Journal of the House

State of Indiana

119th General Assembly *First Regular Session*

Eighteenth Day **Thursday Morning** **February 12, 2015**

The invocation was offered by Minister Mark Vice of New Point Christian Church in New Point, a guest of Representative Randall L. Frye.

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

The Pledge of Allegiance to the Flag was led by Representative Steven R. Stemler.

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

Arnold
Austin
Aylesworth
Bacon
Baird
Bartlett
Bauer
Behning
Beumer
Borders
Braun
C. Brown
T. Brown
Burton
Carbaugh
Cherry
Clere
Cook
Cox □
Culver
Davisson
DeLaney
Dermody
DeVon
Dvorak □
Eberhart
Errington
Fine
Forestal
Friend
Frizzell
Frye
GiaQuinta
Goodin
Gutwein
Hale
Hamm
Harman
Harris
Heaton
Huston
Judy
Karickhoff
Kersey
Kirchhofer
Klinker
Koch
Lawson
Lehe
Lehman
Leonard
Lucas
Macer
Mahan
Mayfield
McMillin
McNamara
D. Miller
Moed
Morris
Morrison
Moseley
Negele
Niezgodski
Nisly
Ober
Olthoff
Pelath
Pierce
Porter
Price
Pryor
Rhoads
Richardson
Riecken
Saunders
Schaibley
Shackleford
Slager
Smaltz
M. Smith
V. Smith
Soliday
Speedy
Stemler
Steuerwald
Sullivan
Summers
Thompson
Torr
Truitt
Ubelhor
VanNatter
Washburne
Wesco
Wolkins
Wright
Zent
Ziemke
Mr. Speaker

Roll Call 124: 98 present; 2 excused. The Speaker announced a quorum in attendance. [*NOTE*: □ *indicates those who were excused*.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, February 16, 2015, at 1:30 p.m.

FRIEND

The motion was adopted by a constitutional majority.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1004, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1004 as introduced.)

Committee Vote: Yeas 11, Nays 0.

FRIZZELL, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1008, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 5, delete "September 1" and insert "**August 1**".

Page 1, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 2. IC 3-8-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) A political party shall conduct a state convention to nominate the candidates of the political party for the following offices to be voted on at the next general election:

(1) Lieutenant governor.
(2) Secretary of state.
(3) Auditor of state.
(4) Treasurer of state.
(5) Attorney general.
(6) Superintendent of public instruction.

(b) The convention ~~shall~~ **may** also:

(1) nominate candidates for presidential electors and alternate electors; and
(2) elect the delegates and alternate delegates to the national convention of the political party.

(c) If a political party's state convention does not:

(1) nominate candidates for presidential electors and alternate electors; or

(2) elect the delegates and alternate delegates to the national convention of the political party;

the candidates shall be nominated or the delegates elected as provided in the state party's rules.".

Page 1, line 15, delete "September 1" and insert "**August 1**".

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

Page 14, after line 42, begin a new paragraph and insert:

"SECTION 17. IC 3-11-18.1-6, AS ADDED BY P.L.1-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. **(a)** When the total number of active voters in the county equals at least twenty-five thousand (25,000), the following apply:

(1) The plan must provide for at least one (1) vote center for each ten thousand (10,000) active voters.

(2) In addition to the vote centers designated in subdivision (1), the plan must provide for a vote center for any fraction of ten thousand (10,000) voters.

(b) This subsection applies if a vote center plan, or an amendment to a vote center plan, is not adopted by a unanimous vote of the entire membership of the board. In addition to the number of vote centers required by subsection (a), the plan must provide that at least one (1) vote center must be located in each township in the county that has five thousand (5,000) or more active voters.".

Page 19, delete lines 6 through 12, begin a new paragraph and insert:

"SECTION 25. IC 3-13-1-4, AS AMENDED BY P.L.219-2013, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. **(a)** Except as provided in IC 3-10-8-7.5 **and subsection (b),** a candidate vacancy for United States Representative shall be filled by a caucus comprised by the precinct committeemen of the political party whose precincts are within the congressional district.

(b) A candidate vacancy that exists due to the withdrawal of a candidate after noon July 15 shall be filled as provided in section 7.5 of this chapter.

SECTION 26. IC 3-13-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. **(a) Except as provided in subsection (b),** a candidate vacancy for a legislative office shall be filled by a caucus comprised by the precinct committeemen of the political party whose precincts are within the senate or house district.

(b) A candidate vacancy that exists due to the withdrawal of a candidate after noon July 15 shall be filled as provided in section 7.5 of this chapter.

SECTION 27. IC 3-13-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) Except as provided in ~~subsection (b),~~ **subsections (b) and (c),** a candidate vacancy for a local office shall be filled by:

(1) a caucus comprised of the precinct committeemen who are eligible to participate under section 10 of this chapter; or

(2) the county chairman of the political party or a caucus comprised of the chairman, vice chairman, secretary, and treasurer of the county committee of the party, if:

(A) authorized to fill vacancies under this chapter by majority vote of the county committee; and

(B) the election district for the local office is entirely within one (1) county.

(b) A candidate vacancy for the office of circuit court judge or prosecuting attorney in a circuit having more than one (1) county shall be filled by a caucus comprised of the precinct committeemen who constitute the county committees of the political party for all of the circuit.

(c) A candidate vacancy that exists due to the withdrawal of a candidate after noon July 15 shall be filled as provided in section 7.5 of this chapter.

SECTION 28. IC 3-13-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) Except as provided in subsection (b), action to fill a candidate vacancy must be taken:

(1) not later than noon June 30 after the primary election if the vacancy exists on a general or municipal election ballot; and

(2) within thirty (30) days after the occurrence of the vacancy, if the vacancy exists on a special election ballot, subject to section 2 of this chapter.

(b) This subsection applies to a candidate vacancy that exists before the thirtieth day before a general, municipal, or special election and that is due to any of the following:

(1) The death of a candidate.

(2) The withdrawal of a candidate **not later than noon July 15.**

(3) The disqualification of a candidate under IC 3-8-1-5.

(4) A court order issued under IC 3-8-7-29(d).

Action to fill a candidate vacancy under section 3, 4, 5, or 6 of this chapter for reasons permitted under this subsection must be taken within thirty (30) days after the occurrence of the vacancy.

SECTION 29. IC 3-13-1-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 7.5. (a) This section applies only to the filling of a candidate vacancy:**

(1) due to the withdrawal of a candidate; and

(2) that occurs after noon July 15 and not later than noon August 1.

(b) This subsection does not apply to a candidate vacancy that occurs due to the withdrawal of a candidate who moves from the election district. A candidate vacancy that occurs due to the withdrawal of a candidate after noon August 1 may not be filled. The name of a candidate who withdraws after noon August 1 may not be removed from the ballot.

(c) The other provisions of this chapter apply to filling a candidate vacancy under this section except if in conflict with this section. In case of a conflict, the provisions of this section apply.

(d) A candidate vacancy for an office shall be filled by a majority vote of a committee consisting of the county chairman of the political party of each of the counties that have territory in the election district.

(e) Notice of a meeting held under this section must be given in accordance with the rules of the political party having the candidate vacancy.

(f) Procedures of a meeting held under this section must conform to the rules of the political party having the candidate vacancy.

(g) A vacancy filled under this chapter must be filled not later than noon August 15.

(h) The certificate of candidate selection required by section 15 of this chapter shall be filed not later than noon three (3) days (excluding Saturdays and Sundays) after selection of the candidate.

SECTION 30. IC 3-13-1-8, AS AMENDED BY P.L.225-2011, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. A meeting under section 7 **or 7.5** of this chapter shall be called and chaired by:

(1) the state chairman, or a person designated by the state chairman, for a caucus or committee acting under section 3, 4, 5, or 6(b) of this chapter; or

(2) the county chairman of the county in which the greatest percentage of the population of the election district is located, or an individual designated by the county chairman, for a caucus or committee acting under section 6(a) of this chapter.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1008 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 4.

SMITH M, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1010, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, delete lines 39 through 42.

Page 4, delete lines 1 through 3.

(Reference is to HB 1010 as printed January 30, 2015.)

and when so amended that said bill do pass.

Committee Vote: yeas 20, nays 0.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Small Business and Economic Development, to which was referred House Bill 1062, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, line 28, delete "A" and insert "**If a renter's insurance deductible cannot be ascertained,** a".

Page 4, line 35, after "(c)" insert "**If a renter's insurance deductible can be ascertained, the rental company may charge the renter only up to the renter's deductible amount for damage to the rental vehicle.**

(d)".

Page 4, line 36, delete "subsection (b)" and insert "**subsections (b) and (c)**".

Page 4, line 41, delete "subsection (b)." and insert "**subsections (b) or (c).**".

(Reference is to HB 1062 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

SMALTZ, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, to which was referred House Bill 1192, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete line 1.

Page 2, line 2, delete "(6)" and insert "**(5)**".

Page 2, line 3, delete "(7)" and insert "**(6)**".

Page 2, line 4, delete "(8)" and insert "**(7)**".

Page 2, delete lines 16 through 19, begin a new paragraph and insert:

"**Sec. 4. As used in this chapter, "uninsured motorist with a previous violation" means an individual who:**

(1) owns a motor vehicle:

(A) that is involved in an accident; and

(B) for which financial responsibility is not in effect as required by IC 9-25-4; and

(2) during the immediately preceding five (5) years, has been required to provide proof of future financial responsibility for any period under IC 9-25-8-6(b);

regardless of whether the individual is operating the motor vehicle at the time of the accident.".

Page 2, line 23, delete "." and insert "**with a previous violation.**".

Page 2, line 25, after "motorist" insert "**with a previous violation**".

Page 2, line 28, delete "motorist:" and insert "**motorist with a previous violation:**".

Page 2, line 41, delete "motorist"," and insert "**motorist with a previous violation",**".

Page 3, line 4, after "Motorist" insert "**With a Previous Violation**".

Page 3, delete line 19.

Page 3, line 20, delete "(6)" and insert "**(5)**".

Page 3, line 21, delete "(7)" and insert "**(6)**".

Page 3, line 22, delete "(8)" and insert "**(7)**".

Page 3, line 37, after "motorist" insert "**with a previous violation**".

Page 4, line 3, after "motorist" insert "**with a previous violation**".

Page 4, line 16, delete "motorist:" and insert "**motorist with a previous violation:**".

(Reference is to HB 1192 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

CARBAUGH, Acting Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, to which was referred House Bill 1298, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 8-5-15-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 24. (a) Before January 1 of each year, the district shall certify to the Indiana department of transportation that the district has taken action to provide financial responsibility against liability of the district under any agreement with a commuter transportation system.

(b) Proof of financial responsibility under this section may be established by proof that:

(1) a liability insurance policy is in force; or

(2) a self-insurance program is in effect.

~~(c) The district shall participate, if feasible, in the programs established by the political subdivision risk management commission under IC 27-1-29.~~

SECTION 2. IC 22-3-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) For the purpose of complying with IC 22-3-5-1, groups of employers are hereby authorized to form mutual insurance associations or reciprocal or interinsurance exchanges subject to such reasonable conditions and restrictions as may be fixed by the department of insurance.

(b) Membership in such mutual insurance associations or reciprocal or interinsurance exchanges so approved, together with evidence of the payment of premiums due, shall be evidence of compliance with IC 22-3-5-1.

~~(c) Subsection (a) does not apply to mutual insurance associations and reciprocal or interinsurance exchanges formed and operating on or before January 1, 1991, which shall continue to operate subject to the provisions of IC 22-3-2 through IC 22-3-6 and to such reasonable conditions and restrictions as may be fixed by the worker's compensation board.~~

SECTION 3. IC 22-3-7-34, AS AMENDED BY P.L.1-2006, SECTION 343, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 34. (a) As used in this section, "person" does not include:

(1) an owner who contracts for performance of work on the owner's owner occupied residential property; or

(2) a nonprofit corporation that is recognized as tax exempt under Section 501(c)(3) of the Internal Revenue Code (as defined in IC 6-3-1-11(a)) to the extent the

corporation enters into an independent contractor agreement with a person for the performance of youth coaching services on a part-time basis.

(b) Every employer bound by the compensation provisions of this chapter, except the state, counties, townships, cities, towns, school cities, school towns, school townships, other municipal corporations, state institutions, state boards, and state commissions, shall insure the payment of compensation to the employer's employees and their dependents in the manner provided in this chapter, or procure from the worker's compensation board a certificate authorizing the employer to carry such risk without insurance. While that insurance or certificate remains in force, the employer, or those conducting the employer's business, and the employer's occupational disease insurance carrier shall be liable to any employee and the employee's dependents for disablement or death from occupational disease arising out of and in the course of employment only to the extent and in the manner specified in this chapter.

(c) Every employer who, by election, is bound by the compensation provisions of this chapter, except those exempted from the provisions by subsection (b), shall:

(1) insure and keep insured the employer's liability under this chapter in some corporation, association, or organization authorized to transact the business of worker's compensation insurance in this state; or

(2) furnish to the worker's compensation board satisfactory proof of the employer's financial ability to pay the compensation in the amount and manner and when due as provided for in this chapter.

In the latter case the board may require the deposit of an acceptable security, indemnity, or bond to secure the payment of compensation liabilities as they are incurred.

(d) Every employer required to carry insurance under this section shall file with the worker's compensation board in the form prescribed by it, within ten (10) days after the termination of the employer's insurance by expiration or cancellation, evidence of the employer's compliance with subsection (c) and other provisions relating to the insurance under this chapter. The venue of all criminal actions under this section lies in the county in which the employee was last exposed to the occupational disease causing disablement. The prosecuting attorney of the county shall prosecute all violations upon written request of the board. The violations shall be prosecuted in the name of the state.

(e) Whenever an employer has complied with subsection (c) relating to self-insurance, the worker's compensation board shall issue to the employer a certificate which shall remain in force for a period fixed by the board, but the board may, upon at least thirty (30) days notice, and a hearing to the employer, revoke the certificate, upon presentation of satisfactory evidence for the revocation. After the revocation, the board may grant a new certificate to the employer upon the employer's petition, and satisfactory proof of the employer's financial ability.

(f)(1) Subject to the approval of the worker's compensation board, any employer may enter into or continue any agreement with the employer's employees to provide a system of compensation, benefit, or insurance in lieu of the compensation and insurance provided by this chapter. A substitute system may not be approved unless it confers benefits upon employees and their dependents at least equivalent to the benefits provided by this chapter. It may not be approved if it requires contributions from the employees unless it confers benefits in addition to those provided under this chapter, which are at least commensurate with such contributions.

(f)(2) The substitute system may be terminated by the worker's compensation board on reasonable notice and hearing to the interested parties, if it appears that the same is not fairly administered or if its operation shall disclose latent defects threatening its solvency, or if for any substantial reason it fails to accomplish the purpose of this chapter. On termination, the board shall determine the proper distribution of all remaining assets, if any, subject to the right of any party in interest to take an appeal to the court of appeals.

(g)(1) No insurer shall enter into or issue any policy of insurance under this chapter until its policy form has been submitted to and approved by the worker's compensation board. The board shall not approve the policy form of any insurance company until the company shall file with it the certificate of the insurance commissioner showing that the company is authorized to transact the business of worker's compensation insurance in Indiana. The filing of a policy form by any insurance company or reciprocal insurance association with the board for approval constitutes on the part of the company or association a conclusive and unqualified acceptance of each of the compensation provisions of this chapter, and an agreement by it to be bound by the compensation provisions of this chapter.

(g)(2) All policies of insurance companies and of reciprocal insurance associations, insuring the payment of compensation under this chapter, shall be conclusively presumed to cover all the employees and the entire compensation liability of the insured under this chapter in all cases in which the last day of the exposure rendering the employer liable is within the effective period of such policy.

(g)(3) Any provision in any such policy attempting to limit or modify the liability of the company or association insuring the same shall be wholly void.

(g)(4) Every policy of any company or association shall be deemed to include the following provisions:

"(A) The insurer assumes in full all the obligations to pay physician's fees, nurse's charges, hospital supplies, burial expenses, compensation or death benefits imposed upon or accepted by the insured under this chapter.

(B) This policy is subject to the provisions of this chapter relative to the liability of the insured to pay physician's fees, nurse's charges, hospital services, hospital supplies, burial expenses, compensation or death benefits to and for such employees, the acceptance of such liability by the insured, the adjustment, trial and adjudication of claims for such physician's fees, nurse's charges, hospital services, hospital supplies, burial expenses, compensation, or death benefits.

(C) Between this insurer and the employee, notice to or knowledge of the occurrence of the disablement on the part of the insured (the employer) shall be notice or knowledge thereof, on the part of the insurer. The jurisdiction of the insured (the employer) for the purpose of this chapter is the jurisdiction of this insurer, and this insurer shall in all things be bound by and shall be subject to the awards, judgments and decrees rendered against the insured (the employer) under this chapter.

(D) This insurer will promptly pay to the person entitled to the same all benefits conferred by this chapter, including all physician's fees, nurse's charges, hospital services, hospital supplies, burial expenses, and all installments of compensation or death benefits that may be awarded or agreed upon under this chapter. The obligation of this insurer shall not be affected by any default of the insured (the employer) after disablement or by any default in giving of any notice required by this policy, or otherwise. This policy is a direct promise by this insurer to the person entitled to physician's fees, nurse's charges, fees for hospital services, charges for hospital services, charges for hospital supplies, charges for burial, compensation, or death benefits, and shall be enforceable in the name of the person.

(E) Any termination of this policy by cancellation shall not be effective as to employees of the insured covered hereby unless at least thirty (30) days prior to the taking effect of such cancellation, a written notice giving the date upon

which such termination is to become effective has been received by the worker's compensation board of Indiana at its office in Indianapolis, Indiana.

(F) This policy shall automatically expire one (1) year from the effective date of the policy, unless the policy covers a period of three (3) years, in which event, it shall automatically expire three (3) years from the effective date of the policy. The termination either of a one (1) year or a three (3) year policy, is effective as to the employees of the insured covered by the policy.".

(g)(5) All claims for compensation, nurse's charges, hospital services, hospital supplies, physician's fees, or burial expenses may be made directly against either the employer or the insurer or both, and the award of the worker's compensation board may be made against either the employer or the insurer or both.

(g)(6) If any insurer shall fail to pay any final award or judgment (except during the pendency of an appeal) rendered against it, or its insured, or, if it shall fail to comply with this chapter, the worker's compensation board shall revoke the approval of its policy forms, and shall not accept any further proofs of insurance from it until it shall have paid the award or judgment or complied with this chapter, and shall have resubmitted its policy form and received the approval of the policy by the worker's compensation board.

(h) No policy of insurance covering the liability of an employer for worker's compensation shall be construed to cover the liability of the employer under this chapter for any occupational disease unless the liability is expressly accepted by the insurance carrier issuing the policy and is endorsed in that policy. The insurance or security in force to cover compensation liability under this chapter shall be separate from the insurance or security under IC 22-3-2 through IC 22-3-6. Any insurance contract covering liability under either part of this article need not cover any liability under the other.

(i) For the purpose of complying with subsection (c), groups of employers are authorized to form mutual insurance associations or reciprocal or interinsurance exchanges subject to any reasonable conditions and restrictions fixed by the department of insurance. ~~This subsection does not apply to mutual insurance associations and reciprocal or interinsurance exchanges formed and operating on or before January 1, 1991, which shall continue to operate subject to the provisions of this chapter and to such reasonable conditions and restrictions as may be fixed by the worker's compensation board.~~

(j) Membership in a mutual insurance association or a reciprocal or interinsurance exchange so proved, together with evidence of the payment of premiums due, is evidence of compliance with subsection (c).

(k) Any person bound under the compensation provisions of this chapter, contracting for the performance of any work exceeding one thousand dollars ($1,000) in value, in which the hazard of an occupational disease exists, by a contractor subject to the compensation provisions of this chapter without exacting from the contractor a certificate from the worker's compensation board showing that the contractor has complied with subsections (b), (c), and (d), shall be liable to the same extent as the contractor for compensation, physician's fees, hospital fees, nurse's charges, and burial expenses on account of the injury or death of any employee of such contractor, due to occupational disease arising out of and in the course of the performance of the work covered by such contract.

(l) Any contractor who sublets any contract for the performance of any work to a subcontractor subject to the compensation provisions of this chapter, without obtaining a certificate from the worker's compensation board showing that the subcontractor has complied with subsections (b), (c), and (d), is liable to the same extent as the subcontractor for the payment of compensation, physician's fees, hospital fees, nurse's charges, and burial expense on account of the injury or death of any employee of the subcontractor due to occupational disease arising out of and in the course of the performance of the work covered by the subcontract.

(m) A person paying compensation, physician's fees, hospital fees, nurse's charges, or burial expenses, under subsection (k) or (l), may recover the amount paid or to be paid from any person who would otherwise have been liable for the payment thereof and may, in addition, recover the litigation expenses and attorney's fees incurred in the action before the worker's compensation board as well as the litigation expenses and attorney's fees incurred in an action to collect the compensation, medical expenses, and burial expenses.

(n) Every claim filed with the worker's compensation board under this section shall be instituted against all parties liable for payment. The worker's compensation board, in an award under subsection (k), shall fix the order in which such parties shall be exhausted, beginning with the immediate employer and, in an award under subsection (l), shall determine whether the subcontractor has the financial ability to pay the compensation and medical expenses when due and, if not, shall order the contractor to pay the compensation and medical expenses.

SECTION 4. IC 27-1-20-28 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 28. The provisions of this article shall not apply to any interinsurance association or reciprocal or interinsurance exchange organized under and by virtue of Acts 1915, c.106, as amended and supplemented, and formed and operating on or before January 1, 1991, for the sole purpose of writing worker's compensation insurance.~~

SECTION 5. IC 27-1-29-29 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 29. This chapter expires on the latter of the following dates:**

(1) January 1, 2016.

(2) The date, as certified by the insurance commissioner under IC 27-1-45-6(c), on which:

(A) the Indiana Public Employer's Plan, Inc., begins operating as a domestic mutual insurance company under a certificate of authority issued under IC 27-1-45; and

(B) the powers, rights, duties, assets, and obligations of the political subdivision risk management commission established by IC 27-1-29 are transferred to the Indiana Public Employer's Plan, Inc., under IC 27-1-45.

SECTION 6. IC 27-1-29.1-23 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 23. This chapter expires on the latter of the following dates:**

(1) January 1, 2016.

(2) The date, as certified by the insurance commissioner under IC 27-1-45-6(c), on which:

(A) the Indiana Public Employer's Plan, Inc., begins operating as a domestic mutual insurance company under a certificate of authority issued under IC 27-1-45; and

(B) the powers, rights, duties, assets, and obligations of the political subdivision risk management commission established by IC 27-1-29 are transferred to the Indiana Public Employer's Plan, Inc., under IC 27-1-45.".

Page 1, line 2, delete "UPON".

Page 1, line 3, delete "PASSAGE]:" and insert "JULY 1, 2015]:".

Page 1, line 4, delete "Transfer of Oversight from Worker's" and insert "**Political Subdivision Risk Management**".

Page 1, delete lines 5 through 15, begin a new paragraph and insert:

"**Sec. 1. As used in this chapter, "IPEP" refers to the Indiana Public Employer's Plan, Inc., which was originally incorporated under the name Indiana Employers' Compensation Plan, Inc. as a domestic nonprofit**

corporation on December 11, 1989.

Sec. 2. As used in this chapter, "political subdivision" has the meaning set forth in IC 34-6-2-110.

Sec. 3. As used in this chapter, "political subdivision risk management commission" refers to the commission established by IC 27-1-29 (before its expiration).

Sec. 4. (a) IPEP shall apply to the insurance commissioner for a certificate of authority to transact business in Indiana as a domestic mutual insurance company.

(b) The insurance commissioner may not grant the application for a certificate of authority submitted under subsection (a) unless the following requirements have been met:

(1) IPEP must submit information ensuring that, as a domestic mutual insurance company, it will protect the interests of the political subdivisions and other governmental entities eligible to participate in:

(A) the political subdivision risk management fund established by IC 27-1-29-10 (before its expiration); or

(B) the political subdivision risk management catastrophic fund established by IC 27-1-29.1-7 (before its expiration).

(2) IPEP must submit information ensuring that, as a domestic mutual insurance company, it will be able to adequately provide indemnification for liabilities held by the political subdivision risk management commission at the time of IPEP's application, including those liabilities incurred but not reported.

(3) IPEP must submit information ensuring that, as a domestic mutual insurance company, it will continue to offer coverage to political subdivisions in the way contemplated by IC 27-1-29-11 (before its expiration).

