



# Journal of the Senate

State of Indiana

119th General Assembly

First Regular Session

Forty-third Meeting Day

Tuesday Afternoon

April 14, 2015

The Senate convened at 1:39 p.m., with the President of the Senate, Sue Ellspermann, in the Chair.

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

The Pledge of Allegiance to the Flag was led by the President of the Senate.

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

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

Roll Call 424: present 50; excused 0. [Note: A  indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

## REPORTS FROM COMMITTEES

### COMMITTEE REPORT

Madam President: The Senate Committee on Environmental Affairs, to which was referred Senate Resolution 57, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.

Committee Vote: Yeas 4, Nays 1.

CHARBONNEAU, Chair

Report adopted.

### SENATE MOTION

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

- HCR 66 Senator Pete Miller  
Recognizing Indiana motorsports.
- HCR 76 Senator Patricia Miller  
Congratulating Eric Vincent.
- HCR 77 Senator M. Young  
Honoring the Decatur Central Lions Club.
- HCR 78 Senator Charbonneau  
Congratulating the Valparaiso girls gymnastics team.
- HCR 79 Senator Alting  
Recognizing the Art League of the Art Museum of Greater Lafayette.
- HCR 81 Senator Rogers  
Celebrating the 100<sup>th</sup> birthday of Elsie P. Clay Wood.

LONG

Motion prevailed.

### RESOLUTIONS ON FIRST READING

#### House Concurrent Resolution 66

House Concurrent Resolution 66, sponsored by Senator Pete Miller:

A CONCURRENT RESOLUTION recognizing Indiana motorsports.

*Whereas, The motorsports industry has helped to put Indiana front and center in the racing world based on the fact that some of the world's premier motorsports attractions are hosted at the Indianapolis Motor Speedway;*

*Whereas, The motorsports industry has stimulated economic growth in our state using the abundant talent and resources available to the industry in Indiana;*

*Whereas, Motorsports attract millions of visitors to our state annually bringing with them additional dollars that flow into our economy;*

*Whereas, Known as the "Racing Capital of the World", Indiana has a long heritage of racing enthusiasts and a love of the sport that will never die;*

*Whereas, More than 1,600 motorsports companies are based in Indiana, including racing teams, manufacturers, and service companies that represent every area of motorsports, including many of the nation's top professional racing teams;*

*Whereas, The motorsports industry touches all 92 counties of Indiana and is indirectly responsible for over 421,000 jobs while the cluster directly employs over 23,000 individuals in the state and pays an average wage of nearly \$63,000;*

*Whereas, Beyond racetracks, there are race teams, fabricators, manufacturers, research and development firms, welding companies, suppliers, marketing and public relations firms, and service providers who compose the whole of the motorsports footprint in the state;*

*Whereas, Founded by Carl G. Fisher, James A. Allison, Arthur C. Newby, and Frank H. Wheeler, the Indianapolis Motor Speedway became the world's greatest race course and serves as the centerpiece of the motorsports industry in Indiana; and*

*Whereas, It is Indiana's goal to continue to develop strong, lasting relationships among the racing community and the business community, government, and educational institutions: 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 acknowledge the many contributions of the motorports industry in Indiana and the hours of enjoyment it has given to Hoosiers.

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

#### **House Concurrent Resolution 76**

House Concurrent Resolution 76, sponsored by Senator Patricia Miller:

A CONCURRENT RESOLUTION congratulating Eric Vincent.

*Whereas, Eric Vincent, a member of the faculty since 1999 and Dean of Curriculum at Lutheran High School, has been named the 2014 Lutheran High School Teacher of the Year;*

*Whereas, Eric Vincent teaches English and speech and serves as Chair of the English Department;*

*Whereas, Eric Vincent recently attained the status of adjunct lecturer for Indiana University Bloomington when he began teaching the university's English composition courses at Lutheran High School;*

*Whereas, Eric Vincent earned a bachelor's degree in education from Concordia University in Nebraska and a master's degree in curriculum and instruction from the University of Indianapolis;*

*Whereas, Becoming a teacher was a natural choice for Eric Vincent because most of the people who helped raise him were educators;*

*Whereas, Eric feels a strong sense of gratitude for all the time and love that has been shown him over the years and feels that being an educator allows him the opportunity to express this gratitude and perpetuate a process that was so instrumental in shaping who he has become;*

*Whereas, One of the goals Eric Vincent hopes to attain is that his students are "better armed to express themselves at the collegiate level, well-prepared for the reading demands ahead of them, and more in touch with the wide range of human experience that opens up to us through language";*

*Whereas, Eric Vincent was chosen as Lutheran High School's 2014 Teacher of the Year by his peers, the students, and the student's parents because of his excellence in the classroom and his ability to inspire; and*

*Whereas, Education is vital to the success of the youth of our state, and all Hoosiers take pride in teachers who dedicate themselves to educating our young people: Therefore,*

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

SECTION 1. That the Indiana General Assembly congratulates Eric Vincent on his selection as the 2014 Lutheran High School Teacher of the Year and encourages him to continue dedicating himself to the education and betterment of young Hoosiers.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Eric Vincent and his family and Michael Brandt, Head of School.

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

#### **House Concurrent Resolution 77**

House Concurrent Resolution 77, sponsored by Senator M. Young:

A CONCURRENT RESOLUTION honoring the Decatur Central Lions Club.

*Whereas, Lions Clubs International is the world's largest service club organization with 1.35 million members in more than 46,000 clubs in more than 206 countries and geographic areas;*

*Whereas, Founded in 1917, the Lions Clubs International is best known for fighting blindness, but members also volunteer for many different kinds of community projects, including caring for the environment, feeding the hungry, and aiding seniors and the disabled;*

*Whereas, By conducting vision screenings, equipping hospitals and clinics, distributing medicine, and raising awareness of eye disease, Lions clubs work toward their mission of providing vision for all;*

*Whereas, Lions clubs have extended their commitment to sight conservation through countless local efforts and through the international SightFirst Program, which is working toward eradicating blindness;*

*Whereas, Lions clubs support local children and schools through scholarships, recreation, mentoring, and programs such as the Peace Poster Contest, Youth Camps and Exchange, and Lions Quest;*

*Whereas, The Leo Club Program provides the youth of the world with an opportunity for personal development through volunteering;*

*Whereas, There are approximately 144,000 Leos and 5,700 Leo clubs in more than 140 countries;*

*Whereas, With a motto of "We Serve", Lions clubs are part of a global service network doing whatever is necessary to help local communities; and*

*Whereas, The Decatur Central Lions Club, and Lions clubs everywhere, are working together to make our world a better place: 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 wishes to congratulate the Decatur Central Lions Club on the occasion of its 70th anniversary.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the Decatur Central Lions Club.

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

#### **House Concurrent Resolution 78**

House Concurrent Resolution 78, sponsored by Senator Charbonneau:

A CONCURRENT RESOLUTION congratulating the Valparaiso girls gymnastics team.

*Whereas, Valparaiso High School's girls gymnastics team captured its second consecutive state championship accumulating 113.100 points at Ball State University's Worthen Arena in Muncie giving the Vikings a state-leading 11th crown in the sport and the sixth in the last eight years;*

*Whereas, Senior Rushelle Miller won the floor exercise with a score of 9.575;*

*Whereas, Senior Hanna Wilson won a medal as part of a three-way tie for fifth on floor with a 9.45 score, Sydney Intagliata was fifth on beam with a score of 9.4, and freshman Jenna Algozine took second on uneven bars, scoring 9.55 and tied for fifth in the all-around with Rushelle Miller with a score of 37.625;*

*Whereas, Coach Lorie Cook credits the team's success to a willingness to buy into an ego-free, team-first mentality; and*

*Whereas, Outstanding accomplishments such as this deserves special recognition: Therefore,*

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

SECTION 1. That the Indiana General Assembly congratulates the Valparaiso High School girls gymnastics team on its victory and to encourage the members to continue to display this level of excellence in all their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to each member of the Valparaiso High School girls gymnastics team and coach Lorie Cook.

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

#### **House Concurrent Resolution 79**

House Concurrent Resolution 79, sponsored by Senator Altig:

A CONCURRENT RESOLUTION recognizing the Art League of the Art Museum of Greater Lafayette.

*Whereas, The Art League of the Art Museum of Greater Lafayette was founded in 1965 as the Women's Group of the Lafayette Art Association;*

*Whereas, The Art League has provided continuous volunteer support to the Art Museum of Greater Lafayette for 50 years;*

*Whereas, The Art League regularly offers and supports educational and fundraising activities, exhibitions, acquisitions, and programs;*

*Whereas, The Art League provides members with the opportunity for individual, creative, and artistic experiences and fosters arts and artists in the Greater Lafayette community; and*

*Whereas, The Art League of the Art Museum of Greater Lafayette is celebrating its 50th anniversary: Therefore,*

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

SECTION 1. That the Indiana General Assembly recognizes the Art League of the Art Museum of Greater Lafayette on the occasion of the 50th anniversary of its creation and acknowledges the many years of service to the art community of the Greater Lafayette area.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the Art League of the Art Museum of Greater Lafayette.

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

#### **House Concurrent Resolution 81**

House Concurrent Resolution 81, sponsored by Senators Rogers, Breaux, and Taylor:

A CONCURRENT RESOLUTION celebrating the 100th birthday of Elsie P. Clay Wood.

*Whereas, Elsie P. Clay Wood celebrated her 100th birthday on March 3, 2015, in Indianapolis, Indiana, the city of her birth;*

*Whereas, A 1933 graduate of Crispus Attucks High School, Elsie Clay Wood served her country loyally as a clerk typist in the Women's Army Corps from 1943 to 1945;*

*Whereas, After returning from the service, Elsie worked briefly at Naval Avionics;*

*Whereas, After leaving Naval Avionics, Elsie attended the Madame C. J. Walker Beauty School where she obtained her beauty license and began working at the Fairfield Beauty Shop;*

*Whereas, Elsie returned to government service with her employment at the General Services Administration where she worked until her retirement in 1980;*

*Whereas, On November 11, 1941, Elsie married Earl L. Wood, a United States Army veteran; and*

*Whereas, It is a joy to celebrate the 100th birthday of a lady whose life has had such a positive influence on her community, her state, and her country: Therefore,*

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

SECTION 1. That the Indiana General Assembly congratulates Elsie P. Clay Wood on the occasion of her 100th birthday and trusts that she will celebrate many more birthdays in the years to come.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Elsie Clay Wood and her family.

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

#### **SENATE MOTION**

Madam President: I move that the Motion to Concur on Senate Bill 509, filed April 13, 2015, be withdrawn from further consideration by the Senate.

CHARBONNEAU

Motion prevailed.

#### **MESSAGE FROM THE HOUSE**

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolutions 66, 76, 77, 78, 79, and 81 and the same are herewith transmitted for further action.

M. CAROLINE SPOTTS  
Principal Clerk of the House

#### **MESSAGE FROM THE PRESIDENT OF THE SENATE**

Members of the Senate: I have on the 14<sup>th</sup> day of April, 2015, signed Senate Enrolled Acts: 4, 59, 171, 265, 289, 429, 434, and 506.

SUE ELLSPERMANN  
Lieutenant Governor

#### **MESSAGE FROM THE PRESIDENT OF THE SENATE**

Members of the Senate: I have on the 14<sup>th</sup> day of April, 2015, signed House Enrolled Acts: 1017, 1025, 1042, 1046, 1056, 1101, 1131, 1164, 1185, 1208, 1216, 1263, 1283, 1362, 1501, and 1617.

SUE ELLSPERMANN  
Lieutenant Governor

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

##### **Engrossed House Bill 1001**

Senator Kenley called up Engrossed House Bill 1001 for second reading. The bill was read a second time by title.

SENATE MOTION  
(Amendment 1001-28)

Madam President: I move that Engrossed House Bill 1001 be amended to read as follows:

Page 157, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 163. IC 20-40-8-19, AS AMENDED BY P.L.162-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 19. Money in the fund may be used before ~~January 1, 2016~~, **July 1, 2017**, to pay for up to one hundred percent (100%) of the following costs of a school corporation:

- (1) Utility services.
- (2) Property or casualty insurance.
- (3) Both utility services and property or casualty insurance.

A school corporation's expenditures under this section may not in a calendar year exceed three and five-tenths percent (3.5%) of the school corporation's 2005 calendar year distribution."

Page 171, line 30, delete "FOUR" and insert "**THREE**".

Page 210, between lines 37 and 38, begin a new paragraph and insert:

"SECTION 222. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "legislative council" refers to the legislative council established by IC 2-5-1.1-1.

(b) During the 2015 legislative interim, the legislative council is urged to assign to the appropriate study committee the study of the following topics:

- (1) Whether the statute governing school corporation capital projects funds should be amended to allow money in those funds to be used on a permanent basis for utilities, insurance, and technology.
- (2) Whether the name of the school corporation capital projects fund should be changed to reflect the use of money in the fund for purposes other than capital projects.

(c) If the topics described in subsection (b) are assigned to a study committee, the study committee shall issue a final report to the legislative council containing the study committee's findings and recommendations, including any recommended legislation concerning the topics, in an electronic format under IC 5-14-6 not later than November 1, 2015.

(d) This SECTION expires December 31, 2015."

Renumber all SECTIONS consecutively.  
(Reference is to EHB 1001 as printed April 10, 2015.)

MISHLER

Motion prevailed.

SENATE MOTION  
(Amendment 1001-39)

Madam President: I move that Engrossed House Bill 1001 be amended to read as follows:

Page 145, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 131. IC 20-27-3-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5.5. (a) The committee shall adopt and enforce rules under IC 4-22-2 that allow for the display of paid advertisements on a school bus operated by or on behalf of school corporations.

(b) The rules adopted under subsection (a) must provide

that any advertisement displayed on a school bus may not be placed in a manner that:

- (1) obstructs the school bus driver's vision through the windshield or any other window;
- (2) impedes the school bus driver's operation of any equipment;
- (3) distracts the attention of other motorists from the school bus's warning lamps or stop signal arm when the school bus is loading or unloading students; or
- (4) obscures the number or name of the school corporation.

(c) The rules adopted under subsection (a) must provide that any advertisement displayed on a school bus must be:

- (1) advertising of a commercial venture;
- (2) painted or affixed by decal;
- (3) consistent with community standards; and
- (4) age and developmentally appropriate for students.

(d) The rules adopted under subsection (a) must provide that any advertisement displayed on a school bus may not:

- (1) promote any substance or activity that is illegal for minors, such as alcohol, tobacco, drugs, or gambling;
- (2) promote any political party, candidate, or issue; or
- (3) contain sexual material.

(e) A commercial advertiser that contracts with a school corporation for the use of space for an advertisement shall pay:

- (1) the cost of placing the advertisement on a school bus; and
- (2) for the removal of the advertisement after the term of the contract has expired.

(f) The school corporation shall deposit the revenue from the sale of advertising space on a school bus in the school corporation's transportation fund."

Renumber all SECTIONS consecutively.  
(Reference is to EHB 1001 as printed April 10, 2015.)

HERSHMAN

Motion prevailed.

SENATE MOTION  
(Amendment 1001-26)

Madam President: I move that Engrossed House Bill 1001 be amended to read as follows:

Page 9, line 32, delete "Indiana Court Technology" and insert "**Judicial Technology and Automation Project**".

Page 16, line 6, after "schools" insert "**and libraries**".

Page 21, between lines 46 and 47, begin a new line blocked left and insert:

**"Any community corrections grant to reimburse sheriffs for the cost of incarcerated offenders must provide a per diem of \$35 per day plus medical costs."**

Page 46, line 5, after "is" insert "**annually available**".

Page 68, delete lines 5 through 6, begin a new line and insert: "**AGRICULTURAL RESEARCH AND EXTENSION - CROSSROADS**

**Total Operating Expense 8,492,325 8,492,325"**

Page 73, delete lines 20 through 22, begin a new line and insert:

**"MIDWEST HIGHER EDUCATION COMPACT  
Build Indiana Fund (IC 4-30-17)**

**Total Operating Expense 115,000 115,000".**

Page 92, line 10, delete "2,776,164" and insert "**2,766,164**".

Page 92, line 12, delete "1,798,936" and insert "**1,997,500**".

Page 97, line 16, after "Preservation" insert "**and Rehabilitation**".

Page 97, line 25, delete "and vegetative cover".

Page 97, line 28, delete "account." and insert "**account and limited to a project to the exterior of a building.**".

Page 97, line 38, delete "historical, architectural," and insert "**historical or architectural**".

Page 97, line 39, delete "or archeological".

Page 166, line 17, after "(B)" delete "met the financial eligibility standard under IC 20-33-5-2 for assistance under IC 20-33-5;" and insert "**were receiving Supplemental Nutrition Assistance Program (SNAP) benefits, Temporary Assistance for Needy Families (TANF) benefits, or foster care services;**".

Page 166, line 22, after "(ii)" delete "met the financial eligibility standard under IC 20-33-5-2 for assistance under" and insert "**were receiving Supplemental Nutrition Assistance Program (SNAP) benefits, Temporary Assistance for Needy Families (TANF) benefits, or foster care services;**".

Page 166, delete line 23.

Page 170, line 30, delete "of the current school year." and insert "**in the school year ending in the later of:**

**(A) 2015; or**

**(B) the first year of operation of the school corporation.**

**For a conversion charter school, the percentage determined under this STEP is the percentage of the sponsor school corporation."**

(Reference is to EHB 1001 as printed April 10, 2015.)

KENLEY

Motion prevailed.

**SENATE MOTION  
(Amendment 1001-34)**

Madam President: I move that Engrossed House Bill 1001 be amended to read as follows:

Page 11, line 7, delete "612,412 592,420" and insert "**732,069 708,593**".

Page 196, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 211. IC 33-38-9-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 11. (a) This section applies after December 31, 2015, and before January 1, 2017.**

**(b) The Indiana judicial center shall review the workload and backlog of cases in the Indiana tax court and the Indiana board of tax review and shall submit a report to the legislative council based on the center's review by December 1, 2016. The report must contain the following information:**

**(1) A review and analysis of the methods and procedures for case disposition in the Indiana tax court, including:**

**(A) findings concerning efficiencies of the methods and procedures in the Indiana tax court and the Indiana board of tax review; and**

**(B) recommendations (if any) for necessary improvement of case dispositions in the Indiana tax court Indiana board of tax review.**

**(2) Consideration of any reports and recommendations concerning the Indiana tax court prepared and published by the division of court administration under IC 33-24-6-3.**

**(c) The tax court judge and tax court personnel under IC 33-26-4-2 and the Indiana board of tax review and the Indiana board of tax review's personnel shall furnish to the Indiana judicial center or the center's employees all requested tax court information and Indiana board of tax review information necessary for purposes of this section and that is not otherwise confidential.**

**(d) The Indiana judicial center may employ contract services for purposes of this section.**

**(e) The report submitted to the legislative council must be in an electronic format under IC 5-14-6."**

Page 212, delete lines 6 through 27.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1001 as printed April 10, 2015.)

KENLEY

Motion prevailed.

**SENATE MOTION  
(Amendment 1001-40)**

Madam President: I move that Engrossed House Bill 1001 be amended to read as follows:

Page 126, line 37, delete "." and insert ",".

Page 127, line 25, delete "deposited" and insert "**on deposit**".

Page 127, line 26, after "terminated" insert "**upon the completion of a phase out period**".

Page 127, line 32, delete "costs" and insert "**expenses**".

Page 127, delete lines 35 through 37.

Page 127, line 40, delete "," and insert "**(IC 12-15-44.5)**".

Page 127, line 45, delete "Investment earnings,".

Page 127, delete lines 46 through 47.

