the practitioner's designee for consultation and authorization of the prescription refill.

(2) The pharmacist believes that, under the circumstances, failure to provide a refill would be seriously detrimental to the patient's health.

(3) The original prescription authorized a refill but a refill would otherwise be invalid for either of the following reasons:

(A) All of the authorized refills have been dispensed.

(B) The prescription has expired under subsection (h).

(4) The prescription for which the patient requests the refill was:

(A) originally filled at the pharmacy where the request for a refill is received and the prescription has not been transferred for refills to another pharmacy at any time; or

(B) filled at or transferred to another location of the same pharmacy or its affiliate owned by the same parent corporation if the pharmacy filling the prescription has full access to prescription and patient profile information that is simultaneously and continuously updated on the parent corporation's information system.

(5) The drug is prescribed for continuous and uninterrupted use and the pharmacist determines that the drug is being taken properly in accordance with IC 25-26-16.

(6) The pharmacist shall document the following information regarding the refill:

(A) The information required for any refill dispensed under subsection (e).

(B) The dates and times that the pharmacist attempted to contact the prescribing practitioner or the practitioner's designee for consultation and authorization of the prescription refill.

(C) The fact that the pharmacist dispensed the refill without the authorization of a licensed practitioner.

(7) The pharmacist notifies the original prescribing practitioner of the refill and the reason for the refill by the practitioner's next business day after the refill has been made by the pharmacist.

(8) Any pharmacist initiated refill under this subsection may not be for more than the minimum amount necessary to supply the patient through the prescribing practitioner's next business day. However, a pharmacist may dispense a

drug in an amount greater than the minimum amount necessary to supply the patient through the prescribing practitioner's next business day if:

(A) the drug is packaged in a form that requires the pharmacist to dispense the drug in a quantity greater than the minimum amount necessary to supply the patient through the prescribing practitioner's next business day; or

(B) the pharmacist documents in the patient's record the amount of the drug dispensed and a compelling reason for dispensing the drug in a quantity greater than the minimum amount necessary to supply the patient through the prescribing practitioner's next business day.

(9) Not more than one (1) pharmacist initiated refill is dispensed under this subsection for a single prescription.

(10) The drug prescribed is not a controlled substance.

A pharmacist may not refill a prescription under this subsection if the practitioner has designated on the prescription form the words "No Emergency Refill".

(e) When refilling a prescription, the refill record shall include:

- (1) the date of the refill;
- (2) the quantity dispensed if other than the original quantity; and
- (3) the dispenser's identity on:
 - (A) the original prescription form; or
 - (B) another board approved, uniformly maintained, readily retrievable record.

(f) The original prescription form or the other board approved record described in subsection (e) must indicate by the number of the original prescription the following information:

- (1) The name and dosage form of the drug.
- (2) The date of each refill.
- (3) The quantity dispensed.
- (4) The identity of the pharmacist who dispensed the refill.
- (5) The total number of refills for that prescription.

(g) This subsection does not apply:

- (1) unless a patient requests a prescription drug supply of more than thirty (30) days;
- (2) to the dispensing of a controlled substance (as defined in IC 35-48-1-9); or
- (3) if a prescriber indicates on the prescription that the quantity of the prescription may not be changed.

A pharmacist may dispense, upon request of the patient, personal or legal representative of the patient, or guardian of the patient, not more than a ninety (90) day supply of medication if the patient has completed an initial thirty (30) day supply of the drug therapy and the prescription, including any refills, allows a pharmacist to dispense at least a ninety (90) day supply of the medication. However, a pharmacist shall notify the prescriber of the change in the quantity filled and must comply with state and federal laws and regulations concerning the dispensing limitations concerning a prescription drug. The pharmacist shall inform the customer concerning whether the additional supply of

the prescription will be covered under the patient's insurance, if applicable.

(h) A prescription is valid for not more than one (1) year after the original date of issue.

(i) A pharmacist may not knowingly dispense a prescription after the demise of the practitioner, unless in the pharmacist's professional judgment it is in the best interest of the patient's health.

(j) A pharmacist may not knowingly dispense a prescription after the demise of the patient.

(k) A pharmacist or a pharmacy shall not resell, reuse, or redistribute a medication that is returned to the pharmacy after being dispensed unless the medication:

- (1) was dispensed to an individual:
 - (A) residing in an institutional facility (as defined in 856 IAC 1-28.1-1(6));
 - (B) in a hospice program under IC 16-25; or
 - (C) in a county jail or department of correction facility;
- (2) was properly stored and securely maintained according to sound pharmacy practices;
- (3) is returned unopened and:
 - (A) was dispensed in the manufacturer's original:
 - (i) bulk, multiple dose container with an unbroken tamper resistant seal; or
 - (ii) unit dose package; or
 - (B) was packaged by the dispensing pharmacy in a:
 - (i) multiple dose blister container; or
 - (ii) unit dose package;

(4) was dispensed by the same pharmacy as the pharmacy accepting the return;

(5) is not expired; and

(6) is not a controlled substance (as defined in IC 35-48-1-9), unless the pharmacy holds a Category II permit (as described in section 17 of this chapter).

(l) A pharmacist or a pharmacy shall not resell, reuse, or redistribute medical devices or medical supplies used for prescription drug therapy that have been returned to the pharmacy after being dispensed unless the medical devices or medical supplies:

- (1) were dispensed to an individual in a county jail or department of correction facility;
- (2) are not expired; and
- (3) are returned unopened and in the original sealed packaging.

(m) A pharmacist may use the pharmacist's professional judgment as to whether to accept medication for return under this section.

(n) A pharmacist who violates subsection (d) commits a Class A infraction."

Renumber all SECTIONS consecutively.

(Reference is to SB 187 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

PATRICIA MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education & Career Development, to which was referred Senate Bill 189, 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, line 6, after "determine" insert ", **on a form prescribed by the department,**".

Page 2, line 6, after "whether" insert "**a student who attends an adult high school (as defined under IC 20-24-1-2.3) or**".

Page 2, line 6, after "parent" insert "**or a member of the same household**".

Page 2, line 12, delete "with".

Page 2, delete line 13.

Page 2, line 14, delete "progress".

Page 2, line 16, delete "The" and insert "**The information collected by a school corporation or charter school under subdivision (1) is considered confidential and shall be collected by the school corporation or charter school under guidelines for maintaining confidentiality established by the department. The**".

Page 2, line 19, delete "." and insert ", **including information concerning attendance records and academic progress.**".

(Reference is to SB 189 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 197, 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 Tax & Fiscal Policy.

Committee Vote: Yeas 9, Nays 0.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health & Provider Services, to which was referred Senate Bill 206, 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 4, between lines 27 and 28, begin a new paragraph and insert:

"SECTION 4. IC 12-7-2-59 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 59. (a) **Except as provided in subsection (b), "designee" for purposes**

~~of IC 12-10-12, has the meaning set forth in IC 12-10-12-2-~~
means an office director, division director, or other employee of the office of the secretary with expertise or knowledge concerning the area for which the individual is being designated.

(b) The definition set forth in subsection (a) does not apply to the following:

(1) Designations for purposes of administrative proceedings under IC 4-21.5.

(2) IC 12-11-1.1-10.

(3) IC 12-15-11-2.5.

(4) IC 12-15-13-3.5.

(5) IC 12-15-13-4.

(6) Designations of superintendents under IC 12-21-2-3 or IC 12-24-2-2.

(7) IC 12-30-2-15."

Page 27, line 36, delete "medical staff" and insert "**governing body**".

Renumber all SECTIONS consecutively.

(Reference is to SB 206 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

PATRICIA MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health & Provider Services, to which was referred Senate Bill 214, 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 3, line 1, delete "drug was" and insert "**drug is only indicated for addiction treatment and was**".

Page 3, line 2, delete ", unless the prescriber" and insert ".".

Page 3, delete lines 3 through 28.

(Reference is to SB 214 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

PATRICIA MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill 217, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between lines 4 and 5, begin a new paragraph and insert:

"(b) As used in this section, "electric service provider" means a corporation organized under:

(1) IC 8-1-13; or

(2) IC 23-17 that:

- (A) is an electric cooperative; and**
- (B) has at least one (1) member that is a corporation organized under IC 8-1-13."**

Page 1, line 5, delete "(b)" and insert "(c)".

Page 1, line 9, delete "(c)" and insert "(d)".

Page 1, line 11, delete "(d)" and insert "(e)".

Page 1, line 11, delete "township" and insert "customer or member".

Page 1, line 12, delete "trustee's".

Page 1, line 13, delete "(e)" and insert "(f)".

Page 1, line 14, delete ":" and insert ", a township trustee and an electric service provider may do the following:".

Page 1, line 15, delete "a" and insert "A".

Page 1, line 16, delete "; and" and insert ".".

Page 1, line 17, delete "an" and insert "An".

Page 1, line 17, delete "electronically transfer" and insert "pay a recipient's electric usage charges with the deposited township assistance funds as those electric usage charges are incurred. However, any personal funds that are present in the service account at the time the township assistance funds are deposited must be used to pay any electric usage charges first, before the use of township assistance funds.

(g) An electric service provider shall do the following:

(1) Hold any funds deposited under subsection (f)(1) in a fiduciary capacity for the township trustee. The township trustee is the beneficiary of any township assistance funds remaining:

(A) at the close of business:

(i) on the day that a service account is terminated; or

(ii) on the next business day, if the service account is terminated after the close of normal business hours; or

(B) at the close of business:

(i) on the day a request is received by the electric service provider from the township trustee for remittance of the funds; or

(ii) on the next business day, if the request for remittance occurs after the close of normal business hours.

(2) Remit any funds remaining in a service account or terminated service account not later than fifteen (15) business days after:

(A) the service account is terminated as set forth in subdivision (1)(A); or

(B) the electric service provider receives a request for remittance from the township trustee as set forth in subdivision (1)(B).

(h) For any month that:

(1) an electric service provider receives or expends township assistance funds provided by a township trustee; or

(2) a service account has a remaining balance of township assistance funds, including any balance of township assistance funds remaining in an individual

service account for any prior months; the electric service provider shall provide the township trustee with a monthly accounting statement not later than fifteen (15) business days following the last calendar day of the month. A monthly accounting statement must detail the receipt and expenditure of funds from service accounts during that month and any balances remaining in individual service accounts.

(i) This section may not be interpreted as requiring an electric service provider to:

(1) remit to a township trustee more funds than are available in a service account at the close of business on the day that:

(A) a service account is terminated as set forth in subsection (g)(1)(A); or

(B) the electric service provider receives a request for remittance as set forth in (g)(1)(B); or

(2) maintain separate service accounts or account numbers for township assistance funds.

(j) The funds deposited into a service account may be used only to pay for a recipient's electric usage, including any facility charges, and may not be used to pay administrative charges, equipment, maintenance, repair, disconnection fees, delinquent bills, or any other charge."

Page 2, delete lines 1 through 23.

Page 2, line 24, delete "(i)" and insert "(k)".

Page 2, line 28, delete "(j)" and insert "(l)".

(Reference is to SB 217 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

HEAD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill 232, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between lines 15 and 16, begin a new line block indented and insert:

"(4) "Person" means an individual, a corporation, a limited liability company, a partnership, or other legal entity."