(4) The bylaws or articles of incorporation prepared by IPEP for purposes of its transformation into a domestic mutual insurance company must require that:

(A) the board of the domestic mutual insurance company be made up of not fewer than seven (7) persons; and

(B) at least half of the members of the board be representatives of political subdivisions insured by the domestic mutual insurance company.

(5) IPEP, in transforming into a domestic mutual insurance company, must meet the requirements and conditions for the formation of a domestic insurer set forth in IC 27-1-6, including an examination under IC 27-1-6-17.

Sec. 5. (a) After:

(1) receiving a certificate of authority from the insurance commissioner to transact business in Indiana as a domestic mutual insurance company; and

(2) making any changes in structure and legal status necessary or beneficial to the transformation of IPEP from a domestic nonprofit corporation into a domestic mutual insurance company;

IPEP shall begin transacting the business of insurance as a domestic mutual insurance company.

(b) All of the following apply on the date on which IPEP begins transacting the business of insurance as a domestic mutual insurance company:

(1) All powers, duties, agreements, and liabilities that IPEP had as a domestic nonprofit corporation immediately before the date are transferred to the domestic mutual insurance company into which IPEP has transformed as the successor entity.

(2) All records and property that IPEP had as a domestic nonprofit corporation immediately before the date, including all funds under the control or supervision of IPEP, are transferred to the domestic mutual insurance company into which IPEP has transformed as the successor entity.

(3) Any amounts owed to IPEP immediately before the date are considered to be owed to the domestic mutual insurance company into which IPEP has transformed as the successor entity.

(4) A reference to IPEP in a statute, rule, or other document is considered a reference to the domestic insurance company into which IPEP has transformed as the successor entity.

(5) All powers, duties, agreements, and liabilities of IPEP immediately before the date with respect to bonds issued by IPEP in connection with any trust agreement or indenture securing the bonds are transferred to the domestic mutual insurance company into which IPEP has transformed as the successor entity. The rights of the trustee under any trust agreement or indenture and the rights of the bondholders of IPEP remain unchanged despite the transfer of the powers, duties, agreements, and liabilities of IPEP to the domestic mutual insurance company into which IPEP has transformed as the successor entity.

Sec. 6. (a) Subdivisions (b)(1) through (b)(5) apply on the latter of the following dates:

(1) January 1, 2016.

(2) The date on which IPEP begins transacting the business of insurance as a domestic mutual insurance company under section 5(a) of this chapter.

(b) The following apply on the date specified in subsection (a):

(1) All powers, duties, agreements, and liabilities of the political subdivision risk management commission are transferred to the domestic mutual insurance company into which IPEP has transformed as the successor entity.

(2) All records and property of the political subdivision risk management commission, including appropriations and other funds under the control or supervision of the political subdivision risk management commission, are transferred to the domestic mutual insurance company into which IPEP has transformed as the successor entity.

(3) Any amounts owed to the political subdivision risk management commission are considered to be owed to the domestic mutual insurance company into which IPEP has transformed as the successor entity.

(4) A reference to the political subdivision risk management commission in a statute, rule, or other document is considered a reference to the domestic insurance company into which IPEP has transformed as the successor entity.

(5) All powers, duties, agreements, and liabilities of the political subdivision risk management commission with respect to bonds issued by the political subdivision risk management commission in connection with any trust agreement or indenture securing the bonds are transferred to the domestic mutual insurance company into which IPEP has transformed as the successor entity. The rights of the trustee under any trust agreement or indenture and the rights of the bondholders of the political subdivision risk management commission remain unchanged despite the transfer of the powers, duties, agreements, and liabilities of the political subdivision risk management commission to the domestic mutual insurance company into which IPEP has transformed as the successor entity.

(c) For the purposes of IC 27-1-29-29, IC 27-1-29.1-23, this section, section 7 of this chapter, and IC 34-13-3-8, the insurance commissioner shall certify the date on which:

(1) IPEP begins transacting the business of insurance

as a domestic mutual insurance company under section 5(a) of this chapter; and

(2) the powers, rights, duties, assets, and obligations of the political subdivision risk management commission are transferred under this section to the domestic mutual insurance company into which IPEP has transformed.

Sec. 7. The auditor of state shall, not before January 1, 2016, and not later than thirty (30) days after the date certified by the insurance commissioner under section 6(c) of this chapter, transfer the balance of funds in:

(1) the political subdivision risk management fund established by IC 27-1-29-10 (before its expiration); and

(2) the political subdivision risk management catastrophic fund established by IC 27-1-29.1-7 (before its expiration);

to the domestic mutual insurance company into which IPEP has transformed under this chapter.

SECTION 7. IC 27-6-4-1 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 1. Nothing in IC 27-6-6-3, IC 27-6-6-6, or IC 27-6-6-7 shall be construed to annul, restrict, or in any manner interfere with the licensing and supervision of mutual insurance associations and reciprocal associations formed and operating on or before January 1, 1991, solely for the writing of worker's compensation insurance as provided under IC 22-3.~~

SECTION 8. IC 27-7-2-26 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 26. Nothing in this chapter shall be construed to annul, restrict, or in any manner interfere with the licensing and supervision of mutual insurance associations and reciprocal associations formed and operating on or before January 1, 1991, solely for the writing of worker's compensation insurance as provided under IC 22-3-2 through IC 22-3-6.~~

SECTION 9. IC 27-8-8-2, AS AMENDED BY P.L.276-2013, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) The definitions in this section apply throughout this chapter.

(b) "Account" means one (1) of the two (2) accounts created under section 3 of this chapter.

(c) "Annuity contract", except as provided in section 2.3(e) of this chapter, includes:

(1) a guaranteed investment contract;

(2) a deposit administration contract;

(3) a structured settlement annuity;

(4) an annuity issued to or in connection with a government lottery; and

(5) an immediate or a deferred annuity contract.

(d) "Assessment base year" means, for an impaired insurer or insolvent insurer, the most recent calendar year for which required premium information is available preceding the calendar year during which the impaired insurer's or insolvent insurer's coverage date occurs.

(e) "Association", except when the context otherwise requires, means the Indiana life and health insurance guaranty association created by section 3 of this chapter.

(f) "Benefit plan" means a specific plan, fund, or program that is established or maintained by an employer or an employee organization, or both, that:

(1) provides retirement income to employees; or

(2) results in a deferral of income by employees for a period extending to or beyond the termination of employment.

(g) "Board" refers to the board of directors of the association selected under IC 27-8-8-4.

(h) "Called", when used in the context of assessments, means that notice has been issued by the association to member insurers requiring the member insurers to pay, within a time frame set forth in the notice, an assessment that has been authorized by the board.

(i) "Commissioner" refers to the insurance commissioner appointed under IC 27-1-1-2.

(j) "Contractual obligation" means an enforceable obligation under a covered policy for which and to the extent that coverage is provided under section 2.3 of this chapter.

(k) "Coverage date" means, with respect to a member insurer, the date on which the earlier of the following occurs:

(1) The member insurer becomes an insolvent insurer.

(2) The association determines that the association will provide coverage under section 5(a) of this chapter with respect to the member insurer.

(l) "Covered policy" means a:

(1) nongroup policy or contract;

(2) certificate under a group policy or contract; or

(3) part of a policy, contract, or certificate described in subdivisions (1) and (2);

for which coverage is provided under section 2.3 of this chapter.

(m) "Extracontractual claims" includes claims that relate to bad faith in the payment of claims, punitive or exemplary damages, or attorney's fees and costs.

(n) "Funding agreement" has the meaning set forth in IC 27-1-12.7-1.

(o) "Impaired insurer" means a member insurer that is:

(1) not an insolvent insurer; and

(2) placed under an order of rehabilitation or conservation by a court with jurisdiction.

(p) "Insolvent insurer" means a member insurer that is placed under an order of liquidation with a finding of insolvency by a court with jurisdiction.

(q) "Member insurer" means any person that holds a certificate of authority to transact in Indiana any kind of insurance for which coverage is provided under section 2.3 of this chapter. The term includes an insurer whose certificate of authority to transact such insurance in Indiana may have been suspended, revoked, not renewed, or voluntarily withdrawn but does not include the following:

(1) A for-profit or nonprofit hospital or medical service organization.

(2) A health maintenance organization under IC 27-13.

(3) A fraternal benefit society under IC 27-11.

(4) The Indiana Comprehensive Health Insurance Association or any other mandatory state pooling plan or arrangement.

(5) An assessment company or another person that operates on an assessment plan (as defined in IC 27-1-2-3(y)).

(6) An interinsurance or reciprocal exchange authorized by IC 27-6-6.

(7) A prepaid limited service health maintenance organization or a limited service health maintenance organization under IC 27-13-34.

(8) A farm mutual insurance company under IC 27-5.1.

(9) A person operating as a Lloyds under IC 27-7-1.

(10) The political subdivision risk management fund established by IC 27-1-29-10 **(before its expiration)** and the political subdivision catastrophic liability fund established by IC 27-1-29.1-7 **(before its expiration).**

(11) The small employer health reinsurance board established by IC 27-8-15.5-5.

(12) A person similar to any person described in subdivisions (1) through (11).

(r) "Moody's Corporate Bond Yield Average" means:

(1) the monthly average of the composite yield on seasoned corporate bonds as published by Moody's Investors Service, Inc.; or

(2) if the monthly average described in subdivision (1) is no longer published, an alternative publication of interest rates or yields determined appropriate by the association.

(s) "Multiple employer welfare arrangement" has the meaning set forth in IC 27-1-34-1.

(t) "Owner" means the person:

(1) identified as the legal owner of a policy or contract according to the terms of the policy or contract; or

(2) otherwise vested with legal title to a policy or contract through a valid assignment completed in accordance with the terms of the policy or contract and properly recorded as the owner on the books of the insurer.

The term does not include a person with a mere beneficial interest in a policy or contract.

(u) "Person" means an individual, a corporation, a limited liability company, a partnership, an association, a governmental entity, a voluntary organization, a trust, a trustee, or another business entity or organization.

(v) "Plan sponsor" refers to only one (1) of the following with respect to a benefit plan:

(1) The employer, in the case of a benefit plan established or maintained by a single employer.

(2) The holding company or controlling affiliate, in the case of a benefit plan established or maintained by affiliated companies comprising a consolidated corporation.

(3) The employee organization, in the case of a benefit plan established or maintained by an employee organization.

(4) In a case of a benefit plan established or maintained:

(A) by two (2) or more employers;

(B) by two (2) or more employee organizations; or

(C) jointly by one (1) or more employers and one (1) or more employee organizations;

and that is not of a type described in subdivision (2), the association, committee, joint board of trustees, or other similar group of representatives of the parties that establish or maintain the benefit plan.

(w) "Premiums" means amounts, deposits, and considerations received on covered policies, less returned premiums, returned deposits, returned considerations, dividends, and experience credits. The term does not include the following:

(1) Amounts, deposits, and considerations received for policies or contracts or parts of policies or contracts for which coverage is not provided under section 2.3(d) of this chapter, as qualified by section 2.3(e) of this chapter, except that an assessable premium must not be reduced on account of the limitations set forth in section 2.3(e)(3), 2.3(e)(15), or 2.3(f)(2) of this chapter.

(2) Premiums in excess of five million dollars ($5,000,000) on an unallocated annuity contract not issued or not connected with a governmental benefit plan established under Section 401, 403(b), or 457 of the United States Internal Revenue Code.

(x) "Principal place of business" refers to the single state in which individuals who establish policy for the direction, control, and coordination of the operations of an entity as a whole primarily exercise the direction, control, and coordination, as determined by the association in the association's reasonable judgment by considering the following factors:

(1) The state in which the primary executive and administrative headquarters of the entity is located.

(2) The state in which the principal office of the chief executive officer of the entity is located.

(3) The state in which the board of directors or similar governing person of the entity conducts the majority of the board of directors' or governing person's meetings.

(4) The state in which the executive or management committee of the board of directors or similar governing person of the entity conducts the majority of the committee's meetings.

(5) The state from which the management of the overall operations of the entity is directed.

However, in the case of a plan sponsor, if more than fifty percent (50%) of the participants in the plan sponsor's benefit plan are employed in a single state, that state is considered to be the principal place of business of the plan sponsor. The principal place of business of a plan sponsor of a benefit plan described in subsection (v)(4), if more than fifty percent (50%) of the participants in the plan sponsor's benefit plan are not employed in a single state, is considered to be the principal place of business of the association, committee, joint board of trustees, or other similar group of representatives of the parties that establish or maintain the benefit plan and, in the absence of a specific or clear designation of a principal place of business, is considered to be the principal place of business of the employer or employee organization that has the largest investment in the benefit plan in question on the coverage date.

(y) "Receivership court" refers to the court in an insolvent insurer's or impaired insurer's state that has jurisdiction over the conservation, rehabilitation, or liquidation of the insolvent insurer or impaired insurer.

(z) "Resident" means the following:

(1) An individual who resides in Indiana on the applicable coverage date.

(2) A person that is not an individual and has the person's principal place of business in Indiana on the applicable coverage date.

(aa) "State" includes a state, the District of Columbia, Puerto Rico, and a United States possession, territory, or protectorate.

(bb) "Structured settlement annuity" means an annuity purchased to fund periodic payments for a plaintiff or other claimant in payment for or with respect to personal injury suffered by the plaintiff or other claimant.

(cc) "Supplemental contract" means a written agreement entered into for the distribution of proceeds under a life, health, or annuity policy or contract.

(dd) "Unallocated annuity contract" means an annuity contract or group annuity certificate:

(1) the owner of which is not a natural person; and

(2) that does not identify at least one (1) specific natural person as an annuitant;

except to the extent of any annuity benefits guaranteed to a natural person by an insurer under the contract or certificate. For purposes of this chapter, an unallocated annuity contract shall not be considered a group policy or group contract.

SECTION 10. IC 34-13-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) Except as provided in section 9 of this chapter **and subsection (b), for a loss arising from an act or omission occurring before the date certified by the insurance commissioner under IC 27-1-45-6(c),** a claim against a political subdivision is barred unless notice is filed with:

(1) the governing body of that political subdivision; and

(2) the Indiana political subdivision risk management commission created under IC 27-1-29 **(before its expiration);**

within one hundred eighty (180) days after the loss occurs.

(b) **For a loss arising from an act or omission occurring before the date certified by the insurance commissioner under IC 27-1-45-6(c),** a claim against a political subdivision is not barred for failure to file notice with the Indiana political subdivision risk management commission created under IC 27-1-29-5 **(before its expiration)** if the political subdivision was not a member of the political subdivision risk management fund established under IC 27-1-29-10 **(before its expiration)** at the time the act or omission took place.

(c) Except as provided in section 9 of this chapter and subsection (d), for a loss arising from an act or omission occurring on or after the date certified by the insurance commissioner under IC 27-1-45-6(c), a claim against a political subdivision is barred unless notice is filed with:

(1) the governing body of that political subdivision; and

(2) the domestic mutual insurance company to which the powers, rights, duties, assets, and obligations of the

political subdivision risk management commission are transferred under IC 27-1-45;

within one hundred eighty (180) days after the loss occurs.

(d) For a loss arising from an act or omission occurring on or after the date certified by the insurance commissioner under IC 27-1-45-6(c), a claim against a political subdivision is not barred for failure to file notice with the domestic mutual insurance company referred to in subsection (c)(2) if the political subdivision was not insured by that domestic mutual insurance company when the act or omission took place.".

Delete pages 2 through 3.

Renumber all SECTIONS consecutively.

(Reference is to HB 1298 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

CARBAUGH, Acting Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1304, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 41 through 42, begin a new paragraph and insert:

"SECTION 2. IC 5-2-6-25 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 25. The institute shall collect and analyze data concerning permissive and presumptive juvenile waivers from juvenile courts to evaluate the feasibility of increasing the age in these cases from sixteen (16) years of age to seventeen (17) years of age.**

SECTION 3. IC 11-10-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. The administration of a drug by the department for the purpose of controlling a mental or emotional disorder is subject to the following requirements:

(1) The particular drug must be prescribed by a physician who has examined the offender.

(2) The drug must be administered by either a physician or qualified medical personnel under the direct supervision of a physician.

(3) The offender must be periodically observed, during the duration of the drug's effect, by qualified medical personnel.

(4) A drug may be administered for a period longer than seventy-two (72) hours only if the administration is part of a psychotherapeutic program of treatment prescribed and detailed in writing by a physician.

(5) A drug may be administered for the purpose of controlling substance abuse, including Vivitrol or a similar substance, for alcohol or opioid abuse treatment.

SECTION 4. IC 11-10-11.5-11, AS AMENDED BY P.L.247-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11. (a) While assigned to a community transition program, a person must comply with:

(1) the rules concerning the conduct of persons in the community transition program, including rules related to payments described in section 12 of this chapter, that are adopted by the community corrections advisory board establishing the program or, in counties that are not served by a community corrections program, that are jointly adopted by the courts in the county with felony jurisdiction; and

(2) any conditions established by the sentencing court for the person.

(b) As a rule of the community transition program, a person convicted of a sex offense (as defined in IC 11-8-8-5.2) may not use a social networking web site (as defined in IC 35-31.5-2-307) or an instant messaging or chat room program (as defined in IC 35-31.5-2-173) to communicate, directly or through an intermediary, with a child less than sixteen (16) years of age. However, the rules of the community transition program may permit the offender to communicate using a social networking web site or an instant messaging or chat room program with:

(1) the offender's own child, stepchild, or sibling; or

(2) another relative of the offender specifically named in the rules applicable to that person.

(c) As a rule of the community transition program, a person may be required to receive:

(1) addiction counseling;

(2) inpatient detoxification; and

(3) medication assisted treatment, including using Vivitrol or a similar substance, for alcohol or opioid abuse treatment.

SECTION 5. IC 11-12-1-2.5, AS AMENDED BY P.L.184-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2.5. (a) The community corrections programs described in section 2 of this chapter shall use evidence based services, programs, and practices that reduce the risk for recidivism among persons who participate in the community corrections programs.

(b) The community corrections board may also coordinate or operate:

(1) educational;

(2) mental health;

(3) drug or alcohol abuse counseling; and

(4) housing;

programs. In addition, the board may provide supervision services for persons described in section 2 of this chapter.

(c) Drug or alcohol services in subsection (b) may include:

(1) addiction counseling;

(2) inpatient detoxification; and

(3) medication assisted treatment, including using Vivitrol or a similar substance, for alcohol or opioid treatment.

SECTION 6. IC 11-12-2-1, AS AMENDED BY P.L.168-2014, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) For the purpose of encouraging counties to develop a coordinated local corrections-criminal justice system and providing effective alternatives to imprisonment at the state level, the commissioner shall, out of funds appropriated for such purposes, make grants to counties for the establishment and operation of community corrections programs. Appropriations intended for this purpose may not be used by the department for any other purpose. Money appropriated to the department of correction for the purpose of making grants under this chapter and any financial aid payments suspended under section 6 of this chapter do not revert to the state general fund at the close of any fiscal year, but remain available to the department of correction for its use in making grants under this chapter.

(b) Before March 1, 2015, the department shall estimate the amount of any operational cost savings that will be realized in the state fiscal year ending June 30, 2015, from a reduction in the number of individuals who are in the custody or made a ward of the department of correction (as described in IC 11-8-1-5) that is attributable to the sentencing changes made in HEA 1006-2014 as enacted in the 2014 session of the general assembly. The department shall make the estimate under this subsection based on the best available information. If the department estimates that operational cost savings described in this subsection will be realized in the state fiscal year ending June 30, 2015, the following apply to the department:

(1) The department shall certify the estimated amount of operational cost savings that will be realized to the budget agency and to the auditor of state.

(2) The department may, after review by the budget committee and approval by the budget agency, make additional grants as provided in this chapter to counties for the establishment and operation of community corrections programs from funds appropriated to the department for the department's operating expenses for the state fiscal year.

(3) The department may, after review by the budget committee and approval by the budget agency, transfer funds appropriated to the department for the department's operating expenses for the state fiscal year to the judicial conference of Indiana to be used by the judicial conference of Indiana to provide additional financial aid for the support of court probation services under the program established under IC 11-13-2.

(4) The maximum aggregate amount of additional grants and transfers that may be made by the department under subdivisions (2) and (3) for the state fiscal year may not exceed the lesser of:

(A) the amount of operational cost savings certified under subdivision (1); or

(B) eleven million dollars ($11,000,000).

Notwithstanding P.L.205-2013 (HEA 1001-2013), the amount of funds necessary to make any additional grants authorized and approved under this subsection and for any transfers authorized and approved under this subsection, and for providing the additional financial aid to courts from transfers authorized and approved under this subsection, is appropriated for those purposes for the state fiscal year ending June 30, 2015, and the amount of the department's appropriation for operating expenses for the state fiscal year ending June 30, 2015, is reduced by a corresponding amount. This subsection expires June 30, 2015.

(c) The commissioner shall give priority in issuing community corrections grants to programs that provide alternative sentencing projects for persons with mental illness, addictive disorders, mental retardation, and developmental disabilities. **Programs for addictive disorders may include:**

(1) addiction counseling;

(2) inpatient detoxification; and

(3) medication assisted treatment, including using Vivitrol or a similar substance, for alcohol or opioid treatment.

SECTION 7. IC 11-12-3.7-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 2.5. As used in this chapter, "autism spectrum disorder" means a developmental disability as defined in the most recent edition of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders.**

SECTION 8. IC 11-12-3.7-4, AS AMENDED BY P.L.192-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. As used in this chapter, "forensic diversion program" means a program designed to provide an adult:

(1) who has **an intellectual disability, an autism spectrum disorder,** a mental illness, an addictive disorder, or ~~both a mental illness and an addictive disorder;~~ **a combination of those conditions;** and

(2) who has been charged with a crime that is not a violent offense;

an opportunity to receive community treatment and other services addressing mental health and addiction instead of or in addition to incarceration.

SECTION 9. IC 11-12-3.7-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 4.5. As used in this chapter, "intellectual disability" means a disability characterized by significant limitations in:**

(1) intellectual functioning; and

(2) adaptive behavior.

SECTION 10. IC 11-12-3.7-7, AS AMENDED BY P.L.2-2014, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) An advisory board shall develop a forensic diversion plan to provide an adult who:

(1) has **an intellectual disability, an autism spectrum disorder,** a mental illness, an addictive disorder, or ~~both a mental illness and an addictive disorder;~~ **a combination of those conditions;** and

(2) has been charged with a crime that is not a violent crime;

an opportunity, pre-conviction or post-conviction, to receive community treatment and other services addressing **intellectual disabilities, autism spectrum disorders,** mental health, and addictions instead of or in addition to incarceration.

(b) The forensic diversion plan may include any combination of the following program components:

(1) Pre-conviction diversion for adults with mental illness.

(2) Pre-conviction diversion for adults with addictive disorders.

(3) Pre-conviction diversion for adults with intellectual disabilities.

(4) Pre-conviction diversion for individuals with an autism spectrum disorder.

~~(3)~~ **(5)** Post-conviction diversion for adults with mental illness.

~~(4)~~ **(6)** Post-conviction diversion for adults with addictive disorders.

(7) Post-conviction diversion for adults with intellectual disabilities.

(8) Post-conviction diversion for individuals with an autism spectrum disorder.

(c) In developing a plan, the advisory board must consider the ability of existing programs and resources within the community, including:

(1) a problem solving court established under IC 33-23-16;

(2) a court alcohol and drug program certified under IC 12-23-14-13;

(3) treatment providers certified by the division of mental health and addiction under IC 12-23-1-6 or IC 12-21-2-3(5); and

(4) other public and private agencies.

(d) Development of a forensic diversion program plan under this chapter or IC 11-12-2-3 does not require implementation of a forensic diversion program.

(e) The advisory board may:

(1) operate the program;

(2) contract with existing public or private agencies to operate one (1) or more components of the program; or

(3) take any combination of actions under subdivisions (1) or (2).

(f) Any treatment services provided under the forensic diversion program:

(1) for addictions must be provided by an entity that is certified by the division of mental health and addiction under IC 12-23-1-6; or

(2) for mental health must be provided by an entity that is:

(A) certified by the division of mental health and addiction under IC 12-21-2-3(5);

(B) accredited by an accrediting body approved by the division of mental health and addiction; or

(C) licensed to provide mental health services under IC 25.