Page 128, line 23, delete "If" and insert "**For the period beginning February 1, 2015, and ending the date the plan is terminated upon the completion of a phase out period, if**".

Page 128, line 45, delete "6(c)" and insert "**6(b)**".

Page 129, line 11, after "the" insert "**incremental**".

Page 130, line 1, after "the" insert "**phase out**".

Page 130, line 23, delete "and".

Page 130, line 24, delete "." and insert "**;** and

**(3) to refund hospitals in the manner described in subsection (h).**".

Page 130, line 38, after "funds" insert "**and accrued interest**".

Page 130, line 42, delete ":" and insert "**and the incremental fee used for purposes of IC 16-21-10-13.3:**".

Page 131, line 44, delete "This section".

Page 131, line 45, delete "does not apply to the use of the incremental fee described in section 13.3 of this chapter."

Page 132, line 4, after "(D)" insert "**Section 13.3 of this chapter.**

**(E)**".

Page 132, line 36, before "If" insert "**The committee members described in subdivision (3) serve at the pleasure of the governor.**".

Page 132, line 47, after "approvals" insert "**and any other determinations**".

Page 133, line 3, after "approval" insert "**and other determination**".

Page 134, line 16, after "chapter" insert ", **excluding the part of the fee used for purposes of section 13.3 of this chapter,**".

Page 134, line 32, delete ";" and insert ", **excluding the part of the fee used for purposes of section 13.3 of this chapter;**".

Page 135, line 22, delete "and to fund the amounts described".

Page 135, line 23, delete "in subsection (d)".

Page 135, line 34, delete "Medicaid provider payments used in".

Page 135, line 34, delete ";" and insert "**developed using Medicaid reimbursement rates;**".

Page 135, line 36, after "(ii)" insert "**the capitation rates applicable for the plan developed using**".

Page 135, line 36, delete "used in" and insert ".".

Page 135, delete line 37.

Page 135, line 47, delete "establishes" and insert "**approves**". (Reference is to EHB 1001 as printed April 10, 2015.)

PATRICIA MILLER

Motion prevailed.

SENATE MOTION  
(Amendment 1001-15)

Madam President: I move that Engrossed House Bill 1001 be amended to read as follows:

Page 160, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 172. IC 20-43-4-5, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 30, 2015]: Sec. 5. In determining ADM, each kindergarten pupil shall be counted as:

- (1) one (1) pupil, if the pupil is enrolled in a full-day kindergarten program; or**
- (2) one-half (1/2) pupil, if the pupil is enrolled in a half-day kindergarten program.**

If a school corporation commences kindergarten in a school year, the ADM of the current and prior calendar years shall be adjusted to reflect the enrollment of the kindergarten pupils."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1001 as printed April 10, 2015.)

TALLIAN

Upon request of Senator Tallian the President ordered the roll of the Senate to be called. Roll Call 425: yeas 10, nays 40. Motion failed.

SENATE MOTION  
(Amendment 1001-4)

Madam President: I move that Engrossed House Bill 1001 be amended to read as follows:

Page 75, line 14, delete "6,825,500,000 6,982,400,000" and insert "**6,739,400,000 6,878,100,000**".

Page 75, line 19, after "scholarships" insert "**(other than choice scholarships for students who have never been enrolled in a public school)**".

Page 75, line 20, after "assembly." insert "**The foregoing appropriation may not be used for choice scholarships for students who have never been enrolled in a public school.**".

Page 75, between lines 30 and 31, begin a new line and insert:  
**"DISTRIBUTION FOR CERTAIN CHOICE SCHOLARSHIPS**

<b>Total Operating Expense</b>	<b>156,420,000</b>	<b>176,800,000</b>
--------------------------------	--------------------	--------------------

**The foregoing appropriations are to be distributed only for choice scholarships for students who have never been enrolled in a public school. If the above appropriations for distribution for choice scholarships for students who have never been enrolled in a public school are more than required, any excess reverts to the general fund.**"

Page 158, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 168. IC 20-43-2-3, AS AMENDED BY P.L.205-2013, SECTION 270, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. **(a)** If the total amount to be distributed:

- (1) as basic tuition support;
- (2) for honors diploma awards;
- (3) for complexity grants;
- (4) for special education grants;
- (5) for career and technical education grants;
- (6) for choice scholarships **(other than choice scholarships for students who have never been enrolled in a public school)**;
- (7) for Mitch Daniels early graduation scholarships; and
- (8) for full-day kindergarten grants;

for a particular state fiscal year exceeds the amounts appropriated by the general assembly for those purposes for the state fiscal year, the total amount to be distributed for those purposes to each recipient during the remaining months of the state fiscal year shall be proportionately reduced so that the total reductions equal the amount of the excess.

**(b) If the total amount to be distributed for choice scholarships for a particular state fiscal year for students who have never been enrolled in a public school exceeds the amounts appropriated by the general assembly for that purpose for the state fiscal year, the total amount to be distributed for that purpose to each recipient during the remaining months of the state fiscal year shall be proportionately reduced so that the total reductions equal the amount of the excess.**"

Page 158, line 37, after "scholarships" insert "**(other than choice scholarships for students who have never been enrolled in a public school)**".

Page 158, line 38, after "scholarships" insert "**(other than choice scholarships for students who have never been enrolled in a public school)**".

Page 159, line 3, after "scholarships" insert "**(other than**

**choice scholarships for students who have never been enrolled in a public school)".**

Page 159, line 4, after "scholarships" insert "**(other than choice scholarships for students who have never been enrolled in a public school)**".

Renumber all SECTIONS consecutively.  
(Reference is to EHB 1001 as printed April 10, 2015.)

TALLIAN

Upon request of Senator Tallian the President ordered the roll of the Senate to be called. Roll Call 426: yeas 10, nays 40. Motion failed.

SENATE MOTION  
(Amendment 1001-7)

Madam President: I move that Engrossed House Bill 1001 be amended to read as follows:

Page 172, reset in roman lines 5 through 6.

Page 172, line 6, after "year" delete ":" and insert "**is four thousand nine hundred seventy dollars (\$4,970) for a school year beginning after June 30, 2015, and before July 1, 2016, and five thousand eighty-six dollars (\$5,086) for a school year beginning after June 30, 2016.**".

(Reference is to EHB 1001 as printed April 10, 2015.)

TALLIAN

Upon request of Senator Tallian the President ordered the roll of the Senate to be called. Roll Call 427: yeas 10, nays 40. Motion failed.

SENATE MOTION  
(Amendment 1001-12)

Madam President: I move that Engrossed House Bill 1001 be amended to read as follows:

Page 115, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 71. IC 6-3-2-22, AS ADDED BY P.L.229-2011, SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 22. (a) The following definitions apply throughout this section:

- (1) "Dependent child" means an individual who:
  - (A) is eligible to receive a free elementary or high school education in an Indiana school corporation;
  - (B) qualifies as a dependent (as defined in Section 152 of the Internal Revenue Code) of the taxpayer; and
  - (C) is the natural or adopted child of the taxpayer or, if custody of the child has been awarded in a court proceeding to someone other than the mother or father, the court appointed guardian or custodian of the child.

If the parents of a child are divorced, the term refers to the parent who is eligible to take the exemption for the child under Section 151 of the Internal Revenue Code.

- (2) "Education expenditure" refers to any expenditures made in connection with enrollment, attendance, or participation of the taxpayer's dependent child in a **public or private** elementary or high school education program. The term includes tuition, fees, computer software, textbooks, workbooks, curricula, school supplies (other

than personal computers), and other written materials used primarily for academic instruction or for academic tutoring, or both.

(3) "~~Private~~ **Public or private** elementary or high school education program" means attendance at:

**(A) a school corporation;**

~~(A)~~ **(B)** a nonpublic school (as defined in IC 20-18-2-12); or

~~(B)~~ **(C)** an accredited nonpublic school;

in Indiana that satisfies a child's obligation under IC 20-33-2 for compulsory attendance at a school. The term does not include the delivery of instructional service in a home setting to a dependent child who is enrolled in a school corporation or a charter school.

(b) This section applies to taxable years beginning after December 31, 2010.

(c) A taxpayer who makes an unreimbursed education expenditure during the taxpayer's taxable year is entitled to a deduction against the taxpayer's adjusted gross income in the taxable year.

(d) The amount of the deduction is:

(1) one thousand dollars (\$1,000); multiplied by

(2) the number of the taxpayer's dependent children for whom the taxpayer made education expenditures in the taxable year.

A husband and wife are entitled to only one (1) deduction under this section.

(e) To receive the deduction provided by this section, a taxpayer must claim the deduction on the taxpayer's annual state tax return or returns in the manner prescribed by the department."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1001 as printed April 10, 2015.)

TALLIAN

Upon request of Senator Tallian the President ordered the roll of the Senate to be called. Roll Call 428: yeas 10, nays 40. Motion failed.

SENATE MOTION  
(Amendment 1001-2)

Madam President: I move that Engrossed House Bill 1001 be amended to read as follows:

Page 116, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 73. IC 6-3.1-30.5 IS REPEALED [EFFECTIVE JANUARY 1, 2016]. (School Scholarship Tax Credit)."

Page 171, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 189. IC 20-51-3-0.5, AS ADDED BY P.L.63-2012, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 0.5. Each provision of P.L.92-2011 is presumed to be and is severable from the remainder to the fullest extent and under IC 1-1-1-8. If any phrase, clause, sentence, or provision of ~~IC 6-3.1-30.5 or~~ IC 20-51, as added and amended, is held invalid for any reason, the invalidity does not affect the other provisions that are to be given effect without the invalid provision or application. The



general assembly intends each provision to be passed into law individually and as a whole, without any provisions later found to be invalid or otherwise counter to constitutional or other legal requirements."

Renumber all SECTIONS consecutively.  
(Reference is to EHB 1001 as printed April 10, 2015.)

TALLIAN

Upon request of Senator Tallian the President ordered the roll of the Senate to be called. Roll Call 429: yeas 10, nays 40. Motion failed.

SENATE MOTION  
(Amendment 1001-41)

Madam President: I move that Engrossed House Bill 1001 be amended to read as follows:

Page 114, delete lines 2 through 48, begin a new paragraph and insert:

"SECTION 67. IC 6-1.1-20.3-6.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6.9. (a) The board may do the following:**

**(1) Hold a public hearing to review the budget, tax levies, assessed value, debt service requirements, and other financial information for the Gary Community School Corporation.**

**(2) After reviewing the information described in subdivision (1) and subject to subdivision (3), the board may, with the consent of the governing body of the Gary Community School Corporation, select a financial specialist to take financial control of the Gary Community School Corporation, who shall act in consultation with the governing body of the Gary Community School Corporation and the city of Gary.**

**(3) In selecting a financial specialist to take financial control of the Gary Community School Corporation under subdivision (2):**

**(A) the board shall recommend three (3) persons as potential candidates for the financial specialist position to take financial control of the Gary Community School Corporation; and**

**(B) the governing body of the Gary Community School Corporation may, within twenty-one (21) days after the board makes the recommendations under clause (A), choose one (1) of the persons recommended by the board under clause (A) that the board may then select as a financial specialist to take financial control of the Gary Community School Corporation as provided in subdivision (2).**

**If the governing body of the Gary Community School Corporation does not choose a financial specialist as provided in clause (B) from the persons recommended by the board within twenty-one (21) days, the board's authority under this section is terminated.**

**(4) A financial specialist selected under this section:**

**(A) shall be paid out of the funds appropriated to the board; and**

**(B) may perform the duties authorized under this**

**section for not more than twelve (12) consecutive months.**

**(b) The board may do any of the following if the board selects a financial specialist to take financial control of the Gary Community School Corporation under subsection (a):**

**(1) The board may work jointly with the city of Gary and the financial specialist to develop a financial plan for the Gary Community School Corporation.**

**(2) The board may delay or suspend, for a period determined by the board, any payments of principal or interest, or both, that would otherwise be due from the Gary Community School Corporation on loans or advances from the common school fund.**

**(3) The board may recommend to the state board of finance that the state board of finance make an interest free loan to the Gary Community School Corporation from the common school fund. If the board makes a recommendation that such a loan be made, the state board of finance may, notwithstanding IC 20-49, make such a loan for a term of not more than six (6) years."**

Page 115, delete lines 1 through 35.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1001 as printed April 10, 2015.)

ROGERS

Motion prevailed.

SENATE MOTION  
(Amendment 1001-25)

Madam President: I move that Engrossed House Bill 1001 be amended to read as follows:

Page 139, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 125. 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 126. 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, elected as provided in this chapter.**

**(b) Three (3) members elected as follows:****(1) From districts established as provided in section 4.1 of this chapter.****(2) On a nonpartisan basis.****(3) At the general election held in the county in 2016 and every four (4) years thereafter.****(c) Two (2) members 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.****(d) The term of office of a member of the governing body:****(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 127. 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) This section expires January 1, 2017.**

SECTION 128. 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 129. IC 20-23-17.2-4.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 4.1. (a) As used in this section, "council district" refers to a district of the city legislative body:**

**(1) established under IC 36-4-6-3; and****(2) as in effect on January 1, 2015.****(b) The districts from which a member of the governing body is elected under section 3.1(b) of this chapter are as follows:****(1) School corporation district 1 consists of the territory formed by council district 1 and council district 2.****(2) School corporation district 2 consists of the territory formed by council district 3 and council district 4.****(3) School corporation district 3 consists of the territory formed by council district 5 and council district 6.**

SECTION 130. 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)~~ **3.1(b)** 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.

**(E) The school corporation district that the candidate seeks to represent.**

(2) Only eligible voters residing in the school corporation district **as provided in section 4.1 of this chapter** may vote for a candidate to represent that **school corporation** district.

(3) One (1) candidate shall be elected for each **school corporation** district **provided by section 4.1 of this chapter**. The candidate elected for a **school corporation** district must reside within the boundaries of the **school corporation** district. The candidate elected as the member for a particular **school corporation** district is the candidate who, among all the candidates who reside within that **school corporation** district, receives the greatest number of votes from voters residing in that **school corporation** 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(c)** 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.

**(E) The fact that the candidate seeks to be elected from the school corporation at large.**

(2) Only eligible voters residing in the school corporation may vote for a candidate.

(3) ~~Three (3)~~ **Two (2)** candidates shall be elected at large. The ~~three (3)~~ **two (2)** 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 131. 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 **the following**:

- (1) One (1) candidate to represent the district in which the voter resides. ~~and~~
- (2) ~~three (3)~~ **Two (2)** at large candidates.

SECTION 132. 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 133. 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 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."

Renumber all SECTIONS consecutively.  
(Reference is to EHB 1001 as printed April 10, 2015.)

RANDOLPH

The Chair ordered a division of the Senate. yeas 11, nays 36.  
Motion failed.

SENATE MOTION  
(Amendment 1001-45)

Madam President: I move that Engrossed House Bill 1001 be amended to read as follows:

Page 44, delete lines 47 through 49, begin a new line and insert:

**"FOR THE HOUSING AND COMMUNITY  
DEVELOPMENT AUTHORITY  
INDIANA INDIVIDUAL DEVELOPMENT ACCOUNTS  
Total Operating Expense 1,000,000 1,000,000".**  
(Reference is to EHB 1001 as printed April 10, 2015.)

BREAUX

Motion failed.

SENATE MOTION  
(Amendment 1001-24)

Madam President: I move that Engrossed House Bill 1001 be amended to read as follows:

Page 177, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 196. IC 22-9-1-2, AS AMENDED BY P.L.136-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) It is the public policy of the state to provide all of its citizens equal opportunity for education, employment, access to public conveniences and accommodations, and acquisition through

purchase or rental of real property, including but not limited to housing, and to eliminate segregation or separation based solely on race, religion, color, sex, disability, national origin, or ancestry, since such segregation is an impediment to equal opportunity. Equal education and employment opportunities and equal access to and use of public accommodations and equal opportunity for acquisition of real property are hereby declared to be civil rights.

(b) The practice of denying these rights to properly qualified persons by reason of the race, religion, color, sex, disability, national origin, or ancestry of such person is contrary to the principles of freedom and equality of opportunity and is a burden to the objectives of the public policy of this state and shall be considered as discriminatory practices. The promotion of equal opportunity without regard to race, religion, color, sex, disability, national origin, or ancestry through reasonable methods is the purpose of this chapter.

(c) It is also the public policy of this state to protect employers, labor organizations, employment agencies, property owners, real estate brokers, builders, and lending institutions from unfounded charges of discrimination.

(d) It is hereby declared to be contrary to the public policy of the state and an unlawful practice for any person, for profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, religion, color, sex, disability, national origin, or ancestry.

(e) The general assembly recognizes that on February 16, 1972, there are institutions of learning in Indiana presently and traditionally following the practice of limiting admission of students to males or to females. It is further recognized that it would be unreasonable to impose upon these institutions the expense of remodeling facilities to accommodate students of both sexes, and that educational facilities of similar quality and type are available in coeducational institutions for those students desiring such facilities. It is further recognized that this chapter is susceptible of interpretation to prevent these institutions from continuing their traditional policies, a result not intended by the general assembly. Therefore, the amendment effected by Acts 1972, P.L.176, is desirable to permit the continuation of the policies described.

(f) It is against the public policy of the state and a discriminatory practice for an employer to discriminate against a prospective employee on the basis of status as a veteran by:

- (1) refusing to employ an applicant for employment on the basis that the applicant is a veteran of the armed forces of the United States; or
- (2) refusing to employ an applicant for employment on the basis that the applicant is a member of the Indiana National Guard or member of a reserve component.

**(g) After June 30, 2016, it is against the public policy of the state and an unlawful employment practice for an employer to discriminate against an employee on the basis of sex, race, or national origin by:**

- (1) paying wages to an employee at a rate less than the rate paid to an employee of:**
  - (A) the opposite sex; or**
  - (B) a different race or national origin;**

for work in an equivalent job; or  
 (2) paying wages to an employee in an employment position that is dominated by employees of a particular sex, race, or national origin at a rate less than the rate at which the employer pays to employees in another employment position that is dominated by employees of:

- (A) the opposite sex; or
- (B) a different race or national origin;

for work on equivalent jobs.

(g) (h) This chapter shall be construed broadly to effectuate its purpose.

SECTION 197. IC 22-9-11 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

**Chapter 11. Fair Pay in Employment**

**Sec. 1.** This chapter applies after June 30, 2016.

**Sec. 2.** As used in this chapter, "commission" means the civil rights commission created by IC 22-9-1-4.

**Sec. 3.** As used in this chapter, "complaint" has the meaning set forth in IC 22-9-1-3(o).

**Sec. 4.** As used in this chapter, "employ" means to suffer or permit to work.

**Sec. 5.** As used in this chapter, "employee" has the meaning set forth in IC 22-9-1-3(i).

**Sec. 6.** As used in this chapter, "employer" has the meaning set forth in IC 22-9-1-3(h).

**Sec. 7.** As used in this chapter, "equivalent jobs" means jobs or occupations that are equal within the meaning of the federal Equal Pay Act of 1963, (29 U.S.C. 206(d)), or jobs or occupations that are dissimilar but whose requirements are equivalent, when viewed as a composite of skills, effort, responsibility, and working conditions.

**Sec. 8.** As used in this chapter, "labor organization" has the meaning set forth in IC 22-9-1-3(j).

**Sec. 9.** As used in this chapter, "market rates" means the rates that employers within a prescribed geographic area actually pay or are reported to pay for specific jobs, as determined by formal or informal surveys, wage studies, or other means.

**Sec. 10.** As used in this chapter, "person" means an individual, a partnership, an association, a corporation, a limited liability company, a legal representative, a trustee, a trustee in bankruptcy, a receiver, the state, and a municipal corporation (as defined in IC 36-1-2-10).