Page 2, between lines 16 and 17, begin a new paragraph and insert:

"Sec. 3. The bylaws of the land bank must require the board of the land bank to:

(1) approve any purchase, transfer, or lease of real property held by the land bank in an open meeting of the board; and

(2) consider any pertinent information before approving the purchase, transfer, or lease including:

(A) the assessed value of the real property;

(B) any factors that may affect the current value of the real property; and

(C) the financial ability of the person to fulfill the conditions of the purchase, transfer, or lease."

Page 2, line 17, delete "3." and insert "4."

Page 2, line 28, delete "4." and insert "5."

Page 3, line 25, delete "5." and insert "6."

Page 4, line 13, delete "6." and insert "7."

Page 5, line 1, delete "7." and insert "8."

Page 5, line 15, delete "8." and insert "9."

Page 5, line 39, delete "9." and insert "10."

Page 6, line 22, delete "10." and insert "11."

Page 6, line 27, delete "11." and insert "12."

Page 6, line 34, delete "12." and insert "13."

Page 7, between lines 13 and 14, begin a new paragraph and insert:

"Sec. 14. (a) The land bank may, as a condition of the purchase, transfer, or lease, require a person to enter into an agreement that conditions the purchase, transfer, or lease on the person fulfilling one (1) or more of the following terms:

(1) If the property is a dwelling, reside in the real property as the person's principal place of residence for a specified period not to exceed three (3) years.

(2) Bring the property up to minimum code standards in not more than twelve (12) months.

(3) Carry adequate fire and liability insurance on the property at all times.

(4) If the conveyance is to a person to develop the property, cause development of the property within a specified period, not to exceed five (5) years.

(5) Comply with any additional terms, conditions, and requirements as the land bank requires that further the mission of the land bank.

(b) Any material failure of a person to fulfill the agreement described in subsection (a) nullifies the agreement. Upon nullification of the agreement:

(1) the sale, transfer, or lease of the property is void; and

(2) the land bank retains the interest in the property that the land bank possessed before the sale, transfer, or lease.

However, the land bank may grant the person a specified period, not to exceed two (2) years, to come into compliance with the terms of the agreement. The land bank may subordinate its interest under the terms of the agreement to financial institutions or persons lending money to the person for the purpose of allowing the person to fulfill the terms of the sale, transfer, or lease.

Sec. 15. IC 36-1-11 does not apply to a sale, transfer, or lease of property by the land bank."

Page 7, line 14, delete "13." and insert "16."

Page 7, line 35, delete "14." and insert "17."

Page 8, line 13, delete "15." and insert "18."

Page 9, line 18, delete "16." and insert "19."

Page 9, line 27, delete "17." and insert "20."

Page 9, line 29, delete "18." and insert "21."

Page 9, line 36, delete "19." and insert "22."

Page 9, line 38, delete "20." and insert "23."

Page 9, line 40, delete "21." and insert "24."

Page 10, after line 5, begin a new paragraph and insert:

"SECTION 2. IC 34-30-2-154.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 154.5. IC 36-7-38-24 (Concerning a land bank for environmental damage related to real property held by the land bank)."

Renumber all SECTIONS consecutively.

(Reference is to SB 232 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 2.

HEAD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education & Career Development, to which was referred Senate Bill 251, 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 the title and insert the following:

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

Page 1, line 4, delete "After" and insert "**Indiana Out of**".

Page 1, line 4, delete "Network Program" and insert "**Time Learning**".

Page 1, line 5, delete "after" and insert "**out of**".

Page 1, line 6, delete "network program" and insert "**time learning advisory**".

Page 1, line 6, delete "5" and insert "6".

Page 1, line 7, delete "after" and insert "**Indiana out of**".

Page 1, line 8, delete "network program" and insert "**time learning**".

Page 1, line 8, delete "3" and insert "5".

Page 1, between lines 8 and 9, begin a new paragraph and insert:

"Sec. 3. As used in this chapter, "out of school time" refers to any time school is not in session, including before school, after school, breaks, and vacations.

Sec. 4. As used in this chapter, "out of school time program" means a structured program that offers enrichment and academic activities primarily for students in kindergarten through grade 12 in a school or community based setting."

Page 1, line 9, delete "3." and insert "5."

Page 1, line 9, delete "after" and insert "**Indiana out of**".

Page 1, line 9, delete "network program" and insert "**time learning**".

Page 1, line 10, delete "fund before and after school programs" and insert "**provide funding for improving access**".

to, and the quality and affordability of, out of school time programs so that students may participate and the programs may:

- (1) increase health and safety;
- (2) provide academic enrichment and youth development; and
- (3) support economic and workforce development;"

Page 1, line 10, beginning with "throughout" begin a new line blocked left.

Page 1, line 16, delete "the federal government or".

Page 2, delete lines 8 through 37, begin a new paragraph and insert:

"Sec. 6. (a) The out of school time learning advisory board is established to recommend to the department and the general assembly procedures, policies, funding levels, and eligibility criteria for out of school time programs.

(b) The board is composed of at least the following members:

- (1) The state superintendent or the state superintendent's designee, who serves as chairperson of the board.
- (2) The secretary of the family and social services administration or the secretary's designee.
- (3) The commissioner of the department of workforce development or the commissioner's designee.
- (4) The commissioner of the commission for higher education or the commissioner's designee.
- (5) A direct services provider appointed by the secretary of the family and social services administration.
- (6) The following individuals appointed by the state superintendent:
 - (A) A direct services provider.
 - (B) A superintendent who is nominated by a statewide association of public school superintendents.
 - (C) A principal who is nominated by a statewide association of school principals.
 - (D) A governing body member who is nominated by a statewide association of school boards.
 - (E) A teacher who is nominated by the largest statewide teachers' association.
 - (F) A teacher who is nominated by the second largest statewide teachers' association.
 - (G) A member of a statewide afterschool program network who is nominated by the network.
 - (H) A member of a statewide parents' organization who is nominated by the organization.

Additional members may be appointed by the state superintendent or the secretary of the family and social services administration. In addition, the board may consult with other individuals who are not members of the board."

Page 2, line 38, delete "(f)" and insert "(c)".

Page 2, line 40, delete "(g)" and insert "(d)".

Page 2, line 40, after "board." delete "The".

Page 2, delete lines 41 through 42.

Page 3, delete lines 1 through 2.

Page 3, line 3, delete "(h) The" and insert "(e) In making recommendations to the department and the general assembly, the".

Page 3, line 3, delete "do" and insert "consider at least".

Page 3, delete lines 4 through 32, begin a new line block indented and insert:

"(1) Existing data and research concerning best practices for out of school programs.

(2) Current and proposed future access to, quality of, and affordability of out of school programs.

(3) Collaboration between agencies and coordination of existing resources.

(4) The need for out of school programs to address college and career readiness and academic standards.

(5) Existing statutory and regulatory provisions and the possibility of recommending amendments to statutes and rules.

(f) The board may make recommendations to the department concerning the form of grants from the fund and qualifications to receive grants. However, the department shall determine the recipients of grants.

(g) The board shall make an initial report to the general assembly and the legislative council not later than November 1, 2016. The report must be made in an electronic format under IC 5-14-6.

(h) This section expires June 30, 2019."

Page 3, line 33, delete "6." and insert "7".

Page 3, delete lines 35 through 39, begin a new paragraph and insert:

"SECTION 2. [EFFECTIVE UPON PASSAGE] (a) The definitions in IC 20 apply throughout this SECTION.

(b) The state superintendent and the secretary of the family and social services administration shall make the appointments required under IC 20-20-42-6(b), as added by the act, not later than July 1, 2016. The chairperson shall call the initial meeting of the out of school time learning advisory board not later than August 1, 2016.

(c) This SECTION expires December 31, 2016.

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

(Reference is to SB 251 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 1.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 259, 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, line 4, delete "Legislative Employees and".

Page 2, between lines 16 and 17, begin a new paragraph and insert:

"Sec. 2. A member of the general assembly who:

(1) possesses a valid Indiana license to carry a handgun; and

(2) is otherwise permitted to possess a handgun; has the right to carry a handgun within the state capitol building and on the property of the state capitol complex."

Page 2, line 17, delete "Sec. 2." and insert "Sec. 3."

(Reference is to SB 259 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 3.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections & Criminal Law, to which was referred Senate Bill 267, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 35-38-9-1, AS AMENDED BY P.L.142-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) This section applies only to a person who has been arrested, charged with an offense, or alleged to be a delinquent child, if:

(1) the arrest, criminal charge, or juvenile delinquency allegation:

(A) did not result in a conviction or juvenile adjudication; or

(B) resulted in a conviction or juvenile adjudication and the conviction or adjudication was vacated on appeal; and

(2) the person is not currently participating in a pretrial diversion program.

(b) Not earlier than one (1) year after the date of arrest, criminal charge, or juvenile delinquency allegation (whichever is later), if the person was not convicted or adjudicated a delinquent child, or the date of the opinion vacating the conviction or adjudication becomes final (unless the prosecuting attorney agrees in writing to an earlier time), the person may petition the court for expungement of the records related to the arrest, criminal charge, or juvenile delinquency allegation.

(c) A petition for expungement of records must be verified and filed in a circuit or superior court in the county where the criminal charges or juvenile delinquency allegation was filed, or if no criminal charges or juvenile delinquency allegation was filed, in the county where the arrest occurred. The petition must set forth:

(1) the date of the arrest, criminal charges, or juvenile delinquency allegation, and conviction (if applicable);

(2) the county in which the arrest occurred, the county in

which the information or indictment was filed, and the county in which the juvenile delinquency allegation was filed, if applicable;

(3) the law enforcement agency employing the arresting officer, if known;

(4) the court in which the criminal charges or juvenile delinquency allegation was filed, if applicable;

(5) any other known identifying information, such as:

(A) the name of the arresting officer;

(B) case number or court cause number;

(C) any aliases or other names used by the petitioner;

(D) the petitioner's driver's license number; and

(E) a list of each criminal charge and its disposition, if applicable;

(6) the date of the petitioner's birth; and

(7) the petitioner's Social Security number.

A person who files a petition under this section is not required to pay a filing fee.

(d) The court shall serve a copy of the petition on the prosecuting attorney.

(e) Upon receipt of a petition for expungement, the court:

(1) may summarily deny the petition if the petition does not meet the requirements of this section, or if the statements contained in the petition indicate that the petitioner is not entitled to relief; and

(2) shall grant the petition unless:

(A) the conditions described in subsection (a) have not been met; or

(B) criminal charges are pending against the person.

(f) Whenever the petition of a person under this section is granted:

(1) no information concerning the arrest, criminal charges, juvenile delinquency allegation, vacated conviction, or vacated juvenile delinquency adjudication may be placed or retained in any state central repository for criminal history information or in any other alphabetically arranged criminal history information system maintained by **the bureau of motor vehicles** or a local, regional, or statewide law enforcement agency;

(2) the clerk of the supreme court shall seal or redact any records in the clerk's possession that relate to the arrest, criminal charges, juvenile delinquency allegation, vacated conviction, or vacated juvenile delinquency adjudication;

(3) the records of:

(A) the sentencing court;

(B) a juvenile court;

(C) a court of appeals; and

(D) the supreme court;

concerning the person shall be redacted or permanently sealed; and

(4) with respect to the records of a person who is named as an appellant or an appellee in an opinion or memorandum decision by the supreme court or the court of appeals, the court shall:

(A) redact the opinion or memorandum decision as it appears on the computer gateway administered by the office of technology so that it does not include the petitioner's name (in the same manner that opinions involving juveniles are redacted); and

(B) provide a redacted copy of the opinion to any publisher or organization to whom the opinion or memorandum decision is provided after the date of the order of expungement.