SECTION 11. IC 11-12-3.7-11, AS AMENDED BY P.L.168-2014, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11. (a) A

person is eligible to participate in a pre-conviction forensic diversion program only if the person meets the following criteria:

(1) The person has **an intellectual disability, an autism spectrum disorder,** a mental illness, an addictive disorder, or ~~both a mental illness and an addictive disorder.~~ **a combination of those conditions.**

(2) The person has been charged with an offense that is:

(A) not a violent offense; and

(B) a Class A, B, or C misdemeanor, or a Level 6 felony that may be reduced to a Class A misdemeanor in accordance with IC 35-50-2-7.

(3) The person does not have a conviction for a violent offense in the previous ten (10) years.

(4) The court has determined that the person is an appropriate candidate to participate in a pre-conviction forensic diversion program.

(5) The person has been accepted into a pre-conviction forensic diversion program.

(b) Before an eligible person is permitted to participate in a pre-conviction forensic diversion program, the court shall advise the person of the following:

(1) Before the individual is permitted to participate in the program, the individual will be required to enter a guilty plea to the offense with which the individual has been charged.

(2) The court will stay entry of the judgment of conviction during the time in which the individual is successfully participating in the program. If the individual stops successfully participating in the program, or does not successfully complete the program, the court will lift its stay, enter a judgment of conviction, and sentence the individual accordingly.

(3) If the individual participates in the program, the individual may be required to remain in the program for a period not to exceed three (3) years.

(4) During treatment the individual may be confined in an institution, be released for treatment in the community, receive supervised aftercare in the community, or may be required to receive a combination of these alternatives. **Programs for addictive disorders may include:**

(A) addiction counseling;

(B) inpatient detoxification; and

(C) medication assisted treatment, including using Vivitrol or a similar substance, for alcohol or opioid treatment.

(5) If the individual successfully completes the forensic diversion program, the court will waive entry of the judgment of conviction and dismiss the charges.

(6) The court shall determine, after considering a report from the forensic diversion program, whether the individual is successfully participating in or has successfully completed the program.

(c) Before an eligible person may participate in a pre-conviction forensic diversion program, the person must plead guilty to the offense with which the person is charged.

(d) Before an eligible person may be admitted to a facility under the control of the division of mental health and addiction, the individual must be committed to the facility under IC 12-26.

(e) After the person has pleaded guilty, the court shall stay entry of judgment of conviction and place the person in the pre-conviction forensic diversion program for not more than:

(1) two (2) years, if the person has been charged with a misdemeanor; or

(2) three (3) years, if the person has been charged with a felony.

(f) If, after considering the report of the forensic diversion program, the court determines that the person has:

(1) failed to successfully participate in the forensic diversion program, or failed to successfully complete the program, the court shall lift its stay, enter judgment of conviction, and sentence the person accordingly; or

(2) successfully completed the forensic diversion program, the court shall waive entry of the judgment of conviction and dismiss the charges.

SECTION 12. IC 11-12-3.7-12, AS AMENDED BY P.L.192-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 12. (a) A person is eligible to participate in a post-conviction forensic diversion program only if the person meets the following criteria:

(1) The person has **an intellectual disability, an autism spectrum disorder,** a mental illness, an addictive disorder, or ~~both a mental illness and an addictive disorder.~~ **a combination of those conditions.**

(2) The person has been convicted of an offense that is:

(A) not a violent offense; and

(B) not a drug dealing offense.

(3) The person does not have a conviction for a violent offense in the previous ten (10) years.

(4) The court has determined that the person is an appropriate candidate to participate in a post-conviction forensic diversion program.

(5) The person has been accepted into a post-conviction forensic diversion program.

(b) If the person meets the eligibility criteria described in subsection (a) and has been convicted of an offense that may be suspended, the court may:

(1) suspend all or a portion of the person's sentence;

(2) place the person on probation for the suspended portion of the person's sentence; and

(3) require as a condition of probation that the person successfully participate in and successfully complete the post-conviction forensic diversion program.

(c) If the person meets the eligibility criteria described in subsection (a) and has been convicted of an offense that is nonsuspendible, the court may:

(1) order the execution of the nonsuspendible sentence; and

(2) stay execution of all or part of the nonsuspendible portion of the sentence pending the person's successful participation in and successful completion of the post-conviction forensic diversion program.

The court shall treat the suspendible portion of a nonsuspendible sentence in accordance with subsection (b).

(d) The person may be required to participate in the post-conviction forensic diversion program for no more than:

(1) two (2) years, if the person has been charged with a misdemeanor; or

(2) three (3) years, if the person has been charged with a felony.

The time periods described in this section only limit the amount of time a person may spend in the forensic diversion program and do not limit the amount of time a person may be placed on probation.

(e) If, after considering the report of the forensic diversion program, the court determines that a person convicted of an offense that may be suspended has failed to successfully participate in the forensic diversion program, or has failed to successfully complete the program, the court may do any of the following:

(1) Revoke the person's probation.

(2) Order all or a portion of the person's suspended sentence to be executed.

(3) Modify the person's sentence.

(4) Order the person to serve all or a portion of the person's suspended sentence in:

(A) a work release program established by the department under IC 11-10-8 or IC 11-10-10; or

(B) a county work release program under IC 11-12-5.

(f) If, after considering the report of the forensic diversion program, the court determines that a person convicted of a nonsuspendible offense failed to successfully participate in the forensic diversion **program,** or failed to successfully complete the program, the court may do any of the following:

(1) Lift its stay of execution of the nonsuspendible portion of the sentence and remand the person to the department.

(2) Order the person to serve all or a portion of the nonsuspendible portion of the sentence that is stayed in:

(A) a work release program established by the department under IC 11-10-8 or IC 11-10-10; or

(B) a county work release program under IC 11-12-5.

(3) Modify the person's sentence.

However, if the person failed to successfully participate in the forensic diversion program, or failed to successfully complete the program while serving the suspendible portion of a nonsuspendible sentence, the court may treat the suspendible portion of the sentence in accordance with subsection (e).

(g) If, after considering the report of the forensic diversion program, the court determines that a person convicted of a nonsuspendible offense has successfully completed the program, the court shall waive execution of the nonsuspendible portion of the person's sentence.".

Delete pages 3 through 7.

Page 8, delete lines 1 through 7, begin a new paragraph and insert:

"SECTION 13. IC 11-12-3.8-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 1.5. For purposes of this chapter,"substance abuse treatment" may include:**

(1) addiction counseling;

(2) inpatient detoxification; and

(3) medication assisted treatment, including using Vivitrol or a similar substance, for alcohol or opioid treatment.

SECTION 14. IC 11-13-3-4, AS AMENDED BY P.L.114-2012, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) A condition to remaining on parole is that the parolee not commit a crime during the period of parole.

(b) The parole board may also adopt, under IC 4-22-2, additional conditions to remaining on parole and require a parolee to satisfy one (1) or more of these conditions. These conditions must be reasonably related to the parolee's successful reintegration into the community and not unduly restrictive of a fundamental right.

(c) If a person is released on parole, the parolee shall be given a written statement of the conditions of parole. Signed copies of this statement shall be:

(1) retained by the parolee;

(2) forwarded to any person charged with the parolee's supervision; and

(3) placed in the parolee's master file.

(d) The parole board may modify parole conditions if the parolee receives notice of that action and had ten (10) days after receipt of the notice to express the parolee's views on the proposed modification. This subsection does not apply to modification of parole conditions after a revocation proceeding under section 10 of this chapter.

(e) As a condition of parole, the parole board may require the parolee to reside in a particular parole area. In determining a parolee's residence requirement, the parole board shall:

(1) consider:

(A) the residence of the parolee prior to the parolee's incarceration; and

(B) the parolee's place of employment; and

(2) assign the parolee to reside in the county where the parolee resided prior to the parolee's incarceration unless assignment on this basis would be detrimental to the parolee's successful reintegration into the community.

(f) As a condition of parole, the parole board may require the parolee to:

(1) periodically undergo a laboratory chemical test (as defined in IC 9-13-2-22) or series of tests to detect and confirm the presence of a controlled substance (as defined in IC 35-48-1-9); and

(2) have the results of any test under this subsection reported to the parole board by the laboratory.

The parolee is responsible for any charges resulting from a test required under this subsection. However, a person's parole may not be revoked on the basis of the person's inability to pay for a test under this subsection.

(g) As a condition of parole, the parole board:

(1) may require a parolee who is a sex offender (as defined in IC 11-8-8-4.5) to:

(A) participate in a treatment program for sex offenders approved by the parole board; and

(B) avoid contact with any person who is less than sixteen (16) years of age unless the parolee:

(i) receives the parole board's approval; or

(ii) successfully completes the treatment program referred to in clause (A); and

(2) shall:

(A) require a parolee who is a sex or violent offender (as defined in IC 11-8-8-5) to register with a local law enforcement authority under IC 11-8-8;

(B) prohibit a parolee who is a sex offender from residing within one thousand (1,000) feet of school property (as defined in IC 35-31.5-2-285) for the period of parole, unless the sex offender obtains written approval from the parole board;

(C) prohibit a parolee who is a sex offender convicted of a sex offense (as defined in IC 35-38-2-2.5) from residing within one (1) mile of the victim of the sex offender's sex offense unless the sex offender obtains a waiver under IC 35-38-2-2.5;

(D) prohibit a parolee who is a sex offender from owning, operating, managing, being employed by, or volunteering at any attraction designed to be primarily enjoyed by children less than sixteen (16) years of age;

(E) require a parolee who is a sex offender to consent:

(i) to the search of the sex offender's personal computer at any time; and

(ii) to the installation on the sex offender's personal computer or device with Internet capability, at the sex offender's expense, of one (1) or more hardware or software systems to monitor Internet usage; and

(F) prohibit the sex offender from:

(i) accessing or using certain web sites, chat rooms, or instant messaging programs frequented by children; and

(ii) deleting, erasing, or tampering with information on the sex offender's personal computer with intent to conceal an activity prohibited by item (i).

The parole board may not grant a sexually violent predator (as defined in IC 35-38-1-7.5) or a sex offender who is an offender against children under IC 35-42-4-11 a waiver under subdivision (2)(B) or (2)(C). If the parole board allows the sex offender to reside within one thousand (1,000) feet of school property under subdivision (2)(B), the parole board shall notify each school within one thousand (1,000) feet of the sex offender's residence of the order.

(h) The address of the victim of a parolee who is a sex offender convicted of a sex offense (as defined in IC 35-38-2-2.5) is confidential, even if the sex offender obtains a waiver under IC 35-38-2-2.5.

(i) As a condition of parole, the parole board may require a parolee to participate in a reentry court program.

(j) As a condition of parole, the parole board:

(1) shall require a parolee who is a sexually violent predator under IC 35-38-1-7.5; and

(2) may require a parolee who is a sex or violent offender (as defined in IC 11-8-8-5);

to wear a monitoring device (as described in IC 35-38-2.5-3) that can transmit information twenty-four (24) hours each day regarding a person's precise location, subject to the amount appropriated to the department for a monitoring program as a condition of parole.

(k) As a condition of parole, the parole board may prohibit, in accordance with IC 35-38-2-2.6, a parolee who has been convicted of stalking from residing within one thousand (1,000) feet of the residence of the victim of the stalking for a period that does not exceed five (5) years.

(l) As a condition of parole, the parole board may prohibit a parolee convicted of an offense under IC 35-46-3 from owning, harboring, or training an animal, and, if the parole board prohibits a parolee convicted of an offense under IC 35-46-3 from having direct or indirect contact with an individual, the parole board may also prohibit the parolee from having direct or indirect contact with any animal belonging to the individual.

(m) As a condition of parole, the parole board may require a parolee to receive:

(1) addiction counseling;

(2) inpatient detoxification; and

(3) medication assisted treatment, including Vivitrol or a similar substance, for alcohol or opioid treatment.

~~(m)~~ **(n)** A parolee may be responsible for the reasonable expenses, as determined by the department, of the parolee's participation in a treatment or other program required as a condition of parole under this section. However, a person's parole may not be revoked solely on the basis of the person's inability to pay for a program required as a condition of parole under this section.".

Page 8, line 35, delete "Felony" and insert "**Criminal**".

Page 8, line 38, delete "a felony" and insert "**an offense**".

Page 9, line 16, delete "." and insert "**and constitutes a formal waiver of Criminal Rule 4 concerning discharge for delay in criminal trials.**".

Page 10, line 27, delete "Subject to subsection (b), if" and insert "**If**".

Page 10, delete lines 31 through 33.

Page 10, line 34, delete "(c)" and insert "**(b)**".

Page 10, line 39, delete "resumed," and insert "**resumed and the individual subsequently completes the treatment program,**".

Page 11, line 8, delete "Felony" and insert "**Criminal**".

Page 11, line 17, after "probation" insert "**, subject to any mandatory minimum sentence imposed on the individual,**".

Page 14, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 23. IC 12-23-18-7, AS ADDED BY P.L.131-2014, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) The division shall adopt rules under IC 4-22-2 to establish standards and protocols for opioid treatment programs to do the following:

(1) Assess new opioid treatment program patients to determine the most effective opioid treatment medications to start the patient's opioid treatment.

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

(3) Have appropriate opioid treatment program patients who are receiving methadone for opioid treatment move to receiving other approved opioid treatment medications.

(b) An opioid treatment program shall follow the standards and protocols adopted under subsection (a) for each opioid treatment program patient.

(c) Subject to subsection (a), an opioid treatment program may use any of the following medications as an alternative for methadone for opioid treatment:

(1) Buprenorphine.

(2) Buprenorphine combination products containing naloxone.

(3) Naltrexone, Vivitrol, or a similar substance.

~~(3)~~ **(4)** Any other medication that has been approved by:

(A) the federal Food and Drug Administration for use in the treatment of opioid addiction; and

(B) the division under subsection (e).

(d) Before starting a patient on a new opioid treatment medication, the opioid treatment program shall explain to the patient the potential side effects of the new medication.

(e) The division may adopt rules under IC 4-22-2 to provide for other medications, **including Vivitrol or a similar substance,** as alternatives to methadone that may be used under subsection (a).".

Page 15, delete lines 6 through 17.

Page 18, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 29. IC 31-37-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. A child commits a delinquent act if, before becoming eighteen (18) years of age, the child leaves home **or a specific location previously designated by the child's parent, guardian, or custodian:**

(1) without reasonable cause; and

(2) without permission of the parent, guardian, or custodian, who requests the child's return.".

Page 18, delete lines 20 through 42, begin a new paragraph and insert:

"SECTION 32. IC 31-37-22-5 IS REPEALED [EFFECTIVE JANUARY 1, 2016]. ~~Sec. 5. If:~~

~~(1) a child is placed in a shelter care facility or other place of residence as part of a court order with respect to a delinquent act under IC 31-37-2-2;~~

~~(2) the child received a written warning of the consequences of a violation of the placement at the hearing during which the placement was ordered;~~

~~(3) the issuance of the warning was reflected in the records of the hearing;~~

~~(4) the child is not held in a juvenile detention facility for more than twenty-four (24) hours, excluding Saturdays, Sundays, and legal holidays, before the hearing at which it is determined that the child violated that part of the order concerning the child's placement in a shelter care facility or other place of residence; and~~

~~(5) the child's mental and physical condition may be endangered if the child is not placed in a secure facility;~~

~~the juvenile court may modify its disposition order with respect to the delinquent act and place the child in a public or private facility for children under section 7 of this chapter.~~

SECTION 33. IC 31-37-22-6 IS REPEALED [EFFECTIVE JANUARY 1, 2016]. ~~Sec. 6. If:~~

~~(1) a child fails to comply with IC 20-33-2 concerning compulsory school attendance as part of a court order with respect to a delinquent act under IC 31-37-2-3 (or IC 31-6-4-1(a)(3) before its repeal);~~

~~(2) the child received a written warning of the consequences of a violation of the court order;~~

~~(3) the issuance of the warning was reflected in the records of the hearing;~~

~~(4) the child is not held in a juvenile detention facility for more than twenty-four (24) hours, excluding Saturdays, Sundays, and legal holidays, before the hearing at which it is determined that the child violated that part of the order concerning the child's school attendance; and~~

~~(5) the child's mental and physical condition may be endangered if the child is not placed in a secure facility;~~

~~the juvenile court may modify its disposition order with respect~~

~~to the delinquent act and place the child in a public or private facility for children under section 7 of this chapter.~~

SECTION 34. IC 31-37-22-7 IS REPEALED [EFFECTIVE JANUARY 1, 2016]. ~~Sec. 7. (a) If the juvenile court modifies its disposition order under section 5 or 6 of this chapter, the court may order the child placed under one (1) of the following alternatives:~~

~~(1) In a nonlocal secure private facility licensed under the laws of any state. Placement under this alternative includes authorization to control and discipline the child.~~

~~(2) In a local secure private facility licensed under Indiana law. Placement under this alternative includes authorization to control and discipline the child.~~

~~(3) In a local secure public facility.~~

~~(4) In a local alternative facility approved by the juvenile court.~~

~~(5) As a ward of the department of correction for housing in any correctional facility for children. Wardship under this alternative does not include the right to consent to the child's adoption. However, without a determination of unavailable housing by the department of correction, a child found to be subject to section 5 or 6 of this chapter and placed in a secure facility of the department of correction may not be housed with any child found to be delinquent under any other provision of this article.~~

~~(b) If the juvenile court places a child under subsection (a)(3) or (a)(4):~~

~~(1) the length of the placement may not exceed thirty (30) days; and~~

~~(2) the juvenile court shall order specific treatment of the child designated to eliminate the child's disobedience of the court's order of placement.~~

~~(c) The juvenile court shall retain jurisdiction over any placement under this section (or IC 31-6-7-16(d) before its repeal) and shall review each placement every three (3) months to determine whether placement in a secure facility remains appropriate.~~

SECTION 35. IC 33-23-16-24.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 24.5. A problem solving court may require an individual participating in a problem solving court to receive:**

(1) addiction counseling;

(2) inpatient detoxification; and

(3) medication assisted treatment, including Vivitrol or a similar substance, for alcohol or opioid treatment.

SECTION 36. IC 33-37-8-4, AS AMENDED BY P.L.229-2011, SECTION 263, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) Except as provided in subsection (b), upon receipt of monthly claims submitted on oath to the fiscal body by a program listed in section 3(b) of this chapter, the fiscal body of the city or town shall appropriate from the city or town fund to the program the amount collected for the program fee under IC 33-37-5.

(b) Funds derived from a deferral program or a pretrial diversion program may be disbursed only by the adoption of an ordinance appropriating the funds for one (1) or more of the following purposes:

(1) Personnel expenses related to the operation of the program.

(2) Special training for:

(A) a prosecuting attorney;

(B) a deputy prosecuting attorney;

(C) support staff for a prosecuting attorney or deputy prosecuting attorney; or

(D) a law enforcement officer.

(3) Employment of a deputy prosecutor or prosecutorial support staff.

(4) Victim assistance.

(5) Electronic legal research.

(6) Office equipment, including computers, computer software, communication devices, office machinery, furnishings, and office supplies.

(7) Expenses of a criminal investigation and prosecution.

(8) An activity or program operated by the prosecuting attorney that is intended to reduce or prevent criminal activity, including:

(A) substance abuse;

(B) child abuse;

(C) domestic violence;

(D) operating while intoxicated; and

(E) juvenile delinquency.

(9) The provision of evidence based mental health and addiction, autism, and co-occurring autism and mental illness forensic treatment services to reduce the risk of recidivism in a program administered or coordinated by a provider certified by the division of mental health and addiction with expertise in providing evidence based forensic treatment services.

~~(9)~~ **(10)** Any other purpose that benefits the office of the prosecuting attorney or law enforcement and that is agreed upon by the county fiscal body and the prosecuting attorney.

(c) Funds described in subsection (b) may be used only in accordance with guidelines adopted by the prosecuting attorneys council under IC 33-39-8-5.

SECTION 37. IC 33-37-8-6, AS AMENDED BY P.L.229-2011, SECTION 264, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) Except as provided in subsection (b), upon receipt of monthly claims submitted on oath to the fiscal body by a program listed in section 5(b) of this chapter, the county fiscal body shall appropriate from the county fund to the program or fund the amount collected for the program under IC 33-37-5.

(b) Funds derived from a deferral program or a pretrial diversion program may be disbursed only by the adoption of an ordinance appropriating the funds for one (1) or more of the following purposes:

(1) Personnel expenses related to the operation of the program.

(2) Special training for:

(A) a prosecuting attorney;

(B) a deputy prosecuting attorney;

(C) support staff for a prosecuting attorney or deputy prosecuting attorney; or

(D) a law enforcement officer.

(3) Employment of a deputy prosecutor or prosecutorial support staff.

(4) Victim assistance.

(5) Electronic legal research.

(6) Office equipment, including computers, computer software, communication devices, office machinery, furnishings, and office supplies.

(7) Expenses of a criminal investigation and prosecution.

(8) An activity or program operated by the prosecuting attorney that is intended to reduce or prevent criminal activity, including:

(A) substance abuse;

(B) child abuse;

(C) domestic violence;

(D) operating while intoxicated; and

(E) juvenile delinquency.

(9) The provision of evidence based mental health and addiction, autism, and co-occurring autism and mental illness forensic treatment services to reduce the risk of recidivism in a program administered or coordinated by a provider certified by the division of mental health and addiction with expertise in providing evidence based forensic treatment services.

~~(9)~~ **(10)** Any other purpose that benefits the office of the

prosecuting attorney or law enforcement and that is agreed upon by the county fiscal body and the prosecuting attorney.

(c) Funds described in subsection (b) may be used only in accordance with guidelines adopted by the prosecuting attorneys council under IC 33-39-8-5.

SECTION 38. IC 33-39-1-8, AS AMENDED BY P.L.168-2014, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) After June 30, 2005, this section does not apply to a person who:

(1) holds a commercial driver's license; and

(2) has been charged with an offense involving the operation of a motor vehicle in accordance with the federal Motor Carrier Safety Improvement Act of 1999 (MCSIA) (Public Law 106-159.113 Stat. 1748).

(b) This section does not apply to a person arrested for or charged with:

(1) an offense under IC 9-30-5-1 through IC 9-30-5-5; or

(2) if a person was arrested or charged with an offense under IC 9-30-5-1 through IC 9-30-5-5, an offense involving:

(A) intoxication; or

(B) the operation of a vehicle;

if the offense involving intoxication or the operation of a vehicle was part of the same episode of criminal conduct as the offense under IC 9-30-5-1 through IC 9-30-5-5.

(c) This section does not apply to a person:

(1) who is arrested for or charged with an offense under:

(A) IC 7.1-5-7-7, if the alleged offense occurred while the person was operating a motor vehicle;

(B) IC 9-30-4-8(a), if the alleged offense occurred while the person was operating a motor vehicle;

(C) IC 35-44.1-2-13(b)(1); or

(D) IC 35-43-1-2(a), if the alleged offense occurred while the person was operating a motor vehicle; and

(2) who held a probationary license (as defined in IC 9-24-11-3.3(b)) and was less than eighteen (18) years of age at the time of the alleged offense.

(d) A prosecuting attorney may withhold prosecution against an accused person if:

(1) the person is charged with a misdemeanor, a Level 6 felony, or a Level 5 felony;

(2) the person agrees to conditions of a pretrial diversion program offered by the prosecuting attorney;

(3) the terms of the agreement are recorded in an instrument signed by the person and the prosecuting attorney and filed in the court in which the charge is pending; and

(4) the prosecuting attorney electronically transmits information required by the prosecuting attorneys council concerning the withheld prosecution to the prosecuting attorneys council, in a manner and format designated by the prosecuting attorneys council.

(e) An agreement under subsection (d) may include conditions that the person:

(1) pay to the clerk of the court an initial user's fee and monthly user's fees in the amounts specified in IC 33-37-4-1;

(2) work faithfully at a suitable employment or faithfully pursue a course of study or career and technical education that will equip the person for suitable employment;

(3) undergo available medical treatment or counseling and remain in a specified facility required for that purpose, **including:**

(A) addiction counseling;

(B) inpatient detoxification; and

(C) medication assisted treatment, including Vivitrol or a similar substance, for alcohol or opioid treatment;

(4) receive evidence based mental health and addiction, autism, and co-occurring autism and mental illness forensic treatment services to reduce the risk of recidivism;

~~(4)~~ **(5)** support the person's dependents and meet other family responsibilities;

~~(5)~~ **(6)** make restitution or reparation to the victim of the crime for the damage or injury that was sustained;

~~(6)~~ **(7)** refrain from harassing, intimidating, threatening, or having any direct or indirect contact with the victim or a witness;

~~(7)~~ **(8)** report to the prosecuting attorney at reasonable times;

~~(8)~~ **(9)** answer all reasonable inquiries by the prosecuting attorney and promptly notify the prosecuting attorney of any change in address or employment; and

~~(9)~~ **(10)** participate in dispute resolution either under IC 34-57-3 or a program established by the prosecuting attorney.