**Sec. 11.** As used in this chapter, "wages" or "wage rates" includes all compensation of any kind that an employer provides to an employee in payment for work done or services rendered, including:

- (1) base pay;
- (2) bonuses;
- (3) commissions;
- (4) awards;
- (5) tips; or
- (6) any form of nonmonetary compensation if provided instead of or in addition to monetary compensation and that has economic value to an employee.

**Sec. 12.** It is an unlawful employment practice for an employer to discriminate between employees on the basis of sex, race, or national origin by:

(1) paying wages to an employee at a rate less than the rate paid to an employee of:

- (A) the opposite sex; or
- (B) a different race or national origin;

for work in an equivalent job; or

(2) paying wages to an employee in an employment position that is dominated by employees of a particular sex, race, or national origin at a rate less than the rate at which the employer pays to employees in another employment position that is dominated by employees of:

- (A) the opposite sex; or
- (B) a different race or national origin;

for work on equivalent jobs.

**Sec. 13.** Notwithstanding section 12 of this chapter, it is not an unlawful employment practice for an employer to pay different wage rates to employees when the payments are made under:

- (1) a bona fide seniority or merit system;
- (2) a bona fide system:
  - (A) that measures earnings by quantity or quality of production; or
  - (B) based on geographic differentials; or
- (3) a bona fide factor other than sex, race, or national origin, if the factor:
  - (A) does not result in discrimination based on sex, race, or national origin; and
  - (B) is not the result of varying market rates attached to historically undervalued traditionally female or minority job classifications.

**Sec. 14.** It is an unlawful employment practice for an employer:

- (1) to reduce the wages of any employee in order to comply with this chapter when the employer is paying wages in violation of this chapter;
- (2) to take adverse action or otherwise discriminate against an individual because the individual has:
  - (A) opposed an act or practice deemed unlawful by this chapter;
  - (B) sought to enforce rights protected under this chapter; or
  - (C) testified, assisted, or participated in any manner in an investigation, hearing, or other proceeding to enforce this chapter; or
- (3) to discharge, or in any other manner discriminate against, coerce, intimidate, threaten, or interfere with an employee or another person because the employee inquired about, disclosed, compared, or otherwise discussed the employee's wages or the wages of another employee, or because the employee exercised, enjoyed, aided, or encouraged another person to exercise or enjoy a

right granted or protected by this chapter.

Sec. 15. A labor organization or agents of the labor organization that represents employees of an employer with employees subject to a provision of this chapter may not cause or attempt to cause the employer to discriminate against an employee in violation of section 12 or 14 of this chapter.

Sec. 16. An agreement by an employee to work for less than the compensation to which the employee is entitled to work under this chapter is not a bar to an action to which the employee would otherwise be entitled in order to enforce the provisions of this chapter.

Sec. 17. This chapter may not be construed to impede, infringe, or diminish the rights and benefits which accrue to an employee through a bona fide collective bargaining agreement or otherwise diminish the integrity of a existing collective bargaining relationship.

Sec. 18. The commission shall adopt rules under IC 4-22-2 specifying the criteria for determining whether a job is dominated by employees of a particular sex, race, or national origin. The criteria used must include factors such as:

- (1) whether the job has ever been formally classified or traditionally considered to be a male, female, Caucasian, or minority job;
- (2) whether there is a history of discrimination against women or people of color with respect to wages, assignment to, or access to jobs or other terms and conditions of employment; and
- (3) the demographic composition of the workforce in equivalent jobs, which includes numbers or percentages of males, females, Caucasians, and people of color.

The rules may not include a list of jobs.

Sec. 19. In addition to the rules adopted under section 18 of this chapter, the commission shall adopt rules under IC 4-22-2 specifying the methodology for determining equivalent skill, effort, responsibility, and working conditions. A methodology prescribed by the commission shall ensure that comparison systems do not ignore or undervalue the worth of jobs where women and minorities are disproportionately represented. The equivalence of jobs dominated by employees of a particular sex, race, or national origin relative to jobs dominated by employees of the opposite sex or of a different race or national origin will be established through the application of a single job comparison system that does not systematically ignore or undervalue the job content of traditionally female and minority jobs.

Sec. 20. In addition to the rules required to be adopted under sections 18 and 19 of this chapter, the commission may adopt and enforce rules under IC 4-22-2 that are necessary to carry out this chapter.

Sec. 21. (a) The commission shall receive, investigate, and attempt to resolve complaints of violations of this chapter in the manner provided by IC 22-9-1-6.

(b) IC 22-9-1-16, IC 22-9-1-17, and IC 22-9-1-18 apply to complaints filed in accordance with this chapter."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1001 as printed April 10, 2015.)

BREAUX

Upon request of Senator Breaux the President ordered the roll of the Senate to be called. Roll Call 430: yeas 10, nays 40. Motion failed.

SENATE MOTION  
(Amendment 1001-23)

Madam President: I move that Engrossed House Bill 1001 be amended to read as follows:

Page 145, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 131. IC 20-27-3-5, AS AMENDED BY P.L.42-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) The committee shall adopt and enforce rules under IC 4-22-2 to require that each new school bus operated by or on behalf of a school corporation bear the name of the school district on the back of the school bus in black letters. ~~that are at least four (4) inches and not more than six (6) inches high.~~

(b) The committee shall adopt and enforce rules under IC 4-22-2 to require that each school bus placed into service for the first time by a school corporation or nonpublic school bear an indication on the back of the school bus ~~in black letters~~ that the school bus is required to stop at all railroad crossings."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1001 as printed April 10, 2015.)

ROGERS

Motion prevailed.

SENATE MOTION  
(Amendment 1001-31)

Madam President: I move that Engrossed House Bill 1001 be amended to read as follows:

Page 46, delete lines 44 through 45, begin a new line and insert:

**"PUBLIC MASS TRANSPORTATION  
Total Operating Expense 60,000,000 60,000,000".**

(Reference is to EHB 1001 as printed April 10, 2015.)

STOOPS

Motion failed.

SENATE MOTION  
(Amendment 1001-30)

Madam President: I move that Engrossed House Bill 1001 be amended to read as follows:

Page 46, delete lines 44 through 45, begin a new line and insert:

**"PUBLIC MASS TRANSPORTATION  
Total Operating Expense 46,000,000 49,000,000".**

(Reference is to EHB 1001 as printed April 10, 2015.)

STOOPS

Motion failed.

SENATE MOTION  
(Amendment 1001-33)

Madam President: I move that Engrossed House Bill 1001 be amended to read as follows:

Page 37, delete lines 36 through 37, begin a new line and insert:

**"Indiana Heritage Trust Fund (IC 14-12-2-25)  
Total Operating Expense 1,664,000 1,664,000".**  
(Reference is to EHB 1001 as printed April 10, 2015.)

STOOPS

Motion failed.

SENATE MOTION  
(Amendment 1001-14)

Madam President: I move that Engrossed House Bill 1001 be amended to read as follows:

Page 10, delete lines 26 through 30, begin a new line blocked left and insert:

**"The division of state court administration shall use the above appropriation to administer an office of adult guardianship and to provide funds to courts with probate jurisdiction that implement and administer volunteer advocate for seniors and incapacitated adults programs for incapacitated adults for whom guardians are appointed under IC 29. Only volunteer advocates for seniors and incapacitated adults programs that are certified by the supreme court are eligible for matching funds. Volunteer advocates for seniors and incapacitated adults programs shall provide a match of fifty percent (50%). The funds appropriated to the division of state court administration for the adult guardianship office do not revert to the state general fund at the end of the state fiscal year. The above appropriation also includes funds to develop and maintain an adult guardianship registry to serve as a data repository for adult guardianship cases and guardians appointed by the courts."**

(Reference is to EHB 1001 as printed April 10, 2015.)

TALLIAN

Motion failed.

SENATE MOTION  
(Amendment 1001-36)

Madam President: I move that Engrossed House Bill 1001 be amended to read as follows:

Page 93, between lines 26 and 27, begin a new line and insert:  
**"Ivy Tech Community College Muncie New Construction and Renovation 25,000,000  
For the Ivy Tech Community College, Muncie New Construction and Renovation, the maximum amount eligible for fee replacement is \$25,000,000."**

(Reference is to EHB 1001 as printed April 10, 2015.)

LANANE

Motion failed.

SENATE MOTION  
(Amendment 1001-32)

Madam President: I move that Engrossed House Bill 1001 be amended to read as follows:

Page 125, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 100. IC 12-15-13-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 5. The office shall reimburse at a reimbursement rate for services provided by an ICF/MR (as defined in IC 16-29-4-2) that uses a rate setting methodology in effect on December 31, 2013, and that excludes the impact of any rate reductions in effect on or after December 31, 2013.**

SECTION 101. IC 12-15-32-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 2. (a) The office shall reimburse community residential facilities for the developmentally disabled for the cost of the Medicaid services that are provided by the facility to individuals who are eligible for Medicaid.**

**(b) The office shall reimburse at a reimbursement rate for services provided by a community residential facility for the developmentally disabled that uses a rate setting methodology in effect on December 31, 2013, and that excludes the impact of any rate reductions in effect on or after December 31, 2013."**

Renumber all SECTIONS consecutively.

(Reference is to EHB 1001 as printed April 10, 2015.)

STOOPS

Upon request of Senator Stoops the President ordered the roll of the Senate to be called. Roll Call 431: yeas 8, nays 40. Motion failed.

SENATE MOTION  
(Amendment 1001-27)

Madam President: I move that Engrossed House Bill 1001 be amended to read as follows:

Page 163, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 179. IC 20-43-8-0.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 0.7. After June 30, 2016, the following definitions apply throughout the chapter:**

- (1) "Concentrator" means a student who has completed a minimum of six (6) credits in two (2) or more career and technical education courses that are part of a career and technical education pathway approved by department.**
- (2) "Credential" means a credential determined by the department of workforce development.**
- (3) "Dual credit CTE course" means a dual credit course (as defined in IC 21-43-1-2.5) that is a career and technical education course."**

Renumber all SECTIONS consecutively.

(Reference is to EHB 1001 as printed April 10, 2015.)

ECKERTY

Motion prevailed.

SENATE MOTION  
(Amendment 1001-13)

Madam President: I move that Engrossed House Bill 1001 be amended to read as follows:

Page 212, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 228. [EFFECTIVE JULY 1, 2015] (a) As used in this SECTION, "fund" refers to the Indiana state teachers' retirement fund established by IC 5-10.4-2-1.

(b) Not later than October 1, 2015, the fund shall pay the amount determined under subsection (d) to a member of the fund (or to a survivor or beneficiary of a member) who retired or was disabled on or before December 1, 2014, and who is entitled to receive a monthly benefit on July 1, 2015. The amount is not an increase in the pension portion of the monthly benefit.

(c) Not later than October 1, 2016, the fund shall pay the amount determined under subsection (d) to a member of the fund (or to a survivor or beneficiary of a member) who retired or was disabled on or before December 1, 2015, and who is entitled to receive a monthly benefit on July 1, 2016. The amount is not an increase in the pension portion of the monthly benefit.

(d) The amount paid under this SECTION to a member of the fund (or to a survivor or beneficiary of a member) who meets the requirements of subsection (b) or (c) is determined as follows:

If a Member's Creditable Service Is:	The Amount Is:
At least 5 years, but less than 10 years (only in the case of a member receiving disability retirement benefits)	\$150
At least 10 years, but less than 20 years	\$275
At least 20 years, but less than 30 years	\$375
At least 30 years	\$450

(e) The creditable service used to determine the amount paid to a member (or to a survivor or beneficiary of a member) under this SECTION is the creditable service that was used to compute the member's retirement benefit under IC 5-10.2-4-4, except that partial years of creditable service may not be used to determine the amount paid under this SECTION.

(f) If two (2) or more survivors or beneficiaries of a member are entitled to an amount paid under this SECTION, the amount shall be allocated to the survivors or beneficiaries in shares using the same percentages as the percentages determined under IC 5-10.2-3-7.5 or IC 5-10.4-4-10 to pay the monthly benefit to the survivors or beneficiaries.

(g) The fund may not use employer contributions to make the payments required under subsections (b) and (c) unless, and only to the extent that, the amounts necessary to make the payments required under subsections (b) and (c) exceed the amounts appropriated in the state budget for the biennium beginning July 1, 2015, for the purposes described in subsections (b) and (c).

(h) This SECTION expires January 1, 2017."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1001 as printed April 10, 2015.)

TALLIAN

Motion withdrawn.

SENATE MOTION  
(Amendment 1001-11)

Madam President: I move that Engrossed House Bill 1001 be amended to read as follows:

Page 42, delete lines 22 through 23, begin a new line and insert:

"**DISTRIBUTIONS TO FOOD BANKS**  
**Total Operating Expense 600,000 600,000**".  
(Reference is to EHB 1001 as printed April 10, 2015.)

TALLIAN

Motion failed.

SENATE MOTION  
(Amendment 1001-3)

Madam President: I move that Engrossed House Bill 1001 be amended to read as follows:

Page 76, line 36, delete "23,800,000 23,800,000" and insert "**26,274,133 26,274,133**".

Page 76, line 40, after "3)," delete "and".

Page 76, line 41, after "10" delete "." and insert ", and **alternative assessments**".

Page 76, after line 49, begin a new line and insert:

"**REMEDIATION PROGRAMS**  
**Total Operating Expense 10,000,000 10,000,000**  
**The above appropriation for remediation shall be used by school corporations to provide remediation programs for students who attend public and nonpublic schools. For purposes of tuition support, these students shall not be counted in the average daily membership**".

(Reference is to EHB 1001 as printed April 10, 2015.)

TALLIAN

Motion failed.

SENATE MOTION  
(Amendment 1001-37)

Madam President: I move that Engrossed House Bill 1001 be amended to read as follows:

Page 211, delete lines 6 through 37, begin a new paragraph and insert:

"SECTION 223. [EFFECTIVE JULY 1, 2015] (a) As used in this SECTION, "legislative council" refers to the legislative council established by IC 2-5-1.1-1.

(b) During the 2015 legislative interim, the legislative council is urged to assign to the appropriate study committee the topic of studying the issue of transferring money from the political subdivision risk management fund established by IC 27-1-29-10 to the state general fund."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1001 as printed April 10, 2015.)

TALLIAN

Motion failed.

SENATE MOTION  
(Amendment 1001-38)

Madam President: I move that Engrossed House Bill 1001 be amended to read as follows:

Page 113, delete lines 35 through 48.

Page 114, delete line 1.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1001 as printed April 10, 2015.)

TALLIAN

Motion failed.

SENATE MOTION  
(Amendment 1001-6)

Madam President: I move that Engrossed House Bill 1001 be amended to read as follows:

Page 23, line 18, after "necessary." insert **"If a person provides medical services to committed individuals, patients, or students as provided in this paragraph and receives medical services payments in a state fiscal year from the foregoing appropriation for providing those medical services, the person shall report the following to the budget committee not more one (1) month after the end of that state fiscal year:**

- (1) **The number of individuals to whom the person provided medical services as provided in this paragraph in the state fiscal year.**
- (2) **The amount of medical service payments received from the foregoing appropriation in the state fiscal year for providing such medical services."**

(Reference is to EHB 1001 as printed April 10, 2015.)

TALLIAN

Motion prevailed.

SENATE MOTION  
(Amendment 1001-21)

Madam President: I move that Engrossed House Bill 1001 be amended to read as follows:

Page 95, between lines 26 and 27, begin a new paragraph and insert:

**"SECTION 38. IC 2-5-1.3-4, AS ADDED BY P.L.53-2014, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The following interim study committees are established:**

- (1) Agriculture and Natural Resources.
- (2) Commerce and Economic Development.
- (3) Corrections and Criminal Code.
- (4) Courts and the Judiciary.
- (5) Education.
- (6) Elections.
- (7) Employment and Labor.
- (8) Energy, Utilities, and Telecommunications.
- (9) Environmental Affairs.
- (10) Financial Institutions and Insurance.
- (11) Government.
- (12) Public Safety and Military Affairs.
- (13) Pension Management Oversight.
- (14) Public Health, Behavioral Health, and Human Services.
- (15) Public Policy.
- (16) Roads and Transportation.
- (17) Fiscal Policy.
- (18) **Civil Rights and Anti-discrimination. This subdivision expires January 1, 2016."**

Page 212, between lines 35 and 36, begin a new paragraph and insert:

**"SECTION 229. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "civil rights and anti-discrimination committee" refers to the interim study committee on civil rights and anti-discrimination as established under IC 2-5-1.3-4.**

**(b) As used in this SECTION, "study committee" means an interim study committee established by IC 2-5-1.3-4.**

**(c) The general assembly requires the legislative council to assign to the civil rights and anti-discrimination committee the topics of:**

**(1) adding statewide civil rights protections on the basis of:**

- (A) age;**
- (B) sexual orientation;**
- (C) gender identity; and**
- (D) veteran status; and**

**(2) adding penalties for bias motivated crimes;**

**to the Indiana Code.**

**(d) The civil rights and anti-discrimination committee shall complete the study required by this SECTION and report its findings and recommendations, if any, to the legislative council before November 1, 2015, and as required in IC 2-5-1.2-15.**

**(e) This SECTION expires January 1, 2016."**

Renumber all SECTIONS consecutively.

(Reference is to EHB 1001 as printed April 10, 2015.)

LANANE

Upon request of Senator Lanane the President ordered the roll of the Senate to be called. Roll Call 432: yeas 10, nays 40. Motion failed.

4:01 p.m.

The Chair declared a recess until the fall of the gavel.

**RECESS**

The Senate reconvened at 4:20 p.m., with the President of the Senate in the Chair.

**MOTIONS TO DISSENT  
FROM HOUSE AMENDMENTS**

SENATE MOTION

Madam President: I move that the Senate dissent from the House Amendments to Senate Bill 423 and that a conference committee be appointed to confer with a like committee of the House.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate dissent from the House Amendments to Senate Bill 441 and that a conference



April 14, 2015

Senate 1035

committee be appointed to confer with a like committee of the House.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate dissent from the House Amendments to Senate Bill 461 and that a conference committee be appointed to confer with a like committee of the House.

PATRICIA MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate dissent from the House Amendments to Senate Bill 509 and that a conference committee be appointed to confer with a like committee of the House.

CHARBONNEAU

Motion prevailed.

**REPORT OF THE  
PRESIDENT PRO TEMPORE**

Pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 423:

Conferees: Kenley, Chair and Broden  
Advisors: Houchin, Breaux, and Ford

LONG  
Date: 4/14/15  
Time: 10:04 a.m.

Report adopted.

**REPORT OF THE  
PRESIDENT PRO TEMPORE**

Pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 441:

Conferees: Hershman, Chair and Randolph  
Advisors: Steele, Broden, Ford, and Messmer

LONG  
Date: 4/14/15  
Time: 2:50 p.m.

Report adopted.

**REPORT OF THE  
PRESIDENT PRO TEMPORE**

Pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 461:

Conferees: Patricia Miller, Chair and Stoops  
Advisors: Brown, Breaux, and Houchin

LONG  
Date: 4/14/15  
Time: 2:49 p.m.

Report adopted.

**REPORT OF THE  
PRESIDENT PRO TEMPORE**

Pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 509:

Conferees: Charbonneau, Chair and Rogers  
Advisors: Perfect, Stoops, and Raatz

LONG  
Date: 4/14/15  
Time: 1:45 p.m.

Report adopted.