The supreme court and the court of appeals are not required to redact, destroy, or otherwise dispose of any existing copy of an opinion or memorandum decision that includes the petitioner's name.

(g) If the court issues an order granting a petition for expungement under this section, the order must include the information described in subsection (c).

(h) This chapter does not require any change or alteration in:

(1) any internal record made by a law enforcement agency at the time of the arrest and not intended for release to the public; or

(2) records that relate to a diversion or deferral program.

(i) If a person whose records are expunged brings an action that might be defended with the contents of the expunged records, the defendant is presumed to have a complete defense to the action. In order for the plaintiff to recover, the plaintiff must show that the contents of the expunged records would not exonerate the defendant. The plaintiff may be required to state under oath whether the plaintiff had records in the criminal justice system and whether those records were expunged. If the plaintiff denies the existence of the records, the defendant may prove their existence in any manner compatible with the law of evidence."

Re-number all SECTIONS consecutively.

(Reference is to SB 267 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 1.

M. YOUNG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education & Career Development, to which was referred Senate Bill 279, 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, line 36, delete "calendar year immediately following the".

(Reference is to SB 279 as introduced.)

and when so amended that said bill do pass and be reassigned to the Senate Committee on Tax & Fiscal Policy.

Committee Vote: Yeas 6, Nays 0.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health & Provider Services, to which was referred Senate Bill 297, 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, line 12, delete ", including the development of a" and insert ".".

Page 2, delete lines 13 through 38.

Page 4, delete lines 10 through 32.

Page 6, line 16, delete "Is:" and insert "**Is, before December 31, 2016:**".

Page 8, line 1, delete ", when appropriate," and insert "**of requiring the minimal clinically necessary medication dose, including, when appropriate, the goal**".

Page 8, between lines 26 and 27, begin a new paragraph and insert:

"SECTION 8. IC 12-23-18-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 7.5. The office of the secretary and the division shall develop a treatment protocol containing best practice guidelines for the treatment of opiate dependent patients. The treatment protocol must require the minimal clinically necessary medication dose, including, when appropriate, the goal of opioid abstinence, and including the following:**

(1) Appropriate clinical use of any drug approved by the federal Food and Drug Administration for the treatment of opioid addiction, including the following:

(A) Opioid maintenance.

(B) Opioid detoxification.

(C) Overdose reversal.

(D) Relapse prevention.

(E) Long acting, nonaddictive medication assisted treatment medications.

(2) A requirement for initial and periodic behavioral health assessments for each patient.

(3) Appropriate use of providing overdose reversal, relapse prevention, counseling, and ancillary services.

(4) Transitioning off agonist and partial agonist therapies, when appropriate, with the goal of opioid abstinence.

(5) Training and experience requirements for prescribers of drugs described in subdivision (1) in the treatment and management of opiate dependent patients.

(6) A requirement that prescribers obtain informed consent from a patient concerning all available opioid treatment options, including each option's potential benefits and risks, before prescribing a drug described in subdivision (1)."

Page 9, line 6, delete ";" and insert "**annually;**".

Page 9, line 9, after "(10)" insert "**The annual ratio of employed or contracted prescribers to patients service at each opioid treatment program.**

(11)".

Page 9, line 12, delete "(11)" and insert "(12)".

Page 9, line 12, delete "successfully transitioned to" and insert **"completing an opiate treatment program treatment service having transitioned to opioid abstinence, including the use of long acting, nonaddictive medication for relapse prevention."**

Page 9, delete lines 13 through 18, begin a new line block indented and insert:

"(13) The number of patients demonstrating improvement in functioning, as defined by the division, while in treatment at an opiate treatment program.

(14) An annual submission of each opiate treatment program's policy concerning:

(A) the use of INSPECT (as defined in IC 35-48-7-5.2);

(B) the protocol for addressing patients who are found, using INSPECT data, to have prescriptions for a controlled substance, including benzodiazepines or other opiate medications; and

(C) the protocol for addressing patients who have illicit urine drug screens indicating the use of a controlled substance, including benzodiazepines or other opiates, whether prescribed or not."

Renumber all SECTIONS consecutively.

(Reference is to SB 297 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 2.

PATRICIA MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, 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 do pass.

Committee Vote: Yeas 8, Nays 0.

HEAD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax & Fiscal Policy, to which was referred Senate Bill 308, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 6-1.1-3-14, AS AMENDED BY P.L.146-2008, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14. The township assessor, or the county assessor if there is no township assessor for the township, ~~shall~~ **may**:

(1) examine and verify; or

(2) allow a contractor under IC 6-1.1-36-12 to examine and verify;

the accuracy of ~~each~~ a personal property return filed with the township or county assessor by a taxpayer **if the assessor considers the examination and verification of that personal property return to be useful to the accuracy of the assessment process.** If appropriate, the assessor or contractor under IC 6-1.1-36-12 shall compare a return with the books of the taxpayer and with personal property owned, held, possessed, controlled, or occupied by the taxpayer."

Page 17, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 17. IC 6-1.1-18.5-13, AS AMENDED BY P.L.245-2015, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) With respect to an appeal filed under section 12 of this chapter, the department may find that a civil taxing unit should receive any one (1) or more of the following types of relief:

(1) Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter, if in the judgment of the department the increase is reasonably necessary due to increased costs of the civil taxing unit resulting from annexation, consolidation, or other extensions of governmental services by the civil taxing unit to additional geographic areas or persons. With respect to annexation, consolidation, or other extensions of governmental services in a calendar year, if those increased costs are incurred by the civil taxing unit in that calendar year and more than one (1) immediately succeeding calendar year, the unit may appeal under section 12 of this chapter for permission to increase its levy under this subdivision based on those increased costs in any of the following:

(A) The first calendar year in which those costs are incurred.

(B) One (1) or more of the immediately succeeding four (4) calendar years.

(2) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the civil taxing unit needs the increase to meet the civil taxing unit's share of the costs of operating a court established by statute enacted after December 31, 1973. Before recommending such an increase, the local government tax control board shall consider all other revenues available to the civil taxing unit that could be applied for that purpose. The maximum aggregate levy increases that the local government tax control board may recommend for a particular court equals the civil taxing unit's estimate of the unit's share of the costs of operating a court for the first full calendar year in

which it is in existence. For purposes of this subdivision, costs of operating a court include:

- (A) the cost of personal services (including fringe benefits);
- (B) the cost of supplies; and
- (C) any other cost directly related to the operation of the court.

(3) Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter, if the department finds that the quotient determined under STEP SIX of the following formula is equal to or greater than one and two-hundredths (1.02):

STEP ONE: Determine the three (3) calendar years that most immediately precede the ensuing calendar year and in which a statewide general reassessment of real property under IC 6-1.1-4-4 does not first become effective.

STEP TWO: Compute separately, for each of the calendar years determined in STEP ONE, the quotient (rounded to the nearest ten-thousandth (0.0001)) of the sum of the civil taxing unit's total assessed value of all taxable property and:

- (i) for a particular calendar year before 2007, the total assessed value of property tax deductions in the unit under IC 6-1.1-12-41 (repealed) or IC 6-1.1-12-42 in the particular calendar year; or
- (ii) for a particular calendar year after 2006, the total assessed value of property tax deductions that applied in the unit under IC 6-1.1-12-42 in 2006 plus for a particular calendar year after 2009, the total assessed value of property tax deductions that applied in the unit under IC 6-1.1-12-37.5 in 2008;

divided by the sum determined under this STEP for the calendar year immediately preceding the particular calendar year.

STEP THREE: Divide the sum of the three (3) quotients computed in STEP TWO by three (3).

STEP FOUR: Compute separately, for each of the calendar years determined in STEP ONE, the quotient (rounded to the nearest ten-thousandth (0.0001)) of the sum of the total assessed value of all taxable property in all counties and:

- (i) for a particular calendar year before 2007, the total assessed value of property tax deductions in all counties under IC 6-1.1-12-41 (repealed) or IC 6-1.1-12-42 in the particular calendar year; or
- (ii) for a particular calendar year after 2006, the total assessed value of property tax deductions that applied in all counties under IC 6-1.1-12-42 in 2006 plus for a particular calendar year after 2009, the total assessed value of property tax deductions that applied in the unit under IC 6-1.1-12-37.5 in 2008;

divided by the sum determined under this STEP for the calendar year immediately preceding the particular

calendar year.

STEP FIVE: Divide the sum of the three (3) quotients computed in STEP FOUR by three (3).

STEP SIX: Divide the STEP THREE amount by the STEP FIVE amount.

The civil taxing unit may increase its levy by a percentage not greater than the percentage by which the STEP THREE amount exceeds the percentage by which the civil taxing unit may increase its levy under section 3 of this chapter based on the assessed value growth quotient determined under section 2 of this chapter.

(4) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the civil taxing unit needs the increase to pay the costs of furnishing fire protection for the civil taxing unit through a volunteer fire department. For purposes of determining a township's need for an increased levy, the local government tax control board shall not consider the amount of money borrowed under IC 36-6-6-14 during the immediately preceding calendar year. However, any increase in the amount of the civil taxing unit's levy recommended by the local government tax control board under this subdivision for the ensuing calendar year may not exceed the lesser of:

- (A) ten thousand dollars (\$10,000); or
- (B) twenty percent (20%) of:

- (i) the amount authorized for operating expenses of a volunteer fire department in the budget of the civil taxing unit for the immediately preceding calendar year; plus
- (ii) the amount of any additional appropriations authorized during that calendar year for the civil taxing unit's use in paying operating expenses of a volunteer fire department under this chapter; minus
- (iii) the amount of money borrowed under IC 36-6-6-14 during that calendar year for the civil taxing unit's use in paying operating expenses of a volunteer fire department.

(5) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission to a civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter in order to raise revenues for pension payments and contributions the civil taxing unit is required to make under IC 36-8. The maximum increase in a civil taxing unit's levy that may be recommended under this subdivision for an ensuing calendar year equals the amount, if any, by which the pension payments and contributions the civil taxing unit is required to make under IC 36-8 during the ensuing calendar year exceeds the product of one and one-tenth (1.1) multiplied by the

pension payments and contributions made by the civil taxing unit under IC 36-8 during the calendar year that immediately precedes the ensuing calendar year. For purposes of this subdivision, "pension payments and contributions made by a civil taxing unit" does not include that part of the payments or contributions that are funded by distributions made to a civil taxing unit by the state.

(6) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission to increase its levy in excess of the limitations established under section 3 of this chapter if the local government tax control board finds that:

(A) the township's township assistance ad valorem property tax rate is less than one and sixty-seven hundredths cents (\$0.0167) per one hundred dollars (\$100) of assessed valuation; and

(B) the township needs the increase to meet the costs of providing township assistance under IC 12-20 and IC 12-30-4.