(f) An agreement under subsection (d)(2) may include other provisions reasonably related to the defendant's rehabilitation, if approved by the court.

(g) The prosecuting attorney shall notify the victim when prosecution is withheld under this section.

(h) All money collected by the clerk as user's fees under this section shall be deposited in the appropriate user fee fund under IC 33-37-8.

(i) If a court withholds prosecution under this section and the terms of the agreement contain conditions described in subsection ~~(c)(6).~~ **(e)(7):**

(1) the clerk of the court shall comply with IC 5-2-9; and

(2) the prosecuting attorney shall file a confidential form prescribed or approved by the division of state court administration with the clerk.".

Delete pages 19 through 21.

Page 22, delete lines 1 through 23.

Page 24, delete lines 22 through 42, begin a new paragraph and insert:

"SECTION 42. IC 34-30-2-148.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 148.6. IC 35-36-12-7 (Concerning a court appointed special advocate, an employee of a county court appointed special advocate, or a volunteer for a court appointed special advocate program for good faith performance of duties relating to assistance of a person with an intellectual disability or an autism spectrum disorder).**

SECTION 43. IC 35-31.5-2-68.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 68.5. "Court appointed special advocate" means a community volunteer who:**

(1) has completed a training program approved by the court that includes training in:

(A) the development of a person with an intellectual disability (as defined in IC 11-12-3.7-4.5) or an autism spectrum disorder (as defined in IC 11-12-3.7-2.5); and

(B) evidence based treatment and counseling programs for a person with an intellectual disability or an autism spectrum disorder;

(2) has been appointed by a court to assist a person with an intellectual disability or an autism spectrum disorder who has been charged with a criminal offense; and

(3) may research, examine, advocate, facilitate, and monitor the situation of a person with an intellectual disability or an autism spectrum disorder who has been charged with a criminal offense.

SECTION 44. IC 35-36-12 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2015]:

Chapter 12. Court Appointed Special Advocate for Persons With Intellectual Disabilities or Autism Spectrum Disorders

Sec. 1. A court may appoint a court appointed special advocate at any time to assist a person with an intellectual disability or an autism spectrum disorder who has been charged with a criminal offense.

Sec. 2. A court appointed special advocate shall assist the person with an intellectual disability or an autism spectrum disorder to whom the advocate has been appointed.

Sec. 3. A court appointed special advocate may recommend to the court treatment programs and other services that may reduce recidivism and are available to the person with an intellectual disability or an autism spectrum disorder.

Sec. 4. A court appointed special advocate serves until the court enters an order for removal.

Sec. 5. The court appointed special advocate is considered an officer of the court for the purpose of assisting the person with an intellectual disability or an autism spectrum disorder.

Sec. 6. A court appointed special advocate appointed by a court under this chapter may continue to assist the person with an intellectual disability or an autism spectrum disorder while the person is undergoing treatment or serving the person's sentence, if applicable.

Sec. 7. Except for gross misconduct:

(1) a court appointed special advocate;

(2) an employee of a county court appointed special advocate program; and

(3) a volunteer for a court appointed special advocate program;

who performs in good faith duties relating to assistance of a person with an intellectual disability or an autism spectrum disorder is immune from any civil liability that may occur as a result of that person's performance.

Sec. 8. The court may order the person assisted by the court appointed special advocate to pay a user fee to the:

(1) court appointed special advocate program; or

(2) individual who served as a court appointed special advocate;

for the services provided under this chapter.

Sec. 9. The court shall establish one (1) of the following procedures to be used to collect the user fee:

(1) The court may order the person with an intellectual disability or an autism spectrum disorder to pay the user fee to the court appointed special advocate program that provided the services.

(2) The court may order the person with an intellectual disability or an autism spectrum disorder to pay the user fee to the individual court appointed special advocate that provided the services.

Sec. 10. If the court orders the person with an intellectual disability or an autism spectrum disorder to pay a user fee under this chapter, the program or the individual shall report to the court the receipt of payment not later than thirty (30) days after receiving the payment.".

Delete page 25.

Page 26, delete lines 1 through 12, begin a new paragraph and insert:

"SECTION 45. IC 35-38-2-2.3, AS AMENDED BY P.L.13-2013, SECTION 138, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2.3. (a) As a condition of probation, the court may require a person to do a combination of the following:

(1) Work faithfully at suitable employment or faithfully pursue a course of study or career and technical education that will equip the person for suitable employment.

(2) Undergo available medical or psychiatric treatment and remain in a specified institution if required for that purpose.

(3) Attend or reside in a facility established for the instruction, recreation, or residence of persons on probation.

(4) Participate in a treatment program, educational class, or rehabilitative service provided by a probation department or by referral to an agency.

(5) Support the person's dependents and meet other family responsibilities.

(6) Make restitution or reparation to the victim of the crime for damage or injury that was sustained by the victim. When restitution or reparation is a condition of probation, the court shall fix the amount, which may not exceed an amount the person can or will be able to pay, and shall fix the manner of performance.

(7) Execute a repayment agreement with the appropriate governmental entity to repay the full amount of public relief or assistance wrongfully received, and make repayments according to a repayment schedule set out in the agreement.

(8) Pay a fine authorized by IC 35-50.

(9) Refrain from possessing a firearm or other deadly weapon unless granted written permission by the court or the person's probation officer.

(10) Report to a probation officer at reasonable times as directed by the court or the probation officer.

(11) Permit the person's probation officer to visit the person at reasonable times at the person's home or elsewhere.

(12) Remain within the jurisdiction of the court, unless granted permission to leave by the court or by the person's probation officer.

(13) Answer all reasonable inquiries by the court or the person's probation officer and promptly notify the court or probation officer of any change in address or employment.

(14) Perform uncompensated work that benefits the community.

(15) Satisfy other conditions reasonably related to the person's rehabilitation.

(16) Undergo home detention under IC 35-38-2.5.

(17) Undergo a laboratory test or series of tests approved by the state department of health to detect and confirm the presence of the human immunodeficiency virus (HIV) antigen or antibodies to the human immunodeficiency virus (HIV), if:

(A) the person had been convicted of an offense relating to a criminal sexual act and the offense created an epidemiologically demonstrated risk of transmission of the human immunodeficiency virus (HIV); or

(B) the person had been convicted of an offense relating to a controlled substance and the offense involved:

(i) the delivery by any person to another person; or

(ii) the use by any person on another person;

of a contaminated sharp (as defined in IC 16-41-16-2) or other paraphernalia that creates an epidemiologically demonstrated risk of transmission of HIV by involving percutaneous contact.

(18) Refrain from any direct or indirect contact with an individual and, if convicted of an offense under IC 35-46-3, any animal belonging to the individual.

(19) Execute a repayment agreement with the appropriate governmental entity or with a person for reasonable costs incurred because of the taking, detention, or return of a missing child (as defined in IC 10-13-5-4).

(20) Periodically undergo a laboratory chemical test (as defined in IC 9-13-2-22) or series of chemical tests as specified by the court to detect and confirm the presence of a controlled substance (as defined in IC 35-48-1-9). The person on probation is responsible for any charges

resulting from a test and shall have the results of any test under this subdivision reported to the person's probation officer by the laboratory.

(21) If the person was confined in a penal facility, execute a reimbursement plan as directed by the court and make repayments under the plan to the authority that operates the penal facility for all or part of the costs of the person's confinement in the penal facility. The court shall fix an amount that:

(A) may not exceed an amount the person can or will be able to pay;

(B) does not harm the person's ability to reasonably be self supporting or to reasonably support any dependent of the person; and

(C) takes into consideration and gives priority to any other restitution, reparation, repayment, or fine the person is required to pay under this section.

(22) Refrain from owning, harboring, or training an animal.

(23) Participate in a reentry court program.

(24) Receive:

(A) addiction counseling;

(B) inpatient detoxification; and

(C) medication assisted treatment, including Vivitrol or a similar substance, for alcohol or opioid treatment.

(b) When a person is placed on probation, the person shall be given a written statement specifying:

(1) the conditions of probation; and

(2) that if the person violates a condition of probation during the probationary period, a petition to revoke probation may be filed before the earlier of the following:

(A) One (1) year after the termination of probation.

(B) Forty-five (45) days after the state receives notice of the violation.

(c) As a condition of probation, the court may require that the person serve a term of imprisonment in an appropriate facility at the time or intervals (consecutive or intermittent) within the period of probation the court determines.

(d) Intermittent service may be required only for a term of not more than sixty (60) days and must be served in the county or local penal facility. The intermittent term is computed on the basis of the actual days spent in confinement and shall be completed within one (1) year. A person does not earn credit time while serving an intermittent term of imprisonment under this subsection. When the court orders intermittent service, the court shall state:

(1) the term of imprisonment;

(2) the days or parts of days during which a person is to be confined; and

(3) the conditions.

(e) Supervision of a person may be transferred from the court that placed the person on probation to a court of another jurisdiction, with the concurrence of both courts. Retransfers of supervision may occur in the same manner. This subsection does not apply to transfers made under IC 11-13-4 or IC 11-13-5.

(f) When a court imposes a condition of probation described in subsection (a)(18):

(1) the clerk of the court shall comply with IC 5-2-9; and

(2) the prosecuting attorney shall file a confidential form prescribed or approved by the division of state court administration with the clerk.

(g) As a condition of probation, a court shall require a person:

(1) convicted of an offense described in IC 10-13-6-10;

(2) who has not previously provided a DNA sample in accordance with IC 10-13-6; and

(3) whose sentence does not involve a commitment to the department of correction;

to provide a DNA sample as a condition of probation.

(h) If a court imposes a condition of probation described in subsection (a)(4), the person on probation is responsible for any costs resulting from the participation in a program, class, or service. Any costs collected for services provided by the probation department shall be deposited in the county or local supplemental adult services fund.".

Page 28, line 40, reset in roman "is nonsuspendible.".

Page 28, line 40, after "nonsuspendible." insert "**However, a court may suspend a sentence under this subsection during the time the habitual offender is participating in a court approved substance abuse treatment program. If the habitual offender successfully completes the treatment program, the time the habitual offender spent in the treatment program shall be deducted from the habitual offender's additional fixed term of imprisonment.**".

Page 28, delete lines 41 through 42.

Renumber all SECTIONS consecutively.

(Reference is to HB 1304 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

WASHBURNE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1372, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 3-7-29-1, AS AMENDED BY P.L.64-2014, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) Except as provided in subsection (f), this section does not apply to a county that:

(1) has adopted an order under ~~section 6~~ **section 6(a)(1)** of this chapter; or

(2) is a vote center county under IC 3-11-18.1.

(b) Not later than ten (10) days before the election at which the registration record is to be used, the county voter registration office shall prepare certified copies of the list of registered voters for each precinct in the county.

(c) The lists must contain the following information concerning each registered voter:

(1) The full name of the voter.

(2) The address of the voter.

(3) The assigned voter identification number.

(4) Whether the voter is required to provide additional identification before voting either in person or by absentee ballot.

(5) The date of birth of the voter, including an indication whether the voter is less than eighteen (18) years of age for a poll list used in a primary election.

(6) The scanned signature of the voter.

(7) Whether the voter is required to provide an affirmation of the voter's residence.

(8) A bar code that allows the county voter registration office to efficiently record whether the voter has signed the poll list.

(9) For a poll list used in a primary election, a letter abbreviation of the name of the major political party whose ballot the voter has requested.

(10) A space for a poll clerk to indicate when a voter has cast an absentee ballot.

(11) A space for a poll clerk to indicate when a voter has cast a provisional ballot.

(12) For a voter required to submit additional documentation required under IC 3-7-33-4.5, a space for

a poll clerk to insert letters serving as an abbreviation for the type of documentation provided by the voter.

(d) The names shall be arranged in the same order as they are in the registration record of the precinct.

(e) The poll list must also contain a statement at the top of each page indicating that an individual who knowingly makes a false statement:

(1) by signing a poll list; or

(2) on a poll list concerning the individual's name, voter identification number, or residence address;

commits a Level 6 felony as provided by IC 3-14-2-11.

(f) This subsection applies to a county that has adopted an order under ~~section 6~~ **section 6(a)(1)** of this chapter or is a vote center county under IC 3-11-18.1. The precinct election board shall post in a location within the precinct or vote center a notice that:

(1) is clearly visible to an individual (or to an individual providing assistance under IC 3-11-9) who is providing information to a precinct election officer using an electronic poll book; and

(2) indicates that an individual commits a Level 6 felony under IC 3-14-2-11, if the individual knowingly makes a false statement to a precinct election officer concerning:

(A) the individual's name;

(B) the individual's voter identification number; or

(C) the individual's residence address.

SECTION 2. IC 3-7-29-2, AS AMENDED BY P.L.271-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) This section does not apply to a county that:

(1) has adopted an order under ~~section 6~~ **section 6(a)(1)** of this chapter; or

(2) is a vote center county under IC 3-11-18.1.

(b) After the county election board receives a request from the county chairman of a major political party, not more than two (2) copies of the list required by this chapter shall be prepared and furnished to the inspector of the precinct for use at the polls on election day. The inspector may provide a list furnished under this section to any other precinct officer.

SECTION 3. IC 3-7-29-3, AS AMENDED BY P.L.258-2013, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) This section does not apply to a county that:

(1) has adopted an order under ~~section 6~~ **section 6(a)(1)** of this chapter; or

(2) is a vote center county under IC 3-11-18.1.

(b) When the inspector of a precinct procures the ballots and other election supplies for an election, the inspector shall also procure from the county voter registration office the certified copies of the registration record of the precinct with the information required under section 1 of this chapter and other necessary registration supplies.

SECTION 4. IC 3-7-29-4, AS AMENDED BY P.L.64-2014, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) This section does not apply to a county that:

(1) has adopted an order under ~~section 6~~ **section 6(a)(1)** of this chapter; or

(2) is a vote center county under IC 3-11-18.1.

(b) The county voter registration office may also provide the inspector of each precinct in the county with a scanned copy of the signature on the affidavit of registration (or a more recent signature of the voter from an absentee application, poll list, or registration document) of each voter of the precinct for the comparison of signatures under IC 3-10-1-24.6 or IC 3-11-8-25.1.

SECTION 5. IC 3-7-29-6, AS AMENDED BY P.L.64-2014, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) ~~If~~ A county election board ~~adopts~~ **may adopt** an order to provide an electronic poll book to the inspector for use at ~~a~~ **the following:**

(1) Polling places, an office of the circuit court clerk (under IC 3-11-10-26), ~~or~~ **and** at ~~a~~ satellite ~~office~~ **offices** established under IC 3-11-10-26.3. Electronic poll books shall be used at an election (rather than certified poll lists prepared under this chapter) in all precincts in which the election is to be conducted.

(2) Only at an office of the circuit court clerk (under IC 3-11-10-26) and satellite offices established under IC 3-11-10-26.3.

(b) An order adopted under subsection (a) must require the use of an electronic signature (as defined in IC 26-2-8-102) to sign an electronic poll book at an election (rather than requiring voters to sign certified poll lists prepared under this chapter) **at each location that an electronic poll book is used.**

(c) The county voter registration office shall download the information required to be available on an electronic poll book before the electronic poll list is delivered and installed as required by IC 3-11-3-11(b).

(d) An electronic poll book used ~~in a polling place, the office of a circuit court clerk under IC 3-11-10-26, or a satellite office established under IC 3-11-10-26.3,~~ under an order adopted under subsection (a) must:

(1) comply with IC 3-11-8-10.3; and

(2) be approved by the secretary of state in accordance with the procedures set forth in IC 3-11-18.1-12.

SECTION 6. IC 3-7-39-7, AS AMENDED BY P.L.64-2014, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) This section applies to a voter who changes residence to an address in the same precinct where the voter's former residence was located.

(b) As required under ~~42 U.S.C. 1973gg-6(e)(1),~~ **52 U.S.C. 20507(e)(1),** a voter described in subsection (a) may vote at the precinct polling place after the voter makes an oral or a written affirmation of the change of address before a member of the precinct election board.

(c) A person entitled to make a written affirmation under subsection (b) may make an oral affirmation. The person must make the oral affirmation before the poll clerks of the precinct. After the person makes an oral affirmation under this subsection, the poll clerks shall:

(1) reduce the substance of the affirmation to writing at an appropriate location on the poll list; and

(2) initial the affirmation.

(d) This subsection applies to a county that has adopted an order under ~~IC 3-7-29-6~~ **IC 3-7-29-6(a)(1)** or is a vote center county under IC 3-11-18.1. A voter described in subsection (a) may make a written affirmation of the voter's change of residence on election day using the affidavit prescribed by the commission under IC 3-10-11-6. If the voter makes an oral affirmation under this subsection, the poll clerks shall reduce the substance of the affirmation to writing using the affidavit prescribed by the commission under IC 3-10-11-6 and initial the affirmation.

SECTION 7. IC 3-7-41-2, AS AMENDED BY P.L.64-2014, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) The statement described in section 1 of this chapter may be filed with the county voter registration office at any time.

(b) A voter who wishes to indicate that the voter's name has changed may also write the necessary information concerning the name change on the poll list under IC 3-11-8-25.1 before the person receives a ballot. The change of name on the voter registration record is effective immediately, and the person may then vote if otherwise qualified.

(c) This subsection applies to a county that has adopted an order under ~~IC 3-7-29-6~~ **IC 3-7-29-6(a)(1)** or is a vote center county under IC 3-11-18.1. A voter described in subsection (b) may indicate that the voter's name has changed by writing the necessary information concerning the name change on election

day using the affidavit prescribed by the commission under IC 3-10-11-6. The poll clerks shall initial the affirmation. The change of name on the voter registration record is effective immediately, and the person may then vote if otherwise qualified.

SECTION 8. IC 3-7-48-5, AS AMENDED BY P.L.64-2014, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) This section applies to a voter who:

(1) formerly resided in a precinct according to the voter registration record; and

(2) no longer resides in that precinct according to the voter registration record.

(b) As provided under ~~42 U.S.C. 1973gg-6(e)(3),~~ **52 U.S.C. 20507(e)(3),** a voter described by subsection (a) may vote in the precinct where the voter formerly resided (according to the voter registration record) if the voter makes an oral or a written affirmation to a member of the precinct election board that the voter continues to reside at the address shown as the voter's former residence on the voter registration record.

(c) A person entitled to make a written affirmation under subsection (b) may make an oral affirmation. The person must make the oral affirmation before the poll clerks of the precinct. After the person makes an oral affirmation under this subsection, the poll clerks shall:

(1) reduce the substance of the affirmation to writing at an appropriate location on the poll list; and

(2) initial the affirmation.

(d) This subsection applies to a county that has adopted an order under ~~IC 3-7-29-6~~ **IC 3-7-29-6(a)(1)** or is a vote center county under IC 3-11-18.1. A voter described in subsection (a) may make a written affirmation described in this section on the affidavit prescribed by the commission under IC 3-10-11-6. If the person makes an oral affirmation under this subsection, the poll clerks shall reduce the substance of the affirmation to writing by using the affidavit prescribed by the commission under IC 3-10-11-6 and initial the affirmation.".

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

"SECTION 10. IC 3-10-1-7.1, AS AMENDED BY P.L.76-2014, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7.1. (a) This subsection does not apply to a county in which electronic poll books are used under ~~IC 3-7-29-6~~ **IC 3-7-29-6(a)(1)** or IC 3-11-18.1. Each county election board shall furnish the inspector of each precinct for use on primary election day a certified copy under IC 3-7-29 of the list of all voters registered to vote in the precinct.

(b) This subsection does not apply to a county in which electronic poll books are used under ~~IC 3-7-29-6~~ **IC 3-7-29-6(a)(1)** or IC 3-11-18.1. The county voter registration office may also provide the inspector of each precinct in the county a certified photocopy of the signature on the affidavit or form of registration of each voter of the precinct for the comparison of signatures under section 24.6 of this chapter.

(c) If the name of a person offering to vote at the primary is in the registration record or listed in the certified copy prepared for the precinct or the electronic poll list, it is sufficient evidence of the person's right to vote unless the person is challenged.".

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

"SECTION 12. IC 3-11-3-11, AS AMENDED BY P.L.76-2014, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11. (a) Except as provided in subsection (b), the county election board shall deliver the following to each inspector or the inspector's representative:

(1) The supplies provided for the inspector's precinct by the election division.

(2) The sample ballots, the ballot labels, if any, and all poll lists, registration lists, and other supplies considered necessary to conduct the election in the inspector's precinct.

(3) The ballots printed under the direction of the county election board as follows:

(A) In those precincts where ballot card voting systems are to be used, the number of ballots at least equal to one hundred percent (100%) of the number of voters in the inspector's precinct, according to the poll list.

(B) In those precincts where electronic voting systems are to be used, the number of ballots that will be required to be printed and furnished to the precincts for emergency purposes only.

(C) Provisional ballots in the number considered necessary by the county election board.

(4) Twenty (20) ink pens suitable for printing the names of write-in candidates on the ballot or ballot envelope.

(5) Copies of the voter's bill of rights for posting as required by ~~42 U.S.C. 15482.~~ **52 U.S.C. 21082.**

(6) Copies of the instructions for a provisional voter required by ~~42 U.S.C. 15482.~~ **52 U.S.C. 21082.** The county election board shall provide at least the number of copies of the instructions as the number of provisional ballots provided under subdivision (3).

(7) Copies of the notice for posting as required by IC 3-7-29-1(f).

(8) The blank voter registration applications required to be provided under IC 3-7-48-7(b).

(b) This subsection applies to a county that:

(1) has adopted an order under ~~IC 3-7-29-6;~~ **IC 3-7-29-6(a)(1);** or

(2) is a vote center county under IC 3-11-18.1.

The county election board shall deliver and install the hardware, firmware, and software necessary to use an electronic poll book in each precinct or vote center.

SECTION 13. IC 3-11-3-16, AS AMENDED BY P.L.64-2014, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 16. (a) Except as provided in subsection (b), each county election board shall prepare and have delivered to the inspectors of the precincts, at the time they receive the ballots for their precincts, a suitable number of voter registration lists certified under IC 3-7-29 and any other forms, papers, certificates, and oaths that are required to be furnished to precinct election boards. The forms and papers must be prepared in compliance with IC 3-5-4-8.

(b) In a county described by ~~IC 3-7-29-6~~ **IC 3-7-29-6(a)(1)** or IC 3-11-18.1, the electronic poll books shall be delivered and installed for use by the county election board under section 11(b) of this chapter.

(c) The county voter registration office shall cooperate with the county election board in the preparation of the lists certified under IC 3-7-29 (or in the use of the electronic poll books).".

Page 8, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 18. IC 3-11-8-10.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 10.4. (a) This section applies to a county if the county election board has adopted an order under IC 3-7-29-6(a)(2) for the use of electronic poll books only at an office of the circuit court clerk and satellite offices established under IC 3-11-10-26.3.**

(b) Notwithstanding section 10.3 of this chapter, the county election board is not required to do either of the following:

(1) Transmit information electronically from electronic poll books to precincts on election day.

(2) Generate reports for watchers, political parties, or independent candidates for election day.".

Page 13, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 23. IC 3-11.5-4-8, AS AMENDED BY P.L.76-2014, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) This section does not apply to a county that:

(1) has adopted an order to use an electronic poll book under ~~IC 3-7-29-6;~~ **IC 3-7-29-6(a)(1);** or

(2) is a vote center county under IC 3-11-18.1;

if the electronic poll book used at a polling place or vote center is immediately updated to indicate the county received, not later than noon on election day, an absentee ballot from a voter.

(b) Each county election board shall certify the names of voters:

(1) to whom absentee ballots were sent or who marked ballots in person; and

(2) whose ballots have been received by the board under this chapter;

after the certification under section 1 of this chapter and not later than noon on election day.

(c) The county election board shall have:

(1) the certificates described in subsection (b); and

(2) the circuit court clerk's certificates for voters who have registered and voted under IC 3-7-36-14;

delivered to the precinct election boards at their respective polls on election day by couriers appointed under section 22 of this chapter.

(d) The certificates shall be delivered not later than 3 p.m. on election day.