**REPORTS FROM COMMITTEES  
REPORT OF THE SENATE  
COMMITTEE ON ETHICS**

Madam President: Pursuant to Senate Rule 97, the Senate Committee on Ethics met on April 14, 2015, to render an advisory opinion with regard to Senator Messmer's request that the Committee consider whether or not he has a conflict of interest pertaining to House Bill 1019 which would require him to be excused from voting on this bill at any stage of the legislative process. The members in attendance were: Chairman Eckerty, Senator Walker, Senator Steele, Senator Arnold, and Senator Breaux.

The Senate Committee on Ethics has considered the facts presented by Senator Messmer and hereby recommends that Senator Messmer be excused from participation in all votes pertaining to House Bill 1019 because of his potential conflict of interest with regard to the legislation. The vote of the Committee was 5-0.

ECKERTY, Chair

Report adopted.

**ENGROSSED HOUSE BILLS  
ON SECOND READING**

**Engrossed House Bill 1002**

Senator Long called up Engrossed House Bill 1002 for second reading. The bill was read a second time by title.

SENATE MOTION  
(Amendment 1002-3)

Madam President: I move that Engrossed House Bill 1002 be amended to read as follows:

Page 6, delete lines 20 through 23.

Page 20, line 6, after "(10)" insert "**business**".

Page 31, line 28, after "applies" insert "**, subject to waiver under subsection (g),**".

Page 31, line 34, delete "." and insert "**in a material manner.**".

(Reference is to EHB 1002 as printed April 10, 2015.)

LONG

Motion prevailed.

SENATE MOTION  
(Amendment 1002-1)

Madam President: I move that Engrossed House Bill 1002 be amended to read as follows:

Page 4, delete lines 37 through 42, begin a new line block indented and insert:

**"(2) The following information about business entities:**

**(A) The name of each business entity owned or operated by the filer or the filer's spouse.**

**(B) The name of each business entity in which the filer or the filer's spouse is a member.**

**(C) The name of each business entity in which the filer or the filer's spouse is an officer or a director.**

**(D) The name of each business entity in which the filer owns stock or another ownership interest having a fair market value of more than five thousand dollars (\$5,000).**

**(E) The name of each business entity in which any of the following owns stock or other ownership interest having fair market value of more than five thousand dollars (\$5,000):**

**(i) The filer's spouse.**

**(ii) The filer's unemancipated children.**

**(iii) A trust of which the filer is a beneficiary.**

**(F) The name of each business entity in which the filer owns stock options having a fair market value of more than five thousand dollars (\$5,000).**

**(G) If the filer's equity interest in a business entity reported under this subdivision is five hundred thousand dollars (\$500,000) or more, the filer must specifically identify the name of that business entity as such.**

**The filer must describe the nature of the business of each business entity reported under this subdivision. The filer must provide sufficient detail about the nature of the business entity to make it clear to an individual of ordinary understanding the nature of the business entity."**

Page 5, delete lines 1 through 9.

(Reference is to EHB 1002 as printed April 10, 2015.)

WALTZ

Motion prevailed. The bill was ordered engrossed.

#### Engrossed House Bill 1004

Senator Holdman called up Engrossed House Bill 1004 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Engrossed House Bill 1009

Senator Kruse called up Engrossed House Bill 1009 for second reading. The bill was read a second time by title.

SENATE MOTION  
(Amendment 1009-1)

Madam President: I move that Engrossed House Bill 1009 be amended to read as follows:

Page 37, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 4. IC 20-27-11-1, AS AMENDED BY P.L.160-2012, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) If a student who attends:

**(1) a nonpublic school located in a school corporation;**  
**or**

**(2) a charter school located in a rural school corporation;**

resides on or along the highway constituting the regular route of a public school bus, the governing body of the school corporation shall provide transportation for the nonpublic **or charter** school student on the school bus.

(b) The transportation provided under this section must be from the home of the nonpublic **or charter** school student or from a point on the regular route nearest or most easily accessible to the home of the nonpublic **or charter** school student to and from the nonpublic **or charter** school or to and from the point on the regular route that is nearest or most easily accessible to the nonpublic **or charter** school from which the student can walk to and from the nonpublic **or charter** school."

Re-number all SECTIONS consecutively.

(Reference is to EHB 1009 as printed April 10, 2015.)

LEISING

Motion prevailed.

SENATE MOTION  
(Amendment 1009-2)

Madam President: I move that Engrossed House Bill 1009 be amended to read as follows:

Page 57, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 56. IC 20-30-5-7, AS AMENDED BY P.L.86-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. Each school corporation shall include in the school corporation's curriculum the following studies:

(1) Language arts, including:

(A) English;

(B) grammar;

(C) composition;

(D) speech; ~~and~~

(E) second languages; **and**

**(F) for an elementary school, cursive writing.**

**(2) Reading.**

~~(2)~~ **(3) Mathematics.**

~~(3)~~ **(4) Social studies and citizenship, including the:**

(A) constitutions;

- (B) governmental systems; and
  - (C) histories;
- of Indiana and the United States, including a study of the Holocaust in each high school United States history course.
- ~~(4)~~ (5) Sciences.
  - ~~(5)~~ (6) Fine arts, including music and art.
  - ~~(6)~~ (7) Health education, physical fitness, safety, and the effects of alcohol, tobacco, drugs, and other substances on the human body.
  - ~~(7)~~ (8) Additional studies selected by each governing body, subject to revision by the state board.

SECTION 57. IC 20-30-5-7.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 7.2. An accredited nonpublic elementary school shall include in the accredited nonpublic elementary school's curriculum language arts studies in cursive writing.**

SECTION 58. IC 20-30-5-7.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 7.3. An accredited nonpublic school shall include in the accredited nonpublic school's curriculum studies in reading."**

Renumber all SECTIONS consecutively.  
(Reference is to EHB 1009 as printed April 10, 2015.)

LEISING

The Chair ordered a division of the Senate. Yeas 35, nays 9. Motion prevailed. The bill was ordered engrossed.

**Engrossed House Bill 1019**

Senator Yoder called up Engrossed House Bill 1019 for second reading. The bill was read a second time by title.

SENATE MOTION  
(Amendment 1019-1)

Madam President: I move that Engrossed House Bill 1019 be amended to read as follows:

- Page 21, line 38, after "to" insert **"avoid the obligation to"**.
- Page 21, line 38, delete "IC 22-3-2" and insert **"IC 22-3-5-1 and IC 22-3-7-34,"**.
- Page 21, line 39, delete "through IC 22-3-7,".
- Page 22, line 5, delete "(e)," and insert **"(d),"**.
- Page 22, delete lines 7 through 25, begin a new paragraph and insert:

**"(c) The offense described in subsection (a) is a Level 6 felony if the:**

- (1) total value of all property, money, or other items of value obtained or sought to be obtained by the false classification is at least one thousand dollars (\$1,000) and less than five thousand dollars (\$5,000); or**
- (2) number of employees not covered by worker's compensation coverage due to the false classification is at least five (5) and less than fifty (50).**

**(d) The offense described in subsection (a) is a Level 5 felony if the:**

- (1) total value of all property, money, or other items of value obtained or sought to be obtained by the false**

- classification is at least five thousand dollars (\$5,000); or**
- (2) number of employees not covered by worker's compensation coverage due to the false classification is at least fifty (50)."**

(Reference is to EHB 1019 as printed April 8, 2015.)

YODER

Motion prevailed.

SENATE MOTION  
(Amendment 1019-25)

Madam President: I move that Engrossed House Bill 1019 be amended to read as follows:

- Page 9, line 38, after "chapter" insert **","**.
- Page 10, line 23, delete "As" and insert **"(a) Except as provided in subsection (b), as"**.

Page 10, between lines 30 and 31, begin a new paragraph and insert:

**"(b) This definition does not include the following statutes:**

- (1) IC 5-23-4 (build, operate, transfer, and public-private agreements).**
- (2) IC 5-30 (design-build).**
- (3) IC 5-32 (employment of construction manager as constructor)."**

Page 11, line 30, after "(15%) of the" insert **"tier 1 contractor's"**.

Page 11, line 30, after "price" delete "of the" and insert **"as determined at the time the contract is awarded."**

Page 11, delete line 31.

Page 11, delete lines 34 through 39, begin a new paragraph and insert:

**"(b) A contractor must maintain general liability insurance in at least the following amounts:**

- (1) For the each occurrence limit, one million dollars (\$1,000,000).**
- (2) For the general aggregate limit, two million dollars (\$2,000,000)."**

Page 12, line 6, delete "who will be employed by the".

Page 12, line 7, delete "contractor on the public works project and".

Page 13, line 3, after "Sec. 13." insert **"(a) This section applies to a public works contract awarded after June 30, 2016."**

Page 13, between lines 8 and 9, begin a new paragraph and insert:

**"(b) The department of workforce development shall maintain the confidentiality of all records inspected under this section in accordance with the confidentiality provisions of IC 22-4-19-6."**

Page 13, delete lines 9 through 41, begin a new paragraph and insert:

**"Sec. 14. (a) This section applies to a public works contract awarded after June 30, 2016.**

**(b) As used in this section, "department" refers to the department of workforce development established under IC 22-4.1-2-1.**

(c) A public agency that is the owner of a public works project and suspects a misclassification of one (1) or more workers by a contractor in any contractor tier working on the public agency's public works project may request in writing that the department investigate the suspected worker misclassification. The public agency shall provide to the department any information or records that the public agency has concerning the misclassification.

(d) The department may investigate a request described in subsection (c). If the department finds information or records that support a finding that worker misclassification has occurred, the department may refer the matter to the appropriate agency or official for further action."

Page 14, delete lines 2 through 8, begin a new paragraph and insert:

"(b) A public agency that reasonably suspects a contractor has violated a provision of this chapter shall do one (1) of the following:

(1) If the suspected violation concerns or is related to any of the following provisions, the public agency shall refer the matter to the appropriate agency as follows:

(A) For a suspected violation of section 11(1) of this chapter (E-Verify), the Indiana department of labor.

(B) For a suspected violation of section 11(3) of this chapter (the federal FLSA or state minimum wage law), the Indiana department of labor.

(C) For a suspected violation of section 11(4) of this chapter (worker's compensation or occupational diseases), the worker's compensation board of Indiana.

(D) For a suspected violation of section 11(5) of this chapter (unemployment insurance), the department of workforce development.

(2) If the suspected violation concerns a provision of this chapter other than a provision listed in subdivision (1), the public agency shall require the contractor to remedy the violation not later than thirty (30) days after the public agency notifies the contractor of the violation. The notification to the contractor must be signed by the chief executive officer of the public agency and sent by a method that enables the public agency to verify receipt of the notice by the contractor. During the thirty (30) day period, the contractor may continue to work on the public works project. If the contractor fails to remedy the violation within the thirty (30) day period, the public agency shall find the contractor not responsible and determine the length of time the contractor is considered not responsible by the public agency.

(c) In making the determination of the length of time a contractor is not responsible under subsection (b)(2), the public agency shall consider the severity of the violation. The period during which a contractor is considered not responsible:

(1) may not exceed forty-eight (48) months; and

(2) begins on the date of substantial completion of the public works project.

(d) A finding by a public agency under subsection (b)(2) that a contractor is not responsible may not be used by another public agency in making a determination as to whether the contractor is responsible for purposes of that public agency's award of a public works contract to that contractor."

Page 14, line 25, delete "this" and insert "IC 34-13-5."

Page 14, delete lines 26 through 42.

Page 15, delete lines 1 through 9.

Page 21, line 38, after "to" insert "avoid the obligation to".

Page 21, line 38, delete "IC 22-3-2" and insert "IC 22-3-5-1 and IC 22-3-7-34,".

Page 21, line 39, delete "through IC 22-3-7,".

Page 22, line 5, delete "Except as described in subsections (c) through (e), the" and insert "The".

Page 22, delete lines 7 through 25.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1019 as printed April 8, 2015.)

HERSHMAN

Motion prevailed.

SENATE MOTION  
(Amendment 1019-18)

Madam President: I move that Engrossed House Bill 1019 be amended to read as follows:

Page 24, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 44. IC 36-1-12-24 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, "contractor" includes a subcontractor of a contractor.**

**(b) IC 4-13-18, regarding drug testing of employees of public works contractors, applies to a public works contract:**

**(1) if the estimated cost of the public works project is at least one hundred fifty thousand dollars (\$150,000); and**

**(2) that is awarded under this chapter after June 30, 2015."**

Renumber all SECTIONS consecutively.

(Reference is to EHB 1019 as printed April 8, 2015.)

CHARBONNEAU

Motion prevailed.

SENATE MOTION  
(Amendment 1019-27)

Madam President: I move that Engrossed House Bill 1019 be amended to read as follows:

Page 31, after line 39, begin a new paragraph and insert:

"SECTION 52. [EFFECTIVE JULY 1, 2015] **(a) The Indiana department of labor shall submit to the general assembly in an electronic format under IC 5-14-6 not later than July 1, 2021, a report concerning the effects of the repeal of the common construction wage statute (IC 5-16-7),**

including information about all quantifiable effects of the repeal on public works projects, including at least the following:

- (1) The cost of public works projects.
- (2) The wages paid on public works projects.
- (3) The number of Indiana residents working on public works projects.

**(b) This SECTION expires December 31, 2021."**

Renumber all SECTIONS consecutively.

(Reference is to EHB 1019 as printed April 8, 2015.)

HERSHMAN

Motion prevailed.

SENATE MOTION  
(Amendment 1019-12)

Madam President: I move that Engrossed House Bill 1019 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning public offices, officers, and employees.

Delete everything after the enacting clause and insert the following:

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

**(b) During the 2015 legislative interim, the legislative council shall establish, as provided under IC 2-5-1.3-14, an additional interim study committee on public works projects to study the following topics:**

- (1) Wages paid on public works projects.**
- (2) The costs of and related to public works projects.**
- (3) Safety on work sites of public works projects.**

**(c) The study committee established under subsection (b) shall issue a final report to the legislative council containing the study committee's findings and recommendations, including any recommended legislation, in an electronic format under IC 5-14-6 not later than November 1, 2015.**

**(d) This SECTION expires December 31, 2015.**

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

(Reference is to EHB 1019 as printed April 8, 2015.)

BRODEN

Upon request of Senator Broden the President ordered the roll of the Senate to be called. Roll Call 433: yeas 12, nays 37. Motion failed.

SENATE MOTION

(Amendment 1019-20)

Madam President: I move that Engrossed House Bill 1019 be amended to read as follows:

Page 12, line 26, after "tier 1" insert "**or tier 2**".

Page 12, line 27, delete "ten (10)" and insert "**fifty (50)**".

Page 12, line 27, delete "employees." and insert "**journeymen.**".

Page 12, delete lines 28 through 36, begin a new paragraph and insert:

**"(b) The contractor shall participate in an apprenticeship training program that meets the standards established by the United States Department of Labor, Bureau of Apprenticeship and Training."**

(Reference is to EHB 1019 as printed April 8, 2015.)

WALKER

Motion prevailed.

SENATE MOTION  
(Amendment 1019-21)

Madam President: I move that Engrossed House Bill 1019 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning public offices, officers, and employees and to make an appropriation.

Page 12, line 26, delete "tier 1".

Page 12, delete lines 28 through 36, begin a new paragraph and insert:

**"(b) A contractor must provide access to a training program applicable to the tasks to be performed in the normal course of the employee's employment with the contractor."**

Page 12, line 39, delete "A trade union" and insert "**An**".

Page 13, line 1, after "by" insert "**or for**".

Page 13, line 1, delete "not later than" and insert ".".

Page 13, delete line 2, begin a new line block indented and insert:

**"(5) A program offered by an entity sponsored by the United States Department of Labor, Bureau of Apprenticeship and Training.**

**(6) A program that results in the award of an industry recognized portable certification."**

Page 31, after line 39, begin a new paragraph and insert:

**"SECTION 52. [EFFECTIVE JULY 1, 2015] There is appropriated to the Indiana Construction Roundtable Foundation:**

**(1) for the state fiscal year beginning July 1, 2015, and ending June 30, 2016, one million dollars (\$1,000,000); and**

**(2) for the state fiscal year beginning July 1, 2016, and ending June 30, 2017, one million dollars (\$1,000,000);**

**from the state general fund for the Indiana Construction Roundtable Foundation's use in conducting an educational marketing campaign in Indiana to promote employment opportunities in Indiana for skilled construction craft professionals and to attract individuals to become craft professionals in the Indiana construction industry."**

Renumber all SECTIONS consecutively.

(Reference is to EHB 1019 as printed April 8, 2015.)

WALKER

Motion prevailed.

SENATE MOTION  
(Amendment 1019-17)

Madam President: I move that Engrossed House Bill 1019 be amended to read as follows:

Page 1, delete lines 1 through 13.

Page 2, line 5, reset in roman "(3) IC 5-16-7,".

Page 2, line 5, after "IC 5-16-7" delete "," and insert ".".

Page 2, line 7, reset in roman "(4)".

Page 2, line 7, delete "(3)".

Page 2, line 8, reset in roman "(5)".

Page 2, line 8, delete "(4)".

Page 2, line 9, delete "(5)" and insert "(6)".

Page 2, line 10, delete "(6)" and insert "(7)".

Page 4, delete lines 7 through 42.

Delete pages 5 through 7.

Page 8, delete lines 1 through 11.

Page 9, delete lines 4 through 42, begin a new paragraph and insert:

"SECTION 5. IC 5-16-7-1, AS AMENDED BY P.L.195-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) Any firm, individual, partnership, limited liability company, or corporation that is awarded a contract by the state, a political subdivision, or a municipal corporation for the construction of a public work, and any subcontractor of the construction, shall pay for each class of work described in subsection (c)(1) on the project a scale of wages that may not be less than the common construction wage.

(b) For the purpose of ascertaining what the common construction wage is in the county, the awarding governmental agency, before advertising for the contract, shall set up a committee of five (5) persons as follows:

(1) One (1) person representing labor, to be named by the president of the state federation of labor.

(2) One (1) person representing industry, to be named by the awarding agency.

(3) A third member to be named by the state president of the Associated Builders and Contractors.

(4) One (1) taxpayer who pays the tax that will be the funding source for the project and resides in the county where the project is located. The owner of the project shall make the appointment under this subdivision.

(5) One (1) taxpayer who pays the tax that will be the funding source for the project and resides in the county where the project is located. The legislative body (as defined in IC 36-1-2-9) for the county where the project is located shall make the appointment under this subdivision.

(c) As soon as appointed, the committee shall meet in the county where the project is located and determine in writing the following:

(1) A classification of the labor to be employed in the performance of the contract for the project, divided into the following three (3) classes:

(A) Skilled labor.

(B) Semiskilled labor.

(C) Unskilled labor.

(2) The wage per hour to be paid each of the classes.

The committee is not required to consider information not presented to the committee at the meeting. IC 5-14-1.5 (open door law) applies to a meeting of the committee.

(d) The rate of wages determined by the committee under

subsection (c) applies to any contract for which the awarding government agency lets not later than three (3) months after the date the committee determines the rate of wages. The committee shall establish wages for all classifications of work that may be employed on projects subject to contracts let by the awarding agency for three (3) months after the date the committee determines the rate of wages. If an awarding agency advertises for a contract that includes classifications that are not listed on the existing wage scale, the awarding agency shall form a new committee under subsection (b) to determine the classifications and wages on the contract.

(e) If the awarding government agency lets for a contract later than three (3) months after the committee determines the rate of wages, the awarding government agency shall form a new committee under subsection (b) to determine a rate of wages for the contract. The rate of wages determined under this subsection applies to any contract for which the awarding government agency lets not later than three (3) months after the rate of wages is determined under this subsection.

(f) The rate of wages determined under subsection (c) shall not be less than the common construction wage for each of the three (3) classes of wages described in subsection (c) that are currently being paid in the county where the project is located.