The maximum increase that the board may recommend for a township is the levy that would result from an increase in the township's township assistance ad valorem property tax rate of one and sixty-seven hundredths cents (\$0.0167) per one hundred dollars (\$100) of assessed valuation minus the township's ad valorem property tax rate per one hundred dollars (\$100) of assessed valuation before the increase.

(7) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission to a civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter if:

(A) the increase has been approved by the legislative body of the municipality with the largest population where the civil taxing unit provides public transportation services; and

(B) the local government tax control board finds that the civil taxing unit needs the increase to provide adequate public transportation services.

The local government tax control board shall consider tax rates and levies in civil taxing units of comparable population, and the effect (if any) of a loss of federal or other funds to the civil taxing unit that might have been used for public transportation purposes. However, the increase that the board may recommend under this subdivision for a civil taxing unit may not exceed the revenue that would be raised by the civil taxing unit based on a property tax rate of one cent (\$0.01) per one hundred dollars (\$100) of assessed valuation.

(8) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission to a civil taxing unit to increase the unit's levy in excess of the limitations established under section 3 of this chapter if the local government tax control board finds that:

(A) the civil taxing unit is:

(i) a county having a population of more than one hundred seventy thousand (170,000) but less than one hundred seventy-five thousand (175,000);

(ii) a city having a population of more than sixty-five thousand (65,000) but less than seventy thousand (70,000);

(iii) a city having a population of more than twenty-nine thousand five hundred (29,500) but less than twenty-nine thousand six hundred (29,600);

(iv) a city having a population of more than thirteen thousand four hundred fifty (13,450) but less than thirteen thousand five hundred (13,500); or

(v) a city having a population of more than eight thousand seven hundred (8,700) but less than nine thousand (9,000); and

(B) the increase is necessary to provide funding to undertake removal (as defined in IC 13-11-2-187) and remedial action (as defined in IC 13-11-2-185) relating to hazardous substances (as defined in IC 13-11-2-98) in solid waste disposal facilities or industrial sites in the civil taxing unit that have become a menace to the public health and welfare.

The maximum increase that the local government tax control board may recommend for such a civil taxing unit is the levy that would result from a property tax rate of six and sixty-seven hundredths cents (\$0.0667) for each one hundred dollars (\$100) of assessed valuation. For purposes of computing the ad valorem property tax levy limit imposed on a civil taxing unit under section 3 of this chapter, the civil taxing unit's ad valorem property tax levy for a particular year does not include that part of the levy imposed under this subdivision. In addition, a property tax increase permitted under this subdivision may be imposed for only two (2) calendar years.

(9) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission for a county:

(A) having a population of more than eighty thousand (80,000) but less than ninety thousand (90,000) to increase the county's levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the county needs the increase to meet the county's share of the costs of operating a jail or juvenile detention center, including expansion of the facility, if the jail or juvenile detention center is opened after December 31, 1991;

(B) that operates a county jail or juvenile detention center that is subject to an order that:

(i) was issued by a federal district court; and

(ii) has not been terminated;

(C) that operates a county jail that fails to meet:

(i) American Correctional Association Jail Construction Standards; and

(ii) Indiana jail operation standards adopted by the department of correction; or

(D) that operates a juvenile detention center that fails to meet standards equivalent to the standards described in clause (C) for the operation of juvenile detention centers.

Before recommending an increase, the local government tax control board shall consider all other revenues available to the county that could be applied for that purpose. An appeal for operating funds for a jail or a juvenile detention center shall be considered individually, if a jail and juvenile detention center are both opened in one (1) county. The maximum aggregate levy increases that the local government tax control board may recommend for a county equals the county's share of the costs of operating the jail or a juvenile detention center for the first full calendar year in which the jail or juvenile detention center is in operation.

(10) A levy increase may not be granted under this subdivision for property taxes first due and payable after December 31, 2008. Permission for a township to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the township needs the increase so that the property tax rate to pay the costs of furnishing fire protection for a township, or a portion of a township, enables the township to pay a fair and reasonable amount under a contract with the municipality that is furnishing the fire protection. However, for the first time an appeal is granted the resulting rate increase may not exceed fifty percent (50%) of the difference between the rate imposed for fire protection within the municipality that is providing the fire protection to the township and the township's rate. A township is required to appeal a second time for an increase under this subdivision if the township wants to further increase its rate. However, a township's rate may be increased to equal but may not exceed the rate that is used by the municipality. More than one (1) township served by the same municipality may use this appeal.

(11) Permission to a city having a population of more than thirty-one thousand five hundred (31,500) but less than thirty-one thousand seven hundred twenty-five (31,725) to increase its levy in excess of the limitations established under section 3 of this chapter if:

(A) an appeal was granted to the city under this section to reallocate property tax replacement credits under IC 6-3.5-1.1 in 1998, 1999, and 2000; and

(B) the increase has been approved by the legislative body of the city, and the legislative body of the city has by resolution determined that the increase is necessary to pay normal operating expenses.

The maximum amount of the increase is equal to the amount of property tax replacement credits under IC 6-3.5-1.1 that the city petitioned under this section to have reallocated in 2001 for a purpose other than property

tax relief.

(12) A levy increase may be granted under this subdivision only for property taxes first due and payable after December 31, 2008. Permission to a civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter if the civil taxing unit cannot carry out its governmental functions for an ensuing calendar year under the levy limitations imposed by section 3 of this chapter due to a natural disaster, an accident, or another unanticipated emergency.

(13) Permission to Jefferson County to increase its levy in excess of the limitations established under section 3 of this chapter if the department finds that the county experienced a property tax revenue shortfall that resulted from an erroneous estimate of the effect of the supplemental deduction under IC 6-1.1-12-37.5 on the county's assessed valuation. An appeal for a levy increase under this subdivision may not be denied because of the amount of cash balances in county funds. The maximum increase in the county's levy that may be approved under this subdivision is three hundred thousand dollars (\$300,000).

(14) Permission to a civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter, if the department finds that the percentage growth in the civil taxing unit's assessed value for the preceding calendar year was at least two (2) times the percentage growth allowed for the civil taxing unit's tax levy under the assessed value growth quotient determined under section 2 of this chapter for the ensuing calendar year. The civil taxing unit may increase its levy by a percentage equal to the percentage growth in the civil taxing unit's assessed value for the preceding calendar year.

(b) The department of local government finance shall increase the maximum permissible ad valorem property tax levy under section 3 of this chapter for the city of Goshen for 2012 and thereafter by an amount equal to the greater of zero (0) or the result of:

(1) the city's total pension costs in 2009 for the 1925 police pension fund (IC 36-8-6) and the 1937 firefighters' pension fund (IC 36-8-7); minus

(2) the sum of:

(A) the total amount of state funds received in 2009 by the city and used to pay benefits to members of the 1925 police pension fund (IC 36-8-6) or the 1937 firefighters' pension fund (IC 36-8-7); plus

(B) any previous permanent increases to the city's levy that were authorized to account for the transfer to the state of the responsibility to pay benefits to members of the 1925 police pension fund (IC 36-8-6) and the 1937 firefighters' pension fund (IC 36-8-7).

(c) In calendar year 2013, the department of local government finance shall allow a township to increase its maximum permissible ad valorem property tax levy in excess of the limitations established under section 3 of this chapter, if the

township:

- (1) petitions the department for the levy increase on a form prescribed by the department; and
- (2) submits proof of the amount borrowed in 2012 or 2013, but not both, under IC 36-6-6-14 to furnish fire protection for the township or a part of the township.

The maximum increase in a township's levy that may be allowed under this subsection is the amount borrowed by the township under IC 36-6-6-14 in the year for which proof was submitted under subdivision (2). An increase allowed under this subsection applies to property taxes first due and payable after December 31, 2013."

Page 19, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 20. IC 6-1.1-36-12, AS AMENDED BY P.L.146-2008, SECTION 289, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. (a) A board of county commissioners, a county assessor, or a township assessor (if any) may enter into a contract for the discovery of property that has been undervalued or omitted from assessment. The contract must prohibit payment to the contractor for discovery of undervaluation or omission with respect to a parcel or personal property return before all appeals of the assessment of the parcel or the assessment under the return have been finalized. The contract may require the contractor to:

- (1) examine and verify the accuracy of a personal property ~~returns~~ ~~return~~ filed by ~~taxpayers~~ a taxpayer with the county assessor or a township assessor of a township in the county, **if the contractor considers the examination and verification of that personal property return to be useful to the accuracy of the assessment process;** and
- (2) compare a return with the books of the taxpayer and with personal property owned, held, possessed, controlled, or occupied by the taxpayer, **if the contractor considers the comparison to be useful to the accuracy of the assessment process.**

(b) This subsection applies if funds are not appropriated for payment of services performed under a contract described in subsection (a). The county auditor may create a special nonreverting fund in which the county treasurer shall deposit the amount of taxes, including penalties and interest, that result from additional assessments on undervalued or omitted property collected from all taxing jurisdictions in the county after deducting the amount of any property tax credits that reduce the owner's property tax liability for the undervalued or omitted property. The fund remains in existence during the term of the contract. Distributions shall be made from the fund without appropriation only for the following purposes:

- (1) All contract fees and other costs related to the contract.
- (2) After the payments required by subdivision (1) have been made and the contract has expired, the county auditor shall distribute all money remaining in the fund to the appropriate taxing units in the county using the property tax rates of each taxing unit in effect at the time of the

distribution.

(c) A board of county commissioners, a county assessor, or a township assessor may not contract for services under subsection (a) on a percentage basis."

Page 20, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 23. IC 6-3.6-2-14.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14.5. **"PSAP" means a PSAP (as defined in IC 36-8-16.7-20) that is part of the statewide 911 system (as defined in IC 36-8-16.7-22).**

SECTION 24. IC 6-3.6-3-1, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) The following is the adopting body for a county:

- (1) The local income tax council in a county in which the county income tax council adopted either:
 - (A) a county option income tax under IC 6-3.5-6 (repealed) that was in effect on January 1, 2015; or
 - (B) a county economic development income tax for the county under IC 6-3.5-7 (repealed) that was in effect on January 1, 2015.
- (2) The county fiscal body in any other county.
- (3) The county fiscal body for purposes of adopting a rate dedicated to paying for a PSAP in the county as permitted by IC 6-3.6-6-2.5.**

(b) A local income tax council is established for each county. The membership of each county's local income tax council consists of the fiscal body of the county and the fiscal body of each city or town that lies either partially or entirely within that county.

SECTION 25. IC 6-3.6-6-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2.5. **(a) This section applies to a county in which the adopting body:**

- (1) is the local income tax council; and**
- (2) did not allocate the revenue under this chapter from an expenditure rate of at least one-tenth of one percent (0.1%) to pay for a PSAP in the county for a year.**

(b) A county fiscal body may adopt an ordinance to impose a tax rate for a PSAP in the county. The tax rate must be in increments of one-hundredth of one percent (0.01%) and may not exceed one-tenth of one percent (0.1%).

(c) The revenue generated by a tax rate imposed under this section must be distributed directly to the county before the remainder of the expenditure rate revenue is distributed. The revenue shall be maintained in a separate dedicated county fund and used only for paying for a PSAP in the county.