SECTION 24. IC 3-11.5-4-9, AS AMENDED BY P.L.76-2014, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) This section does not apply to a county that:

(1) has adopted an order to use an electronic poll book under ~~IC 3-7-29-6;~~ **IC 3-7-29-6(a)(1);** or

(2) is a vote center county under IC 3-11-18.1;

if the electronic poll book used at a polling place or vote center is immediately updated to indicate that the county received, not later than noon on election day, an absentee ballot from a voter.

(b) Upon delivery of the certificates under section 8 of this chapter to a precinct election board, the inspector shall do the following in the presence of the poll clerks:

(1) Mark the poll list.

(2) Attach the certificates of voters who have registered and voted under IC 3-7-36-14 to the poll list.

The poll clerks shall sign the statement printed on the certificate indicating that the inspector marked the poll list and attached the certificates under this section in the presence of both poll clerks to indicate that the absentee ballot of the voter has been received by the county election board.

(c) The inspector shall then deposit:

(1) the certificate prepared under section 1 of this chapter;

(2) the certificate prepared under section 8 of this chapter; and

(3) any challenge affidavit executed by a qualified person under section 15 of this chapter;

in an envelope in the presence of both poll clerks.

(d) The inspector shall seal the envelope. The inspector and each poll clerk shall then sign a statement printed on the envelope indicating that the inspector or poll clerk has complied with the requirements of this chapter governing the marking of the poll list and certificates.

(e) The couriers shall immediately return the envelope described in subsection (c) to the county election board. Upon delivering the envelope to the county election board, each courier shall sign a statement printed on the envelope indicating that the courier has not opened or tampered with the envelope since the envelope was delivered to the courier.

SECTION 25. IC 3-11.5-4-11, AS AMENDED BY P.L.76-2014, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11. (a) Except as provided in subsection (b), at any time after the couriers return the certificate under section 9 of this chapter, absentee ballot counters appointed under section 22 of this chapter, in the presence of the county election board, shall, except for a ballot rejected under section 13 of this chapter:

(1) open the outer or carrier envelope containing an absentee ballot envelope and application;

(2) announce the absentee voter's name; and

(3) compare the signature upon the application with the signature upon the affidavit on the ballot envelope or transmitted affidavit.

(b) This subsection applies to a county that:

(1) has adopted an order to use an electronic poll book under ~~IC 3-7-29-6;~~ **IC 3-7-29-6(a)(1);** or

(2) is a vote center county under IC 3-11-18.1.

Immediately after the electronic poll books used at each polling place or vote center have been updated to indicate that the county received, not later than noon on election day, an absentee ballot from a voter, the absentee ballot counters shall, in a central counting location designated by the county election board, count the absentee ballot votes cast for each candidate for each office and on each public question in the precinct.

SECTION 26. IC 3-11.5-4-15, AS AMENDED BY P.L.64-2014, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 15. (a) Except as provided in subsection (c), the vote of an absentee voter may be challenged at the polls for the reason that the absentee voter is not a legal voter of the precinct where the ballot is being cast.

(b) Before the inspector prepares to mark the poll list to indicate that an absentee ballot cast by the voter has been received by the county election board according to a certificate delivered to the polls under section 1 or section 8 of this chapter, the inspector shall notify the challengers and the pollbook holders that the inspector is about to mark the poll list under this section. The inspector shall provide the challengers and pollbook holders with the name and address of each voter listed in the certificate so that the voter may be challenged under this article.

(c) This section applies to a county that:

(1) has adopted an order to use an electronic poll list under ~~IC 3-7-29-6;~~ **IC 3-7-29-6(a)(1);** or

(2) is a vote center county under IC 3-11-18.1.

The vote of an absentee ballot may be challenged for the reason that the absentee voter is not a legal voter of the precinct for which the absentee ballot was issued. Before the absentee ballot counters process an absentee ballot, the absentee ballot counters shall notify the county election board. A county election board member, or a representative designated by a county election board member, may challenge the absentee ballot under section 16 of this chapter.

(d) The challenge under this section must be determined using the procedures for counting a provisional ballot under IC 3-11.7.".

Page 13, after line 21, begin a new paragraph and insert:

"SECTION 28. IC 3-11.5-4-22, AS AMENDED BY P.L.76-2014, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 22. (a) Except as provided in subsection (b), each county election board shall appoint:

(1) absentee voter boards;

(2) teams of absentee ballot counters; and

(3) teams of couriers;

consisting of two (2) voters of the county, one (1) from each of the two (2) political parties that have appointed members on the county election board.

(b) Notwithstanding subsection (a), a county election board:

(1) may appoint, by a unanimous vote of the board's members, only one (1) absentee ballot courier if the person appointed is a voter of the county; and

(2) shall not appoint teams of couriers, if the county:

(A) has adopted an order to use an electronic poll book under ~~IC 3-7-29-6;~~ **IC 3-7-29-6(a)(1);** or

(B) is a vote center county under IC 3-11-18.1.

(c) An otherwise qualified person is eligible to serve on an absentee voter board or as an absentee ballot counter or a courier unless the person:

(1) is unable to read, write, and speak the English language;

(2) has any property bet or wagered on the result of the election;

(3) is a candidate to be voted for at the election except as an unopposed candidate for precinct committeeman or state convention delegate; or

(4) is the spouse, parent, father-in-law, mother-in-law, child, son-in-law, daughter-in-law, grandparent, grandchild, brother, sister, brother-in-law, sister-in-law, uncle, aunt, nephew, or niece of a candidate or declared write-in candidate to be voted for at the election except as an unopposed candidate. This subdivision disqualifies a person whose relationship to the candidate is the result of birth, marriage, or adoption.

(d) A person who is a candidate to be voted for at the election or who is related to a candidate in a manner that would result in disqualification under subsection (c) may, notwithstanding subsection (c), serve as a member of an absentee voter board if:

(1) the candidate is seeking nomination or election to an office in an election district that does not consist of the entire county; and

(2) the county election board restricts the duties of the person as an absentee voter board member to performing functions that could have no influence on the casting or counting of absentee ballots within the election district.

SECTION 29. IC 3-11.5-4-24, AS AMENDED BY P.L.76-2014, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 24. (a) This section does not apply to a county that:

(1) has adopted an order to use an electronic poll book under ~~IC 3-7-29-6;~~ **IC 3-7-29-6(a)(1);** or

(2) is a vote center county under IC 3-11-18.1.

(b) In addition to the preparations described in IC 3-11-11-2, IC 3-11-13-27, or IC 3-11-14-16, the inspector shall:

(1) mark the poll list; and

(2) attach the certificates of voters who have registered and voted under IC 3-7-36-14 to the poll list;

in the presence of the poll clerks to indicate the voters of the precinct whose absentee ballots have been received by the county election board according to the certificate supplied under section 1 of this chapter.

(c) The poll clerks shall sign the statement printed on the certificate supplied under section 1 of this chapter indicating that the inspector:

(1) marked the poll list; and

(2) attached the certificates described in subsection (b)(2);

under this section in the presence of both poll clerks.

(d) The inspector shall retain custody of the certificate supplied under section 1 of this chapter until the certificate is returned under section 9 of this chapter.

SECTION 30. IC 3-11.5-5-3, AS AMENDED BY P.L.76-2014, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) Except as provided in subsection (b), immediately after:

(1) the couriers have returned the certificate from a precinct under IC 3-11.5-4-9; and

(2) the absentee ballot counters or the county election board have made the findings required under IC 3-11-10 and IC 3-11.5-4 for the absentee ballots cast by voters of the precinct and deposited the accepted absentee ballots in the envelope required under IC 3-11.5-4-12;

the absentee ballot counters shall, in a central counting location designated by the county election board, count the absentee ballot votes for each candidate for each office and on each public question in the precinct.

(b) This section applies to a county that:

(1) has adopted an order to use an electronic poll book under ~~IC 3-7-29-6;~~ **IC 3-7-29-6(a)(1);** or

(2) is a vote center county under IC 3-11-18.1.

Immediately after the electronic poll books used at each polling place or vote center have been updated to indicate that the county received, not later than noon on election day, an absentee ballot from a voter, the absentee ballot counters shall, in a central counting location designated by the county election board, count the absentee ballot votes cast for each candidate for each office and on each public question in the precinct.

SECTION 31. IC 3-11.5-6-3, AS AMENDED BY P.L.76-2014, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) Except as provided in subsection (b), immediately after:

(1) the couriers have returned the certificate from a precinct under IC 3-11.5-4-9; and

(2) the absentee ballot counters or the county election board has made the findings required under IC 3-11-10 and IC 3-11.5-4 for the absentee ballots cast by voters of the precinct and deposited the accepted absentee ballots in the envelope required under IC 3-11.5-4-12;

the absentee ballot counters shall, in a central counting location designated by the county election board, count the absentee ballot votes for each candidate for each office and on each public question in the precinct with the assistance of any persons required for the operation of the automatic tabulating machine.

(b) This subsection applies to a county that:

(1) has adopted an order to use an electronic poll book under ~~IC 3-7-29-6;~~ **IC 3-7-29-6(a)(1);** or

(2) is a vote center county under IC 3-11-18.1.

Immediately after the electronic poll books used at each polling place or vote center have been updated to indicate that the county received, not later than noon on election day, an absentee ballot from a voter, the absentee ballot counters shall, in a central counting location designated by the county election board, count the absentee ballot votes cast for each candidate for each office and on each public question in the precinct.

SECTION 32. IC 24-5-14-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) This section does not apply to **any of the following** messages:

(1) **Messages** from school districts to students, parents, or employees.

(2) **Messages** to subscribers with whom the caller has a current business or personal relationship. ~~or~~

(3) **Messages** advising employees of work schedules.

(4) Messages to voters from a county election board (established by IC 3-6-5-1), a county board of elections and registration (established by IC 3-6-5.2-3 or IC 3-6-5.4-3), or a county voter registration office (as defined in IC 3-5-2-16.2).

(b) A caller may not use or connect to a telephone line an automatic dialing-announcing device unless:

(1) the subscriber has knowingly or voluntarily requested, consented to, permitted, or authorized receipt of the message; or

(2) the message is immediately preceded by a live operator who obtains the subscriber's consent before the message is delivered.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1372 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

SMITH M, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1397, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 15.

Delete page 2.

Page 3, delete lines 1 through 17.

Page 4, line 16, after "applicable." insert "**The bureau may impose a fee to reinstate an annual registration that was withheld under this subsection.**

(d) The bureau shall adopt rules under IC 4-22-2 to implement this section, including a rule to establish the amount of any fee imposed under subsection (c).".

Page 7, line 26, delete "three (3) times the amount of the" and insert "**fifty dollars ($50) for each**".

Page 7, line 38, after "facility." insert "**The operator shall include with the notice of the unpaid toll a summary of the notice requirements published on the Internet web site of the private toll facility.**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1397 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

SOLIDAY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1401, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 7, delete "directly or indirectly".

Page 1, line 7, after "program" insert "**under IC 12-15**".

Page 1, line 8, after "contains" insert "**materially**".

Page 1, line 8, delete ", incomplete,".

(Reference is to HB 1401 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

WASHBURNE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1514, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 16, after "begins." insert "**The members appointed by the executive must have knowledge or experience and be familiar with issues related to school business, school finance, and school administration.**".

Page 5, after line 32, begin a new paragraph and insert:

"SECTION 10. IC 20-23-17.2-3, AS ADDED BY P.L.179-2011, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) The governing body of the school corporation consists of nine (9) members who shall be elected as follows:

(1) One (1) member shall be elected from each of the school districts described in section 4 of this chapter. A member elected under this subdivision must reside within the boundaries of the district the member represents.

(2) Three (3) members, who must reside within the boundaries of the school corporation, shall be elected as at-large members.

(3) All members shall be elected on a nonpartisan basis.

(4) All members shall be elected at the general election held in the county in 2012. ~~and each four (4) years thereafter.~~

(b) Upon assuming office and in conducting the business of the governing body, a member shall represent the interests of the entire school corporation.

(c) This section expires January 1, 2017.

SECTION 11. IC 20-23-17.2-3.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 3.1. (a) After December 31, 2016, the governing body of the school corporation consists of five (5) members.**

(b) Three (3) members of the governing body shall be elected as follows:

(1) At large by all the voters of the school corporation.

(2) On a nonpartisan basis.

(3) At the general election held in the county in 2016 and every four (4) years thereafter.

(c) The city executive shall appoint two (2) members of the governing body before the member's term of office begins. The member appointed by the executive must have knowledge or experience and be familiar with issues related to school business, school finance, and school administration.

(d) The term of office of a member of the governing body (both elected and appointed):

(1) is four (4) years; and

(2) begins January 1 after the election of members of the governing body.

(e) Upon assuming office and in conducting the business of the governing body, a member shall represent the interests of the entire school corporation.

SECTION 12. IC 20-23-17.2-3.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 3.2. (a) Notwithstanding section 10 of this chapter, as in effect before July 1, 2015, and as amended after June 30, 2015, if:**

(1) a vacancy occurs in the office of a member of the governing body after June 30, 2015; and

(2) the vacancy does not reduce the membership of the governing body to fewer than five (5) members;

the vacancy shall not be filled.

(b) The city executive shall appoint the members of the governing body under section 3.1(c) of this chapter before January 1, 2017.

(c) The individuals appointed under subsection (b) take office on January 1, 2017, and serve a four (4) year term as provided in this chapter.

(d) This section expires January 1, 2023.

SECTION 13. IC 20-23-17.2-4, AS ADDED BY P.L.179-2011, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. **(a)** The boundaries of the districts from which members of the governing body of the school corporation are elected under section 3(a)(1) of this chapter are the same as the boundaries of the common council districts of the city that are drawn under IC 36-4-6.

(b) This section expires January 1, 2017.

SECTION 14. IC 20-23-17.2-5, AS AMENDED BY P.L.219-2013, SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. ~~(a) The following apply to an election of members of the governing body of the school corporation under section 3(a)(1) of this chapter:~~

~~(1) Each candidate must file a petition of nomination with the circuit court clerk not earlier than one hundred four (104) days and not later than seventy-four (74) days before the general election at which members are to be elected. The petition of nomination must include the following information:~~

~~(A) The name of the candidate.~~

~~(B) The candidate's residence address and the district in which the candidate resides.~~

~~(C) The signatures of at least twenty (20) registered voters residing within the school corporation district the candidate seeks to represent.~~

~~(D) A certification that the candidate meets the qualifications for candidacy imposed by this chapter.~~

~~(2) Only eligible voters residing in the school corporation district may vote for a candidate to represent that district.~~

~~(3) One (1) candidate shall be elected for each district. The candidate elected for a district must reside within the boundaries of the district. The candidate elected as the member for a particular district is the candidate who, among all the candidates who reside within that district, receives the greatest number of votes from voters residing in that district.~~

~~(b)~~ The following apply to an election of the members of the governing body of the school corporation under section ~~3(a)(2)~~ **3.1** of this chapter:

(1) Each candidate must file a petition of nomination with the circuit court clerk not earlier than one hundred four (104) days and not later than seventy-four (74) days before the general election at which members are to be elected. The petition of nomination must include the following information:

(A) The name of the candidate.

(B) The candidate's residence address.

(C) The signatures of at least one hundred (100) registered voters residing within the school corporation.

(D) A certification that the candidate meets the qualifications for candidacy imposed by this chapter.

(2) Only eligible voters residing in the school corporation may vote for a candidate.

(3) Three (3) candidates shall be elected at large. The three (3) candidates who receive the greatest number of votes among all candidates running ~~for an at-large seat~~ are elected as members of the governing body.

SECTION 15. IC 20-23-17.2-6, AS ADDED BY P.L.179-2011, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. Voters who reside within the boundaries of the school corporation may vote for the candidates elected under section ~~3~~ **3.1** of this chapter. Each voter may vote only for

~~(1) one (1) candidate to represent the district in which the voter resides; and~~

~~(2)~~ three (3) ~~at-large~~ candidates.

SECTION 16. IC 20-23-17.2-8 IS REPEALED [EFFECTIVE JULY 1, 2015]. ~~Sec. 8. (a) The term of each person elected to serve on the governing body of the school corporation is four (4) years.~~

~~(b) The term of each person elected to serve on the governing body begins on the date set in the school corporation's organization plan. The date set in the organization plan for an elected member of the governing body to take office may not be more than fourteen (14) months after the date of the member's election. If the school corporation's organization plan does not set a date for an elected member of the governing body to take office, the member takes office January 1 immediately following the person's election.~~

SECTION 17. IC 20-23-17.2-9, AS ADDED BY P.L.179-2011, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. The **elected** members of the governing body of the school corporation shall be elected at the general election to be held in ~~2012~~ **2016** and every four (4) years thereafter.

SECTION 18. IC 20-23-17.2-10, AS ADDED BY P.L.179-2011, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. **(a)** A vacancy in the office of ~~a~~ **an elected** member of the governing body ~~of the school corporation~~ shall be filled temporarily by the governing body as soon as practicable after the vacancy occurs.

(b) A vacancy in the office of an appointed member of the governing body shall be filled by the city executive. The city executive shall fill the vacancy as soon as practicable after the vacancy occurs.

(c) An individual filling a vacancy under this section serves until the expiration of the term of the member whose position the individual fills.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1514 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 2.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1541, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 9, delete ".".

Page 1, line 9, reset in roman "and may not add".

Page 1, line 10, reset in roman "any new zones after December 31,".

Page 1, line 10, after "2015." insert "**2020.**".

Page 4, between lines 13 and 14, begin a new paragraph and insert:

"**(e) An enterprise zone may not be renewed for a period that extends past December 31, 2030. All phaseout periods shall be completed by December 31, 2030.**

SECTION 3. IC 5-28-15-18 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 18. This chapter expires December 31, 2030.**".

Page 4, line 26, delete "The" and insert "**For property taxes first due and payable in 2016 and thereafter, the**".

Page 4, line 39, delete "The" and insert "**For property taxes first due and payable in 2016 and thereafter, the**".

Page 5, line 4, delete "The" and insert "**For property taxes first due and payable in 2016 and thereafter, the**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1541 as printed January 30, 2015.)

and when so amended that said bill do pass.

Committee Vote: yeas 20, nays 0.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1616, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB1616 as printed February 3, 2015.)

Committee Vote: Yeas 20, Nays 0.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred House Bill 1624, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 7.1-1-3-40.5 IS ADDED TO THE

INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 40.5. "Sales clerk" means a person who:**

(1) rings up or otherwise records an alcoholic beverage for sale; or

(2) assists customers in accessing liquor in a drug store;

in the course of the person's employment in a dealer establishment.".

Page 2, delete lines 9 through 42, begin a new paragraph and insert:

"SECTION 3. IC 7.1-3-1-14, AS AMENDED BY P.L.10-2010, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 14. (a) It is lawful for an appropriate permittee, unless otherwise specifically provided in this title, to sell alcoholic beverages each day Monday through Saturday from 7 a.m., prevailing local time, until 3 a.m., prevailing local time, the following day. ~~Sales shall cease wholly on Sunday at 3 a.m., prevailing local time, and not be resumed until the following Monday at 7 a.m., prevailing local time.~~

(b) It is lawful for the holder of a retailer's permit to sell the appropriate alcoholic beverages for consumption on the licensed premises only on Sunday from 7 a.m., prevailing local time, until 3 a.m., prevailing local time, the following day.

(c) A holder of an alcoholic beverage permit who is authorized under this title to sell alcoholic beverages for carryout may sell the appropriate alcoholic beverages on Sunday for carryout from 7 a.m., prevailing local time, until 3 a.m., prevailing local time, the following day.

~~(c)~~ **(d)** It is lawful for the holder of a permit under this article to sell alcoholic beverages at athletic or sports events held on Sunday upon premises that:

(1) are described in section 25(a) of this chapter;

(2) are a facility used in connection with the operation of a paved track more than two (2) miles in length that is used primarily in the sport of auto racing; or

(3) are being used for a professional or an amateur tournament;

beginning one (1) hour before the scheduled starting time of the event or, if the scheduled starting time of the event is 1 p.m. or later, beginning at noon.

~~(d)~~ **(e)** It is lawful for the holder of a valid beer, wine, or liquor wholesaler's permit to sell to the holder of a valid retailer's or dealer's permit at any time.

SECTION 4. IC 7.1-3-1.5-2, AS ADDED BY P.L.161-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. As used in this chapter, "dealer permittee" means a person who holds a ~~liquor~~ dealer permit. ~~under IC 7.1-3-10 for a package liquor store.~~".

Delete pages 3 through 5.

Page 6, delete lines 1 through 19, begin a new paragraph and insert:

"SECTION 5. IC 7.1-3-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) The holder of a beer retailer's permit shall be entitled to purchase beer for sale under ~~his~~ **the holder's beer retailer's** permit only from a permittee entitled to sell to ~~him~~ **the holder** under this title. A beer retailer shall be entitled to possess beer and sell it at retail to a customer for consumption on the licensed premises. A beer retailer also shall be entitled to sell beer to a customer and deliver it in permissible containers to the customer on the licensed premises, or to the customer's house.

(b) A beer retailer shall not be entitled to sell beer at wholesale. ~~He~~ **A beer retailer** shall not be entitled to sell and deliver beer on the street or at the curb outside the licensed premises, nor shall ~~he~~ **the beer retailer** be entitled to sell beer at a place other than the licensed premises. However, a beer retailer may offer food service (excluding alcoholic beverages) to a patron who is outside the licensed premises by transacting business through a window in the licensed premises.

(c) **Except as provided in IC 7.1-5-10-26,** a beer retailer shall be entitled to sell and deliver warm or cold beer for carry out, or for at-home delivery, in barrels or other commercial containers in a quantity that does not exceed fifteen and one-half (15 1/2) gallons at any one (1) time.

SECTION 6. IC 7.1-3-9-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) The holder of a liquor retailer's permit shall be entitled to purchase liquor only from a permittee entitled to sell to ~~him~~ **the holder** under this title. A liquor retailer shall be entitled to possess liquor and sell it at retail to a customer for consumption on the licensed premises. A liquor retailer also shall be entitled to sell liquor to a customer and deliver it in permissible containers to the customer on the licensed premises, or to the customer's house.

(b) A liquor retailer shall not be entitled to sell liquor at wholesale. ~~He~~ **A liquor retailer** shall not be entitled to sell and deliver liquor on the street or at the curb outside the licensed premises, nor shall ~~he~~ **the liquor retailer** be entitled to sell liquor at a place other than the licensed premises. However, a liquor retailer may offer food service (excluding alcoholic beverages) to a patron who is outside the licensed premises by transacting business through a window in the licensed premises.

(c) **Except as provided in IC 7.1-5-10-26,** a liquor retailer shall not be entitled to sell and deliver liquor for carry out, or for at-home delivery, in a quantity that exceeds four (4) quarts at any one (1) time.".

Page 7, delete lines 19 through 42, begin a new paragraph and insert:

"SECTION 8. IC 7.1-3-14-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) The holder of a wine retailer's permit is entitled to purchase wine only from a permittee entitled to sell to the wine retailer under this title. A wine retailer is entitled to possess wine and sell it at retail to a customer for consumption on the licensed premises. A wine retailer is also entitled to sell wine to a customer and deliver it in permissible containers to the customer on the licensed premises or to the customer's house.

(b) A wine retailer is not entitled to sell wine at wholesale. A wine retailer is not entitled to sell and deliver wine on the street or at the curb outside the licensed premises, nor is the wine retailer entitled to sell wine at a place other than the licensed premises. However, a wine retailer may offer food service (excluding alcoholic beverages) to a patron who is outside the licensed premises by transacting business through a window in the licensed premises.

(c) **Except as provided in IC 7.1-5-10-26,** a wine retailer is entitled to sell and deliver wine for carry out, or for at-home delivery.

SECTION 9. IC 7.1-3-18-9, AS AMENDED BY P.L.165-2006, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) The commission may issue an employee's permit to a person who desires to act as:

(1) a **sales** clerk in a ~~package liquor store;~~ **dealer establishment;**

(2) an employee who serves wine at a farm winery; or

(3) a bartender, waiter, waitress, or manager in a retail establishment, excepting dining car and boat employees.

(b) A permit authorized by this section is conditioned upon the compliance by the holder with reasonable rules relating to the permit which the commission may prescribe from time to time.

(c) A permit issued under this section entitles its holder to work for any lawful employer. However, a person may work without an employee's permit for thirty (30) days from the date shown on a receipt for a cashier's check or money order payable to the commission for that person's employee's permit application.