(g) This chapter does not apply to contracts let by the Indiana department of transportation for the construction of highways, streets, and bridges. IC 8-23-9 applies to state highway projects.

(h) A determination under subsection (c) shall be made and filed with the awarding agency at least two (2) weeks prior to the date fixed for the letting, and a copy of the determination shall be furnished upon request to any person desiring to bid on the contract. The schedule is open to the inspection of the public.

(i) If the committee appointed under subsection (b) fails to act and to file a determination under subsection (c) at or before the time required under subsection (h), the awarding agency shall make the determination, and its finding shall be final.

(j) It shall be a condition of a contract awarded under this chapter that the successful bidder and all subcontractors shall comply strictly with the determination made under this section.

(k) This chapter does not apply to public projects in Indiana that would otherwise be subject to this chapter that are to be paid for in whole or in part with funds granted by the federal government, unless the department of the federal government making the grant consents in writing that this chapter is applicable to the project.

(l) Notwithstanding any other law, this chapter applies to projects that will be:

(1) owned entirely; or

(2) leased with an option to purchase;

by the state or a political subdivision (as defined in IC 36-1-2-13).

(m) Notwithstanding any other law, this chapter does not apply to projects in which the actual construction costs are less than the following:

(1) For contracts awarded after December 31, 2011, and before January 1, 2013, two hundred fifty thousand dollars (\$250,000).

(2) For contracts awarded after December 31, 2012, three hundred fifty thousand dollars (\$350,000).

**(n) This section expires July 1, 2015.**

SECTION 6. IC 5-16-7-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 1.5. (a) This section applies after June 30, 2015, to a public works contract awarded by the state, a political subdivision, or a municipal corporation for the construction of a public work.**

**(b) At the request of an awarding governmental agency, the department shall determine the following for a contract awarded for the construction of a public work:**

**(1) A classification of the labor to be employed in the performance of the contract for the project, divided into the following three (3) classes:**

- (A) Skilled labor.**
- (B) Semiskilled labor.**
- (C) Unskilled labor.**

**(2) The wage per hour to be paid to each of the classes.**

**(c) In making a determination under subsection (b), the department shall determine the wage per hour based on a combination of:**

- (1) contractor supplied information; and**
- (2) Davis-Bacon Act (40 U.S.C. 3141 et seq.) wage rates.**

**(d) As a condition of a contract awarded under this chapter, a firm, individual, partnership, limited liability company, or corporation that is awarded a contract by the state, a political subdivision, or a municipal corporation for the construction of a public work, and any subcontractor of the construction, shall pay for each class of work described in subsection (b)(1) on the project a scale of wages determined by the department under this section.**

SECTION 7. IC 5-16-7-4, AS AMENDED BY P.L.195-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 4. The following definitions apply throughout this chapter:**

**(1) "Common construction wage" means a scale of wages for each class of work described in section 1(c)(1) of this chapter that is not less than the common construction wage of all construction wages being paid in the county where a project is located, as determined by the committee described in section 1(b) of this chapter after having considered the following:**

- (A) Any reports with respect to wage scales submitted by the Indiana State Building and Construction Trades Council.**
- (B) Any reports with respect to wage scales submitted by the Associated Builders and Contractors of Indiana.**
- (C) Any other information submitted by any person to the committee established under section 1(b) of this chapter.**

**(1) "Department" refers to the department of labor created by IC 22-1-1-1.**

**(2) "State" includes any officer, board, commission, or other agency authorized by law to award contracts for the performance of public work on behalf of the state, except as otherwise provided in this chapter.**

**(3) "Municipal corporation" includes any county, city, town, school corporation, or any officer, board, commission, or other agency authorized by law to award contracts for the performance of public work on behalf of a municipal corporation. The term also includes a redevelopment commission established under IC 36-7-14-3.**

**(4) "Public work" includes any public building, highway, street, alley, bridge, sewer, drain, improvement, or any other work of any nature or character that is paid for out of public funds, except as otherwise provided in this chapter.**

SECTION 8. IC 5-16-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 5. (a) Notwithstanding any other law, this chapter applies to projects that will be:**

- (1) owned entirely; or**
- (2) leased with an option to purchase;**

**by the state or a political subdivision (as defined in IC 36-1-2-13).**

**(b) This chapter does not apply to the following:**

**(1) Contracts let by the Indiana department of transportation for the construction of highways, streets, and bridges. IC 8-23-9 applies to state highway projects.**

**(2) Public projects in Indiana that would otherwise be subject to this chapter that are to be paid for in whole or in part with funds granted by the federal government, unless the department of the federal government making the grant consents in writing that this chapter is applicable to the project.**

**(3) (a) This chapter does not apply to Contractors or subcontractors performing public work for Purdue University on agricultural or forestry land owned or occupied by the university and used by it for educational or research purposes if the cost of the work is estimated to be less than fifty thousand dollars (\$50,000).**

**(4) (b) Except as provided in IC 5-23, this chapter does not apply to a person that has entered into an operating agreement with the state, a municipal corporation, or another political subdivision for the management or operation of a public facility under IC 5-23.**

**(5) Projects in which the actual construction costs are less than three hundred fifty thousand dollars (\$350,000)."**

Page 10, delete lines 1 through 7.

Page 15, delete lines 10 through 42.

Page 16, delete lines 1 through 6.

Page 16, delete lines 16 through 42.

Delete page 17.

Page 18, delete lines 1 through 24.

Page 18, line 31, after "Indiana" delete "." and insert ", including IC 5-16-7."

Page 22, delete lines 26 through 35.

Page 24, line 21, reset in roman "IC 5-16-7".

Page 24, line 21, after "IC 5-16-7" delete "." and insert "and".

Page 24, delete lines 26 through 42.

Delete pages 25 through 31.  
 Renumber all SECTIONS consecutively.  
 (Reference is to EHB 1019 as printed April 8, 2015.)

TALLIAN

Upon request of Senator Tallian the President ordered the roll of the Senate to be called. Roll Call 434: yeas 12, nays 36. Motion failed.

SENATE MOTION  
 (Amendment 1019-6)

Madam President: I move that Engrossed House Bill 1019 be amended to read as follows:

Page 9, delete lines 22 through 42.  
 Page 10, lines 1 through 7.  
 Renumber all SECTIONS consecutively.  
 (Reference is to EHB 1019 as printed April 8, 2015.)

MRVAN

Upon request of Senator Mrvan the President ordered the roll of the Senate to be called. Roll Call 435: yeas 15, nays 34. Motion failed. The bill was ordered engrossed.

#### Engrossed House Bill 1047

Senator Yoder called up Engrossed House Bill 1047 for second reading. The bill was read a second time by title.

SENATE MOTION  
 (Amendment 1047-1)

Madam President: I move that Engrossed House Bill 1047 be amended to read as follows:

Replace the effective dates in SECTIONS 1 through 5 with "[EFFECTIVE JANUARY 1, 2016]".

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

"SECTION 1. IC 6-6-5-5.7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 5.7. (a) There is imposed an annual excise tax on mini-trucks (as defined in IC 9-13-2-103.1). The tax shall be paid at the same time the mini-truck is registered.**

**(b) Except for the amount of tax imposed, a mini-truck is to be treated the same as a vehicle for purposes of this chapter.**

**(c) The amount of tax owed for a mini-truck under subsection (a) for a year is thirty dollars (\$30). The tax is due at the same time the owner is or would be required to pay the motor vehicle excise tax under this chapter."**

Page 3, delete lines 31 through 41.  
 Renumber all SECTIONS consecutively.  
 (Reference is to EHB 1047 as printed April 8, 2015.)

YODER

Motion prevailed.

SENATE MOTION  
 (Amendment 1047-2)

Madam President: I move that Engrossed House Bill 1047 be amended to read as follows:

Page 3, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 5. IC 9-18-12.5-7, AS ADDED BY SEA 506-2015, SEC. 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) An operator may apply to the bureau to participate in the program.

(b) An application must be in the form and manner prescribed by the bureau and must contain the following information:

- (1) The name and business address of the operator.
- (2) The preferred expiration month requested by the operator.
- ~~(3) Certificates of title and registration for all fleet vehicles in the exact name of the operator.~~
- ~~(4) (3) All counties in which the fleet vehicles are registered.~~
- ~~(5) (4) Any other information required by the bureau.~~

The bureau may designate an expiration month that differs from the preferred expiration month requested by the operator under subdivision (2).

(c) The bureau shall approve an application if the bureau is satisfied that the application is complete and accurate. Upon approval of the application, the bureau shall assign the fleet operator a fleet number.

(d) If an application does not contain a preferred expiration month, the bureau may:

- (1) deny the application; or
- (2) designate an expiration month and approve the application.

(e) An operator may not register a vehicle as a fleet vehicle in a county that is not designated in the application."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1047 as printed April 8, 2015.)

YODER

Motion prevailed. The bill was ordered engrossed.

#### Engrossed House Bill 1269

Senator Patricia Miller called up Engrossed House Bill 1269 for second reading. The bill was read a second time by title.

SENATE MOTION  
 (Amendment 1269-1)

Madam President: I move that Engrossed House Bill 1269 be amended to read as follows:

Page 1, delete lines 1 through 9, begin a new paragraph and insert:

"SECTION 1. IC 5-10-8-17 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 17. If a procedure or treatment has been routinely covered by the Medicaid program (IC 12-15) or the Medicare program (42 U.S.C. 1395 et seq.) during the three (3) preceding years, a self-insurance program established under section 7(b) of this chapter or a contract with a prepaid health coverage plan entered into under section 7(c) of this chapter shall not limit or deny coverage of a procedure or treatment on the basis that the procedure or treatment is investigatory or experimental."**



Page 9, line 3, delete "study" and insert "**report**".

Page 11, between lines 37 and 38, begin a new paragraph and insert:

**"(g) Before October 1, 2015, the division shall report to the interim study committee on public health, behavioral health, and human services established by IC 2-5-1.3-4(14) concerning the status of the development of the mental health first aid training program."**

Page 13, line 21, delete "require" and insert "**be required to obtain**".

Page 13, line 31, delete "elementary" and insert "**kindergarten through grade 12 schools**".

Page 13, line 32, delete "schools or high schools".

Page 13, line 34, delete "licensure" and insert "**licenses**".

Page 14, line 39, after "(A)" insert "**beginning in the 2016-2017 school year,**".

Page 15, delete lines 3 through 42.

Delete page 16.

Page 17, line 4, delete "shall" and insert "**may**".

Page 17, line 12, after "received the" insert "**written**".

Page 17, delete lines 19 through 26, begin a new paragraph and insert:

**"(d) A school counselor or other employee of a school corporation may not diagnose a student as having a mental health condition.**

SECTION 23. IC 27-8-5-30 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 30. If a procedure or treatment has been routinely covered by the Medicaid program (IC 12-15) or the Medicare program (42 U.S.C. 1395 et seq.) during the three (3) preceding years, an insurer shall not limit or deny coverage under a policy of accident and sickness insurance of a procedure or treatment on the basis that the procedure or treatment is investigatory or experimental."**

Page 19, delete lines 41 through 42, begin a new paragraph and insert:

"SECTION 27. IC 27-13-39-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 2. (a) If a procedure or treatment has been routinely covered by the Medicaid program (IC 12-15) or the Medicare program (42 U.S.C. 1395 et seq.) during the three (3) preceding years, a health maintenance organization shall not limit or deny coverage of a procedure or treatment on the basis that the procedure or treatment is investigatory or experimental.**

**(a) (b)** A health maintenance organization that limits coverage for experimental treatments, procedures, drugs, or devices must clearly state the limitations in any contract, policy, agreement, or certificate of coverage.

**(b) (c)** The disclosure required under subsection **(a) (b)** must include the following:

(1) A description of the process used to make the determination regarding a limitation under subsection **(a) (b)**.

(2) A description of the criteria the health maintenance organization uses to determine whether a treatment, procedure, drug, or device is experimental, as provided in section 1 of this chapter."

Page 20, delete lines 1 through 17.

Page 21, delete lines 24 through 41, begin a new paragraph and insert:

"SECTION 30. [EFFECTIVE JULY 1, 2015] (a) As used in this SECTION, "department" refers to the department of insurance created by IC 27-1-1-1.

(b) As used in this SECTION, "denied claim" means a claim for which:

(1) a denial of coverage; or

(2) required submission of additional information; was communicated by the insurer or administrator in response to the submission of the claim, regardless of whether the claim was eventually paid by the insurer or administrator.

(c) The department shall review a statistically relevant sample of all claims denied:

(1) by:

(A) the three (3) insurers that issued the largest number by premium of policies of accident and sickness insurance (as defined in IC 27-8-5-1) in Indiana during the 2014 calendar year; and  
(B) an administrator of health coverage described in IC 27-1-25; and

(2) during the period beginning July 1, 2014, and ending December 31, 2014.

(d) The department's review under this SECTION shall include all of the following:

(1) A determination of whether the denial of each claim was appropriately based on the terms of the applicable policy of accident and sickness insurance or health coverage plan.

(2) The number of denied claims based on a requirement of the insurer or administrator that the covered individual receive a less expensive procedure before receiving the procedure that was the subject of the denied claim.

(e) An insurer or administrator described in subsection (c) shall provide, upon request, access to all records and information determined by the commissioner of insurance to be required for the department's review of the denied claims described in subsection (c).

(f) An insurer or administrator subject to review under this SECTION shall do all of the following:

(1) If a claim described in subsection (c) was denied for lack of medical necessity, disclose to the department whether, in order to determine medical necessity, the insurer or administrator had a physician:

(A) examine the covered individual; or

(B) review the medical record of the covered individual.

(2) Specify the policy or plan provision that resulted in the denied claim.

(3) Specify the health care procedure for which a claim is most frequently denied by the insurer or administrator.

(4) With respect to a denied claim described in subsection (b)(2), specify the additional information

that was required for payment of the claim.

(g) The department may retain expert consultants to perform the review required by this SECTION.

(h) An insurer or administrator subject to a review under this SECTION shall pay all costs associated with the review.

(i) All records and information provided to the department under this SECTION are confidential.

(j) The department shall, not later than October 1, 2015:

(1) perform a review required by this SECTION;

(2) compile a report of the:

(A) information; and

(B) results of the review;

required by this SECTION; and

(3) provide the report to:

(A) the public health, behavioral health, and human services interim study committee established by IC 2-5-1.3-4(14); and

(B) the legislative council;

in an electronic format under IC 5-14-6.

(k) Information contained in a report provided under subsection (j) may not include any information from which the identity of an individual covered under the policy of accident and sickness or health coverage plan may be ascertained.

(l) The department may establish the procedures under which the review under this SECTION is conducted.

(m) This SECTION expires January 1, 2016."

Delete page 22.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1269 as printed April 10, 2015.)

PATRICIA MILLER

Motion prevailed. The bill was ordered engrossed.

### Engrossed House Bill 1303

Senator Patricia Miller called up Engrossed House Bill 1303 for second reading. The bill was read a second time by title.

#### SENATE MOTION (Amendment 1303-1)

Madam President: I move that Engrossed House Bill 1303 be amended to read as follows:

Page 2, delete lines 1 through 31.

Page 2, line 35, after "Chapter 18." insert "Pilot Program for".

Page 2, line 36, after "(a)" insert "Under this chapter:

(1) a supporting organization may not be approved;

(2) an individual may not be state registered; and

(3) information about an individual may not be placed on the register;

in connection with any health care service occupation.

(b)".

Page 2, line 41, delete "(b)" and insert "(c)".

Page 3, between lines 11 and 12, begin a new paragraph and insert:

"Sec. 6. (a) As used in this chapter, "health care service occupation" means an occupation in which the practitioner provides, or assists in providing, care for the human body that is intended to prevent, treat, or manage:

(1) an illness, injury, physical deterioration, or physical defect; or

(2) the physical consequences of an illness, injury, physical deterioration, or physical defect; of the human body.

(b) The term includes:

(1) health care service occupations for which a license or certificate is issued under IC 25; and

(2) health care service occupations for which no license or certificate is issued under IC 25."

Page 3, line 12, delete "Sec. 6." and insert "Sec. 7.".

Page 3, line 16, delete "Sec. 7." and insert "Sec. 8.".

Page 3, line 18, delete "Sec. 8." and insert "Sec. 9.".

Page 3, line 22, delete "Sec. 9." and insert "Sec. 10.".

Page 3, line 28, delete "Sec. 10." and insert "Sec. 11.".

Page 3, line 37, delete "Sec. 11." and insert "Sec. 12.".

Page 3, line 37, delete "The agency may consider and grant an application" and insert "An application for a supporting organization to be approved under this chapter must be submitted before July 1, 2017. An application must be submitted by the supporting organization on its own behalf.".

Page 3, delete lines 38 through 42.

Page 4, delete line 1.

Page 4, line 2, delete "contain the" and insert "contain the following:".

Page 4, delete lines 2 through 26, begin a new line block indented and insert:

"(1) The name of the supporting organization.

(2) The disclosure of each occupation that the supporting organization certifies.

(3) Information about how approving the supporting organization will provide consumers additional protection.

(4) The following information about the scope of practice of each occupation to which the supporting organization relates:

(A) The extent to which the scope of practice is similar to the scope of practice of a profession or occupation for which a license or certificate is issued under IC 25.

(B) The extent to which the services provided by individuals practicing the occupation include fiduciary responsibilities.

(C) The extent to which:

(i) the services provided by individuals practicing the occupation; or

(ii) the powers with which the individuals practicing the occupation are legally vested;

can be misused for unscrupulous reasons.

(5) The supporting organization's ability to certify and decertify individuals who have earned a specific certification or credential from the supporting organization.

(6) The supporting organization's ability to investigate consumer complaints against the individuals who have earned a specific certification or credential from the supporting organization.

**(7) The supporting organization's administrative functionality, including monitoring the individuals who have earned a specific certification or credential from the supporting organization.**

**(8) Continuing education services provided by the supporting organization.**

**(9) The supporting organization's length of existence.**

**(10) The collective reputation of individuals who have earned a specific certification or credential offered by the supporting organization.**

**(11) Any other information requested by the agency."**

Page 4, line 28, after "shall" insert "evaluate the information included in the application under subsection (b) and".

Page 4, line 29, delete "presented, and the" and insert "presented."

Page 4, delete lines 30 through 42.

Page 5, delete lines 1 through 5.

Page 5, line 12, delete "to:" and insert "to whether the supporting organization should be approved for purposes of this chapter."

Page 5, delete lines 13 through 17.

Page 5, line 18, delete "Sec. 12." and insert "Sec. 13."

Page 5, line 19, delete "11" and insert "12".

Page 5, line 20, delete "determine:" and insert "determine whether to approve the supporting organization for purposes of this chapter."

Page 5, delete lines 21 through 31, begin a new paragraph and insert:

**"(b) The executive director may not approve more than five (5) supporting organizations under this chapter."**

Page 6, line 6, delete "Sec. 13." and insert "Sec. 14."

Page 6, line 6, delete "must:" and insert "must satisfy the requirements set forth in subsection (b) before July 1, 2017."

**(b) An individual who wishes to be placed on the registry must:"**

Page 6, line 13, delete "accredited" and insert "approved".

Page 6, line 27, delete "(b)" and insert "(c)".

Page 6, line 29, delete "(c)" and insert "(d)".

Page 6, line 30, delete "(a)(2)(B), (a)(2)(D), or (a)(2)(E)" and insert "**(b)(2)(B), (b)(2)(D), or (b)(2)(E)**".

Page 6, line 37, delete "Sec. 14." and insert "Sec. 15."

Page 6, line 37, delete "An" and insert "**Subject to subsection (d), an**".

Page 6, line 39, delete "If".

Page 6, delete lines 40 through 42.

Page 7, delete line 1.