SECTION 26. IC 6-3.6-6-3, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. Revenue raised from a tax imposed under this chapter shall be treated as follows:

- (1) If an ordinance described in section 2.5 of this chapter is in effect in a county, to make a distribution**

to the county equal to the amount of revenue generated by the rate imposed under section 2.5 of this chapter.

(+) (2) After making the distribution described in subdivision (1), if any, to make distributions to school corporations and civil taxing units in counties that formerly imposed a tax under IC 6-3.5-1.1. The revenue categorized from the ~~first next~~ twenty-five hundredths percent (0.25%) of the rate for a former tax adopted under IC 6-3.5-1.1 shall be allocated to school corporations and civil taxing units. The amount of the allocation to a school corporation or civil taxing unit shall be determined using the allocation amounts for civil taxing units and school corporations in the determination.

(-) (3) After making the distributions described in subdivisions (1) and (2), the remaining revenue shall be treated as additional revenue (referred to as "additional revenue" in this chapter). Additional revenue may not be considered by the department of local government finance in determining:

(A) any taxing unit's maximum permissible property tax levy limit under IC 6-1.1-18.5; or

(B) the approved property tax rate for any fund.

SECTION 27. IC 6-3.6-6-11, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. (a) Except as provided in this chapter and IC 6-3.6-11, this section applies to an allocation of certified shares in all counties.

(b) Subject to this chapter, any civil taxing unit that imposes an ad valorem property tax in the county that has a tax rate in effect under this chapter is eligible for an allocation under this chapter.

(c) A school corporation is not a civil taxing unit for the purpose of receiving an allocation of certified shares under this chapter. The distributions to school corporations and civil taxing units in counties that formerly imposed a tax under IC 6-3.5-1.1 as provided in section ~~3(+) 3(2)~~ of this chapter is not considered an allocation of certified shares. A school corporation's allocation amount for purposes of section ~~3(+) 3(2)~~ of this chapter shall be determined under section 12 of this chapter.

(d) A county solid waste management district (as defined in IC 13-11-2-47) or a joint solid waste management district (as defined in IC 13-11-2-113) is not a civil taxing unit for the purpose of receiving an allocation of certified shares under this chapter unless a majority of the members of each of the county fiscal bodies of the counties within the district passes a resolution approving the distribution.

(e) A resolution passed by a county fiscal body under subsection (d) may:

(1) expire on a date specified in the resolution; or

(2) remain in effect until the county fiscal body revokes or rescinds the resolution.

SECTION 28. IC 6-3.6-6-12, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. (a) Except as provided in

this chapter and IC 6-3.6-11, this section applies to an allocation of certified shares in all counties.

(b) The allocation amount of a civil taxing unit during a calendar year is equal to the amount determined using the following formula:

STEP ONE: Determine the sum of the total property taxes being imposed by the civil taxing unit during the calendar year of the distribution.

STEP TWO: Determine the sum of the following:

(A) Amounts appropriated from property taxes to pay the principal of or interest on any debenture or other debt obligation issued after June 30, 2005, other than an obligation described in subsection (c).

(B) Amounts appropriated from property taxes to make payments on any lease entered into after June 30, 2005, other than a lease described in subsection (d).

STEP THREE: Subtract the STEP TWO amount from the STEP ONE amount.

STEP FOUR: Determine the sum of:

(A) the STEP THREE amount; plus

(B) the civil taxing unit's certified shares plus the amount distributed under section ~~3(+) 3(2)~~ of this chapter for the previous calendar year.

The allocation amount is subject to adjustment as provided in IC 36-8-19-7.5.

(c) Except as provided in this subsection, an appropriation from property taxes to repay interest and principal of a debt obligation is not deducted from the allocation amount for a civil taxing unit if:

(1) the debt obligation was issued; and

(2) the proceeds were appropriated from property taxes; to refund or otherwise refinance a debt obligation or a lease issued before July 1, 2005. However, an appropriation from property taxes related to a debt obligation issued after June 30, 2005, is deducted if the debt extends payments on a debt or lease beyond the time in which the debt or lease would have been payable if the debt or lease had not been refinanced or increases the total amount that must be paid on a debt or lease in excess of the amount that would have been paid if the debt or lease had not been refinanced. The amount of the deduction is the annual amount for each year of the extension period or the annual amount of the increase over the amount that would have been paid.

(d) Except as provided in this subsection, an appropriation from property taxes to make payments on a lease is not deducted from the allocation amount for a civil taxing unit if:

(1) the lease was issued; and

(2) the proceeds were appropriated from property taxes; to refinance a debt obligation or lease issued before July 1, 2005. However, an appropriation from property taxes related to a lease entered into after June 30, 2005, is deducted if the lease extends payments on a debt or lease beyond the time in which the debt or lease would have been payable if the debt or lease had not been refinanced or increases the total amount that must be paid on a

debt or lease in excess of the amount that would have been paid if the debt or lease had not been refinanced. The amount of the deduction is the annual amount for each year of the extension period or the annual amount of the increase over the amount that would have been paid.

SECTION 29. IC 6-3.6-6-20, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 20. (a) This section applies to any allocation or distribution of revenue under section ~~3(1)~~ or 3(2) or **3(3)** of this chapter that is made on the basis of property tax levies. If a school corporation or civil taxing unit of an adopting county does not impose a property tax levy that is first due and payable in a calendar year in which revenue under section ~~3(1)~~ or 3(2) or **3(3)** of this chapter is being allocated or distributed, that school corporation or civil taxing unit is entitled to receive a part of the revenue under section ~~3(1)~~ or 3(2) or **3(3)** of this chapter (as appropriate) to be distributed within the county. The fractional amount that such a school corporation or civil taxing unit is entitled to receive each month during that calendar year equals the product of the following:

- (1) The amount of revenue under section ~~3(1)~~ or 3(2) or **3(3)** of this chapter to be distributed on the basis of property tax levies during that month; multiplied by
- (2) A fraction. The numerator of the fraction equals the budget of that school corporation or civil taxing unit for that calendar year. The denominator of the fraction equals the aggregate budgets of all school corporations or civil taxing units of that county for that calendar year.

(b) If for a calendar year a school corporation or civil taxing unit is allocated a part of a county's revenue under section ~~3(1)~~ or 3(2) or **3(3)** of this chapter by subsection (a), the calculations used to determine the shares of revenue of all other school corporations and civil taxing units under section ~~3(1)~~ or 3(2) or **3(3)** of this chapter (as appropriate) shall be changed each month for that same year by reducing the amount of revenue to be distributed by the amount of revenue under section ~~3(1)~~ or 3(2) or **3(3)** of this chapter allocated under subsection (a) for that same month. The department of local government finance shall make any adjustments required by this subsection and provide them to the appropriate county auditors.

SECTION 30. IC 6-3.6-9-10, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. The budget agency shall also certify information concerning the part of the certified distribution that is attributable to each of the following:

- (1) The tax rate imposed under IC 6-3.6-5.
- (2) The tax rate imposed under IC 6-3.6-6, **separately stating the part of the distribution attributable to a tax rate imposed under IC 6-3.6-2.5.**
- (3) Each tax rate imposed under IC 6-3.6-7.

The amount certified shall be adjusted to reflect any adjustment in the certified distribution under this chapter."

Page 26, between lines 37 and 38, begin a new paragraph and insert:

"SECTION 35. IC 36-7-14-39, AS AMENDED BY P.L.87-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 39. (a) As used in this section:

"Allocation area" means that part of a redevelopment project area to which an allocation provision of a declaratory resolution adopted under section 15 of this chapter refers for purposes of distribution and allocation of property taxes.

"Base assessed value" means the following:

- (1) If an allocation provision is adopted after June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing an economic development area:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

- (2) If an allocation provision is adopted after June 30, 1997, in a declaratory resolution or an amendment to a declaratory resolution establishing a redevelopment project area:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

- (3) If:

(A) an allocation provision adopted before June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing a redevelopment project area expires after June 30, 1997; and

(B) after June 30, 1997, a new allocation provision is included in an amendment to the declaratory resolution;

the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision adopted after June 30, 1997, as adjusted under subsection (h).

- (4) Except as provided in subdivision (5), for all other allocation areas, the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of

the declaratory resolution, as adjusted under subsection (h).
 (5) If an allocation area established in an economic development area before July 1, 1995, is expanded after June 30, 1995, the definition in subdivision (1) applies to the expanded part of the area added after June 30, 1995.

(6) If an allocation area established in a redevelopment project area before July 1, 1997, is expanded after June 30, 1997, the definition in subdivision (2) applies to the expanded part of the area added after June 30, 1997.

Except as provided in section 39.3 of this chapter, "property taxes" means taxes imposed under IC 6-1.1 on real property. However, upon approval by a resolution of the redevelopment commission adopted before June 1, 1987, "property taxes" also includes taxes imposed under IC 6-1.1 on depreciable personal property. If a redevelopment commission adopted before June 1, 1987, a resolution to include within the definition of property taxes, taxes imposed under IC 6-1.1 on depreciable personal property that has a useful life in excess of eight (8) years, the commission may by resolution determine the percentage of taxes imposed under IC 6-1.1 on all depreciable personal property that will be included within the definition of property taxes. However, the percentage included must not exceed twenty-five percent (25%) of the taxes imposed under IC 6-1.1 on all depreciable personal property.

(b) A declaratory resolution adopted under section 15 of this chapter on or before the allocation deadline determined under subsection (†) (I) may include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. A declaratory resolution previously adopted may include an allocation provision by the amendment of that declaratory resolution on or before the allocation deadline determined under subsection (†) (I) in accordance with the procedures required for its original adoption. A declaratory resolution or amendment that establishes an allocation provision must include a specific finding of fact, supported by evidence, that the adoption of the allocation provision will result in new property taxes in the area that would not have been generated but for the adoption of the allocation provision. For an allocation area established before July 1, 1995, the expiration date of any allocation provisions for the allocation area is June 30, 2025, or the last date of any obligations that are outstanding on July 1, 2015, whichever is later. A declaratory resolution or an amendment that establishes an allocation provision after June 30, 1995, must specify an expiration date for the allocation provision. For an allocation area established before July 1, 2008, the expiration date may not be more than thirty (30) years after the date on which the allocation provision is established. For an allocation area established after June 30, 2008, the expiration date may not be more than twenty-five (25) years after the date on which the first obligation was incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues. However, with respect to bonds or other obligations that were issued before July 1, 2008, if any of the bonds or other obligations that were scheduled when

issued to mature before the specified expiration date and that are payable only from allocated tax proceeds with respect to the allocation area remain outstanding as of the expiration date, the allocation provision does not expire until all of the bonds or other obligations are no longer outstanding. The allocation provision may apply to all or part of the redevelopment project area. The allocation provision must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the allocation area be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

(A) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) The excess of the proceeds of the property taxes imposed for the assessment date with respect to which the allocation and distribution is made that are attributable to taxes imposed after being approved by the voters in a referendum or local public question conducted after April 30, 2010, not otherwise included in subdivision (1) shall be allocated to and, when collected, paid into the funds of the taxing unit for which the referendum or local public question was conducted.

(3) Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivisions (1) and (2) shall be allocated to the redevelopment district and, when collected, paid into an allocation fund for that allocation area that may be used by the redevelopment district only to do one (1) or more of the following:

(A) Pay the principal of and interest on any obligations payable solely from allocated tax proceeds which are incurred by the redevelopment district for the purpose of financing or refinancing the redevelopment of that allocation area.

(B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area.

(C) Pay the principal of and interest on bonds payable from allocated tax proceeds in that allocation area and from the special tax levied under section 27 of this chapter.

(D) Pay the principal of and interest on bonds issued by the unit to pay for local public improvements that are physically located in or physically connected to that allocation area.

(E) Pay premiums on the redemption before maturity of bonds payable solely or in part from allocated tax proceeds in that allocation area.

(F) Make payments on leases payable from allocated tax proceeds in that allocation area under section 25.2 of

this chapter.

(G) Reimburse the unit for expenditures made by it for local public improvements (which include buildings, parking facilities, and other items described in section 25.1(a) of this chapter) that are physically located in or physically connected to that allocation area.

(H) Reimburse the unit for rentals paid by it for a building or parking facility that is physically located in or physically connected to that allocation area under any lease entered into under IC 36-1-10.

(I) For property taxes first due and payable before January 1, 2009, pay all or a part of a property tax replacement credit to taxpayers in an allocation area as determined by the redevelopment commission. This credit equals the amount determined under the following STEPS for each taxpayer in a taxing district (as defined in IC 6-1.1-1-20) that contains all or part of the allocation area:

STEP ONE: Determine that part of the sum of the amounts under IC 6-1.1-21-2(g)(1)(A), IC 6-1.1-21-2(g)(2), IC 6-1.1-21-2(g)(3), IC 6-1.1-21-2(g)(4), and IC 6-1.1-21-2(g)(5) (before their repeal) that is attributable to the taxing district.

STEP TWO: Divide:

- (i) that part of each county's eligible property tax replacement amount (as defined in IC 6-1.1-21-2 (before its repeal)) for that year as determined under IC 6-1.1-21-4 (before its repeal) that is attributable to the taxing district; by
- (ii) the STEP ONE sum.

STEP THREE: Multiply:

- (i) the STEP TWO quotient; times
- (ii) the total amount of the taxpayer's taxes (as defined in IC 6-1.1-21-2 (before its repeal)) levied in the taxing district that have been allocated during that year to an allocation fund under this section.

If not all the taxpayers in an allocation area receive the credit in full, each taxpayer in the allocation area is entitled to receive the same proportion of the credit. A taxpayer may not receive a credit under this section and a credit under section 39.5 of this chapter (before its repeal) in the same year.

(J) Pay expenses incurred by the redevelopment commission for local public improvements that are in the allocation area or serving the allocation area. Public improvements include buildings, parking facilities, and other items described in section 25.1(a) of this chapter.

(K) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:

- (i) in the allocation area; and
- (ii) on a parcel of real property that has been classified as industrial property under the rules of the department of local government finance.

However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the industrial facilities described in this clause. The reimbursements under this clause must be made within three (3) years after the date on which the investments that are the basis for the increment financing are made.

(L) Pay the costs of carrying out an eligible efficiency project (as defined in IC 36-9-41-1.5) within the unit that established the redevelopment commission. However, property tax proceeds may be used under this clause to pay the costs of carrying out an eligible efficiency project only if those property tax proceeds exceed the amount necessary to do the following:

- (i) Make, when due, any payments required under clauses (A) through (K), including any payments of principal and interest on bonds and other obligations payable under this subdivision, any payments of premiums under this subdivision on the redemption before maturity of bonds, and any payments on leases payable under this subdivision.
- (ii) Make any reimbursements required under this subdivision.
- (iii) Pay any expenses required under this subdivision.
- (iv) Establish, augment, or restore any debt service reserve under this subdivision.

(M) Expend money and provide financial assistance as authorized in section 12.2(a)(27) of this chapter.

The allocation fund may not be used for operating expenses of the commission.

(4) Except as provided in subsection (g), before July 1 of each year, the commission shall do the following:

(A) Determine the amount, if any, by which the assessed value of the taxable property in the allocation area for the most recent assessment date minus the base assessed value, when multiplied by the estimated tax rate of the allocation area, will exceed the amount of assessed value needed to produce the property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision (3), plus the amount necessary for other purposes described in subdivision (3).

(B) Provide a written notice to the county auditor, the fiscal body of the county or municipality that established the department of redevelopment, the officers who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for each of the other taxing units that is wholly or partly located within the allocation area, and (in an electronic format) the department of local government finance. The notice must:

- (i) state the amount, if any, of excess assessed value that the commission has determined may be allocated to the respective taxing units in the manner

- prescribed in subdivision (1); or
- (ii) state that the commission has determined that there is no excess assessed value that may be allocated to the respective taxing units in the manner prescribed in subdivision (1).

The county auditor shall allocate to the respective taxing units the amount, if any, of excess assessed value determined by the commission. The commission may not authorize an allocation of assessed value to the respective taxing units under this subdivision if to do so would endanger the interests of the holders of bonds described in subdivision (3) or lessors under section 25.3 of this chapter.

(C) If:

- (i) the amount of excess assessed value determined by the commission is expected to generate more than two hundred percent (200%) of the amount of allocated tax proceeds necessary to make, when due, principal and interest payments on bonds described in subdivision (3); plus
- (ii) the amount necessary for other purposes described in subdivision (3);

the commission shall submit to the legislative body of the unit its determination of the excess assessed value that the commission proposes to allocate to the respective taxing units in the manner prescribed in subdivision (1). The legislative body of the unit may approve the commission's determination or modify the amount of the excess assessed value that will be allocated to the respective taxing units in the manner prescribed in subdivision (1).

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the allocation area that is annexed by any taxing unit after the effective date of the allocation provision of the declaratory resolution is the lesser of:

- (1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or
- (2) the base assessed value.

(d) Property tax proceeds allocable to the redevelopment district under subsection (b)(3) may, subject to subsection (b)(4), be irrevocably pledged by the redevelopment district for payment as set forth in subsection (b)(3).

(e) Notwithstanding any other law, each assessor shall, upon petition of the redevelopment commission, reassess the taxable property situated upon or in, or added to, the allocation area, effective on the next assessment date after the petition.

(f) Notwithstanding any other law, the assessed value of all taxable property in the allocation area, for purposes of tax limitation, property tax replacement, and formulation of the budget, tax rate, and tax levy for each political subdivision in which the property is located is the lesser of:

- (1) the assessed value of the property as valued without

- regard to this section; or
- (2) the base assessed value.

(g) If any part of the allocation area is located in an enterprise zone created under IC 5-28-15, the unit that designated the allocation area shall create funds as specified in this subsection. A unit that has obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish an allocation fund for the purposes specified in subsection (b)(3) and a special zone fund. Such a unit shall, until the end of the enterprise zone phase out period, deposit each year in the special zone fund any amount in the allocation fund derived from property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise zone that exceeds the amount sufficient for the purposes specified in subsection (b)(3) for the year. The amount sufficient for purposes specified in subsection (b)(3) for the year shall be determined based on the pro rata portion of such current property tax proceeds from the part of the enterprise zone that is within the allocation area as compared to all such current property tax proceeds derived from the allocation area. A unit that has no obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish a special zone fund and deposit all the property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) in the fund derived from property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise zone. The unit that creates the special zone fund shall use the fund (based on the recommendations of the urban enterprise association) for programs in job training, job enrichment, and basic skill development that are designed to benefit residents and employers in the enterprise zone or other purposes specified in subsection (b)(3), except that where reference is made in subsection (b)(3) to allocation area it shall refer for purposes of payments from the special zone fund only to that part of the allocation area that is also located in the enterprise zone. Those programs shall reserve at least one-half (1/2) of their enrollment in any session for residents of the enterprise zone.

(h) The state board of accounts and department of local government finance shall make the rules and prescribe the forms and procedures that they consider expedient for the implementation of this chapter. After each general reassessment of real property in an area under IC 6-1.1-4-4 and after each reassessment in an area under a reassessment plan prepared under IC 6-1.1-4-4.2, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the reassessment of the real property in the area on the property tax proceeds allocated to the redevelopment district under this section. After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the redevelopment district under this section. However, the adjustments under this subsection:

- (1) may not include the effect of phasing in assessed value

due to property tax abatements under IC 6-1.1-12.1 **that are described in subsections (i) and (k);**

(2) may not produce less property tax proceeds allocable to the redevelopment district under subsection (b)(3) than would otherwise have been received if the general reassessment, the reassessment under the reassessment plan, or the annual adjustment had not occurred; and

(3) may decrease base assessed value only to the extent that assessed values in the allocation area have been decreased due to annual adjustments or the reassessment under the reassessment plan.

~~Assessed value increases attributable to the application of an abatement schedule under IC 6-1.1-12.1 may not be included in the base assessed value of an allocation area.~~ The department of local government finance may prescribe procedures for county and township officials to follow to assist the department in making the adjustments.

(i) In the case of assessed value increases attributable to the application of an abatement schedule adopted under IC 6-1.1-12.1 before July 1, 2016, the assessed value increases attributable to the application of the abatement schedule may not be included in the base assessed value of an allocation area.

(j) In the case of assessed value increases attributable to the application of an abatement schedule that is adopted under IC 6-1.1-12.1:

(1) after June 30, 2016; but

(2) before the date on which the allocation area is established;

the assessed value increases attributable to the application of the abatement schedule must be included in the base assessed value of the allocation area, and may not be included in the incremental assessed value of the allocation area.

(k) In the case of assessed value increases attributable to the application of an abatement schedule that is adopted under IC 6-1.1-12.1:

(1) after June 30, 2016; and

(2) on or after the date on which the allocation area is established;

assessed value increases attributable to the application of an abatement schedule under IC 6-1.1-12.1 may be included in the incremental assessed value of the allocation area, but only to the extent that the assessed value increase is a direct result of funding or expenditures from the allocation area as determined by the fiscal body of the unit that established the redevelopment commission. The assessed value increases under this section that are not allocated to the incremental assessed value of the allocation area must be included in the base assessed value of the allocation area.

(⊕) (l) The allocation deadline referred to in subsection (b) is determined in the following manner:

(1) The initial allocation deadline is December 31, 2011.

(2) Subject to subdivision (3), the initial allocation deadline and subsequent allocation deadlines are automatically extended in increments of five (5) years, so that allocation

deadlines subsequent to the initial allocation deadline fall on December 31, 2016, and December 31 of each fifth year thereafter.

(3) At least one (1) year before the date of an allocation deadline determined under subdivision (2), the general assembly may enact a law that:

(A) terminates the automatic extension of allocation deadlines under subdivision (2); and

(B) specifically designates a particular date as the final allocation deadline.

SECTION 36. IC 36-7-15.1-26.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 26.3. (a) Notwithstanding section 26 of this chapter, the commission shall adopt a resolution establishing a new base assessed value for the economic development area known as the Marion County Airport Economic Development Area. The new base assessed value shall be used beginning with the 2017 assessment date. The new base assessed value is subject to adjustment under section 26(h) of this chapter.

(b) The new base assessed value under subsection (a) is the base assessed value used in 2016 plus the amount, as determined by the commission, that will result in incremental assessed value that is expected to generate not more than one hundred fifty percent (150%) of the amount of allocated property tax proceeds necessary to make, when due, principal and interest payments on those bonds payable from property taxes in the area that are denominated on January 1, 2016, as series 2007 and 2007A.

(c) The commission shall also submit to the fiscal body of the county the commission's determination of the base assessed value that will be allocated to the respective taxing units as a result of the increase to the base assessed value under this section."

Page 27, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 38. [EFFECTIVE JANUARY 1, 2008 (RETROACTIVE)] (a) This SECTION applies to a taxpayer notwithstanding IC 6-1.1-11 or any other law or administrative rule or provision.

(b) This SECTION applies to an assessment date (as defined in IC 6-1.1-1-2) occurring after December 31, 2007, and before January 1, 2011.

(c) As used in this SECTION, "taxpayer" refers to an Indiana nonprofit corporation that owns a hospital and associated office buildings used for medical purposes.

(d) A taxpayer, after January 15, 2016, and before May 1, 2016, may file in any manner consistent with IC 6-1.1-36-1.5 property tax exemption applications, along with any supporting documents, claiming exemptions from real property taxes under IC 6-1.1-10-16 or IC 6-1.1-10-18.5 for any assessment date described in subsection (b).

(e) If the real property for which an exemption application is filed under this SECTION would have qualified for an exemption under IC 6-1.1-10-16 or IC 6-1.1-10-18.5 for an

assessment date described in subsection (b) if an exemption application had been timely filed:

- (1) the property tax exemption is allowed; and
- (2) the property tax exemption application filed under this SECTION is considered to have been timely filed.

(f) A taxpayer is deemed to be the owner of the real property and is entitled to the exemption from real property tax as claimed on any property tax exemption application filed under this SECTION, regardless of whether:

- (1) a property tax exemption application was previously filed for the same or similar property for the assessment date;
- (2) the county property tax assessment board of appeals has issued a final determination regarding any previously filed property tax exemption application for the assessment date;
- (3) the taxpayer or any entity affiliated with the taxpayer appealed any denial of a previously filed property tax exemption application for the assessment date; or
- (4) the records of the county in which the property subject to the property tax exemption application at any time before January 1, 2011, identified the taxpayer as the owner of the property for which a property tax exemption is claimed.

(g) The property tax exemptions claimed by a taxpayer under this SECTION are considered approved without further action being required by the county assessor or the county property tax assessment board of appeals for the county in which the property subject to the property tax exemption application is located. This exemption approval is final and may not be appealed by the county assessor, the county property tax assessment board of appeals, or any member of the county property tax assessment board of appeals.

(h) A taxpayer who files a property tax exemption application under this SECTION is not entitled to a refund of real property tax paid with respect to the property for which a property tax exemption is approved under this SECTION.

(i) The auditor of the county in which a property subject to any property tax exemption application that is allowed under this SECTION is located shall remove all penalties assigned to the property as of January 1, 2016. The penalties shall be removed regardless of when they accrued and whether they relate to an assessment date identified in subsection (b) or a different assessment date.

(j) This SECTION expires January 1, 2018."

Renumber all SECTIONS consecutively.

(Reference is to SB 308 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 3.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax & Fiscal Policy, to which was referred Senate Bill 321, 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 6, line 41, after "year" delete "before" and insert ",".

Page 6, line 42, delete "2018 and on or before July 1 of each year after 2017,".

Page 8, line 36, after "accounts." insert **"In formulating a political subdivision's estimated budget under this section, the proper officers of the political subdivision must consider the net property tax revenue that will be collected by the political subdivision during the ensuing year, after taking into account the estimate by the department of local government finance under IC 6-1.1-20.6-11.1 of the amount by which the political subdivision's distribution of property taxes will be reduced by credits under IC 6-1.1-20.6-9.5 in the ensuing year, and after taking into account the estimate by the department of local government finance under section 0.7 of this chapter of the maximum amount of net property tax revenue and miscellaneous revenue that the political subdivision will receive in the ensuing year."**

(Reference is to SB 321 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education & Career Development, to which was referred Senate Bill 334, 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 5, line 27, reset in roman "department".

Page 5, line 27, delete "state board".

Page 5, line 29, reset in roman "department".

Page 5, line 29, delete "state board".

Page 6, line 1, delete "state board" and insert **"department"**.

Page 6, delete lines 3 through 8.

(Reference is to SB 334 as introduced.)

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 9, Nays 1.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health & Provider Services, to which was referred Senate Bill 350, 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 0.

PATRICIA MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill 375, 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 8, Nays 0.

HEAD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill 380, 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 0.

HEAD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions & Labor, to which was referred Senate Bill 400, 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 the title and insert the following:

A BILL FOR AN ACT concerning labor and safety.

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. [EFFECTIVE JULY 1, 2016] **(a) As used in this SECTION, "legislative council" refers to the legislative council established by IC 2-5-1.1-1.**

(b) The legislative council is urged to assign to the interim study committee on employment and labor established by IC 2-5-1.3-4 or another appropriate interim study committee during the 2016 legislative interim the topics of:

(1) employee misclassification;

(2) payroll fraud; and

(3) the use of independent contractor status.

(c) If the topics described in subsection (b) are assigned to an interim study committee, the interim study committee shall issue a final report to the legislative council containing the interim study committee's findings and recommendations, including any recommended legislation, in an electronic format under IC 5-14-6 not later than November 1, 2016.

(d) This SECTION expires December 31, 2016."

Delete pages 2 through 3.

Renumber all SECTIONS consecutively.

(Reference is to SB 400 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

BOOTS, Chair

Report adopted.

SENATE MOTION

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

SR 17 Senator Lanane

Memorializing Robert Quinn.

LONG

Motion prevailed.

RESOLUTIONS ON FIRST READING

Senate Resolution 17

Senate Resolution 17, introduced by Senator Lanane:

A SENATE RESOLUTION memorializing the life of Robert Quinn.

Whereas, Robert "Bob" Quinn was born in Anderson, Indiana, on September 4, 1930;

Whereas, Bob graduated from Anderson High School and attended Anderson College and Indiana University at Fort Wayne;

Whereas, Bob served his country honorably in the United States Air Force during the 1950's as an information specialist before returning to Anderson to work as a reporter for the Anderson Daily Bulletin;

Whereas, Bob served as the managing editor of the Anderson Daily Bulletin until 1974 when he began his public relations career at Guide Division of General Motors, Anderson;

Whereas, Throughout his life, Bob served as a volunteer board member for many organizations including: Cerebral Palsy, Anderson Public Library, Visiting Nurse, Crime Stoppers, Rotary Club, United Way, Visitors & Convention Bureau, and the Madison County Historical Society;

Whereas, Bob was an avid reader, well versed in history, and honored all those who served in the military; and

Whereas, Bob passed away on December 28, 2015, and is survived by his daughters Lou Ann Quinn and Linda (Patrick) Manderson; his grandson, Andrew Funk (Angela Moore); his great-grandson, Deklen Moore Funk; and his beloved canine companion, Cody: Therefore,

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

SECTION 1. That the Indiana Senate memorializes the life of Robert "Bob" Quinn and celebrates his dedication to community service and involvement.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to his daughters: Lou Ann Quinn and Linda Manderson; his grandson, Andrew Funk; and his great-grandson, Deklen Funk.

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

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bills 1012, 1032, 1035, 1036, and 1172 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 9 and the same is herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

**REPORT OF THE PRESIDENT
PRO TEMPORE**

Madam President: Pursuant to Senate Rule 68(b), I hereby report that Senate Bill 310, currently assigned to the Committee on Appropriations, be reassigned to the Committee on Local Government.

LONG

Report adopted.

**REPORT OF THE PRESIDENT
PRO TEMPORE**

Madam President: Pursuant to Senate Rule 68(b), I hereby report that Senate Bill 160, currently assigned to the Committee on Judiciary, be reassigned to the Committee on Corrections & Criminal Law.

LONG

Report adopted.

**ENGROSSED HOUSE BILLS
ON THIRD READING**

Engrossed House Bill 1003

Senator Mishler called up Engrossed House Bill 1003 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 26: yeas 48, 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.

SENATE BILLS ON SECOND READING

Senate Bill 31

Senator Zakas called up Senate Bill 31 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 131

Senator Broden called up Senate Bill 131 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 159

Senator Banks called up Senate Bill 159 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 233

Senator Hershman called up Senate Bill 233 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 301

Senator Kenley called up Senate Bill 301 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 301-3)

Madam President: I move that Senate Bill 301 be amended to read as follows:

Page 2, line 4, after "in the" insert "**occupational demand**".
Page 3, line 8, after "in the" insert "**occupational demand**".
Page 4, line 6, delete "October" and insert "**November**".
Page 5, line 2, after "in the" insert "**occupational demand**".
Page 5, line 8, delete ", at the president's recommendation,".
Page 5, line 12, delete "A" and insert "**At the president's recommendation, a**".

Page 5, line 15, delete "A" and insert "**At the president's recommendation, a**".

Page 8, line 14, after "in the" insert "**occupational demand**".
Page 9, line 13, after "in the" insert "**occupational demand**".
Page 9, line 21, delete "a" and insert "**an occupational demand**".

Page 9, line 22, delete "during".

Page 9, line 23, delete "the following ten (10) years;" and insert "**for a ten (10) year projection;**".

Page 9, line 29, delete "IC 20-19-6-3." and insert "**the WIOA.**".

Page 10, line 8, delete "regional Indiana works councils," and insert "**local workforce development boards,**".

Page 10, line 9, delete "IC 20-19-6-3:" and insert "**the WIOA:**".

Page 10, line 10, delete "to the department".

Page 10, line 19, after "in the" insert "**occupational demand**".

Page 10, line 34, delete "regional Indiana works councils," and insert "**local workforce development boards,**".

Page 10, line 39, after "the" insert "**occupational demand**".

Page 11, line 6, delete "IC 20-19-6-3." and insert "**the WIOA.**".

Page 12, line 17, after "the" insert "**occupational demand**".

Page 12, line 22, strike "November" and insert "**December**".
(Reference is to SB 301 as printed January 15, 2016.)

ECKERTY

Motion prevailed. The bill was ordered engrossed.

Senate Bill 362

Senator Banks called up Senate Bill 362 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 9

Senator Raatz called up Engrossed Senate Bill 9 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 27: yeas 48, 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 Cook.

Engrossed Senate Bill 15

Senator Head called up Engrossed Senate Bill 15 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 28: yeas 37, nays 11. 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 Olthoff, Shackelford, Davisson, and Moed.

Engrossed Senate Bill 73

Senator Leising called up Engrossed Senate Bill 73 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 29: yeas 30, nays 18. 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 Burton, Austin, and Klinker.

Engrossed Senate Bill 75

Senator Leising called up Engrossed Senate Bill 75 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 30: yeas 18, nays 30. The bill was declared defeated.

Engrossed Senate Bill 81

Senator M. Young called up Engrossed Senate Bill 81 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 31: yeas 48, 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 87

Senator Kenley called up Engrossed Senate Bill 87 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 32: yeas 48, 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 Price, Baird, Smaltz, and Bauer.

Engrossed Senate Bill 91

Senator Steele called up Engrossed Senate Bill 91 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

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

Roll Call 33: yeas 43, 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 Steuerwald, Gutwein, McNamara, and Bauer.

Engrossed Senate Bill 109

Senator Messmer called up Engrossed Senate Bill 109 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

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

Roll Call 34: yeas 29, nays 19. 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 Eberhart and Lehe.

Engrossed Senate Bill 126

Senator Pete Miller called up Engrossed Senate Bill 126 for third reading:

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

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

Roll Call 35: yeas 48, 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 Zent.

Engrossed Senate Bill 140

Senator Leising called up Engrossed Senate Bill 140 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 36: yeas 47, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Clere and Lehe.

Engrossed Senate Bill 141

Senator M. Young called up Engrossed Senate Bill 141 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 37: yeas 44, 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 sponsors: Representatives Kirchhofer and DeLaney.

Engrossed Senate Bill 148

Senator Boots called up Engrossed Senate Bill 148 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 38: yeas 48, 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 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 39: yeas 48, 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 Frizzell.

Engrossed Senate Bill 183

Senator Bray called up Engrossed Senate Bill 183 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 40: yeas 48, 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 Price.

Engrossed Senate Bill 198

Senator Crider called up Engrossed Senate Bill 198 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 41: yeas 48, 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 Olthoff and Frye.

Engrossed Senate Bill 213

Senator Hershman called up Engrossed Senate Bill 213 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 42: yeas 48, 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 Karickhoff and T. Brown.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Rules & Legislative Procedure, to which was referred Senate Bill 45, 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 the title and insert the following:

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

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-37-3-4, AS ADDED BY P.L.167-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) ~~Thirteen (13) voting A~~ **majority of the current members of serving on** the board ~~constitute~~ **constitutes** a quorum.

(b) The board shall adopt bylaws establishing procedures for the board.

SECTION 2. IC 32-34-5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. (a) A notice given by a museum under this chapter must be mailed to the lender's last known address by certified mail. Proper notice is given if the museum receives proof of receipt of the notice not more than thirty (30) days after the notice was mailed.

(b) **If:**

(1) **the lender's address; or**

(2) **the address of any designated agent of the lender; changes, the lender shall provide written notice of the new address to the museum.**

(c) **If the ownership of property loaned to a museum changes while the museum is in possession of the property, the new owner of the property shall provide written notice of:**

(1) **the change of ownership of the property; and**

(2) **the address of the new owner;**

to the museum.

SECTION 3. IC 32-34-5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. (a) A museum may give notice by publication under this chapter if the museum does not:

(1) know the identity of the lender **or any designated agent of the lender;**

(2) have an address last known for the lender **or any designated agent of the lender; or**

(3) receive proof of receipt of the notice by the person to whom the notice was sent within thirty (30) days after the notice was mailed.

(b) Notice by publication under subsection (a) must be given at least once a week for two (2) consecutive weeks in a newspaper of general circulation in:

(1) the county in which the museum is located; and

(2) the county of the lender's last known address, if the identity of the lender is known.

SECTION 4. IC 32-34-5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. In addition to any other information that may be required or seem appropriate, a notice given by a museum under this chapter must contain the following:

- (1) The name of:
 - (A) the lender; or
 - (B) any designated agent of the lender;**
 if known.
- (2) The last known address of:
 - (A) the lender; or
 - (B) any designated agent of the lender.**
- (3) A brief description of the property on loan.
- (4) The date of the loan, if known.
- (5) The name of the museum.
- (6) The name, address, and telephone number of the person or office to be contacted regarding the property.

SECTION 5. IC 32-34-5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. (a) A museum may acquire title in the following manner to property that is on permanent loan to the museum or that was loaned for a specified term that has expired:

- (1) The museum must give notice that the museum is terminating the loan of the property.
- (2) The notice that the loan of the property is terminated must include a statement containing substantially the following information:

"The records at (name of museum) indicate that you have property on loan to it. The museum hereby terminates the loan. If you desire to claim the property, you must contact the museum, establish your ownership of the property, and make arrangements to collect the property. If you do not contact the museum, you will be considered to have donated the property to the museum."
- (3) If the lender does not respond to the notice of termination within ~~one (1) year~~ **sixty (60) days** after receipt of the notice by filing a notice of intent to preserve an interest in the property on loan, clear and unrestricted title is transferred to the museum ~~three hundred sixty-five (365)~~ **sixty (60) days** after the notice was received.

(b) If the loan of property to a museum is not considered a permanent loan and does not have a specific expiration date, the property is considered abandoned if there has not been any written communication between:

- (1) the lender or the lender's designated agent; and**
- (2) the museum;**

for at least seven (7) years after the date the museum took possession of the property.

SECTION 6. IC 32-34-5-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. A museum may acquire title to undocumented property held by the museum for at least ~~seven (7)~~ **three (3) years** as follows:

- (1) The museum must give notice that the museum is asserting title to the undocumented property.
- (2) The notice that the museum is asserting title to the property must include a statement containing substantially the following information:

"The records of (name of museum) fail to indicate the owner of record of certain property in its possession.

The museum hereby asserts title to the following property: (general description of property). If you claim ownership or other legal interest in this property, you must contact the museum, establish ownership of the property, and make arrangements to collect the property. If you fail to do so within ~~three (3) years;~~ **sixty (60) days**, you will be considered to have waived any claim you may have had to the property."

- (3) If a lender does not respond to the notice within ~~three (3) years~~ **sixty (60) days** by giving a written notice of intent to retain an interest in the property on loan, the museum's title to the property becomes absolute.

(Reference is to SB 45 as introduced.)

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

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Rules & Legislative Procedure, to which was referred Senate Bill 63, 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 the title and insert the following:

A BILL FOR AN ACT concerning education.

Delete everything after the enacting clause and insert the following:

SECTION 1. [EFFECTIVE UPON PASSAGE] (a) **The definitions used in IC 20 apply throughout this SECTION.**

(b) A panel is established to study alternatives to the ISTEP program tests and to make recommendations for replacing the ISTEP program under IC 20-32-5. The panel shall submit its recommendations in a final report to the governor and, in an electronic format under IC 5-14-6, the general assembly not later than November 1, 2016. The panel shall consider the following when making its recommendations:

- (1) The feasibility of using existing tests other than the ISTEP, as well as new testing approaches.**
- (2) Reducing testing time.**
- (3) Reducing costs associated with the administration of a statewide assessment.**
- (4) Test transparency and fairness to schools, teachers, and students.**

(c) The panel consists of the following seventeen (17) members:

- (1) The commissioner of the department of workforce development, or the commissioner's designee.**
- (2) The governor, state superintendent of public instruction, speaker of the house of representatives, and president pro tempore of the senate each shall each appoint (4) members consisting of:**

- (A) one (1) member who is a teacher;
- (B) one (1) member who is a principal;
- (C) one (1) member who is a school superintendent;
- and
- (D) one (1) member with technical expertise in standardized testing.

(d) Members appointed under subsection (c)(2) shall be appointed by the member's respective appointing authority not later than May 1, 2016. Each member appointed under subsection (c) serves at the will of the member's appointing authority.

(e) A quorum of the panel consists of nine (9) members.

(f) The governor shall call the initial meeting of the panel. At the initial meeting of the panel, the members of the panel shall elect a chairperson. The commissioner of the department of workforce development, or the commissioner's designee, shall act as the initial chairperson of the panel until the chairperson is elected under this subsection. The panel shall meet at the call of the chairperson for subsequent meetings of the panel.

(g) The state board shall provide clerical, research, and administrative personnel and other assistance to support the panel. The department shall provide technical assistance for the panel.

(h) Each member of the panel who is not a state employee is entitled to receive both of the following:

- (1) The minimum salary per diem provided by IC 4-10-11-2.1(b).
- (2) Reimbursement for travel expenses, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(i) Each member of the panel who is a state employee is entitled to reimbursement for travel expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(j) Meetings of the panel must comply with IC 5-14-1.5.

(k) This SECTION expires January 1, 2017.

SECTION 2. An emergency is declared for this act.

(Reference is to SB 63 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Education & Career Development.

LONG, Chair

Report adopted.

SENATE MOTION

Madam President: I move that Senator Delph be added as coauthor of Senate Bill 73.

LEISING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Houchin be added as second author of Senate Bill 217.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Patricia Miller be added as second author of Senate Bill 278.

STOOPS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Rogers be added as coauthor of Senate Bill 9.

RAATZ

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Rogers be added as coauthor of Senate Bill 3.

PETE MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Mrvan be added as coauthor of Senate Bill 162.

PATRICIA MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Tomes be added as coauthor of Senate Bill 365.

BASSLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Brown be added as second author and Senator Stoops be added as coauthor of Senate Bill 41.

CRIDER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as

coauthor of Senate Bill 259.

TOMES

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Mishler be added as coauthor of Senate Bill 162.

PATRICIA MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Head be added as third author and Senator M. Young be added as coauthor of Senate Bill 91.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Head and Steele be added as coauthors of Senate Bill 197.

CRIDER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator M. Young be added as second author of Senate Joint Resolution 14.

HOLDMAN

Motion prevailed.

SENATE MOTION

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

HEAD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Glick be removed as second author of Senate Bill 223.

GLICK

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Glick be added as third author of Senate Bill 223.

ECKERTY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Patricia Miller be removed as coauthor of Senate Bill 305.

PATRICIA MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Patricia Miller be added as second author of Senate Bill 305.

HEAD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Long be removed as author of Senate Bill 45 and Senator Glick be substituted therefor.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Long be removed as author of Senate Bill 63 and Senator Kenley be substituted therefor.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Steele be added as second author and Senator Houchin be added as third author of Senate Bill 141.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as second author of Senate Bill 334.

YODER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as second author of Senate Bill 328.

ROGERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be added as coauthor of Senate Bill 17.

HEAD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator M. Young be added as second author of Senate Bill 250.

BUCK

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Raatz be added as third author of Senate Bill 301.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator M. Young be added as second author of Senate Bill 267.

TAYLOR

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Buck be added as coauthor of Senate Bill 67.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kenley be added as second author of Senate Bill 223.

ECKERTY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Brown be added as second author of Senate Bill 350.

RAATZ

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Raatz be added as third author of Senate Bill 307.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Taylor be added as coauthor of Senate Bill 91.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Holdman be added as coauthor of Senate Bill 183.

BRAY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Buck be added as coauthor of Senate Bill 148.

BOOTS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Delph be added as coauthor of Senate Bill 141.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Buck be added as coauthor of Senate Bill 141.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Niemeyer be added as coauthor of Senate Bill 308.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Walker be added as second author of Senate Bill 126.

PETE MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be added as coauthor of Senate Bill 232.

LANANE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Patricia Miller be added as second author, Senator Charbonneau be added as third author, and Senators Crider and Mrvan be added as coauthors of Senate Bill 187.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Glick, Holdman, and Tomes be added as coauthors of Senate Bill 91.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Buck be added as coauthor of Senate Bill 91.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Glick be added as coauthor of Senate Bill 233.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Glick be added as cosponsor of Engrossed House Bill 1003.

MISHLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Rogers be added as coauthor of Senate Bill 159.

BANKS

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Monday, January 25, 2016.

HERSHMAN

Motion prevailed.

The Senate adjourned at 11:11 a.m.

JENNIFER L. MERTZ
Secretary of the Senate

SUE ELLSPERMANN
President of the Senate