(d) A person who, for a package liquor store or retail establishment, is:

(1) the sole proprietor;

(2) a partner, a general partner, or a limited partner in a partnership or limited partnership that owns the business establishment;

(3) a member of a limited liability company that owns the business establishment; or

(4) a stockholder in a corporation that owns the business establishment;

is not required to obtain an employee's permit in order to perform any of the acts listed in subsection (a).

(e) An applicant may declare on the application form that the applicant will use the employee's permit only to perform volunteer service that benefits a nonprofit organization. It is unlawful for an applicant who makes a declaration under this subsection to use an employee's permit for any purpose other than to perform volunteer service that benefits a nonprofit organization.

(f) The commission may not issue an employee's permit to an applicant while the applicant is serving a sentence for a conviction for operating while intoxicated, including any term of probation or parole.

(g) The commission may not issue an employee's permit to an applicant who has two (2) unrelated convictions for operating while intoxicated if:

(1) the first conviction occurred less than ten (10) years before the date of the applicant's application for the permit; and

(2) the applicant completed the sentence for the second conviction, including any term of probation or parole, less than two (2) years before the date of the applicant's application for the permit.

(h) If an applicant for an employee's permit has at least three (3) unrelated convictions for operating while intoxicated in the ten (10) years immediately preceding the date of the applicant's application for the permit, the commission may not grant the issuance of the permit. If, in the ten (10) years immediately preceding the date of the applicant's application the applicant has:

(1) one (1) conviction for operating while intoxicated, and the applicant is not subject to subsection (f); or

(2) two (2) unrelated convictions for operating while intoxicated, and the applicant is not subject to subsection (f) or (g);

the commission may grant or deny the issuance of a permit.

(i) The commission shall revoke a permit issued to an employee under this section if:

(1) the employee is convicted of a Class B misdemeanor for violating IC 7.1-5-10-15(a); or

(2) the employee is convicted of operating while intoxicated after the issuance of the permit.

The commission may revoke a permit issued to an employee under this section for any violation of this title or the rules adopted by the commission.

SECTION 10. IC 7.1-5-6-3, AS AMENDED BY P.L.159-2014, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) It is unlawful for a person to act ~~as a clerk in a package liquor store, or as a bartender, waiter, waitress, or manager for a retailer permittee~~ **in a position that is listed in IC 7.1-3-18-9(a)** unless that person has applied for and been issued ~~the appropriate~~ **an employee's** permit. This section does not apply to dining car or boat employees or to a person described in IC 7.1-3-18-9(d). A person who knowingly or intentionally violates this subsection commits a Class B misdemeanor.

(b) It is a defense to a charge under this section if, not later than thirty (30) days after being cited by the commission, the person who was cited produces evidence that the appropriate permit was issued by the commission on the date of the citation.

(c) It is a defense to a charge under this section for a new applicant for a permit if, not later than thirty (30) days after being cited by the commission, the new applicant who was cited produces a receipt for a cashier's check or money order showing that an application for the appropriate permit was applied for on the date of the citation.

SECTION 11. IC 7.1-5-7-13, AS AMENDED BY P.L.94-2008, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 13. Section 12 of this chapter does not prohibit the following:

(1) The employment of a person at least eighteen (18) years of age but less than twenty-one (21) years of age on or about licensed premises where alcoholic beverages are sold, furnished, or given away for consumption either on or off the licensed premises, for a purpose other than:

(A) selling;

(B) furnishing, other than serving;

(C) consuming; or

(D) otherwise dealing in;

alcoholic beverages.

(2) A person at least nineteen (19) years of age but less than twenty-one (21) years of age from ringing up a sale of alcoholic beverages in the course of the person's employment. **This subdivision does not apply to dealer establishments.**

(3) A person who is at least nineteen (19) years of age but less than twenty-one (21) years of age and who has successfully completed an alcohol server training program certified under IC 7.1-3-1.5 from serving alcoholic beverages in a dining area or family room of a restaurant or hotel:

(A) in the course of a person's employment as a waiter, waitress, or server; and

(B) under the supervision of a person who:

(i) is at least twenty-one (21) years of age;

(ii) is present at the restaurant or hotel; and

(iii) has successfully completed an alcohol server training program certified under IC 7.1-3-1.5 by the commission.

This subdivision does not allow a person at least nineteen (19) years of age but less than twenty-one (21) years of age to be a bartender.

SECTION 12. IC 7.1-5-10-24 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 24. (a) As used in this section, "self-service display" means a display that contains liquor in an area where a customer:**

(1) is permitted; and

(2) has access to the liquor without assistance from a sales clerk.

(b) This section does not apply to a self-service display located on the premises of a package liquor store.

(c) The holder of a liquor dealer permit may not sell or distribute liquor through a self-service display.

SECTION 13. IC 7.1-5-10-25 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 25. (a) This section does not apply to a package liquor store.**

(b) The holder of a beer dealer's permit must display beer in:

(1) one (1) area or aisle of the licensed premises; or

(2) a partitioned area or room that is separate from other retail items for sale on the premises.

(c) The holder of a wine dealer's permit must display wine in:

(1) one (1) area or aisle of the licensed premises; or

(2) a partitioned area or room that is separate from other retail items for sale on the premises.

(d) A holder of a beer dealer's permit that is also the holder of a wine dealer's permit must display beer and wine

together in:

(1) one (1) area or aisle of the licensed premises; or

(2) a partitioned area or room that is separate from other retail items for sale on the premises.

SECTION 14. IC 7.1-5-10-26 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 26. (a) This section does not apply to the licensed premises of a drug store or grocery store or a restaurant to which the following apply:**

(1) A person has, on June 30, 2015, an interest in:

(A) a dealer's permit for the drug store or grocery store; and

(B) a retailer's permit for the restaurant.

(2) The licensed premises of the:

(A) drug store or grocery store; and

(B) restaurant;

as described in the permit applications, are located in the same building.

(b) If:

(1) a person has an interest in:

(A) a dealer's permit for a drug store or grocery store; and

(B) a retailer's permit for a restaurant; and

(2) the licensed premises of the drug store or grocery store and the restaurant are located in the same building;

the licensed premises of the drug store or grocery store and the licensed premises of the restaurant must be completely separated by a wall and have separate entrances.

(c) Beer, wine, and liquor may not be sold for carry out from the licensed premises of a restaurant described in subsection (b).

SECTION 15. IC 7.1-5-10-27 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 27. It is unlawful for a person who is the proprietor of a package liquor store, drug store, or grocery store to allow a purchaser of alcoholic beverages, or any other person who is not a sales clerk, to ring up or otherwise record an alcoholic beverage sale.**".

Delete pages 8 through 9.

Renumber all SECTIONS consecutively.

(Reference is to HB 1624 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 2.

DERMODY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Small Business and Economic Development, to which was referred House Bill 1457, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, line 22, delete "shall" and insert "**may**".

(Reference is to HB 1457 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 1.

SMALTZ, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Small Business and Economic Development, to which was referred House Bill 1605, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-3.1-13.1 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 13.1. Medical Device Manufacturers Tax Credit

Sec. 1. (a) Subject to subsection (b), this chapter applies to jobs created or retained after May 15, 2015, and before January 1, 2017, and to taxable years after December 31, 2014, and before January 1, 2017.

(b) This chapter does not apply after the date on which the federal medical device excise tax is repealed or expires under the Internal Revenue Code.

Sec. 2. As used in this chapter, "certified credit amount" means the taxpayer's credit amount certified by the corporation under section 9 of this chapter.

Sec. 3. As used in this chapter, "federal excise tax liability" refers to a taxpayer's liability for the federal medical device excise tax under 26 U.S.C. 4191.

Sec. 4. As used in this chapter, "qualified taxpayer" refers to a taxpayer who has federal excise tax liability.

Sec. 5. As used in this chapter, "state tax liability" means a taxpayer's total tax liability that is incurred under IC 6-3-1 through IC 6-3-7 (the adjusted gross income tax).

Sec. 6. Subject to the conditions set forth in this chapter, a qualified taxpayer is entitled to credit against any state tax liability that may be imposed on a qualified taxpayer for a taxable year in which this chapter applies, if the taxpayer is awarded a certified credit amount by the corporation under section 9 of this chapter for that taxable year.

Sec. 7. Subject to section 1 of this chapter, a qualified taxpayer may apply to the corporation for certification of a credit amount for creating or retaining jobs in Indiana in a taxable year in which this chapter applies. The corporation shall prescribe the form for the application and require any information necessary to verify that the jobs have been created or retained by the qualified taxpayer.

Sec. 8. This section applies to an application submitted by a qualified taxpayer who proposes to retain existing jobs in Indiana. After receipt of an application, the corporation may certify a credit amount for a taxable year under this chapter, if the corporation determines that three (3) or more of the following conditions exist:

(1) The applicant's project will retain existing jobs performed by the employees of the applicant in Indiana.

(2) The applicant is engaged in research and development or manufacturing, according to the NAICS Manual of the United States Office of Management and Budget.

(3) The average compensation (including benefits) provided to the applicant's employees during the applicant's previous fiscal year exceeds the greater of the following:

(A) If there is more than one (1) business in the same NAICS industry sector as the applicant's business in the county in which the applicant's business is located, the average compensation paid during that same period to all employees working in that NAICS industry sector in that county multiplied by one hundred five percent (105%).

(B) If there is more than one (1) business in the same NAICS industry sector as the applicant's business in Indiana, the average compensation paid during that same period to all employees working in that NAICS industry sector throughout Indiana multiplied by one hundred five percent (105%).

(C) The compensation for that same period corresponding to the federal minimum wage multiplied by two hundred percent (200%).

(4) The applicant employs at least ten (10) employees

in Indiana.

(5) The applicant has prepared a plan for the use of the credits under this chapter for:

(A) investment in facility improvements or equipment and machinery upgrades, repairs, or retrofits; or

(B) other direct business related investments, including, but not limited to, training.

(6) Receiving the tax credit is a major factor in the applicant's decision to go forward with the project, and not receiving the tax credit will increase the likelihood of the applicant reducing jobs in Indiana.

(7) Awarding the tax credit will result in an overall positive fiscal impact to the state, as certified by the budget agency using the best available data.

(8) The applicant's business and project are economically sound and will benefit the people of Indiana by increasing or maintaining opportunities for employment and strengthening the economy of Indiana.

(9) The communities affected by the potential reduction in jobs or relocation of jobs to another site outside Indiana have committed local incentives with respect to the retention of jobs in an amount determined by the corporation. For purposes of this subdivision, local incentives include, but are not limited to, cash grants, tax abatements, infrastructure improvements, investment in facility rehabilitation, construction, and training investments.

(10) The credit is not prohibited by IC 6-3.1-13-16.

(11) If the business is located in a community revitalization enhancement district established under IC 36-7-13 or a certified technology park established under IC 36-7-32, the legislative body of the political subdivision establishing the district or park has adopted an ordinance recommending the granting of a credit amount that is at least equal to the credit amount provided in the agreement.

Sec. 9. (a) If the corporation determines that a qualified taxpayer has created jobs in Indiana or retained jobs in Indiana as determined under section 8 of this chapter in a taxable year in which this chapter applies, the corporation shall certify a credit amount awarded under this chapter as follows:

(1) The corporation shall award a credit amount for creating jobs equal to the product of:

(A) the number of jobs created in the taxable year by the qualified taxpayer; multiplied by

(B) five thousand dollars ($5,000).

(2) The credit amount for retaining jobs is equal to the product of:

(A) the number of jobs retained in the taxable year by the qualified taxpayer; multiplied by

(B) two thousand five hundred dollars ($2,500).

(b) A credit awarded under this chapter shall not exceed the amount of federal medical device excise tax under 26 U.S.C. 4191 that the corporation paid for the previous calendar year.

Sec. 10. This chapter expires January 1, 2017.

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

(Reference is to HB 1605 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

SMALTZ, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Small Business and Economic Development, to which was referred House Bill 1606, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 10, line 34, after "within" insert "**areas of**".

Page 10, line 34, delete "county." and insert "**county where an existing communications provider, as defined in IC 8-1-32.5-4, including a public utility that provides communications service, does not offer wireline high speed Internet service with download speeds that meet or exceed four (4) megabits per second and upload speeds that meet or exceed one (1) megabit per second.**".

(Reference is to HB 1606 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

SMALTZ, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1615, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1615 as introduced.)

Committee Vote: Yeas 12, Nays 0.

CLERE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1618, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 18, delete "its" and insert "**the**".

Page 2, line 19, after "revenue" insert "**received by the political subdivision**".

Page 2, line 20, delete "(e)." and insert "**(g).**".

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

"**(e) The development authority may use county economic development income tax revenue contributed by Porter County or a political subdivision located in Porter County only to fund transit projects in Porter County.**

(f) The development authority may use county economic development income tax revenue contributed by Lake County or a political subdivision located in Lake County only to fund transit projects in Lake County.".

Page 2, line 21, delete "(e)" and insert "**(g)**".

Page 2, line 41, delete "(f)" and insert "**(h)**".

Page 3, line 14, delete "(g)" and insert "**(i)**".

Page 3, line 24, delete "(h)" and insert "**(j)**".

Page 3, after line 33, begin a new paragraph and insert:

"**(k) Each year, the following must be deposited in the South Shore line transit oriented development fund established under section 6 of this chapter:**

(1) Money that:

(A) is granted by the state under this section during the year; and

(B) is not used to pay debt service on outstanding bonds or the lease rental payments for projects under this section.

(2) Money that:

(A) is committed by the development authority under this section for the year; and

(B) is not used to pay debt service on outstanding bonds or the lease rental payments for projects under this section.

(3) County economic development income tax revenue that:

(A) is committed by a political subdivision under this section for the year; and

(B) is not used to pay debt service on outstanding bonds or the lease rental payments for projects under this section.

SECTION 2. IC 36-7.5-3-6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 6. (a) As used in this section, "fund" refers to the South Shore line transit oriented development fund established under subsection (b).**

(b) The South Shore line transit oriented development fund is established within the treasury of the development authority as a restricted fund for the purpose of holding money to be used to provide matching grants for projects that:

(1) are related to the extension of the Chicago, South Shore, and South Bend Railway; and

(2) are approved by the development authority under this section.

(c) The fund consists of the following:

(1) Appropriations by the general assembly.

(2) Contributions by the development authority.

(3) Contributions of county economic development income tax revenue received by the fund in accordance with section 5 of this chapter.

(4) Federal grants.

(5) Gifts.

(d) The development authority shall administer the fund.

(e) Money in the fund that is not needed to satisfy the obligations of the fund may be invested in the manner that other public money may be invested. Interest or other investment returns received on investments of money in the fund becomes part of the fund.

(f) An account within the fund is established for each political subdivision that has committed county economic development income tax revenue under section 5(d) of this chapter.

(g) For each deposit of money in the fund, the part that is to be credited to each political subdivision's account is equal to:

(1) the amount of the deposit of money in the fund; multiplied by

(2) a fraction equal to:

(A) the political subdivision's expected contribution of county economic development income tax revenue under section 5 of this chapter for the year in which the deposit is received, as estimated by the budget agency; divided by

(B) the sum of all the political subdivisions' expected contributions of county economic development income tax revenue under section 5 of this chapter for the year in which the deposit is received, as estimated by the budget agency.

(h) Money held in the fund may be disbursed from the fund only for the following reasons:

(1) To provide matching grants in accordance with the requirements of this section.

(2) To pay the expenses of the development authority in administering the fund.

(3) To return money to the entity that contributed the money to correct an error in the contribution amount or because the money is no longer needed for the purpose for which the money was contributed.

(i) A matching grant from the fund is subject to the following constraints:

(1) Money in the Porter County account may be used only for transit projects in Porter County.

(2) Money in the Lake County account may be used only for transit projects in Lake County.

(3) The amount of a matching grant approved under this section is equal to the lesser of:

(A) the amount in the applicant political subdivision's account; or

(B) the amount that the applicant political subdivision commits to contribute to the proposed project from other sources.

(4) The development authority shall disburse a matching grant from the fund in installments, commensurate with the progress of the project.

(j) A political subdivision that has committed county economic development income tax revenue under section 5(d) of this chapter may apply for a matching grant from the fund in the manner prescribed by the development authority.

(k) The development authority shall evaluate an application by a political subdivision for a matching grant from the fund according to the following criteria:

(1) The degree to which the project conforms with the part of the comprehensive strategic development plan that is concerned with the extension of the Chicago, South Shore, and South Bend Railway.

(2) Any other criteria prescribed by the development authority.

(l) If the development authority approves an application submitted under this section by a political subdivision, the development authority shall notify the political subdivision and make the matching grant in accordance with this section. The development authority shall reduce the balance of the political subdivision's account by the amount of the matching grant approved by the development authority.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1618 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

SOLIDAY, Chair

Report adopted.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Friend.

Representatives Harris, Dermody and Soliday are now excused.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1264

Representative Koch called down Engrossed House Bill 1264 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 125: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Holdman.

Representatives Dvorak, Harris and Soliday, who had been excused, are now present.

Engrossed House Bill 1300

Representative McMillin called down Engrossed House Bill 1300 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 126: yeas 77, 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 Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Boots.

Engrossed House Bill 1483

Representative Thompson called down Engrossed House Bill 1483 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 127: yeas 95, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Kruse and Schneider.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1005, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB1005 as printed January 27, 2015.)

Committee Vote: Yeas 18, Nays 0.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1182, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 15.

Page 2, delete lines 1 through 6.

Renumber all SECTIONS consecutively.

(Reference is to HB 1182 as printed January 20, 2015.)

and when so amended that said bill do pass.

Committee Vote: yeas 19, nays 0.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1283, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1283 as introduced.)

Committee Vote: Yeas 17, Nays 0.

BROWN T, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

House Resolution 14

Representatives Shackleford, Speedy and Frizzell introduced House Resolution 14:

A HOUSE RESOLUTION memorializing Margree Ann Oakley.

Whereas, Born on February 7, 1948, Margree Ann Oakley passed away on January 10, 2015, at the age of 66;

Whereas, Throughout her life, Margree was the epitome of a grassroots community activist who was particularly interested in children's issues;

Whereas, Among the causes she championed were the children who were being bused to Perry Township schools, Operation Big Vote, and the Concerned Clergy;

Whereas, Margree was also active in community politics, campaigning for Mayor Bart Peterson and Congressman Andre Carson;

Whereas, As an employee of Melvin Simon and Associates, Margree was instrumental in encouraging the company to put a diversity training program in place and played a pivotal role in the Simon Employee Association;

Whereas, A devoted and proud mother, Margree's influence can be seen in each of her children; and

Whereas, Margree Ann Oakley was dedicated to her family and her community; her death left a void that cannot be filled: Therefore,

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

SECTION 1. That the Indiana House of Representatives expresses its deepest sympathy to the family of Margree Ann Oakley and acknowledges her many accomplishments and dedicated service to her family and community.

SECTION 2. That the Principal Clerk of the House of Representatives transmit copies of this resolution to the family of Margree Ann Oakley.

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

House Resolution 15

Representative Thompson introduced House Resolution 15:

A HOUSE RESOLUTION urging the Legislative Council to assign to the appropriate study committee the topic of which time zone our state capital and, therefore, the majority of our citizens should observe.

Whereas, Senate Bill 127-2005 passed with the understanding that hearings would be held regarding the boundary between the Central and Eastern time zones in Indiana;

Whereas, Hearings were never held to appropriately assess the location of the line between the Central and Eastern time zones that would best serve Indiana;

Whereas, The time zone that should be observed in most Indiana counties has been a continuing issue of controversy;

Whereas, Indiana is currently split into two time zones - the Central Time Zone and the Eastern Time Zone;

Whereas, Most of Indiana's 92 counties are in the Eastern Time Zone; however, Jasper, Lake, LaPorte, Newton, Porter, Starke, Gibson, Perry, Posey, Spencer, Vanderburgh, and Warrick counties are in the Central Time Zone, which has about 20% of Indiana's population;

Whereas, The placement of our state capital in the Central Time Zone would likely result in Clark, Dearborn, Floyd, Harrison, and Ohio counties remaining in the Eastern Time Zone which has about 5% of Indiana's population; and

Whereas, The issues of commerce, education achievement, and student safety are some of the issues related to time zone placement: Therefore,

Be it resolved by the House of Representatives of the

General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives urges the Legislative Council to assign to the appropriate study committee the topic of which time zone our state capital and, therefore, the majority of our citizens should observe.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Concurrent Resolution 20

Representative Thompson introduced House Concurrent Resolution 20:

A CONCURRENT RESOLUTION urging the Legislative Council to assign to the appropriate study committee the topic of which time zone our state capital and, therefore, the majority of our citizens should observe.

Whereas, Senate Bill 127-2005 passed with the understanding that hearings would be held regarding the boundary between the Central and Eastern time zones in Indiana;

Whereas, Hearings were never held to appropriately assess the location of the line between the Central and Eastern time zones that would best serve Indiana;

Whereas, The time zone that should be observed in most Indiana counties has been a continuing issue of controversy;

Whereas, Indiana is currently split into two time zones - the Central Time Zone and the Eastern Time Zone;

Whereas, Most of Indiana's 92 counties are in the Eastern Time Zone; however, Jasper, Lake, LaPorte, Newton, Porter, Starke, Gibson, Perry, Posey, Spencer, Vanderburgh, and Warrick counties are in the Central Time Zone, which has about 20% of Indiana's population;

Whereas, The placement of our state capital in the Central Time Zone would likely result in Clark, Dearborn, Floyd, Harrison, and Ohio counties remaining in the Eastern Time Zone which has about 5% of Indiana's population; and

Whereas, The issues of commerce, education achievement, and student safety are some of the issues related to time zone placement: Therefore,

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

SECTION 1. That the Indiana General Assembly urges the Legislative Council to assign to the appropriate study committee the topic of which time zone our state capital and, therefore, the majority of our citizens should observe.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 1:42 p.m. with the Speaker in the Chair.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred House Bill 1248, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

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

Page 2, after line 5, begin a new paragraph and insert:

"SECTION 2. IC 15-11-5-4, AS ADDED BY P.L.2-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) The livestock industry promotion and development fund is established as a dedicated fund to be administered by the department.

(b) Money in the fund must be spent by the department:

(1) exclusively for the purposes described in this chapter **and IC 15-11-14,** including administrative expenses; and

(2) throughout Indiana.

(c) Money in the fund at the end of a state fiscal year does not revert to the state general fund. However, if the fund is abolished, the money in the fund reverts to the state general fund.

(d) There is annually appropriated to the department the entire amount of money in the fund for the use of the department in carrying out the purposes of this chapter.

(e) The department may solicit grants and gifts from public or private sources for the fund.

SECTION 3. IC 15-11-13 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

Chapter 13. Local Food and Farms Council

Sec. 1. As used in this chapter, "council" refers to the local food and farms council established by section 4 of this chapter.

Sec. 2. As used in this chapter, "governmental body" has the meaning set forth in IC 5-22-2-13.

Sec. 3. As used in this chapter, "local farm or food products" means products grown, processed, packaged, and distributed by businesses or persons located wholly within Indiana.

Sec. 4. The local food and farms council is established.

Sec. 5. (a) The council consists of the following members:

(1) The director of the department of agriculture or the director's designee.

(2) The state health commissioner or the state health commissioner's designee.

(3) The chairperson of the Indiana housing and community development authority or the chairperson's designee.

(4) One (1) agricultural specialist from the Purdue University cooperative extension service appointed by the director of the Purdue University cooperative extension service.

(5) One (1) local farm or food product farmer representing the livestock or poultry sector.

(6) One (1) local farm or food product producer representing fruit, viticulture, aquaculture, seeds, vegetable, or other specialty crop or agriculture production sectors.

(7) One (1) local farm or food product processor.

(8) One (1) local farm or food product distributor.

(9) One (1) representative of a nonprofit educational organization that specializes in supporting and expanding local farm or food product networks.

(10) One (1) representative of the state's largest general farming organization.

(11) One (1) food product retailer.

(12) One (1) individual who is a farmers' market administrator or a market master.

(b) The lieutenant governor shall appoint the members in subsection (a)(5) through (a)(12).

(c) Appointments under this section are for terms of three (3) years. However, the lieutenant governor shall stagger the initial terms of the members appointed under subsection (b).

(d) The appointing authority shall fill a vacancy for the

unexpired term of any member appointed under this section.

Sec. 6. The director of the department of agriculture or the director's designee shall serve as chairperson of the council.

Sec. 7. (a) The council shall meet at least four (4) times per year.

(b) A majority of the members appointed to the council constitutes a quorum.

(c) A majority of the quorum present is necessary to take any action.