Page 7, line 2, delete "An" and insert "**Subject to subsection (d), an**".

Page 7, line 9, delete "The" and insert "**Subject to subsection (d), the**".

Page 7, line 14, delete "16(a)(3)" and insert "17(3)".

Page 7, between lines 14 and 15, begin a new paragraph and insert:

**"(d) After 2017, the state registration of an individual and the continued presence of information about the individual on the registry is contingent upon the enactment of legislation concerning the pilot program established by this**

**chapter."**

Page 7, line 15, delete "Sec. 15." and insert "Sec. 16."

Page 7, line 26, delete "Sec. 16." and insert "Sec. 17."

Page 7, line 38, delete "13(a)" and insert "14(a)".

Page 8, line 4, delete "Sec. 17." and insert "Sec. 18."

Page 8, line 22, delete "Sec. 18." and insert "Sec. 19."

Page 8, line 24, delete "Sec. 19." and insert "Sec. 20."

Page 8, after line 26, begin a new paragraph and insert:

**"Sec. 21. Not later than November 1, 2017, the executive director shall provide a report to the legislative council in an electronic format under IC 5-14-6 concerning the pilot program conducted under this chapter. The report must include the following:**

**(1) The names of the supporting organizations that were approved under the pilot program.**

**(2) The names of the supporting organizations that were not approved under the pilot program.**

**(3) The number of individuals were state registered under the pilot program.**

**(4) Information about how state registration under the pilot program provided additional consumer protection to the residents of Indiana.**

**(5) The recommendations of the executive director about whether the pilot program established by this chapter should be continued and expanded..**

**Sec. 22. This chapter expires April 1, 2018."**

Renumber all SECTIONS consecutively.

(Reference is to EHB 1303 as printed April 10, 2015.)

PATRICIA MILLER

Motion prevailed. The bill was ordered engrossed.

### Engrossed House Bill 1304

Senator Steele called up Engrossed House Bill 1304 for second reading. The bill was read a second time by title.

#### SENATE MOTION

(Amendment 1304-6)

Madam President: I move that Engrossed House Bill 1304 be amended to read as follows:

Page 34, line 3, delete "disability (as defined in IC 11-12-3.7-4.5)," and insert "**disability**".

Page 42, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 46. IC 35-50-6-3.3, AS AMENDED BY P.L.168-2014, SECTION 122, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3.3. (a) In addition to any credit time a person earns under subsection (b) or section 3 of this chapter, a person earns credit time if the person:

(1) is in credit Class I, Class A, or Class B;

(2) has demonstrated a pattern consistent with rehabilitation; and

(3) successfully completes requirements to obtain one (1) of the following:

(A) A general educational development (GED) diploma under IC 20-20-6 (before its repeal) or IC 22-4.1-18, if the person has not previously obtained a high school diploma.

(B) Except as provided in subsection (o), a high school diploma, if the person has not previously obtained a general educational development (GED) diploma.

(C) An associate degree from an approved postsecondary educational institution (as defined under IC 21-7-13-6(a)) earned during the person's incarceration.

(D) A bachelor degree from an approved postsecondary educational institution (as defined under IC 21-7-13-6(a)) earned during the person's incarceration.

(b) In addition to any credit time that a person earns under subsection (a) or section 3 of this chapter, a person may earn credit time if, while confined by the department of correction, the person:

- (1) is in credit Class I, Class A, or Class B;
- (2) demonstrates a pattern consistent with rehabilitation; and
- (3) successfully completes requirements to obtain at least one (1) of the following:

(A) A certificate of completion of a career and technical or vocational education program approved by the department of correction.

(B) A certificate of completion of a substance abuse program approved by the department of correction.

(C) A certificate of completion of a literacy and basic life skills program approved by the department of correction.

(D) A certificate of completion of a reformatory program approved by the department of correction.

(c) The department of correction shall establish admissions criteria and other requirements for programs available for earning credit time under subsection (b). A person may not earn credit time under both subsections (a) and (b) for the same program of study. The department of correction, in consultation with the department of workforce development, shall approve a program only if the program is likely to lead to an employable occupation.

(d) The amount of credit time a person may earn under this section is the following:

- (1) Six (6) months for completion of a state of Indiana general educational development (GED) diploma under IC 20-20-6 (before its repeal) or IC 22-4.1-18.
- (2) One (1) year for graduation from high school.
- (3) Not more than one (1) year for completion of an associate degree.
- (4) Not more than two (2) years for completion of a bachelor degree.
- (5) Not more than a total of one (1) year of credit, as determined by the department of correction, for the completion of one (1) or more career and technical or vocational education programs approved by the department of correction.
- (6) Not more than a total of six (6) months of credit, as determined by the department of correction, for the completion of one (1) or more substance abuse programs approved by the department of correction.
- (7) Not more than a total of six (6) months credit, as

determined by the department of correction, for the completion of one (1) or more literacy and basic life skills programs approved by the department of correction.

(8) Not more than a total of six (6) months credit time, as determined by the department of correction, for completion of one (1) or more reformatory programs approved by the department of correction. However, a person who is serving a sentence for an offense listed under IC 11-8-8-4.5 may not earn credit time under this subdivision.

However, a person who does not have a substance abuse problem that qualifies the person to earn credit in a substance abuse program may earn not more than a total of twelve (12) months of credit, as determined by the department of correction, for the completion of one (1) or more career and technical or vocational education programs approved by the department of correction. If a person earns more than six (6) months of credit for the completion of one (1) or more career and technical or vocational education programs, the person is ineligible to earn credit for the completion of one (1) or more substance abuse programs.

(e) Credit time earned under this section must be directly proportional to the time served and course work completed while incarcerated. The department of correction shall adopt rules under IC 4-22-2 necessary to implement this subsection.

(f) Credit time earned by a person under this section is subtracted from the release date that would otherwise apply to the person by the sentencing court after subtracting all other credit time earned by the person.

(g) A person does not earn credit time under subsection (a) unless the person completes at least a portion of the degree requirements after June 30, 1993.

(h) A person does not earn credit time under subsection (b) unless the person completes at least a portion of the program requirements after June 30, 1999.

(i) Credit time earned by a person under subsection (a) for a diploma or degree completed before July 1, 1999, shall be subtracted from:

- (1) the release date that would otherwise apply to the person after subtracting all other credit time earned by the person, if the person has not been convicted of an offense described in subdivision (2); or
- (2) the period of imprisonment imposed on the person by the sentencing court, if the person has been convicted of one (1) of the following crimes:
  - (A) Rape (IC 35-42-4-1).
  - (B) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
  - (C) Child molesting (IC 35-42-4-3).
  - (D) Child exploitation (IC 35-42-4-4(b)).
  - (E) Vicarious sexual gratification (IC 35-42-4-5).
  - (F) Child solicitation (IC 35-42-4-6).
  - (G) Child seduction (IC 35-42-4-7).
  - (H) Sexual misconduct with a minor (IC 35-42-4-9)

as a:

- (i) Class A felony, Class B felony, or Class C felony for a crime committed before July 1, 2014; or

(ii) Level 1, Level 2, or Level 4 felony, for a crime committed after June 30, 2014.

- (I) Incest (IC 35-46-1-3).
- (J) Sexual battery (IC 35-42-4-8).
- (K) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age.
- (L) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age.
- (M) An attempt or a conspiracy to commit a crime listed in clauses (A) through (L).

(j) The maximum amount of credit time a person may earn under this section is the lesser of:

- (1) two (2) years; or
- (2) one-third (1/3) of the person's total applicable credit time.

(k) Credit time earned under this section by an offender serving a sentence for **stalking (IC 35-45-10-5)**, a felony against a person under IC 35-42, or for a crime listed in IC 11-8-8-5, shall be reduced to the extent that application of the credit time would otherwise result in:

- (1) postconviction release (as defined in IC 35-40-4-6); or
- (2) assignment of the person to a community transition program;

in less than forty-five (45) days after the person earns the credit time.

(l) A person may earn credit time for multiple degrees at the same education level under subsection (d) only in accordance with guidelines approved by the department of correction. The department of correction may approve guidelines for proper sequence of education degrees under subsection (d).

(m) A person may not earn credit time:

- (1) for a general educational development (GED) diploma if the person has previously earned a high school diploma; or
- (2) for a high school diploma if the person has previously earned a general educational development (GED) diploma.

(n) A person may not earn credit time under this section if the person:

- (1) commits an offense listed in IC 11-8-8-4.5 while the person is required to register as a sex or violent offender under IC 11-8-8-7; and
- (2) is committed to the department of correction after being convicted of the offense listed in IC 11-8-8-4.5.

(o) For a person to earn credit time under subsection (a)(3)(B) for successfully completing the requirements for a high school diploma through correspondence courses, each correspondence course must be approved by the department before the person begins the correspondence course. The department may approve a correspondence course only if the entity administering the course is recognized and accredited by the department of education in the state where the entity is located."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1304 as printed April 8, 2015.)

STEELE

Motion prevailed.

SENATE MOTION  
(Amendment 1304-7)

Madam President: I move that Engrossed House Bill 1304 be amended to read as follows:

Page 23, delete lines 29 through 42, begin a new paragraph and insert:

"SECTION 25. IC 16-42-19-27, AS AMENDED BY SEA 294-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 27. (a) **Unless otherwise specified**, a person who knowingly violates this chapter, except sections 24, 25(b), and 30(c) of this chapter, commits a Level 6 felony. However, the offense is a Level 5 felony if the person has a prior conviction under this subsection or IC 16-6-8-10(a) before its repeal.

(b) A person who violates section 24 of this chapter commits a Class B misdemeanor.

(c) A person who violates section 25(b) of this chapter commits dealing in an anabolic steroid, a Level 5 felony. However, the offense is a Level 4 felony if the person delivered the anabolic steroid to a person who is:

- (1) less than eighteen (18) years of age; and
- (2) at least three (3) years younger than the delivering person.

(d) A person who violates section 30(c) of this chapter commits a Class A infraction."

Page 24, delete line 1.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1304 as printed April 8, 2015.)

STEELE

Motion prevailed.

SENATE MOTION  
(Amendment 1304-9)

Madam President: I move that Engrossed House Bill 1304 be amended to read as follows:

Page 39, delete lines 33 through 42.

Delete pages 40 through 41.

Page 42, delete lines 1 through 14.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1304 as printed April 8, 2015.)

HEAD

Motion prevailed.

SENATE MOTION  
(Amendment 1304-4)

Madam President: I move that Engrossed House Bill 1304 be amended to read as follows:

Page 26, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 30. IC 31-37-19-1.7, AS ADDED BY HEA 1434-2015, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1.7. (a) For a child who is at least fourteen (14) years of age, the ~~department~~ **probation officer** shall consult with the child in the development of the child's case plan or transitional services plan. If the

**department probation officer** determines that the child is unable to participate effectively in the development of a case plan or transitional services plan due to a physical, mental, emotional, or intellectual disability, the **department probation officer** may excuse the child from this requirement by documenting in the plan the reasons for the child's inability to participate in the development of the applicable plan. If the child refuses to participate in the development of the applicable plan for reasons other than a physical, mental, emotional, or intellectual disability, the **department probation officer** shall record the refusal and document efforts made to obtain the child's input or participation in the development of the applicable plan.

(b) The child may select not more than two (2) child representatives to represent the child in the development of the child's case plan or transitional services plan. A child representative selected under this section:

- (1) must be:
  - (A) at least eighteen (18) years of age; and
  - (B) a member of the case planning team;
- (2) may not be a foster parent of or caseworker for the child; and
- (3) must be approved by the child's probation officer.

(c) The child may select one (1) of the child representatives who is a member of the child's case planning team to also be the child's adviser and, as necessary, advocate, with respect to the application of the reasonable and prudent parent standard to the child.

(d) The probation officer may reject an individual selected by a child to be a member of the case planning team at any time if the probation officer has good cause to believe that the individual would not act in the best interests of the child.

SECTION 31. IC 31-37-20-8, AS ADDED BY HEA 1434-2015, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) This section applies to an individual who:

- (1) is leaving foster care because the individual is at least eighteen (18) years of age; and
- (2) has been in foster care for at least six (6) months.

(b) Before an individual described in subsection (a) leaves foster care, the **department probation officer** shall provide to the individual the following documents that are applicable to the individual:

- (1) An official or certified copy of the individual's United States birth certificate.
- (2) A Social Security card issued for the individual by the Social Security Administration.
- (3) Insurance records for the individual.
- (4) A copy of the individual's medical records.
- (5) The individual's driver's license or identification card issued by the state."

Page 27, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 35. IC 31-37-22-10, AS ADDED BY HEA 1434-2015, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. (a) This section applies to an individual who:

- (1) is leaving foster care because the individual is eighteen (18) years of age or older; and

(2) has been in foster care for at least six (6) months.

(b) Before an individual described in subsection (a) leaves foster care, the **department probation officer** shall provide to the individual all the following documents that are applicable to the individual:

- (1) An official or certified copy of the individual's United States birth certificate.
- (2) A Social Security card issued for the individual by the Social Security Administration.
- (3) Insurance records.
- (4) A copy of the individual's medical records.
- (5) A driver's license or identification card issued by the state.

SECTION 36. IC 31-41, AS ADDED BY HEA 1196-2015, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

#### ARTICLE 41. DUAL STATUS

##### Chapter 1. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Dual status child" means:

- (1) a child who is alleged to be or is presently adjudicated to be a child in need of services under IC 31-34-10 or IC 31-34-11 and is alleged to be or is presently adjudicated to be a delinquent child under IC 31-37-12 or IC 31-37-13;
- (2) a child who is presently named in an informal adjustment under IC 31-34-8 and who is adjudicated a delinquent child under IC 31-37-12 or IC 31-37-13;
- (3) a child who is presently named in an informal adjustment under IC 31-37-9 and who is adjudicated to be a child in need of services under IC 31-34-10 or IC 31-34-11;
- (4) a child who:

- (A) has been previously adjudicated to be a child in need of services under IC 31-34-10 or IC 31-34-11; or
- (B) was a participant in a program of informal adjustment under IC 31-34-8;

and who was under a wardship that had been terminated or was in a program of informal adjustment that had concluded before the current delinquency petition;

(5) a child who was:

- (A) previously adjudicated to be a delinquent child under IC 31-37-12 or IC 31-37-13 that was closed; and
- (B) a participant in a program of informal adjustment under IC 31-37-9 which was concluded prior to a child in need of services proceeding; and

(6) a child:

- (A) who is eligible for release from commitment of the department of correction;
- (B) whose parent, guardian, or custodian:
  - (i) cannot be located; or
  - (ii) is unwilling to take custody of the child; and
- (C) for whom the department of correction is requesting a modification of the dispositional decree

under IC 31-30-2-4.

Sec. 3. "Dual status screening tool" means a factual review of a child's status and history conducted by the case manager under IC 31-34 or the probation officer under IC 31-37 to determine whether a child meets the criteria for being a dual status child as defined by section 2 of this chapter.

Sec. 4. "Dual status assessment" means a review by a dual status assessment team to assess a dual status child's:

- (1) status;
- (2) best interests;
- (3) need for services; and
- (4) level of needs, strengths, and ~~risk risks~~ of the child.

Sec. 5. "Dual status assessment team" means a committee assembled and convened by a juvenile court to recommend the proper legal course for a dual status child.

#### Chapter 2. Dual Status Assessment Team

Sec. 1. After a juvenile court has determined that a child is a dual status child, the juvenile court shall refer the child to be assessed by a dual status assessment team.

Sec. 2. (a) The dual status assessment team shall include:

- (1) if the child has a department of child services case manager, the case manager;
- (2) if the child does not have a department of child services case manager, a representative of the department of child services appointed by the local department of child services director;
- (3) if the child has a probation officer, that probation officer;
- (4) if the child does not have a probation officer, a probation officer appointed by the court; and
- (5) a meeting facilitator, who may be a member of the dual status assessment team described in subdivisions (1) through (4) or may be a person appointed by the juvenile court.

(b) The dual status assessment team may include:

- (1) the child if the juvenile court deems the child is age appropriate;
- (2) the child's public defender or attorney;
- (3) the child's parent, guardian, or custodian;
- (4) the child's parent's attorney;
- (5) a prosecuting attorney;
- (6) the attorney for the department;
- (7) a court appointed special advocate or a guardian ad litem;
- (8) a representative from the department of correction;
- (9) a school representative;
- (10) an educator;
- (11) a therapist;
- (12) the child's foster parent; and
- (13) a service provider appointed by the team or the juvenile court.

Sec. 3. (a) The dual status assessment team shall meet within ten (10) days of the date ordered by the juvenile court.

(b) The dual status assessment team shall be convened by the facilitator described in section 2(a)(6) of this chapter.

(c) The dual status assessment team shall consider:

- (1) any allegations of abuse or neglect suffered by the child; and

- (2) any allegation that the child is a delinquent child under IC 31-37-1-1 or IC 31-37-2-1.

Sec. 4. All statements communicated in a dual status assessment team meeting are:

- (1) not admissible as evidence against the child in any judicial proceeding; and
- (2) not discoverable in any litigation.

Sec. 5. The dual status assessment team shall consider the child's best interests and well-being, including:

- (1) the child's mental health, including any diagnosis;
- (2) the child's school records, including attendance and achievement level;
- (3) the child's statements;
- (4) the statements of the child's parent, guardian, or custodian;
- (5) the impact of the child's behavior on any victim;
- (6) the safety of the community;
- (7) the child's needs, strengths, and risk;
- (8) the need for a parent participation plan;
- (9) the efficacy and availability of services and community providers;
- (10) whether appropriate supervision of the child can be achieved by the dismissal of a delinquency adjudication in deference to a child in need of services adjudication;
- (11) whether appropriate supervision of the child can be achieved by combining a delinquency adjudication or informal adjustment with a child in need of services petition;
- (12) the child's placement needs;
- (13) restorative justice practices that may be appropriate;
- (14) whether a child in need of services petition or informal adjustment should be filed or dismissed;
- (15) whether a delinquency petition or informal adjustment should be filed or dismissed;
- (16) the availability of coordinated services regardless of whether the child is adjudicated to be a child in need of services or a delinquent child;
- (17) whether the team recommends the exercise of dual adjudication and the lead agency to provide supervision of the child; and
- (18) any other information considered appropriate by the team.

Sec. 6. After a dual status assessment team has met to assess a child, the team shall:

- (1) designate a member to prepare the written report for the juvenile court; and
- (2) provide recommendations, including:
  - (A) whether the court should proceed with an additional initial hearing regarding the petition alleging the child is in need of services and dismiss a pending delinquency petition or informal adjustment at the conclusion of a child in need of services adjudication;
  - (B) whether the court should proceed with an additional initial hearing regarding a petition alleging that the child is a delinquent **child** under IC 31-37-1 and dismiss a pending child in need of services petition or informal adjustment upon

- conclusion of the delinquency adjudication;
- (C) whether the court should proceed with an additional initial hearing and adjudication or informal adjustment concerning a child in need of services petition and a delinquency petition under IC 31-37-1;
- (D) what agency should be the lead agency in a child's supervision; and
- (E) any other matters relevant to the child's best interests, including any services to be included in a dispositional decree.

**If the probation department of the juvenile court is designated as the lead agency under IC 31-41-3, any recommendations made by the dual status assessment team under subdivision (2) must be consistent with the funding provisions of IC 31-37.**

Chapter 3. Determination of Lead Agency

Sec. 1. (a) If a child has been adjudicated to be a:

- (1) child in need of services under IC 31-34; and
- (2) delinquent child under IC 31-37;

unless the court adopts a contrary recommendation by a dual status assessment team, the court making the later adjudication may determine if the department of child services or the probation department of the juvenile court shall be the lead agency that will supervise the dual status child.

(b) In making a determination under subsection (a), the court shall consider:

- (1) the child's social and family situation;
- (2) the child's experiences with the department of child services;
- (3) the child's prior adjudications of delinquency;
- (4) the recommendations of the dual status assessment team; and
- (5) the needs, strengths, and risks of the child.

(c) The court may require the department of child services and the probation department of the juvenile court to work together in the supervision of a dual status child and for the purposes of filing a modification under IC 31-34-23 or IC 31-37-22. **If the probation department of the juvenile court is designated as the lead agency under this chapter, any recommendations made by the probation department under this subsection must be consistent with the funding provisions of IC 31-37.**

(d) A court may order any service for a dual status child under this chapter that is available:

- (1) to a child in need of services under IC 31-34; or
- (2) to a delinquent child under IC 31-37."

Page 32, line 2, delete "medication" and insert "**medication**".

Page 35, line 23, delete "mental health" and insert "**court appointed forensic**".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1304 as printed April 8, 2015.)

STEELE

Motion prevailed.

SENATE MOTION  
(Amendment 1304-5)

Madam President: I move that Engrossed House Bill 1304 be amended to read as follows:

Page 24, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 26. IC 29-3-7-7, AS AMENDED BY P.L.168-2014, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. A court may not appoint a person to serve as the guardian or permit a person to continue to serve as a guardian if the person:

- (1) is a sexually violent predator (as described in IC 35-38-1-7.5);
- (2) was at least eighteen (18) years of age at the time of the offense and was convicted of child molesting (IC 35-42-4-3) or sexual misconduct with a minor (IC 35-42-4-9) against a child less than sixteen (16) years of age:

- (A) by using or threatening the use of deadly force;
- (B) while armed with a deadly weapon; or
- (C) that resulted in serious bodily injury; or

- (3) was less than eighteen (18) years of age at the time of the offense and was convicted as an adult of:

(A) an offense described in:

- (i) IC 35-42-4-1;
- (ii) IC 35-42-4-2 (before its repeal);
- (iii) IC 35-42-4-3 as a Class A or Class B felony (for crimes committed before July 1, 2014) or as a **Level 1**, Level 2, **Level 3**, or Level 4 felony (for crimes committed after June 30, 2014);
- (iv) IC 35-42-4-5(a)(1);
- (v) IC 35-42-4-5(a)(2);
- (vi) IC 35-42-4-5(a)(3);
- (vii) IC 35-42-4-5(b)(1) as a Class A or Class B felony (for crimes committed before July 1, 2014) or as a Level 2, Level 3, or Level 4 felony (for crimes committed after June 30, 2014);
- (viii) IC 35-42-4-5(b)(2); or
- (ix) IC 35-42-4-5(b)(3) as a Class A or Class B felony (for crimes committed before July 1, 2014) or as a Level 2, Level 3, or Level 4 felony (for crimes committed after June 30, 2014);

(B) an attempt or conspiracy to commit a crime listed in clause (A); or

(C) a crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in clauses (A) and (B)."

Page 34, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 40. IC 35-31.5-2-83.3 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 83.3. "Dangerous sexually transmitted disease" means:**

- (1) the human immunodeficiency virus (HIV);
- (2) herpes;
- (3) gonorrhea;



- (4) syphilis;
- (5) chlamydia; or
- (6) hepatitis."

Page 39, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 46. IC 35-42-4-3, AS AMENDED BY P.L.168-2014, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) A person who, with a child under fourteen (14) years of age, knowingly or intentionally performs or submits to sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5) commits child molesting, a Level 3 felony. However, the offense is a Level 1 felony if:

- (1) it is committed by a person at least twenty-one (21) years of age;
- (2) it is committed by using or threatening the use of deadly force or while armed with a deadly weapon;
- (3) it results in serious bodily injury; ~~or~~
- (4) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge; **or**
- (5) it results in the transmission of a dangerous sexually transmitted disease and the person knew or recklessly failed to know that the person was infected with the disease.**

(b) A person who, with a child under fourteen (14) years of age, performs or submits to any fondling or touching, of either the child or the older person, with intent to arouse or to satisfy the sexual desires of either the child or the older person, commits child molesting, a Level 4 felony. However, the offense is a Level 2 felony if:

- (1) it is committed by using or threatening the use of deadly force;
- (2) it is committed while armed with a deadly weapon; or
- (3) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.

(c) A person may be convicted of attempted child molesting of an individual at least fourteen (14) years of age if the person believed the individual to be a child under fourteen (14) years of age at the time the person attempted to commit the offense.

(d) It is a defense to a prosecution under this section that the accused person reasonably believed that the child was sixteen (16) years of age or older at the time of the conduct, unless:

- (1) the offense is committed by using or threatening the use of deadly force or while armed with a deadly weapon;
- (2) the offense results in serious bodily injury; or
- (3) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or

controlled substance without the victim's knowledge." Renummer all SECTIONS consecutively. (Reference is to EHB 1304 as printed April 8, 2015.)

BRODEN

Motion prevailed.

SENATE MOTION  
(Amendment 1304-3)

Madam President: I move that Engrossed House Bill 1304 be amended to read as follows:

Page 39, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 44. IC 35-46-3-0.5, AS AMENDED BY P.L.111-2009, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 0.5. The following definitions apply throughout this chapter:

- (1) "Abandon" means to desert an animal or to leave the animal permanently in a place without making provision for adequate long term care of the animal. The term does not include leaving an animal in a place that is temporarily vacated for the protection of human life during a disaster.
- (2) "Beat" means to unnecessarily or cruelly strike an animal, or to throw the animal against an object causing the animal to suffer severe pain or injury. The term does not include reasonable training or disciplinary techniques.
- (3) "Mutilate" means to wound, injure, maim, or disfigure an animal by irreparably damaging the animal's body parts or to render any part of the animal's body useless. The term includes bodily injury involving:
  - (A) serious permanent disfigurement;
  - (B) serious temporary disfigurement;
  - (C) permanent or protracted loss or impairment of the function of a bodily part or organ; or
  - (D) a fracture.
- (4) "Neglect" means:
  - (A) endangering an animal's health by failing to provide or arrange to provide the animal with **adequate** food or drink, if the animal is dependent upon the person for the provision of food or drink;
  - (B) restraining an animal for more than a brief period in a manner that endangers the animal's life or health by the use of a rope, chain, or tether that:
    - (i) is less than three (3) times the length of the animal;
    - (ii) is too heavy to permit the animal to move freely; or
    - (iii) causes the animal to choke;
  - (C) restraining an animal in a manner that seriously endangers the animal's life or health;
  - (D) failing to:
    - (i) provide reasonable care for; or
    - (ii) seek veterinary care for;
 an injury or illness to a dog or cat that seriously endangers the life or health of the dog or cat; or
  - (E) leaving a dog or cat outside and exposed to:

- (i) excessive heat without providing the animal with a means of shade from the heat; or
- (ii) excessive cold if the animal is not provided with straw or another means of protection from the cold;

regardless of whether the animal is restrained or kept in a kennel.

(5) "Torture" means:

(A) to inflict extreme physical pain or injury on an animal with the intent of increasing or prolonging the animal's pain; or

(B) to administer poison to a domestic animal (as defined in section 12(d) of this chapter) or expose a domestic animal to a poisonous substance with the intent that the domestic animal ingest the substance and suffer harm, pain, or physical injury."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1304 as printed April 8, 2015.)

STOOPS

Motion prevailed.

#### APPEAL OF THE RULING OF THE CHAIR

Pursuant to Rule 11, the decision of the Chair was appealed by Senator Long. Senator Long requested Senator Hershman to take the Chair. The question pending was, Shall the decision of the Chair be sustained? Roll Call 436: yeas 9, nays 40. The decision of the Chair was overruled. The decision of the Chair that amendment #3 prevailed by voice vote was overturned and amendment #3 was deemed to have failed.

The President of the Senate, Sue Ellspermann, resumed the Chair. The bill was ordered engrossed.

6:14 p.m.

The Chair declared a recess until the fall of the gavel.

#### RECESS

The Senate reconvened at 6:42 p.m., with the President of the Senate in the Chair.

### ENGROSSED HOUSE BILLS ON SECOND READING

#### Engrossed House Bill 1318

Senator Hershman called up Engrossed House Bill 1318 for second reading. The bill was read a second time by title.

SENATE MOTION  
(Amendment 1318-1)

Madam President: I move that Engrossed House Bill 1318 be amended to read as follows:

Page 3, delete lines 20 through 31.

Page 3, line 37, delete "(except in the case of a private toll".

Page 3, line 38, delete "facility)".

(Reference is to EHB 1318 as printed April 8, 2015.)

HERSHMAN

Motion prevailed. The bill was ordered engrossed.

#### Engrossed House Bill 1449

Senator Hershman called up Engrossed House Bill 1449 for second reading. The bill was read a second time by title.

SENATE MOTION  
(Amendment 1449-1)

Madam President: I move that Engrossed House Bill 1449 be amended to read as follows:

Page 4, line 28, delete "IC 12-23-19" and insert "IC 12-23-18.4".

Page 4, line 31, delete "19." and insert "**18.4**".

(Reference is to EHB 1449 as printed April 10, 2015.)

HERSHMAN

Motion prevailed. The bill was ordered engrossed.

#### Engrossed House Bill 1466

Senator Brown called up Engrossed House Bill 1466 for second reading. The bill was read a second time by title.

SENATE MOTION  
(Amendment 1466-3)

Madam President: I move that Engrossed House Bill 1466 be amended to read as follows:

Page 6, line 31, after "entity." insert "**The board shall collaborate with the freezing participating entity by sharing the actuarial method and report.**".

Page 6, line 37, after "(c)" insert ",,".

Page 7, line 5, after "entity." insert "**The board shall collaborate with the freezing participating entity by sharing the actuarial method and report.**".

Page 16, line 14, after "subdivision." insert "**The board shall collaborate with the freezing political subdivision by sharing the actuarial method and report.**".

Page 16, line 30, after "subdivision." insert "**The board shall collaborate with the freezing political subdivision by sharing the actuarial method and report.**".

(Reference is to EHB 1466 as printed April 10, 2015.)

BOOTS

Motion prevailed.

SENATE MOTION  
(Amendment 1466-1)

Madam President: I move that Engrossed House Bill 1466 be amended to read as follows:

Page 31, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 38. IC 10-12-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE DECEMBER 1, 2014 (RETROACTIVE)]: Sec. 1. (a) If an eligible employee ~~retires~~ **separates from service in good standing** after at least ~~twenty~~ **twenty-five (25)** years of service, the employee may:

- (1) retain the employee's issued service weapon; and
- (2) receive a "Retired" badge in recognition of the employee's service to the department and the public.

(b) As used in this subsection, "retirement" means separation from service in good standing with at least twenty-five (25) years of service. "Retired" has a corresponding meaning. Upon an eligible employee's retirement as described under subsection (a), the department shall issue to the employee an identification card that:

- (1) gives the employee's name and rank;
- (2) gives the employee's years of service with the department;
- ~~(2)~~ (3) signifies that the employee is retired; and
- ~~(3)~~ (4) notes the employee's authority to retain the employee's service weapon.

(c) After November 30, 2014, if an eligible employee separates from service in good standing after at least twenty (20) years of service and less than twenty-five (25) years of service, the employee may:

- (1) retain the employee's issued service weapon; and
- (2) receive a "(number of) Years" badge in recognition of the employee's service to the department and the public.

The number of years that appears on a badge described in subdivision (2) is equal to the greatest whole number of years of service that does not exceed the employee's actual years of service with the department.

(d) Upon an eligible employee's separation from service as described under subsection (c), the department shall issue to the employee an identification card that:

- (1) gives the employee's name and rank;
- (2) gives the employee's years of service with the department; and
- (3) notes the employee's authority to retain the employee's service weapon."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1466 as printed April 10, 2015.)

SMITH

The Chair ordered a division of the Senate. Yeas 17, nays 30. Motion failed. The bill was ordered engrossed.

**Engrossed House Bill 1472**

Senator Hershman called up Engrossed House Bill 1472 for second reading. The bill was read a second time by title.

SENATE MOTION  
(Amendment 1472-1)

Madam President: I move that Engrossed House Bill 1472 be amended to read as follows:

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

"SECTION 1. IC 6-2.5-5-3, AS AMENDED BY P.L.211-2007, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) For purposes of this section:

- (1) the:
  - (A) retreading of tires; and
  - (B) cutting of steel bars into billets;
 shall be treated as the processing of tangible personal property; and
- (2) commercial printing shall be treated as the production

and manufacture of tangible personal property.

(b) Except as provided in subsection (c), transactions involving manufacturing machinery, tools, and equipment are exempt from the state gross retail tax if the person acquiring that property acquires it for direct use in the direct production, manufacture, fabrication, assembly, extraction, mining, processing, refining, or finishing of other tangible personal property.

(c) The exemption provided in subsection (b) does not apply to transactions involving distribution equipment or transmission equipment acquired by a public utility engaged in generating electricity."

Page 5, after line 29, begin a new paragraph and insert:

"SECTION 6. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding the effective date of the modification to IC 6-2.5-5-3, as amended by this act, the modification shall be applied beginning January 1, 2011, for any taxpayer who is predominantly engaged in the business of cutting steel bars owned by others into billets. However, a taxpayer is not entitled to a refund of gross retail or use taxes paid before the effective date of this SECTION based on a claim that applies the modification to IC 6-2.5-5-3 made by this act.

(b) This SECTION expires January 1, 2018.

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

Renumber all SECTIONS consecutively.

(Reference is to EHB 1472 as printed April 8, 2015.)

BRODEN

Motion prevailed. The bill was ordered engrossed.

**Engrossed House Bill 1483**

Senator Kruse called up Engrossed House Bill 1483 for second reading. The bill was read a second time by title.

SENATE MOTION  
(Amendment 1483-1)

Madam President: I move that Engrossed House Bill 1483 be amended to read as follows:

Page 10, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 17. IC 20-30-6-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 18. (a) Each school corporation may:

- (1) instruct students about the history of traditional winter celebrations; and
- (2) allow students and employees to offer traditional greetings regarding the celebrations, including:
  - (A) "Merry Christmas";
  - (B) "Happy Hanukkah";
  - (C) "Happy Holidays"; and
  - (D) other seasonal greetings.

(b) Except as provided in subsection (c), a school corporation may display on property owned by the school corporation scenes or symbols associated with traditional winter celebrations, including a Menorah, Christmas tree, Nativity scene, or other religious symbol associated with traditional winter celebrations, if the display includes a scene or symbol of:

- (1) more than one (1) religion; or  
 (2) one (1) religion and at least one (1) secular scene or symbol.

(c) A display described in subsection (b) may not include a message that encourages adherence to a particular religious belief.

(d) An individual teacher (as defined in IC 20-18-2-22) may incorporate displays, scenes, or symbols under subsection (b), subject to subsection (c), if the displays, scenes, or symbols comply with policies established by the governing body.

(e) The state board shall develop guidelines to assist school corporations in developing appropriate instruction and displays concerning traditional winter celebrations."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1483 as printed April 10, 2015.)

SMITH

Motion prevailed. The bill was ordered engrossed.

### Engrossed House Bill 1485

Senator Hershman called up Engrossed House Bill 1485 for second reading. The bill was read a second time by title.

SENATE MOTION  
 (Amendment 1485-1)

Madam President: I move that Engrossed House Bill 1485 be amended to read as follows:

Page 21, line 18, delete "section" and insert "**subsection**".  
 (Reference is to EHB 1485 as printed April 3, 2015.)

HERSHMAN

Motion prevailed.

SENATE MOTION  
 (Amendment 1485-4)

Madam President: I move that Engrossed House Bill 1485 be amended to read as follows:

Page 68, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 7. IC 6-9-47, AS ADDED BY HEA 1044-2015, IS REPEALED [EFFECTIVE JULY 1, 2015]. (Indiana Toll Road Food and Beverage Tax)."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1485 as printed April 3, 2015.)

HERSHMAN

Motion prevailed.

SENATE MOTION  
 (Amendment 1485-3)

Madam President: I move that Engrossed House Bill 1485 be amended to read as follows:

Page 2, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 6. IC 6-3.5-7-5, AS AMENDED BY P.L.153-2014, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) Except as provided in subsection (c), the county economic development

income tax may be imposed on the adjusted gross income of county taxpayers. Except as provided in section 26(m) of this chapter, the entity that may impose the tax is:

- (1) the county income tax council (as defined in IC 6-3.5-6-1) if the county option income tax is in effect on October 1 of the year the county economic development income tax is imposed;
- (2) the county council if the county adjusted gross income tax is in effect on October 1 of the year the county economic development tax is imposed; or
- (3) the county income tax council or the county council, whichever acts first, for a county not covered by subdivision (1) or (2).

To impose the county economic development income tax, a county income tax council shall use the procedures set forth in IC 6-3.5-6 concerning the imposition of the county option income tax.

(b) Except as provided in this section and section 28 of this chapter, the county economic development income tax may be imposed at a rate of:

- (1) one-tenth percent (0.1%);
- (2) two-tenths percent (0.2%);
- (3) twenty-five hundredths percent (0.25%);
- (4) three-tenths percent (0.3%);
- (5) thirty-five hundredths percent (0.35%);
- (6) four-tenths percent (0.4%);
- (7) forty-five hundredths percent (0.45%); or
- (8) five-tenths percent (0.5%);

on the adjusted gross income of county taxpayers.

(c) Except as provided in this section, the county economic development income tax rate plus the county adjusted gross income tax rate, if any, that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%). Except as provided in this section, the county economic development tax rate plus the county option income tax rate, if any, that are in effect on January 1 of a year may not exceed one percent (1%).

(d) To impose, increase, decrease, or rescind the county economic development income tax, the appropriate body must adopt an ordinance.

(e) The ordinance to impose the tax must substantially state the following:

"The \_\_\_\_\_ County \_\_\_\_\_ imposes the county economic development income tax on the county taxpayers of \_\_\_\_\_ County. The county economic development income tax is imposed at a rate of \_\_\_\_\_ percent (\_\_\_\_%) on the county taxpayers of the county."

(f) The auditor of a county shall record all votes taken on ordinances presented for a vote under the authority of this chapter and shall, not more than ten (10) days after the vote, send a certified copy of the results to the commissioner of the department, the director of the budget agency, and the commissioner of the department of local government finance in an electronic format approved by the director of the budget agency.

(g) For Jackson County, except as provided in subsection (o), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on

January 1 of a year may not exceed one and thirty-five hundredths percent (1.35%) if the county has imposed the county adjusted gross income tax at a rate of one and one-tenth percent (1.1%) under IC 6-3.5-1.1-2.5.

(h) For Pulaski County, except as provided in subsection (o), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and fifty-five hundredths percent (1.55%).

(i) For Wayne County, except as provided in subsection (o), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(j) This subsection applies to Randolph County. Except as provided in subsection (o), in addition to the rates permitted under subsection (b):

- (1) the county economic development income tax may be imposed at a rate of twenty-five hundredths percent (0.25%); and
- (2) the sum of the county economic development income tax rate and the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%);

if the county council makes a determination to impose rates under this subsection and section 22.5 of this chapter.

(k) For Daviess County, except as provided in subsection (o), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(l) For:

- (1) Elkhart County; or
- (2) Marshall County;

except as provided in subsection (o), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(m) For Union County, except as provided in subsection (o), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(n) This subsection applies to Knox County. Except as provided in subsection (o), in addition to the rates permitted under subsection (b):

- (1) the county economic development income tax may be imposed at a rate of twenty-five hundredths percent (0.25%); and
- (2) the sum of the county economic development income tax rate and:

- (A) the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%); or
- (B) the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%);

if the county council makes a determination to impose rates

under this subsection and section 24 of this chapter.

(o) This subsection applies to a county in which an adopting entity approves the use of the certified distribution for property tax relief under section 26(c) and 26(e) of this chapter or to a county in which the county fiscal body approves the use of the certified distribution to fund a public transportation project under section 26(m) of this chapter. In addition:

- (1) the county economic development income tax may be imposed at a rate that exceeds by not more than twenty-five hundredths percent (0.25%) the maximum rate that would otherwise apply under this section; and
- (2) the:
  - (A) county economic development income tax; and
  - (B) county option income tax or county adjusted gross income tax;
 may be imposed at combined rates that exceed by not more than twenty-five hundredths percent (0.25%) the maximum combined rates that would otherwise apply under this section.

Except as provided in section 5.5 of this chapter, the additional rate imposed under this subsection may not exceed the amount necessary to mitigate the increased ad valorem property taxes on homesteads (as defined in IC 6-1.1-20.9-1 (repealed) before January 1, 2009, or IC 6-1.1-12-37 after December 31, 2008) or residential property (as defined in section 26 of this chapter), as appropriate under the ordinance adopted by the adopting body in the county, resulting from the deduction of the assessed value of inventory in the county under IC 6-1.1-12-41 or IC 6-1.1-12-42 or from the exclusion in 2008 of inventory from the definition of personal property in IC 6-1.1-1-11.

(p) If the county economic development income tax is imposed as authorized under subsection (o) at a rate that exceeds the maximum rate that would otherwise apply under this section, the certified distribution must be used for a purpose provided in section 26 of this chapter to the extent that the certified distribution results from the difference between:

- (1) the actual county economic development tax rate; and
- (2) the maximum rate that would otherwise apply under this section.

(q) This subsection applies only to a county described in section 27 of this chapter. Except as provided in subsection (o), in addition to the rates permitted by subsection (b), the:

- (1) county economic development income tax may be imposed at a rate of twenty-five hundredths percent (0.25%); and
- (2) county economic development income tax rate plus the county option income tax rate that are in effect on January 1 of a year may equal up to one and twenty-five hundredths percent (1.25%);

if the county council makes a determination to impose rates under this subsection and section 27 of this chapter.

(r) Except as provided in subsection (o), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%) if the county has imposed the county adjusted gross income tax under IC 6-3.5-1.1-3.3.

(s) This subsection applies to Howard County. Except as

provided in subsection (o), the sum of the county economic development income tax rate and the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%).

(t) This subsection applies to Scott County. Except as provided in subsection (o), the sum of the county economic development income tax rate and the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%).

(u) This subsection applies to Jasper County. Except as provided in subsection (o), the sum of the county economic development income tax rate and the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(v) An additional county economic development income tax rate imposed under section 28 of this chapter may not be considered in calculating any limit under this section on the sum of:

- (1) the county economic development income tax rate plus the county adjusted gross income tax rate; or
- (2) the county economic development tax rate plus the county option income tax rate.

(w) The income tax rate limits imposed by subsection (c) or (x) or any other provision of this chapter do not apply to:

- (1) a county adjusted gross income tax rate imposed under IC 6-3.5-1.1-24, IC 6-3.5-1.1-25, or IC 6-3.5-1.1-26; or
- (2) a county option income tax rate imposed under IC 6-3.5-6-30, IC 6-3.5-6-31, or IC 6-3.5-6-32.

For purposes of computing the maximum combined income tax rate under subsection (c) or (x) or any other provision of this chapter that may be imposed in a county under IC 6-3.5-1.1, IC 6-3.5-6, and this chapter, a county's county adjusted gross income tax rate or county option income tax rate for a particular year does not include the county adjusted gross income tax rate imposed under IC 6-3.5-1.1-24, IC 6-3.5-1.1-25, or IC 6-3.5-1.1-26 or the county option income tax rate imposed under IC 6-3.5-6-30, IC 6-3.5-6-31, or IC 6-3.5-6-32.

(x) This subsection applies to Monroe County. Except as provided in subsection (o), if an ordinance is adopted under IC 6-3.5-6-33, the sum of the county economic development income tax rate and the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%).

(y) This subsection applies to Perry County. Except as provided in subsection (o), if an ordinance is adopted under section 27.5 of this chapter, the county economic development income tax rate plus the county option income tax rate that is in effect on January 1 of a year may not exceed one and seventy-five hundredths percent (1.75%).

(z) This subsection applies to Starke County. Except as provided in subsection (o), if an ordinance is adopted under section 27.6 of this chapter, the county economic development income tax rate plus the county adjusted gross income tax rate that is in effect on January 1 of a year may not exceed two percent (2%).

(aa) This subsection applies to Greene County. The county economic development tax rate plus the county option

income tax rate, if any, that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%). However, if the county economic development tax rate plus the county option income tax rate in effect exceed one percent (1%), the maximum rate that may be imposed in the county for public safety purposes under IC 6-3.5-1.1-25 or IC 6-3.5-6-31 is equal to the difference between:

- (1) twenty-five hundredths of one percent (0.25%); minus
- (2) the amount by which the county economic development tax rate plus the county option income tax rate in effect exceeds one percent (1%)."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1485 as printed April 3, 2015.)

KENLEY

Motion prevailed.

SENATE MOTION  
(Amendment 1485-2)

Madam President: I move that Engrossed House Bill 1485 be amended to read as follows:

Page 68, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 8. [EFFECTIVE UPON PASSAGE] (a) **The Indiana general assembly recognizes the importance of Clark County in the southern Indiana region and to the state. Further, the Indiana general assembly finds that the creation of a local commission under which local leaders can enter into a dialogue and plan Clark County's future and to provide the general assembly with a report of its findings is in the best interest of the state of Indiana.**

(b) **As used in this SECTION, "commission" refers to the Clark County leadership commission established by subsection (c).**

(c) **The Clark County leadership commission is established.**

(d) **The commission consists of the following members:**

(1) **One (1) representative from the fiscal body of Clark County and from the fiscal body of each incorporated city and town in the county, from the membership of the fiscal body or as designated by official action of its membership.**

(2) **One (1) representative from each school corporation in Clark County, from its governing board or as designated by its governing body.**

(3) **A representative of the River Ridge Commerce Center governing board, from its membership or as designated by the governing board.**

(4) **A representative of One Southern Indiana as designated by its governing board. The representative of One Southern Indiana shall act as secretary of the commission.**

(5) **The sheriff of Clark County, or the sheriff's designee, who shall provide public safety, jail, and other law enforcement information and recommendations to the commission.**

(6) **A representative from the Clark County Fire Chiefs Association.**

The governor shall appoint the chair of the commission. The appointment of the chair of the commission shall be made from the membership of the commission or by appointment of an additional member to the commission as otherwise determined by the governor. The speaker of the house of representatives shall appoint the vice chair of the commission from the membership of the commission or by appointment of an additional member to the commission as otherwise determined by the speaker. The president pro tempore of the senate shall appoint a legal counsel and a nonvoting facilitator for the commission. The commission's business must be conducted during a public meeting held in compliance with IC 5-14-1.5.

(e) The commission shall:

- (1) study the structure and operation of each existing tax increment financing district in Clark County;
- (2) study the property tax impact of tax increment financing districts on county government, municipal government, schools, libraries, public safety, and fire protection districts in Clark County;
- (3) study the overall tax structure of Clark County, including local ordinances, in order to make recommendations to stabilize the future fiscal circumstances for all Clark County local governmental units;
- (4) study the public services and infrastructure needs for potential population growth in Clark County as a result of economic development in Clark County;
- (5) study whether tax increment financing strategies and policies in Clark County need to be changed or modified to support the potential population growth in Clark County;
- (6) study any other fiscal challenge that the commission believes is affecting the greater Clark County area;
- (7) make recommendations for best practices concerning tax increment financing methods that ensure:
  - (A) transparency and practicality; and
  - (B) that all units of local government that are affected by the establishment of a tax increment financing district have meaningful input in the approval process;
- (8) prepare a recommended plan for the management of tax increment financing districts in Clark County; and
- (9) make recommendations for the development of a comprehensive land use and thoroughfare plan for Clark County that is transparent and practical.

The commission shall complete the commission's duties under this subsection within a reasonable time.

(f) The commission is entitled to reimbursement for expenses of the commission from each redevelopment commission or other entity that has established at least one (1) existing tax increment financing district in Clark County. The reimbursement amount to which the commission is entitled from a redevelopment commission or other entity under this subsection must be proportionate to:

- (1) the incremental property tax revenue in the preceding year that is attributable to all existing tax increment financing districts established by the redevelopment commission or other entity; divided by
- (2) the total incremental property tax revenue in the preceding year that is attributable to all existing tax increment financing districts established by all redevelopment commissions or other entities in Clark County.

Notwithstanding any other law, upon submission by the commission of a claim for reimbursement of expenses under this SECTION, a redevelopment commission or other entity shall pay the reimbursement amount to the commission.

(g) The commission may contract for professional services for purposes of completing the duties of the commission.

(h) The chair of the commission may request the legislative council to authorize the legislative services agency to provide assistance to the commission that relates to the duties of the commission under subsection (e)(2). If the legislative council authorizes assistance under this subsection, the legislative council may enter into an agreement with the commission that specifies the services that the legislative services agency will provide to the commission.

(i) The commission shall prepare and submit a written report of the study and recommendations of the commission under subsection (e), including a description of work conducted by the commission, a listing of recommended local actions, and requested changes to state statutes (if any), to the legislative council before December 1, 2015. The report submitted to the legislative council must be in an electronic format under IC 5-14-6. In addition, the commission shall present the commission's report at a public meeting that must be scheduled within thirty (30) days following submission of the report to the legislative council.

(j) This SECTION expires May 1, 2016."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1485 as printed April 3, 2015.)

SMITH

Motion prevailed. The bill was ordered engrossed.

#### Engrossed House Bill 1601

Senator Glick called up Engrossed House Bill 1601 for second reading. The bill was read a second time by title.

SENATE MOTION  
(Amendment 1601-1)

Madam President: I move that Engrossed House Bill 1601 be amended to read as follows:

Page 42, delete lines 15 through 16.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1601 as printed April 10, 2015.)

TALLIAN

Upon request of Senator Tallian the President ordered the roll of the Senate to be called. Roll Call 437: yeas 10, nays 40. Motion failed. The bill was ordered engrossed.

**MOTIONS TO DISSENT  
FROM HOUSE AMENDMENTS**

SENATE MOTION

Madam President: I move that the Senate dissent from the House Amendments to Senate Bill 395 and that a conference committee be appointed to confer with a like committee of the House.

HOUCHIN

Motion prevailed.

**REPORT OF THE  
PRESIDENT PRO TEMPORE**

Pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 395:

Conferees: Houchin, Chair and Breaux

Advisors: Kenley, Mrvan, Steele, and Messmer

LONG

Date: 4/14/15

Time: 6:02 p.m.

Report adopted.

**ENGROSSED HOUSE BILLS  
ON THIRD READING**

**Engrossed House Bill 1006**

Senator Steele called up Engrossed House Bill 1006 for third reading:

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

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

Roll Call 438: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

**Engrossed House Bill 1165**

Senator Holdman called up Engrossed House Bill 1165 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 439: yeas 42, nays 8. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

**Engrossed House Bill 1181**

Senator Leising called up Engrossed House Bill 1181 for

third reading:

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

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

Roll Call 440: yeas 49, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

**Engrossed House Bill 1265**

Senator Patricia Miller called up Engrossed House Bill 1265 for third reading:

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

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

Roll Call 441: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

**Engrossed House Bill 1270**

Senator Kenley called up Engrossed House Bill 1270 for third reading:

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

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

Roll Call 442: yeas 38, nays 12. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

**Engrossed House Bill 1305**

Senator M. Young called up Engrossed House Bill 1305 for third reading:

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

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

Roll Call 443: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

**Engrossed House Bill 1311**

Senator Alting called up Engrossed House Bill 1311 for third reading:



A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

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

Roll Call 444: yeas 46, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

#### **Engrossed House Bill 1333**

Senator Kenley called up Engrossed House Bill 1333 for third reading:

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

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

Roll Call 445: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

#### **Engrossed House Bill 1349**

Senator Hershman called up Engrossed House Bill 1349 for third reading:

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

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

Roll Call 446: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

#### **Engrossed House Bill 1388**

Senator Mishler called up Engrossed House Bill 1388 for third reading:

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

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

Roll Call 447: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

#### **Engrossed House Bill 1448**

Senator Patricia Miller called up Engrossed House Bill 1448 for third reading:

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

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

Roll Call 448: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

#### **Engrossed House Bill 1453**

Senator Glick called up Engrossed House Bill 1453 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

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

Roll Call 449: yeas 23, nays 27. The bill was declared defeated.

#### MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives as a conference committee to confer on Engrossed Senate Bill 532:

Conferees: McNamara and Hale

Advisors: Lehman, Cox, Lawson, and Pierce

M. CAROLINE SPOTTS  
Principal Clerk of the House

#### MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives as a conference committee to confer on Engrossed Senate Bill 508:

Conferees: Lehe and Wright

Advisors: Clere, Friend, and Niezgodski

M. CAROLINE SPOTTS  
Principal Clerk of the House

#### MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives as a conference committee to confer on Engrossed Senate Bill 426:

Conferees: Truitt and Pryor

Advisors: M. Smith, Saunders, Goodin, and Kersey

M. CAROLINE SPOTTS  
Principal Clerk of the House

#### MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following

Representatives as a conference committee to confer on Engrossed Senate Bill 425:

Conferees: Lehman and Austin

Advisors: Carbaugh, Wright, and Hale

M. CAROLINE SPOTTS  
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives as a conference committee to confer on Engrossed Senate Bill 369:

Conferees: Zent and Niezgodski

Advisors: Torr, Riecken, and Errington

M. CAROLINE SPOTTS  
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives as a conference committee to confer on Engrossed Senate Bill 298:

Conferees: Judy and Macer

Advisors: Lehman, Frye, Moseley, and Klinker

M. CAROLINE SPOTTS  
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives as a conference committee to confer on Engrossed Senate Bill 249:

Conferees: Lehe and Wright

Advisors: Baird, Friend, and Niezgodski

M. CAROLINE SPOTTS  
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives as a conference committee to confer on Engrossed Senate Bill 123:

Conferees: Sullivan and Riecken

Advisors: McNamara, Behning, C. Brown, and Shackelford

M. CAROLINE SPOTTS  
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has not concurred in Senate amendments to Engrossed House Bill 1637. The Speaker of the House has appointed the following Representatives as a conference committee to meet and confer with a like committee of the Senate on said bill and to report thereon:

Conferees: Behning, Chair and V. Smith

Advisors: Clere, Lucas, Austin, Errington, and Moed

M. CAROLINE SPOTTS  
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has not concurred in Senate amendments to Engrossed House Bill 1636. The Speaker of the House has appointed the following Representatives as a conference committee to meet and confer with a like committee of the Senate on said bill and to report thereon:

Conferees: Behning, Chair and V. Smith

Advisors: Cook, Fine, Austin, Errington, and Moed

M. CAROLINE SPOTTS  
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has not concurred in Senate amendments to Engrossed House Bill 1603. The Speaker of the House has appointed the following Representatives as a conference committee to meet and confer with a like committee of the Senate on said bill and to report thereon:

Conferees: Smaltz, Chair and Pryor

Advisors: Price, M. Smith, and Stemler

M. CAROLINE SPOTTS  
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has not concurred in Senate amendments to Engrossed House Bill 1531. The Speaker of the House has appointed the following Representatives as a conference committee to meet and confer with a like committee of the Senate on said bill and to report thereon:

Conferees: Davisson, Chair and Lawson

Advisors: Steuerwald, Karickhoff, Pierce, and Dvorak

M. CAROLINE SPOTTS  
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the

Senate that the House has not concurred in Senate amendments to Engrossed House Bill 1469. The Speaker of the House has appointed the following Representatives as a conference committee to meet and confer with a like committee of the Senate on said bill and to report thereon:

Conferees: Ober, Chair and Moseley

Advisors: Carbaugh, Torr, Niezgodski, and Bauer

M. CAROLINE SPOTTS  
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has not concurred in Senate amendments to Engrossed House Bill 1319. The Speaker of the House has appointed the following Representatives as a conference committee to meet and confer with a like committee of the Senate on said bill and to report thereon:

Conferees: Koch, Chair and Hale

Advisors: DeVon, McMillin, Pierce, and Forestal

M. CAROLINE SPOTTS  
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has not concurred in Senate amendments to Engrossed House Bill 1273. The Speaker of the House has appointed the following Representatives as a conference committee to meet and confer with a like committee of the Senate on said bill and to report thereon:

Conferees: Huston, Chair and Porter

Advisors: T. Brown, Ober, Moed, Pryor, and DeLaney

M. CAROLINE SPOTTS  
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has not concurred in Senate amendments to Engrossed House Bill 1264. The Speaker of the House has appointed the following Representatives as a conference committee to meet and confer with a like committee of the Senate on said bill and to report thereon:

Conferees: Koch, Chair and Riecken

Advisors: Mahan, Bartlett, and Errington

M. CAROLINE SPOTTS  
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has not concurred in Senate amendments to Engrossed House Bill 1236. The Speaker of the House has appointed the following Representatives as a conference committee to meet and confer with a like committee of the Senate

on said bill and to report thereon:

Conferees: Slager, Chair and Bartlett

Advisors: Olthoff, M. Smith, and Lawson

M. CAROLINE SPOTTS  
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has not concurred in Senate amendments to Engrossed House Bill 1159. The Speaker of the House has appointed the following Representatives as a conference committee to meet and confer with a like committee of the Senate on said bill and to report thereon:

Conferees: Judy, Chair and Macer

Advisors: Lehman, Frye, Klinker, and Moseley

M. CAROLINE SPOTTS  
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has not concurred in Senate amendments to Engrossed House Bill 1108. The Speaker of the House has appointed the following Representatives as a conference committee to meet and confer with a like committee of the Senate on said bill and to report thereon:

Conferees: Burton, Chair and Riecken

Advisors: Cook, Summers, and Austin

M. CAROLINE SPOTTS  
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed, with amendments, Engrossed Senate Bills 441, 528, 559, and 567 and the same are herewith returned to the Senate for concurrence.

M. CAROLINE SPOTTS  
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed, without amendments, Engrossed Senate Bills 8 and 282 and the same are herewith returned to the Senate.

M. CAROLINE SPOTTS  
Principal Clerk of the House

**MESSAGE FROM THE  
PRESIDENT PRO TEMPORE**

Madam President and Members of the Senate: I have on Tuesday, April 14, 2015, signed Senate Enrolled Acts: 2, 293, and 484.

DAVID C. LONG  
President Pro Tempore

**MESSAGE FROM THE  
PRESIDENT PRO TEMPORE**

Madam President and Members of the Senate: I have on Tuesday, April 14, 2015, signed House Enrolled Acts: 1119, 1401, and 1509.

DAVID C. LONG  
President Pro Tempore

SENATE MOTION

Madam President: I move that Senator Alting be added as third sponsor of House Bill 1448.

PATRICIA MILLER

Motion prevailed.

SENATE MOTION

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

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hershman be added as third sponsor of House Bill 1001.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Arnold be added as third author of Senate Resolution 57.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as cosponsor of House Bill 1635.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as cosponsor of House Bill 1638.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 11:30 a.m., Wednesday, April 15, 2015.

LONG

Motion prevailed.

The Senate adjourned at 8:45 p.m.

JENNIFER L. MERTZ  
Secretary of the Senate

SUE ELLSPERMANN  
President of the Senate