Sec. 8. (a) The purpose of the council is to advise and assist the department to facilitate the growth of an Indiana based local farm and food product economy that:

(1) revitalizes rural and urban communities;

(2) promotes healthy eating with access to fresh foods;

(3) promotes access to fresh, affordable, and nutritious foods in geographical areas where fresh, affordable, and nutritious foods are difficult to obtain;

(4) creates jobs;

(5) ensures a readily available supply of safe food in an emergency event; and

(6) supports economic growth through making local farm or food products available to all Indiana residents.

(b) The council shall study and make recommendations to the department concerning the following:

(1) How to assist local farm and food entrepreneurs to identify and secure necessary resources and equipment to begin, maintain, and expand projects and networks necessary for the development of local farm or food products.

(2) How to facilitate the development of infrastructure, including aggregation, processing, storage, packaging, and distribution facilities necessary to move local farm or food products to local and other markets.

(3) How to support and expand programs that recruit, train, and provide technical assistance to farmers and residents in order to encourage the production of local farm or food products.

(4) How to coordinate interagency policies, initiatives, and procedures promoting local farm or food products in local communities by working with and involving local, state, and federal agencies, as well as community based organizations, educational institutions, and trade organizations in implementing this chapter.

(5) How to facilitate the elimination of any unnecessary legal barriers hindering the development of a local farm and food economy by working with local, state, and federal public health agencies, other agencies and applicable entities, and the office of the attorney general to create consistent and compatible rules for the production, storage, distribution, and marketing of local farm or food products.

(6) How to facilitate the use of public lands for growing local farm or food products by working with governmental entities at the local, state, and federal levels.

(7) How to initiate and facilitate public awareness and education campaigns about the economic and health benefits of a local farm and food economy, including at county fairs and the state fair.

(c) The department may do the following:

(1) Implement recommendations made by the council.

(2) Implement programs and actions to carry out the purposes of this chapter.

Sec. 9. The department shall provide staff and administrative assistance to the council. The respective staff of each agency represented in section 5(a)(1) through 5(a)(4) shall provide research or other assistance as needed by the council.

Sec. 10. (a) The Indiana farm and food fund is established to provide grants and loans to farms, businesses, organizations, and local governments to carry out the purposes of this chapter. The fund shall be administered by the department.

(b) The fund consists of appropriations from the general assembly and gifts, contributions, and grants to the fund. The expenses of administering the fund shall be paid from the money in the fund. The expenses of administering this chapter may be paid from money in the fund.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(d) The money in the fund at the end of a state fiscal year does not revert to the state general fund but remains in the fund to be used exclusively for purposes of this chapter.

(e) Money in the fund is continuously appropriated for the purposes of this chapter.

(f) The department and council may solicit grants and gifts from public or private sources for the fund.

Sec. 11. Beginning July 1, 2016, the council shall submit an annual report of its activities under this chapter to the general assembly in an electronic format under IC 5-14-6 and to the governor.

Sec. 12. The department may adopt rules under IC 4-22-2 to implement this chapter.

Sec. 13. This chapter expires July 2, 2020.

SECTION 4. IC 15-11-14 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

Chapter 14. Farm Commodities and Market News Service

Sec. 1. (a) Beginning July 1, 2017, the department shall:

(1) implement and promote a program to supply to the agriculture industry marketing assistance that provides unbiased price and sales information to assist in the marketing and distribution of farm commodities; and

(2) implement and maintain a market news service for the purpose of disseminating information that will aid producers and consumers in the sale and purchase of agricultural products.

(b) Beginning July 1, 2015, the department shall develop and implement a pilot program that incorporates the requirements in subsection (a). The pilot program must:

(1) be designed in a manner that will allow for the expansion of information that is provided in the future based on the needs of the agricultural industry; and

(2) focus on livestock and forage products.

The pilot program expires July 1, 2017.

Sec. 2. The department may negotiate and enter into cooperative agreements with the United States Department of Agriculture or any other appropriate federal agency to implement this chapter.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1248 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 1.

LEHE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1262, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 18, after "institution" insert "**in Indiana**".

Page 3, line 12, after "commission" insert "**in partnership with postsecondary educational institutions**".

Page 3, line 15, delete "September 1, 2015," and insert

"**August 1, 2015,**".

Page 3, line 18, after "project," insert "**including:**".

Page 3, delete line 19, begin a new line block indented and insert:

"**(1) the administration of grants under IC 21-12-15; and**

(2) the exchange of data to support targeted outreach under section 4 of this chapter.

Sec. 4. Postsecondary educational institutions shall either:

(1) conduct targeted outreach to return and complete students; or

(2) provide student record data to the commission for use in targeted outreach.

Sec. 5. The commission shall conduct targeted outreach to return and complete students who previously attended an institution that does not conduct targeted outreach under section 4(1) of this chapter.".

Page 3, line 20, delete "4." and insert "**6.**".

Page 3, delete lines 23 through 28.

Page 3, line 29, delete "(b) The commission" and insert "**Sec. 7. If the commission receives confidential student record information, the commission**".

Page 3, delete lines 33 through 40, begin a new paragraph and insert:

"**Sec. 8. (a) Beginning November 1, 2016, and not later than November 1 each year thereafter, state educational institutions shall report annually to the commission the number of return and complete students who attended the postsecondary educational institution who have:**

(1) received targeted outreach by the postsecondary educational institution; and

(2) earned an associate or baccalaureate degree or a technical certificate from the postsecondary educational institution.

(b) Beginning December 15, 2016, and not later than December 15 each year thereafter, the commission shall report to the legislative council annually the number of return and complete students, as reported by the postsecondary educational institutions under subsection (a), who have:

(1) received a grant under IC 21-12-15; and

(2) earned an associate or baccalaureate degree or a technical certificate within the previous year.

The commission shall submit the report in an electronic format under IC 5-14-6.".

Page 3, line 41, delete "7." and insert "**9.**".

(Reference is to HB 1262 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred House Bill 1540, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 5 through 8.

Page 5, line 38, delete "July 1, 2014," and insert "**February 1, 2015,**".

Page 25, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 35. IC 4-35-7-12, AS AMENDED BY P.L.210-2013, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 12. (a) The Indiana horse racing commission shall enforce the requirements of this section.

(b) A licensee shall before the fifteenth day of each month distribute the following amounts for the support of the Indiana horse racing industry:

(1) An amount equal to fifteen percent (15%) of the adjusted gross receipts of the slot machine wagering from the previous month at each casino operated by the licensee with respect to adjusted gross receipts received after June 30, 2013, and before January 1, 2014.

(2) The percentage of the adjusted gross receipts of the slot machine wagering from the previous month at each casino operated by the licensee that is determined under section 16 or 17 of this chapter with respect to adjusted gross receipts received after December 31, 2013, **and before July 1, 2015.**

(3) The percentage of the adjusted gross receipts of the gambling game wagering from the previous month at each casino operated by the licensee that is determined under section 16 or 17 of this chapter with respect to adjusted gross receipts received after June 30, 2015.

(c) The Indiana horse racing commission may not use any of the money distributed under this section for any administrative purpose or other purpose of the Indiana horse racing commission.

(d) A licensee shall distribute the money devoted to horse racing purses and to horsemen's associations under this subsection as follows:

(1) Five-tenths percent (0.5%) shall be transferred to horsemen's associations for equine promotion or welfare according to the ratios specified in subsection (g).

(2) Two and five-tenths percent (2.5%) shall be transferred to horsemen's associations for backside benevolence according to the ratios specified in subsection (g).

(3) Ninety-seven percent (97%) shall be distributed to promote horses and horse racing as provided in subsection (f).

(e) A horsemen's association shall expend the amounts distributed to the horsemen's association under subsection (d)(1) through (d)(2) for a purpose promoting the equine industry or equine welfare or for a benevolent purpose that the horsemen's association determines is in the best interests of horse racing in Indiana for the breed represented by the horsemen's association. Expenditures under this subsection are subject to the regulatory requirements of subsection (h).

(f) A licensee shall distribute the amounts described in subsection (d)(3) as follows:

(1) Forty-six percent (46%) for thoroughbred purposes as follows:

(A) Sixty percent (60%) for the following purposes:

(i) Ninety-seven percent (97%) for thoroughbred purses.

(ii) Two and four-tenths percent (2.4%) to the horsemen's association representing thoroughbred owners and trainers.

(iii) Six-tenths percent (0.6%) to the horsemen's association representing thoroughbred owners and breeders.

(B) Forty percent (40%) to the breed development fund established for thoroughbreds under IC 4-31-11-10.

(2) Forty-six percent (46%) for standardbred purposes as follows:

(A) Three hundred seventy-five thousand dollars ($375,000) to the state fair commission to be used by the state fair commission to support standardbred racing and facilities at the state fairgrounds.

(B) One hundred twenty-five thousand dollars ($125,000) to the state fair commission to be used by the state fair commission to make grants to county fairs to support standardbred racing and facilities at county fair tracks. The state fair commission shall establish a review committee to include the standardbred

association board, the Indiana horse racing commission, and the Indiana county fair association to make recommendations to the state fair commission on grants under this clause.

(C) Fifty percent (50%) of the amount remaining after the distributions under clauses (A) and (B) for the following purposes:

(i) Ninety-six and five-tenths percent (96.5%) for standardbred purses.

(ii) Three and five-tenths percent (3.5%) to the horsemen's association representing standardbred owners and trainers.

(D) Fifty percent (50%) of the amount remaining after the distributions under clauses (A) and (B) to the breed development fund established for standardbreds under IC 4-31-11-10.

(3) Eight percent (8%) for quarter horse purposes as follows:

(A) Seventy percent (70%) for the following purposes:

(i) Ninety-five percent (95%) for quarter horse purses.

(ii) Five percent (5%) to the horsemen's association representing quarter horse owners and trainers.

(B) Thirty percent (30%) to the breed development fund established for quarter horses under IC 4-31-11-10.

Expenditures under this subsection are subject to the regulatory requirements of subsection (h).

(g) Money distributed under subsection (d)(1) and (d)(2) shall be allocated as follows:

(1) Forty-six percent (46%) to the horsemen's association representing thoroughbred owners and trainers.

(2) Forty-six percent (46%) to the horsemen's association representing standardbred owners and trainers.

(3) Eight percent (8%) to the horsemen's association representing quarter horse owners and trainers.

(h) Money distributed under this section may not be expended unless the expenditure is for a purpose authorized in this section and is either for a purpose promoting the equine industry or equine welfare or is for a benevolent purpose that is in the best interests of horse racing in Indiana or the necessary expenditures for the operations of the horsemen's association required to implement and fulfill the purposes of this section. The Indiana horse racing commission may review any expenditure of money distributed under this section to ensure that the requirements of this section are satisfied. The Indiana horse racing commission shall adopt rules concerning the review and oversight of money distributed under this section and shall adopt rules concerning the enforcement of this section. The following apply to a horsemen's association receiving a distribution of money under this section:

(1) The horsemen's association must annually file a report with the Indiana horse racing commission concerning the use of the money by the horsemen's association. The report must include information as required by the commission.

(2) The horsemen's association must register with the Indiana horse racing commission.

The state board of accounts shall annually audit the accounts, books, and records of the Indiana horse racing commission, each horsemen's association, a licensee, and any association for backside benevolence containing any information relating to the distribution of money under this section.

(i) The commission shall provide the Indiana horse racing commission with the information necessary to enforce this section.

(j) The Indiana horse racing commission shall investigate any complaint that a licensee has failed to comply with the horse racing purse requirements set forth in this section. If, after notice and a hearing, the Indiana horse racing commission finds that a licensee has failed to comply with the purse requirements set forth in this section, the Indiana horse racing commission may:

(1) issue a warning to the licensee;

(2) impose a civil penalty that may not exceed one million dollars ($1,000,000); or

(3) suspend a meeting permit issued under IC 4-31-5 to conduct a pari-mutuel wagering horse racing meeting in Indiana.

(k) A civil penalty collected under this section must be deposited in the state general fund.

SECTION 36. IC 4-35-7-16, AS ADDED BY P.L.210-2013, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 16. (a) The amount of ~~slot machine~~ **gambling game** revenue that must be distributed under section 12(b)(2) of this chapter must be determined in a distribution agreement entered into by negotiation committees representing all licensees and the horsemen's associations having contracts with licensees that have been approved by the Indiana horse racing commission.

(b) Each horsemen's association shall appoint a representative to a negotiation committee to negotiate the distribution agreement required by subsection (a). If there ~~are~~ **is** an even number of horsemen's associations appointing representatives to the committee, the members appointed by each horsemen's association shall jointly appoint an at-large member of the negotiation committee to represent the interests of all of the horsemen's associations. The at-large member is entitled to the same rights and privileges of the members appointed by the horsemen's associations.

(c) Each licensee shall appoint a representative to a negotiation committee to negotiate the distribution agreement required by subsection (a). If there ~~are~~ **is** an even number of licensees, the members appointed by each licensee shall jointly appoint an at-large member of the negotiation committee to represent the interests of all of the licensees. The at-large member is entitled to the same rights and privileges of the members appointed by the licensees.

(d) If a majority of the members of each negotiation committee ~~are~~ **is** present, the negotiation committees may negotiate and enter into a distribution agreement binding all horsemen's associations and all licensees as required by subsection (a).

(e) The initial distribution agreement entered into by the negotiation committees:

(1) must be in writing;

(2) must be submitted to the Indiana horse racing commission before October 1, 2013;

(3) must be approved by the Indiana horse racing commission before January 1, 2014; and

(4) may contain any terms determined to be necessary and appropriate by the negotiation committees, subject to subsection (f) and section 12 of this chapter.

(f) A distribution agreement must provide that at least ten percent (10%) and not more than twelve percent (12%) of a licensee's adjusted gross receipts must be distributed under section 12(b)(2) of this chapter. A distribution agreement applies to adjusted gross receipts received by the licensee after December 31 of the calendar year in which the distribution agreement is approved by the Indiana horse racing commission.

(g) A distribution agreement may expire on December 31 of a particular calendar year if a subsequent distribution agreement will take effect on January 1 of the following calendar year. A subsequent distribution agreement:

(1) is subject to the approval of the Indiana horse racing commission; and

(2) must be submitted to the Indiana horse racing commission before October 1 of the calendar year preceding the calendar year in which the distribution agreement will take effect.

(h) The Indiana horse racing commission shall annually report to the budget committee on the effect of each distribution agreement on the Indiana horse racing industry before January 1 of the following calendar year.".

Page 25, delete lines 39 through 42, begin a new paragraph and insert:

"SECTION 35. IC 4-35-7-19 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 19. (a) For purposes of this section, "electronic table games" means:**

(1) baccarat;

(2) blackjack;

(3) poker;

(4) craps; or

(5) roulette;

that a person plays at a table with multiple positions and the game operates on a random number generator without human assistance.

(b) A licensee may submit a plan to the commission for conducting wagering on table games at the licensee's gambling game facility. A licensee must submit a table game plan before the date designated by the commission. Upon receipt of an appropriate plan, the commission shall authorize wagering on table games at the licensee's gambling game facility. Except as provided in subsection (b), a licensee:

(1) may not install more table game positions than the number of positions proposed in the table game plan submitted to the commission;

(2) must remove one (1) electronic table game from its gambling game facility for each table game the licensee installs; and

(3) may have a number of table games equal only to fifty percent (50%) of the electronic table games the licensee had in operation on February 1, 2015.

(c) After five (5) years of conducting table games under a plan approved under subsection (a), a licensee may apply to the commission for the approval to install additional table game positions.".

Page 26, delete lines 1 through 11.

Page 27, line 33, after "on" insert "**ninety-one and one-half percent (91.5%) of**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1540 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 2.

DERMODY, Chair

Report adopted.

Representative Bauer is now excused. Representative Dermody, who had been excused, is now present.

HOUSE BILLS ON SECOND READING

House Bill 1028

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

HOUSE MOTION
(Amendment 1028–1)

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

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

"SECTION 1. IC 5-11-1-9, AS AMENDED BY P.L.280-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) The state examiner, personally or through the deputy examiners, field examiners, or, **except as provided in subsection (h),** private examiners, shall examine all accounts and all financial affairs of every public office and officer, state office, state institution, and entity.

(b) An examination of an entity deriving:

(1) less than fifty percent (50%); or

(2) subject to subsection (h), at least fifty percent (50%) but less than two hundred thousand dollars ($200,000) if the entity is organized as a not-for-profit corporation;

of its disbursements during the period subject to an examination from appropriations, public funds, taxes, and other sources of public expense shall be limited to matters relevant to the use of the public money received by the entity.

(c) The examination of an entity described in subsection (b) may be waived or deferred by the state examiner if the state examiner determines in writing that all disbursements of public money during the period subject to examination were made for the purposes for which the money was received. However, the:

(1) Indiana economic development corporation created by IC 5-28-3 and the corporation's funds, accounts, and financial affairs; and

(2) department of financial institutions established by IC 28-11-1-1 and the department's funds, accounts, and financial affairs;

shall be examined biennially by the state board of accounts.

(d) On every examination under this section, inquiry shall be made as to the following:

(1) The financial condition and resources of each municipality, office, institution, or entity.

(2) Whether the laws of the state and the uniform compliance guidelines of the state board of accounts established under section 24 of this chapter have been complied with.

(3) The methods and accuracy of the accounts and reports of the person examined.

The examinations shall be made without notice.

(e) If during an examination of a state office under this chapter the examiner encounters an inefficiency in the operation of the state office, the examiner may comment on the inefficiency in the examiner's report.

(f) The state examiner, deputy examiners, any field examiner, or any private examiner, when engaged in making any examination or when engaged in any official duty devolved upon them by the state examiner, is entitled to do the following:

(1) Enter into any state, county, city, township, or other public office in this state, or any entity, agency, or instrumentality, and examine any books, papers, documents, or electronically stored information for the purpose of making an examination.

(2) Have access, in the presence of the custodian or the custodian's deputy, to the cash drawers and cash in the custody of the officer.

(3) During business hours, examine the public accounts in any depository that has public funds in its custody pursuant to the laws of this state.

(g) The state examiner, deputy examiner, or any field examiner, when engaged in making any examination authorized by law, may issue subpoenas for witnesses to appear before the examiner in person or to produce books, papers, or other records (including records stored in electronic data processing systems) for inspection and examination. The state examiner, deputy examiner, and any field examiner may administer oaths and examine witnesses under oath orally or by interrogatories concerning the matters under investigation and examination. Under the authority of the state examiner, the oral examinations may be transcribed with the reasonable expense paid by the examined person in the same manner as the compensation of the field examiner is paid. The subpoenas shall be served by any person authorized to serve civil process from any court in this state. If a witness duly subpoenaed refuses to attend, refuses to produce information required in the subpoena, or attends and

refuses to be sworn or affirmed, or to testify when called upon to do so, the examiner may apply to the circuit court having jurisdiction of the witness for the enforcement of attendance and answers to questions as provided by the law governing the taking of depositions.

(h) This subsection applies to audited years beginning after June 30, 2009. The definitions in IC 20-24-1 apply throughout this subsection. Appropriations, public funds, taxes, and other sources of public money received by a nonprofit corporation as a charter school or organizer of a charter school for the purposes of a charter school may not be counted for the purpose of applying subsection (b)(2). Unless the nonprofit corporation receives other public money that would qualify the nonprofit corporation for a full examination of all accounts and financial affairs of the entity under subsection (b)(2), an examination of a charter school or organizer of a charter school must be limited to matters relevant to the use of the public money received for the charter school. This subsection does not prohibit the state examiner, personally or through the deputy examiners, field examiners, or private examiners, from examining the accounts in which appropriations, public funds, taxes, or other sources of public money are applied that are received by a nonprofit corporation as a charter school or organizer of a charter school relating to the operation of the charter school. **Any examination of a charter school or organizer must be performed by a deputy examiner or a field examiner and may not be performed by a private examiner unless all school corporations are also examined by a private examiner for that year.**".

Page 2, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 4. IC 20-51-4-12 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: **Sec. 12. (a) This section applies to any eligible school that provides educational services to any eligible choice scholarship student during a particular year.**

(b) The school shall annually provide to the department either of the following:

(1) An audit of the school that examines the accounts, financial affairs, and performance of the school with respect to choice scholarships received by the school for the year. The audit must be performed by a person qualified to perform examinations under IC 5-11.

(2) A statement sworn or affirmed to under the penalties for perjury, setting forth that the school was in compliance with all state laws and all rules governing the use of choice scholarships under this article for the year.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1028 as printed February 10, 2015.)

PORTER

Upon request of Representatives Pelath and Lawson, the Speaker ordered the roll of the House to be called. Roll Call 128: yeas 28, nays 69. Motion failed.

HOUSE MOTION
(Amendment 1028–2)

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

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

"SECTION 1. IC 20-19-3-15 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 15. (a) As used in this section, "school" means any of the following:**

(1) A school corporation.

(2) A charter school, including a conversion charter school or a virtual charter school.

(3) A nonpublic school that has any students enrolled who receive a choice scholarship under IC 20-51-4.

(b) A school may not offer or give, as an enrollment incentive, any type of redeemable gift card having monetary value (such as a gift card that may be used at a retail store, grocery store, online store, or other commercial enterprise) to:

(1) a prospective student (or the parent or legal guardian of a prospective student) in exchange for enrolling the prospective student at the school; or

(2) any person in exchange for referring a prospective student to the school.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1028 as printed February 10, 2015.)

PORTER

Representative T. Brown rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

There being no further amendments, the bill was ordered engrossed.

House Bill 1102

Representative Koch called down House Bill 1102 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1131

Representative Hamm called down House Bill 1131 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1142

Representative Koch called down House Bill 1142 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Friend.

House Bill 1181

Representative Lehe called down House Bill 1181 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1181–2)

Mr. Speaker: I move that House Bill 1181 be amended to read as follows:

Page 2, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 2. IC 15-15-13-17 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 17. (a) The seed commissioner may determine that certain information collected under this chapter is confidential business information.**

(b) Information determined to be confidential business information under this section is confidential for purposes of IC 5-14-3-4(a).".

Page 3, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 4. IC 35-48-4-18 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 18. (a) As used in this section, "industrial hemp substance" means a substance that is extracted from industrial hemp (as defined by IC 15-15-13-6), including the fiber, seeds, resin, and oil (including cannabidiol oil and cannabis oil), or any other compound extracted, derived, manufactured, or prepared from any part of an industrial hemp plant.**

(b) Sections 2, 8.5, 10, and 11 of this chapter do not apply to the following:

(1) A licensed physician who is practicing at a hospital or associated clinic that is affiliated with a state educational institution, an approved postsecondary educational institution that includes a school of medicine, or a school of pharmacy and transfers, dispenses, or administers industrial hemp substances as part of a patient's treatment.

(2) An individual who is in possession of an industrial hemp substance and who is at least one (1) of the following:

(A) A patient of a physician who meets the criteria in subdivision (1).

(B) Under the treatment and has been provided a prescription or order for an industrial hemp substance by an attending physician who meets the criteria in subdivision (1).

(C) An individual who is participating in a clinical trial or expanded access program in which an industrial hemp substance has been approved for the use of those participants by the federal Food and Drug Administration.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1181 as printed February 6, 2015.)

LEHE

Motion prevailed. The bill was ordered engrossed.

House Bill 1002

Representative Bosma called down House Bill 1002 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1003

Representative Bosma called down House Bill 1003 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Representative Huston is now excused

House Bill 1351

Representative Wolkins called down House Bill 1351 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1351–2)

Mr. Speaker: I move that House Bill 1351 be amended to read as follows:

Page 1, line 6, delete "This" and insert "**(a) Except as provided in subsection (b), this**".

Page 1, between lines 9 and 10, begin a new paragraph and insert:

"**(b) This chapter does not apply to the department of labor established by IC 22-1-1-1.**".

Page 2, line 19, after "(a)" insert "**This section does not apply to the department of labor established by IC 22-1-1-1. (b)**".

Page 2, line 20, delete "(b)" and insert "**(c)**".

Page 2, line 21, delete "(b)" and insert "**(c)**".

Page 2, line 24, delete "(c)" and insert "**(d)**".

Page 2, line 36, delete "(d)" and insert "**(e)**".

Page 2, line 42, delete "(e)" and insert "**(f)**".

Page 3, line 1, delete "(c)" and insert "**(d),**".

Page 3, line 13, delete "(f)" and insert "**(g)**".

Page 3, line 16, delete "(g)" and insert "**(h)**".

Page 3, line 40, delete "Any" and insert "**Except for the department of labor established by IC 22-1-1-1, which is exempted from this requirement, any**".

Page 6, line 34, after "Sec. 31." insert "**(a) The department of labor established by IC 22-1-1-1 is exempted from submitting its rules to the office of regulatory accountability for review under this section.**

(b)".

Page 7, line 38, after "approval and" insert "**, except for the department of labor established by IC 22-1-1-1, which is exempted from this requirement,**".

Page 8, line 15, after "or" insert "**, except for the department of labor established by IC 22-1-1-1, which is exempted from the requirement to submit its rules to the office of regulatory accountability for review,**".

Page 8, after line 22, begin a new paragraph and insert:

"SECTION 7. IC 22-2-2-4, AS AMENDED BY P.L.165-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) Every employer employing four (4) or more employees during a work week shall:

(1) in any work week beginning on or after July 1, 1968, in which the employer is subject to the provisions of this chapter, pay each of the employer's employees wages of not less than one dollar and twenty-five cents ($1.25) per hour;

(2) in any work week beginning on or after July 1, 1977, in which the employer is subject to this chapter, pay each of the employer's employees wages of not less than one dollar and fifty cents ($1.50) per hour;

(3) in any work week beginning on or after January 1, 1978, in which the employer is subject to this chapter, pay each of the employer's employees wages of not less than one dollar and seventy-five cents ($1.75) per hour; and

(4) in any work week beginning on or after January 1, 1979, in which the employer is subject to this chapter, pay each of the employer's employees wages of not less than two dollars ($2) per hour.

(b) Except as provided in subsection (c), every employer employing at least two (2) employees during a work week shall, in any work week in which the employer is subject to this chapter, pay each of the employees in any work week beginning on and after July 1, 1990, and before October 1, 1998, wages of not less than three dollars and thirty-five cents ($3.35) per hour.

(c) An employer subject to subsection (b) is permitted to apply a "tip credit" in determining the amount of cash wage paid to tipped employees. In determining the wage an employer is required to pay a tipped employee, the amount paid the employee by the employee's employer shall be an amount equal to:

(1) the cash wage paid the employee, which for purposes of the determination shall be not less than the cash wage required to be paid to employees covered under the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 203(m)(1)) on August 20, 1996, which amount is two dollars and thirteen cents ($2.13) an hour; and

(2) an additional amount on account of the tips received by the employee, which amount is equal to the difference between the wage specified in subdivision (1) and the wage in effect under subsections (b), (f), (g), ~~and~~ (h), **and (i).**

An employer is responsible for supporting the amount of tip credit taken through reported tips by the employees.

(d) No employer having employees subject to any provisions of this section shall discriminate, within any establishment in which employees are employed, between employees on the basis of sex by paying to employees in such establishment a rate less than the rate at which the employer pays wages to employees of the opposite sex in such establishment for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions, except where such payment is made pursuant to:

(1) a seniority system;

(2) a merit system;

(3) a system which measures earnings by quantity or

quality of production; or

(4) a differential based on any other factor other than sex.

(e) An employer who is paying a wage rate differential in violation of subsection (d) shall not, in order to comply with subsection (d), reduce the wage rate of any employee, and no labor organization, or its agents, representing employees of an employer having employees subject to subsection (d) shall cause or attempt to cause such an employer to discriminate against an employee in violation of subsection (d).

(f) Except as provided in subsection (c), every employer employing at least two (2) employees during a work week shall, in any work week in which the employer is subject to this chapter, pay each of the employees in any work week beginning on or after October 1, 1998, and before March 1, 1999, wages of not less than four dollars and twenty-five cents ($4.25) per hour.

(g) Except as provided in subsections (c) and ~~(j),~~ **(k),** every employer employing at least two (2) employees during a work week shall, in any work week in which the employer is subject to this chapter, pay each of the employees in any work week beginning on or after March 1, 1999, and before July 1, 2007, wages of not less than five dollars and fifteen cents ($5.15) an hour.

(h) Except as provided in subsections (c) and ~~(j),~~ **(k),** every employer employing at least two (2) employees during a work week shall, in any work week in which the employer is subject to this chapter, pay each of the employees in any work week beginning on or after June 30, 2007, **and before July 1, 2015,** wages of not less than the minimum wage payable under the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201 et seq.).

(i) Except as provided in subsections (c) and (k), every employer employing at least two (2) employees during a work week shall, in any work week in which the employer is subject to this chapter, pay each of the employees in any work week beginning on or after July 1, 2015, wages per hour of not less than the average of the minimum wages of all states that have a minimum wage higher than the minimum wage payable under the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201 et seq.).

~~(i)~~ **(j)** This section does not apply if an employee:

(1) provides companionship services to the aged and infirm (as defined in 29 CFR 552.6); and

(2) is employed by an employer or agency other than the family or household using the companionship services, as provided in 29 CFR 552.109 (a).

~~(j)~~ **(k)** This subsection applies only to an employee who has not attained the age of twenty (20) years. Instead of the rates prescribed by subsections (c), (f), (g), ~~and~~ (h), **and (i),** an employer may pay an employee of the employer, during the first ninety (90) consecutive calendar days after the employee is initially employed by the employer, a wage which is not less than:

(1) four dollars and twenty-five cents ($4.25) per hour, effective March 1, 1999; and

(2) the amount payable under the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201 et seq.), during the first ninety (90) consecutive calendar days after initial employment to an employee who has not attained twenty (20) years of age, effective July 1, 2007.

However, no employer may take any action to displace employees (including partial displacements such as reduction in hours, wages, or employment benefits) for purposes of hiring individuals at the wage authorized in this subsection.

~~(k)~~ **(l)** Except as otherwise provided in this section, no employer shall employ any employee for a work week longer than forty (40) hours unless the employee receives compensation for employment in excess of the hours above specified at a rate not less than one and one-half (1.5) times the regular rate at which the employee is employed.

~~(l)~~ **(m)** For purposes of this section the following apply:

(1) "Overtime compensation" means the compensation required by subsection ~~(k).~~ **(l).**

(2) "Compensatory time" and "compensatory time off" mean hours during which an employee is not working, which are not counted as hours worked during the applicable work week or other work period for purposes of overtime compensation, and for which the employee is compensated at the employee's regular rate.

(3) "Regular rate" means the rate at which an employee is employed is considered to include all remuneration for employment paid to, or on behalf of, the employee, but is not considered to include the following:

(A) Sums paid as gifts, payments in the nature of gifts made at Christmas time or on other special occasions, as a reward for service, the amounts of which are not measured by or dependent on hours worked, production, or efficiency.

(B) Payments made for occasional periods when no work is performed due to vacation, holiday, illness, failure of the employer to provide sufficient work, or other similar cause, reasonable payments for traveling expenses, or other expenses, incurred by an employee in the furtherance of the employer's interests and properly reimbursable by the employer, and other similar payments to an employee which are not made as compensation for the employee's hours of employment.

(C) Sums paid in recognition of services performed during a given period if:

(i) both the fact that payment is to be made and the amount of the payment are determined at the sole discretion of the employer at or near the end of the period and not pursuant to any prior contract, agreement, or promise causing the employee to expect the payments regularly;

(ii) the payments are made pursuant to a bona fide profit sharing plan or trust or bona fide thrift or savings plan, meeting the requirements of the administrator set forth in appropriately issued regulations, having due regard among other relevant factors, to the extent to which the amounts paid to the employee are determined without regard to hours of work, production, or efficiency; or

(iii) the payments are talent fees paid to performers, including announcers, on radio and television programs.

(D) Contributions irrevocably made by an employer to a trustee or third person pursuant to a bona fide plan for providing old age, retirement, life, accident, or health insurance or similar benefits for employees.

(E) Extra compensation provided by a premium rate paid for certain hours worked by the employee in any day or work week because those hours are hours worked in excess of eight (8) in a day or in excess of the maximum work week applicable to the employee under subsection ~~(k)~~ **(l)** or in excess of the employee's normal working hours or regular working hours, as the case may be.

(F) Extra compensation provided by a premium rate paid for work by the employee on Saturdays, Sundays, holidays, or regular days of rest, or on the sixth or seventh day of the work week, where the premium rate is not less than one and one-half (1.5) times the rate established in good faith for like work performed in nonovertime hours on other days.

(G) Extra compensation provided by a premium rate paid to the employee, in pursuance of an applicable employment contract or collective bargaining agreement, for work outside of the hours established in good faith by the contract or agreement as the basic,

normal, or regular workday (not exceeding eight (8) hours) or work week (not exceeding the maximum work week applicable to the employee under subsection ~~(k))~~ **(l))** where the premium rate is not less than one and one-half (1.5) times the rate established in good faith by the contract or agreement for like work performed during the workday or work week.

~~(m)~~ **(n)** No employer shall be considered to have violated subsection ~~(k)~~ **(l)** by employing any employee for a work week in excess of that specified in subsection ~~(k)~~ **(l)** without paying the compensation for overtime employment prescribed therein if the employee is so employed:

(1) in pursuance of an agreement, made as a result of collective bargaining by representatives of employees certified as bona fide by the National Labor Relations Board, which provides that no employee shall be employed more than one thousand forty (1,040) hours during any period of twenty-six (26) consecutive weeks; or

(2) in pursuance of an agreement, made as a result of collective bargaining by representatives of employees certified as bona fide by the National Labor Relations Board, which provides that during a specified period of fifty-two (52) consecutive weeks the employee shall be employed not more than two thousand two hundred forty (2,240) hours and shall be guaranteed not less than one thousand eight hundred forty (1,840) hours (or not less than forty-six (46) weeks at the normal number of hours worked per week, but not less than thirty (30) hours per week) and not more than two thousand eighty (2,080) hours of employment for which the employee shall receive compensation for all hours guaranteed or worked at rates not less than those applicable under the agreement to the work performed and for all hours in excess of the guaranty which are also in excess of the maximum work week applicable to the employee under subsection ~~(k)~~ **(l)** or two thousand eighty (2,080) in that period at rates not less than one and one-half (1.5) times the regular rate at which the employee is employed.

~~(n)~~ **(o)** No employer shall be considered to have violated subsection ~~(k)~~ **(l)** by employing any employee for a work week in excess of the maximum work week applicable to the employee under subsection ~~(k)~~ **(l)** if the employee is employed pursuant to a bona fide individual contract, or pursuant to an agreement made as a result of collective bargaining by representatives of employees, if the duties of the employee necessitate irregular hours of work, and the contract or agreement includes the following:

(1) Specifies a regular rate of pay of not less than the minimum hourly rate provided in subsections (c), ~~(h),~~ **(i),** and ~~(j)~~ **(k)** (whichever is applicable) and compensation at not less than one and one-half (1.5) times that rate for all hours worked in excess of the maximum work week.

(2) Provides a weekly guaranty of pay for not more than sixty (60) hours based on the rates so specified.

~~(o)~~ **(p)** No employer shall be considered to have violated subsection ~~(k)~~ **(l)** by employing any employee for a work week in excess of the maximum work week applicable to the employee under that subsection if, pursuant to an agreement or understanding arrived at between the employer and the employee before performance of the work, the amount paid to the employee for the number of hours worked by the employee in the work week in excess of the maximum work week applicable to the employee under that subsection:

(1) in the case of an employee employed at piece rates, is computed at piece rates not less than one and one-half (1.5) times the bona fide piece rates applicable to the same work when performed during nonovertime hours;

(2) in the case of an employee performing two (2) or more kinds of work for which different hourly or piece rates have been established, is computed at rates not less than one and one-half (1.5) times those bona fide rates applicable to the same work when performed during nonovertime hours; or

(3) is computed at a rate not less than one and one-half (1.5) times the rate established by the agreement or understanding as the basic rate to be used in computing overtime compensation thereunder, provided that the rate so established shall be substantially equivalent to the average hourly earnings of the employee, exclusive of overtime premiums, in the particular work over a representative period of time;

and if the employee's average hourly earnings for the work week exclusive of payments described in this section are not less than the minimum hourly rate required by applicable law, and extra overtime compensation is properly computed and paid on other forms of additional pay required to be included in computing the regular rate.

~~(p)~~ **(q)** Extra compensation paid as described in this section shall be creditable toward overtime compensation payable pursuant to this section.

~~(q)~~ **(r)** No employer shall be considered to have violated subsection ~~(k)~~ **(l)** by employing any employee of a retail or service establishment for a work week in excess of the applicable work week specified therein, if:

(1) the regular rate of pay of the employee is in excess of one and one-half (1.5) times the minimum hourly rate applicable to the employee under section 2 of this chapter; and

(2) more than half of the employee's compensation for a representative period (not less than one (1) month) represents commissions on goods or services.

In determining the proportion of compensation representing commissions, all earnings resulting from the application of a bona fide commission rate shall be considered commissions on goods or services without regard to whether the computed commissions exceed the draw or guarantee.

~~(r)~~ **(s)** No employer engaged in the operation of a hospital or an establishment which is an institution primarily engaged in the care of the sick, the aged, or individuals with a mental illness or defect who reside on the premises shall be considered to have violated subsection ~~(k)~~ **(l)** if, pursuant to an agreement or understanding arrived at between the employer and the employee before performance of the work, a work period of fourteen (14) consecutive days is accepted in lieu of the work week of seven (7) consecutive days for purposes of overtime computation and if, for the employee's employment in excess of eight (8) hours in any workday and in excess of eighty (80) hours in that fourteen (14) day period, the employee receives compensation at a rate not less than one and one-half (1.5) times the regular rate at which the employee is employed.

~~(s)~~ **(t)** No employer shall employ any employee in domestic service in one (1) or more households for a work week longer than forty (40) hours unless the employee receives compensation for that employment in accordance with subsection ~~(k).~~ **(l).**

~~(t)~~ **(u)** In the case of an employee of an employer engaged in the business of operating a street, a suburban or interurban electric railway, or a local trolley or motorbus carrier (regardless of whether or not the railway or carrier is public or private or operated for profit or not for profit), in determining the hours of employment of such an employee to which the rate prescribed by subsection ~~(k)~~ **(l)** applies, there shall be excluded the hours the employee was employed in charter activities by the employer if both of the following apply:

(1) The employee's employment in the charter activities was pursuant to an agreement or understanding with the employer arrived at before engaging in that employment.

(2) If employment in the charter activities is not part of the employee's regular employment.

~~(u)~~ **(v)** Any employer may employ any employee for a period or periods of not more than ten (10) hours in the aggregate in any work week in excess of the maximum work week specified in subsection ~~(k)~~ **(l)** without paying the compensation for overtime employment prescribed in subsection ~~(k),~~ **(l),** if during that period or periods the employee is receiving remedial education that:

(1) is provided to employees who lack a high school diploma or educational attainment at the eighth grade level;

(2) is designed to provide reading and other basic skills at an eighth grade level or below; and

(3) does not include job specific training.

~~(v)~~ **(w)** Subsection ~~(k)~~ **(l)** does not apply to an employee of a motion picture theater.

~~(w)~~ **(x)** Subsection ~~(k)~~ **(l)** does not apply to an employee of a seasonal amusement or recreational establishment, an organized camp, or a religious or nonprofit educational conference center that is exempt under the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 213).".

Renumber all SECTIONS consecutively.

(Reference is to HB 1351 as printed February 10, 2015.)

PELATH

Representative Torr rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

APPEAL OF THE RULING OF THE CHAIR

Mr. Speaker: We hereby appeal the ruling of the Chair that Representative Pelath's amendment (1351–02) violates House Rule 80. The amendment addresses the regulatory powers of a state agency, the Department of Labor, and is germane to the bill's subject matter which concerns the regulatory powers of state agencies.

PELATH
PIERCE

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

The question was, Shall the ruling of the Chair be sustained? Roll Call 129: yeas 67, nays 28. The ruling of the Chair was sustained.

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

HOUSE MOTION
(Amendment 1351–1)

Mr. Speaker: I move that House Bill 1351 be amended to read as follows:

Page 1, line 8, delete "body and corporate" and insert "**body corporate and politic**".

Page 2, line 19, delete "As used in this section, "office" refers to the" and insert "**The legislative services agency shall review, upon request by a member of the general assembly, any:**

(1) proposed and emergency rule submitted for publication in the Indiana Register;

(2) adopted rule submitted to the attorney general under IC 4-22-2-31 or IC 4-22-2-40;

(3) proposed and adopted guideline, standard, or other policy of an agency; or

(4) rule or policy of the legislative council.

The review shall be conducted for the purpose of determining whether there is a basis for a finding that the agency's rule, guideline, standard, or policy is in accordance with or exceeds the agency's rulemaking or policymaking authority conferred by law.".

Page 2, delete lines 20 through 35.

Page 2, line 36, delete "(d)" and insert "**(b)**".

Page 2, line 36, delete "office" and insert "**legislative services agency**".

Page 2, line 37, delete "office of regulatory accountability" and insert "**legislative services agency**".

Page 2, line 38, delete "the office's review under this section." and insert "**conducting a review of the agency's rule, guideline, standard, or other policy.**".

Page 2, line 40, delete "office" and insert "**legislative services agency**".

Page 2, delete line 42.

Page 3, delete lines 1 through 12.

Page 3, line 13, delete "(f)" and insert "**(c)**".

Page 3, line 13, delete "office" and insert "**legislative services agency**".

Page 3, delete lines 16 through 19, begin a new paragraph and insert:

"**(d) It is not the intent of the general assembly in enacting this section to have the findings, statements, conclusions, motives, or opinions of the legislative services agency or any legislative services agency employee to be used as evidence of:**

(1) the legislative intent, purpose, or meaning of an act enacted or resolution adopted by the general assembly; or

(2) an agency's legal authority or lack of legal authority to adopt a rule, guideline, standard, or other policy;

in any investigation, discovery, administrative, civil, or criminal proceeding.

(e) It is not the intent of the general assembly in enacting this section to impute the motives, findings, statements, conclusions, or opinions of the legislative services agency or any legislative services agency employee regarding the matters described in subsection (d)(1) and (d)(2) to the general assembly.".

Page 3, line 40, delete "Any".

Page 3, delete lines 41 through 42.

Page 4, line 1, delete "electronic format under IC 5-14-6.".

Page 6, delete lines 32 through 42, begin a new paragraph and insert:

"SECTION 4. IC 4-22-7-7, AS AMENDED BY P.L.53-2014, SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) This section applies to the following agency statements:

(1) Executive orders issued by the governor.

(2) Notices that a rule has been disapproved or objected to by the attorney general under IC 4-22-2-32 or IC 4-22-2-38, or disapproved or objected to by the governor under IC 4-22-2-34 or IC 4-22-2-38.

(3) Official opinions of the attorney general (excluding advisory letters).

(4) Official explanatory opinions of the state board of accounts based on an official opinion of the attorney general.

(5) Any other statement:

(A) that:

(i) interprets, supplements, or implements a statute or rule;

(ii) has not been adopted in compliance with IC 4-22-2; **and**

~~(iii) is not intended by its issuing agency to have the effect of law; and~~

~~(iv)~~ **(iii)** may be used in conducting the agency's external affairs; or

(B) that specifies a policy that an agency relies upon to:

(i) enforce a statute or rule;

(ii) conduct an audit or investigation to determine compliance with a statute or rule; or

(iii) impose a sanction for violation of a statute or rule.

This subdivision includes information bulletins, revenue rulings (including, subject to IC 6-8.1-3-3.5, a letter of findings), and other guidelines of an agency.

(6) A statement of the governor concerning extension of an approval period under IC 4-22-2-34.

(b) Whenever an agency adopts a statement described by subsection (a), the agency shall distribute electronic copies of the statement to the publisher for publication and indexing in the Indiana Register (in the format specified by the publisher under IC 4-22-2) and the copies required by IC 4-23-7.1-26 to the Indiana library and historical department. However, if a statement under subsection (a)(5)(B) is in the form of a manual, book, pamphlet, or reference publication, the publisher is required to publish only the title of the manual, book, or reference publication.

(c) Every agency that adopts a statement described under subsection (a) also shall maintain a current list of all agency statements described in subsection (a) that it may use in its external affairs. The agency shall update the listing at least every thirty (30) days. The agency shall include on the list the name of the agency and the following information for each statement:

(1) Title.

(2) Identification number.

(3) Date originally adopted.

(4) Date of last revision.

(5) Reference to all other statements described in subsection (a) that are repealed or amended by the statement.

(6) Brief description of the subject matter of the statement.

(d) At least quarterly, every agency that maintains a list under subsection (c) shall distribute two (2) copies to the Indiana library and historical department.".

Delete pages 7 through 8.

Renumber all SECTIONS consecutively.

(Reference is to HB 1351 as printed February 10, 2015.)

WOLKINS

Motion prevailed. The bill was ordered engrossed.

House Bill 1452

Representative Eberhart called down House Bill 1452 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1617

Representative Sullivan called down House Bill 1617 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1631

Representative Morris called down House Bill 1631 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1636

Representative Behning called down House Bill 1636 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1636–1)

Mr. Speaker: I move that House Bill 1636 be amended to read as follows:

Page 3, line 1, delete "section:" and insert "**section applies to an authorizer described in IC 20-24-1-2.5(1), IC 20-24-1-2.5(2), and IC 20-24-1-2.5(5) if the authorizer has not previously issued a charter for any charter school prior to July 1, 2015.**".

Page 3, delete lines 2 through 7.

Page 8, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 10. IC 20-24-6-3, AS ADDED BY P.L.1-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. **(a)** Employees of a charter school may organize and bargain collectively under IC 20-29.

(b) This subsection applies to a conversion charter school. For any collective bargaining agreement under IC 20-29 entered into after July 1, 2015, a governing body is not bound by its collective bargaining agreement for employees of a conversion charter school. Employees of a conversion charter school may organize and collectively bargain only as a unit separate from other school employees under IC 20-29. Salary increases may not be collectively bargained for employees of a conversion charter school under IC 20-29.".

Page 9, delete lines 41 through 42, begin a new paragraph and insert:

"SECTION 12. IC 20-24-8-5, AS AMENDED BY P.L.160-2012, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. The following statutes and rules and guidelines adopted under the following statutes apply to a charter school:

(1) IC 5-11-1-9 (required audits by the state board of accounts).

(2) IC 20-39-1-1 (unified accounting system).

(3) IC 20-35 (special education).

(4) IC 20-26-5-10 (criminal history).

(5) IC 20-26-5-6 (subject to laws requiring regulation by state agencies).

(6) IC 20-28-10-12 (nondiscrimination for teacher marital status).

(7) IC 20-28-10-14 (teacher freedom of association).

(8) IC 20-28-10-17 (school counselor immunity).

(9) For conversion charter schools only **if the conversion charter school elects to collectively bargain under IC 20-24-6-3(b),** IC 20-28-6, IC 20-28-7.5, IC 20-28-8, IC 20-28-9, and IC 20-28-10.

(10) IC 20-33-2 (compulsory school attendance).

(11) IC 20-33-3 (limitations on employment of children).

(12) IC 20-33-8-19, IC 20-33-8-21, and IC 20-33-8-22 (student due process and judicial review).

(13) IC 20-33-8-16 (firearms and deadly weapons).

(14) IC 20-34-3 (health and safety measures).

(15) IC 20-33-9 (reporting of student violations of law).

(16) IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative observances).

(17) IC 20-31-3, IC 20-32-4, IC 20-32-5, IC 20-32-8, and IC 20-32-8.5, as provided in IC 20-32-8.5-2(b) (academic standards, accreditation, assessment, and remediation).

(18) IC 20-33-7 (parental access to education records).

(19) IC 20-31 (accountability for school performance and improvement).

(20) IC 20-30-5-19 (personal financial responsibility instruction).".

Delete page 10.

Renumber all SECTIONS consecutively.

(Reference is to HB 1636 as printed February 10, 2015.)

BEHNING

After discussion, Representative Behning withdrew the call of House Bill 1636.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that House Bills 1457, 1605, 1606, 1615, 1618, 1262 and 1540 had been referred to the Committee on Ways and Means.

HOUSE MOTION

Mr. Speaker: I move that Representatives Bosma and T. Brown be added as coauthors of House Bill 1019.

TORR

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Macer be added as coauthor of House Bill 1197.

MCNAMARA

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Porter and Mayfield be added as coauthors of House Bill 1283.

PRYOR

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Hale be added as coauthor of House Bill 1319.

KOCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Carbaugh and Hale be added as coauthors of House Bill 1615.

ZENT

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative GiaQuinta be added as coauthor of House Bill 1627.

MORRIS

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Wright, the House adjourned at 2:40 p.m., this twelfth day of February, 2015, until Monday, February 16, 2015, at 1:30 p.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives