



Journal of the House

State of Indiana

120th General Assembly

First Regular Session

Nineteenth Day

Tuesday Afternoon

February 14, 2017

The invocation was offered by Minister Rick Main of Salem Church of the Nazarene in Salem, a guest of Representative Davisson.

The House convened at 1:30 p.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representatives Pryor and Hamilton.

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

| | |
|-------------------------------------|------------------------------|
| Arnold | Kirchhofer |
| Austin | Klinker |
| Aylesworth <input type="checkbox"/> | Lawson |
| Bacon | Lehe |
| Baird | Lehman |
| Bartlett | Leonard |
| Bauer | Lucas |
| Behning | Lyness |
| Beumer | Macer |
| Borders | Mahan |
| Braun | May <input type="checkbox"/> |
| C. Brown | Mayfield |
| T. Brown | McNamara |
| Burton | Miller |
| Candelaria Reardon | Moed |
| Carbaugh | Morris |
| Cherry | Morrison |
| Clere | Moseley |
| Cook | Negele |
| Culver | Nisly |
| Davisson | Ober |
| DeLaney | Olthoff |
| DeVon | Pelath |
| Dvorak | Pierce |
| Eberhart | Porter |
| Ellington | Pressel |
| Engleman | Pryor |
| Errington | Richardson |
| Forestal | Saunders |
| Friend | Schaibley |
| Frizzell <input type="checkbox"/> | Shackleford |
| Frye | Siegrist |
| GiaQuinta | Slager |
| Goodin | Smaltz |
| Gutwein | M. Smith |
| Hamilton | V. Smith |
| Hamm | Soliday |
| Harris | Speedy |
| Hatfield | Stemler |
| Heaton | Steuerwald |
| Heine | Sullivan |
| Huston | Summers |
| Jordan | J. Taylor |
| Judy | Thompson |
| Karickhoff | Torr |
| Kersey | VanNatter |

Washburne
Wesco
Wolkins
Wright

J. Young
Zent
Ziemke
Mr. Speaker

Roll Call 108: 97 present; 3 excused. The Speaker announced a quorum in attendance. [NOTE: indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Thursday, February 16, 2017, at 10:00 a.m.

LEHMAN

The motion was adopted by a constitutional majority.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 26

Representatives Pryor, Porter and Shackleford introduced House Concurrent Resolution 26:

A CONCURRENT RESOLUTION memorializing Reverend Michael K. Jones.

Whereas, Michael K. Jones, senior pastor of Progressive Baptist Church, died on Tuesday, July 26, 2016, at the age of 52;

Whereas, Reverend Jones was born on January 4, 1964, in St. Paul, Minnesota, to Parenthia and Sam H. Jones, a local civil rights activist and former president of the Indianapolis Urban League;

Whereas, Raised in Indianapolis, Reverend Jones graduated from Park Tudor High School and Harvard University, where he earned a Bachelor of Arts in Economics;

Whereas, In 1994, Reverend Jones received a Master of Divinity degree from Christian Theological Seminary and began serving as senior pastor of Progressive Missionary Baptist Church in Indianapolis;

Whereas, In addition to serving as senior pastor of Progressive Missionary Baptist Church, Reverend Jones was the host of "Community Connection," a daily talk show on AM 1310, a position held by Amos C. Brown III before his death;

Whereas, A hard working pastor and community leader, Reverend Jones served in several social and civic capacities, including as team chaplain for the Indiana Pacers, adjunct homiletics professor at Christian Theological Seminary, co-chair of the Race Relations Leadership Network, board member of National City Community Development Corporation, and special lecturer to the Baptist Ministers Alliance of Indianapolis and Vicinity;

Whereas, A tireless worker for civil rights and social justice, Reverend Jones tried to meet people at their place of need;

Whereas, Reverend Jones was devoted to numerous social issues but focused primarily on education and the improvement of police and community relations;

Whereas, Reverend Jones authored two books, "Lord, Teach Me to Pray: Exposing the Power and Practice of Daily Prayer" and "Abundant Relationships," as well as two R&B/smooth jazz albums, "Loving You" and "Smooth Sailing"; and

Whereas, Reverend Michael K. Jones spent his life helping others, and his death has left a void that will never be filled: 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 expresses its sincere condolences to the family of Reverend Michael K. Jones and acknowledges his great contributions to Indianapolis, the state of Indiana, and the nation.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the family of Reverend Michael K. Jones.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator G. Taylor

Senate Concurrent Resolution 7

The Speaker handed down Senate Concurrent Resolution 7, sponsored by Representative Pelath:

A CONCURRENT RESOLUTION honoring Brian Sadowski on his heroic action of rescuing four people from drowning, including two children, along Lake Michigan.

Whereas, on June 27, 2016 Brian Sadowski, a lifelong resident of Michigan City, Indiana, was walking along the shores of Lake Michigan with his wife when they witnessed two boys caught by the undertow;

Whereas, Mr. Sadowski did not hesitate to rescue the two boys from the water, he also rescued a husband and wife who had slipped from the rocks into the lake while trying to rescue the boys;

Whereas, after the incident Mr. Sadowski helped Michigan City acquire life preserver rings and signage along the pier on Lake Michigan; and

Whereas, Brian Sadowski saved four lives from perishing that day due to his selfless and exceptional act of heroism, perfectly encapsulating how proud each and every one of us should feel to be a Hoosier: Therefore,

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

SECTION 1. That the Indiana State Senate recognizes and honors Brian Sadowski on his heroic action of rescuing four people from drowning.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Brian Sadowski.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 13

The Speaker handed down Senate Concurrent Resolution 13, sponsored by Representative Behning:

A CONCURRENT RESOLUTION celebrating Indiana's "Jobs for America's Graduates" program on the occasion of its 10th anniversary.

Whereas, JAG is a state-based, national not-for-profit organization dedicated to helping young people succeed academically by overcoming barriers to high school graduation;

Whereas, JAG's mission is to keep young people in school through graduation and provide work-based learning experiences that will lead to career advancement opportunities or enrollment in a post-secondary institution;

Whereas, The JAG Indiana class of 2015 had a 94% graduation rate, and 88% are enrolled in a post-secondary education program, military service, or gainfully employed;

Whereas, Since Governor Mitchell E. Daniels launched JAG Indiana in 2006, the program has successfully supported over 17,000 students through in-school and out-of-school dropout recovery programs;

Whereas, In 2013, Under the leadership of Governor Michael R. Pence, the state doubled its investment in JAG in order to sustain and grow the JAG Indiana program;

Whereas, Due to the dedication of the Indiana General Assembly, Daniels and Pence, students, parents, educators, administrators, schools, and Workforce Development Boards, JAG Indiana has grown to be the largest state affiliate program in the country;

Whereas, As of 2017, JAG operates 112 in-school and out-of-school programs throughout the state;

Whereas, The success of JAG would not be possible without the dedication of the 165 JAG Indiana staff members; and

Whereas, It is fitting that the Indiana General Assembly recognizes and commends the success of the Indiana JAG program on the 10th anniversary of its creation: Therefore,

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

SECTION 1. That the Indiana General Assembly celebrates Indiana's "Jobs for America's Graduates" (JAG) program on the occasion of its 10th Anniversary.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to the Indiana Department of Workforce Development.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1005, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1005 as introduced.)

Committee Vote: Yeas 10, Nays 3.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1007, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 16, delete "or".

Page 2, line 1, delete "." and insert "; or".

Page 2, between lines 1 and 2, begin a new line block indented and insert:

"(3) a diploma to qualify for enlistment in the armed forces of the United States (as defined in IC 10-17-12-2) or the national guard for students who are at least twenty-two (22) years of age and less than thirty-six (36) years of age."

Page 2, line 6, delete "An" and insert **"(a) Except as provided in subsection (b), an"**.

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

"(b) A school corporation may disapprove an eligible student's enrollment in a course access program only for the following reasons:

(1) The course provided by the course provider is not in furtherance of the eligible student's graduation or certificate requirements.

(2) The eligible student's enrollment in the course access course would exceed the requirements for a normal full course load at the school corporation.

(3) The course access course is logistically infeasible.

However, a school corporation may not deny enrollment of an eligible student under subdivision (3) if the eligible student agrees to pay the cost of tuition for the applicable course access program course.

(c) If a school corporation denies a student's enrollment in a course access program course under subsection (b), the school corporation shall notify the student's parent or emancipated eligible student of the parent's or student's right to appeal the school corporation's decision to the department. The parent of an eligible student or an emancipated eligible student may appeal the decision of the school corporation to the department in a manner prescribed by the department. The department shall review the school corporation's denial under subsection (b) and provide a final enrollment decision within seven (7) calendar days of receipt of the appeal."

Page 2, line 10, delete "and".

Page 2, line 13, delete "." and insert "; and".

Page 2, between lines 13 and 14, begin a new line block indented and insert:

"(3) a maximum number of eligible students described in section 3(3) of this chapter who may be enrolled annually in a course access program for each authorized course provider."

Page 3, line 11, delete "Subject" and insert **"Except as provided in subsection (d) and subject"**.

Page 3, line 17, after "student" insert **"currently enrolled at an applicable school corporation"**.

Page 3, line 23, after "student." insert **"The state board shall adopt rules under IC 4-22-2 for payment of tuition payments from a school corporation to an authorized course provider for a student who is not currently enrolled in the school but enrolls in a course access program course as part of the eligible student's special education services provided by the school corporation. The department may charge the negotiated course access program tuition fee to a student who enrolls in a course access program course from an eligible provider if the student is not currently enrolled in a school corporation or is otherwise eligible to enroll in the course access program as part of the student's special education services by the school corporation."**

Page 3, line 31, delete "The course provider shall receive eighty" and insert **"The department may negotiate with the course provider to determine the manner in which the course provider is paid. However, the course provider may not receive less than fifty percent (50%) of the tuition fee upon an eligible student's enrollment in a course access**

program course."

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

"(d) The amount of the tuition payment for an eligible student described in section 3(3) of this chapter may be paid only from funds currently appropriated to the department."

(Reference is to HB 1007 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 4.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1043, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 10, strike lines 23 through 41.

Page 21, line 6, strike "(k)," and insert **"(j),"**.

Page 21, line 15, delete "finance), and which (after also" and insert "finance)?"

Page 21, delete lines 16 through 31, begin a new line block indented and insert:

"For purposes of illustration only, the expected annual property tax increase could be as follows:

(1) For a typical homeowner whose home is valued at:

(A) \$150,000, between \$ _____ and \$ _____; or

(B) \$300,000, between \$ _____ and \$ _____;

depending on the home's location and other factors; or

(2) For other types of property such as farms, residential rental, commercial, and industrial, between \$ _____ and \$ _____ per \$100,000 of property value.

Debt that is scheduled to be paid off by (insert name of political subdivision) within the next (insert number of years from one (1) to five (5)) could result in a tax decrease of between \$ _____ and \$ _____ for a \$150,000 home, between \$ _____ and \$ _____ for a \$300,000 home, and between \$ _____ and \$ _____ for every \$100,000 of value for the other types of property."

Page 22, line 30, strike "(k)," and insert **"(j),"**.

Page 23, line 27, delete "(m)" and insert **"(l)"**.

Page 23, strike lines 31 through 42.

Page 24, strike lines 1 through 3.

Page 24, line 4, strike "(k)" and insert **"(j)"**.

Page 24, line 31, strike "(l)" and insert **"(k)"**.

Page 25, line 11, delete "(m)" and insert **"(l)"**.

Page 27, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 8. IC 6-1.1-20-4.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 4.1. (a) This section does not apply to a political subdivision that before May 1, 2011, adopted an ordinance or a resolution making a preliminary determination to issue bonds or enter into a lease subject to sections 3.1 and 3.2 of this chapter.

(b) The following definitions apply throughout this section:

(1) "Local public question process" refers to the provisions set forth in sections 3.5 and 3.6 of this chapter.

(2) "Petition and remonstrance process" refers to the provisions set forth in sections 3.1 and 3.2 of this chapter.

(c) A political subdivision may not artificially divide a

capital project into multiple capital projects in order to avoid the requirements of the petition and remonstrance process or the local public question process.

(d) A capital project is artificially divided into multiple capital projects to the extent that the result of one (1) or more of the subprojects cannot reasonably be considered an independently desirable end in itself without reference to another capital project. Subsection (c) does not prohibit a political subdivision from undertaking a series of capital projects in which the result of each capital project can reasonably be considered an independently desirable end in itself without reference to another capital project.

(e) A person who owns property within a political subdivision or is a registered voter residing within a political subdivision may file a petition with the department of local government finance objecting that the political subdivision has artificially divided a capital project into multiple capital projects in order to avoid the requirements of the petition and remonstrance process or the local public question process. The petition must be filed not more than ten (10) days after the political subdivision makes the preliminary determination to issue the bonds or enter into the lease for the capital project.

(f) If the department of local government finance receives a petition under subsection (e), the department shall, not later than thirty (30) days after receiving the petition, make a final determination on the issue of whether the political subdivision artificially divided a capital project to avoid the petition and remonstrance process or the local public question process."

Page 27, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 10. IC 20-46-1-11, AS ADDED BY P.L.2-2006, SECTION 169, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 11. The voters in a referendum may not approve a levy that is imposed for more than the following:

(1) For a referendum before July 1, 2017, seven (7) years.

(2) For a referendum after June 30, 2017, eight (8) years.

However, a levy may be reimposed or extended under this chapter."

Renumber all SECTIONS consecutively.
(Reference is to HB 1043 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 22, nays 0.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1053, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 33-33-10-2, AS AMENDED BY P.L.173-2015, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. (a) Clark County constitutes the fourth judicial circuit.

(b) The judges of the Clark circuit court may jointly appoint ~~three (3)~~ **four (4)** full-time magistrates under IC 33-23-5 to serve the circuit court.

(c) A magistrate continues in office until jointly removed by the judges of the Clark circuit court.

SECTION 2. IC 33-33-49-32, AS AMENDED BY P.L.173-2015, SECTION 9, IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 32. (a) In addition to the magistrate appointed under section 31 of this chapter, the judges of the superior court may, by a vote of a majority of the judges, appoint:

(1) twelve (12) full-time magistrates under IC 33-23-5 after December 31, 2013, and until January 1, 2016, not more than six (6) of whom may be from the same political party; ~~and~~

(2) sixteen (16) full-time magistrates under IC 33-23-5 after December 31, 2015, ~~and until January 1, 2018~~, not more than eight (8) of whom may be from the same political party; ~~and~~

(3) eighteen (18) full-time magistrates under IC 33-23-5 after December 31, 2017, not more than nine (9) of whom may be from the same political party.

(b) The magistrates continue in office until removed ~~by the vote of a majority of the judges of the court.~~ **in accordance with local rule.**

(c) A party to a superior court proceeding that has been assigned to a magistrate appointed under this section may request that an elected judge of the superior court preside over the proceeding instead of the magistrate to whom the proceeding has been assigned. A request under this subsection must be in writing and must be filed with the court:

(1) in a civil case, not later than:

(A) ten (10) days after the pleadings are closed; or

(B) thirty (30) days after the case is entered on the chronological case summary, in a case in which the defendant is not required to answer; or

(2) in a criminal case, not later than ten (10) days after the omnibus date.

Upon a timely request made under this subsection by either party, the magistrate to whom the proceeding has been assigned shall transfer the proceeding back to the superior court judge."

Renumber all SECTIONS consecutively.

(Reference is to HB 1053 as printed January 27, 2017.)

and when so amended that said bill do pass.

Committee Vote: yeas 14, nays 0.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1131, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1131 as introduced.)

Committee Vote: Yeas 10, Nays 1.

MAHAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1142, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1142 as introduced.)

Committee Vote: Yeas 22, Nays 0.

T. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1189, has had the same under consideration and begs leave to report the same

back to the House with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 2 with "[EFFECTIVE JULY 1, 2018]".

Page 2, line 8, after "year," delete "A" and insert: "**Not later than June 1 and December 1 of each year, a**".

Page 2, line 8, delete "on a".

Page 2, line 9, delete "semiannual basis".

Page 2, line 10, strike "calendar year." and insert "**six (6) months.**".

Page 2, line 30, delete "quarterly".

(Reference is to HB 1189 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

FRYE R, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred House Bill 1308, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 3 with "[EFFECTIVE JANUARY 1, 2018]".

Page 5, line 10, strike "The board may delay issuing the renewal".

Page 5, strike line 11.

Page 5, line 12, strike "a final determination is made by the board."

Page 7, line 28, strike "The board may delay renewing".

Page 7, strike line 29.

Page 7, line 30, strike "renewal date until a final determination is made by the board."

Page 7, after line 42, begin a new paragraph and insert:

"(j) The board's renewal of a license does not preclude the board from imposing sanctions on the licensee as a result of a complaint filed by the attorney general after renewal of the license."

Page 8, line 1, strike "(j)" and insert "(k)".

Page 8, line 3, strike "(k)" and insert "(l)".

Page 8, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 6. IC 25-1-8-8, AS AMENDED BY P.L.177-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 8. (a) As used in this section, "board" has the meaning set forth in section 6(a) of this chapter.

(b) The licensing agency may delay reinstating a license, certificate, or registration for not more than one hundred twenty (120) days after the date the applicant applies for reinstatement of a license, certificate, or registration to permit the board to investigate information received by the licensing agency that the applicant for reinstatement may have committed an act for which the applicant may be disciplined. If the licensing agency delays reinstating a license, certificate, or registration, the licensing agency shall notify the applicant that the applicant is being investigated. Except as provided in subsection (c), the board shall do one (1) of the following before the expiration of the one hundred twenty (120) day period:

(1) Deny reinstatement of the license, certificate, or registration following a personal appearance by the applicant before the board.

(2) Reinstatement of the license, certificate, or registration upon satisfaction of all other requirements for reinstatement.

(3) Reinstatement of the license and file a complaint under IC 25-1-7.

(4) Request the office of the attorney general to conduct an investigation under subsection (d) if, following a

personal appearance by the applicant before the board, the board has good cause to believe that the applicant engaged in activity described in IC 25-1-9-4 or IC 25-1-11-5.

(5) (4) Upon agreement of the applicant and the board and following a personal appearance by the applicant before the board, reinstate the license, certificate, or registration and place the applicant on probation status under IC 25-1-9-9 or IC 25-1-11-12.

(c) If an applicant fails to appear before the board under subsection (b), the board may take action as provided in subsection (b)(1), (b)(2), or (b)(3).

(d) If the board makes a request under subsection (b)(4); the office of the attorney general shall conduct an investigation. Upon completion of the investigation, the office of the attorney general may file a petition alleging that the applicant has engaged in activity described in IC 25-1-9-4 or IC 25-1-11-5. If the office of the attorney general files a petition, the board shall set the matter for a public hearing. If, after a public hearing, the board finds that the applicant violated IC 25-1-9-4 or IC 25-1-11-5, the board may impose sanctions under IC 25-1-9-9 or IC 25-1-11-12. The board may delay reinstating a license, certificate, or registration beyond one hundred twenty (120) days after the date the applicant files an application for reinstatement of a license, certificate, or registration until a final determination is made by the board.

(e) (d) The license, certificate, or registration of the applicant for license reinstatement remains invalid during the one hundred twenty (120) day period unless:

(1) the license, certificate, or registration is reinstated following a personal appearance by the applicant before the board before the end of the one hundred twenty (120) day period;

(2) the board issues a conditional license to the practitioner that is effective until the reinstatement is denied or the license is reinstated; or

(3) the reinstatement is denied.

If the one hundred twenty (120) day period expires without action by the board, the license, certificate, or registration shall be automatically reinstated at the end of the one hundred twenty (120) day period.

(e) The board's reinstatement of a license does not preclude the board from imposing sanctions on the licensee as a result of a complaint filed by the attorney general after reinstatement of the license."

Page 10, delete lines 32 through 42.

Page 11, delete lines 1 through 18.

Page 16, between lines 26 and 27, begin a new paragraph and insert:

"SECTION 16. IC 25-23.4-3-1, AS AMENDED BY P.L.185-2015, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 29, 2017]: Sec. 1. (a) This section does not apply to an individual who has a license under IC 25-23-1-13.1 to practice midwifery as a certified nurse midwife and is practicing within the scope of that license.

(b) After July 1, ~~2017~~, **2018**, an individual may not engage in the practice of midwifery unless:

(1) the individual is issued a certificate by a board under IC 25-1-5 and is acting within the scope of the person's license; or

(2) the individual has a certified direct entry midwife certificate under this article and has a collaborative agreement with a physician as set forth in this article.

(c) To become certified as a certified direct entry midwife, an applicant must satisfy the following requirements:

(1) Be at least twenty-one (21) years of age.

(2) Possess at least:

(A) an associate degree in nursing, associate degree in midwifery accredited by the Midwifery Education Accreditation Council (MEAC), or other similar science related associate degree; or

(B) a bachelor's degree; from a postsecondary educational institution.

(3) Satisfactorily complete educational curriculum approved by:

(A) the Midwifery Education Accreditation Council (MEAC) or a successor organization; or

(B) the educational equivalent of a Midwifery Education Accreditation Council curriculum approved by the board.

(4) Acquire and document practical experience as outlined in the Certified Professional Midwife credentialing process in accordance with the standards of the North American Registry of Midwives or a successor organization.

(5) Obtain certification by an accredited association in adult cardiopulmonary resuscitation that is approved by the board.

(6) Complete the program sponsored by the American Academy of Pediatrics in neonatal resuscitation, excluding endotracheal intubation and the administration of drugs.

(7) Comply with the birth requirements of the Certified Professional Midwife credentialing process, observe an additional twenty (20) births, attend twenty (20) births conducted by a physician, assist with an additional twenty (20) births, and act as the primary attendant for an additional twenty (20) births.

(8) Provide proof to the board that the applicant has obtained the Certified Professional Midwife credential as administered by the North American Registry of Midwives or a successor organization.

(9) Present additional documentation or certifications required by the board. The board may adopt standards that require more training than required by the North American Registry of Midwives.

(10) Maintain sufficient liability insurance.

(d) The board may exempt an applicant from the following:

(1) The education requirements in subsection (c)(2) if the applicant provides proof to the board that the applicant is enrolled in a program that will satisfy the requirements of subsection (c)(2). An exemption under this subdivision applies for an individual for not more than two (2) years. This subdivision expires June 30, ~~2017~~ **2018**.

(2) The education requirements in subsection (c)(3) if the applicant provides:

(A) proof to the board that the applicant has delivered over one hundred (100) births as a primary attendant; and

(B) a letter of reference from a licensed physician with whom the applicant has informally collaborated.

This subdivision expires June 30, ~~2017~~ **2018**.

(3) The requirement that a physician directly supervise twenty (20) births in subsection (c)(7) if the applicant provides:

(A) proof to the board that the applicant has delivered over one hundred (100) births as a primary attendant; and

(B) a letter of reference from a licensed physician with whom the applicant has informally collaborated.

This subdivision expires June 30, ~~2017~~ **2018**.

SECTION 17. IC 25-23.4-3-7, AS AMENDED BY P.L.185-2015, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 7. (a) This section does not apply to an individual who has a license under IC 25-23-1-13.1 to practice midwifery as a certified nurse midwife.

(b) After July 1, ~~2017~~ **2018**, an individual who knowingly or intentionally practices midwifery without a certificate required under this article commits a Level 6 felony (for a crime committed after June 30, 2014)."

Page 18, delete lines 4 through 27.

Page 26, after line 8, begin a new paragraph and insert: "SECTION 26. **An emergency is declared for this act.**"

Renumber all SECTIONS consecutively.

(Reference is to HB 1308 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

VANNATTER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1350, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, line 21, after "excursion." insert "**This subsection does not apply to an inland casino.**"

Page 4, line 22, delete "Beginning January 1, 2018, this" and insert "**This**".

Page 4, line 26, after "receipts." insert "**The supplemental wagering tax shall be imposed starting the day operations begin at an inland casino.**"

(Reference is to HB 1350 as printed February 10, 2017.) and when so amended that said bill do pass.

Committee Vote: yeas 15, nays 5.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1535, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning public safety.

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) As used in this SECTION, "study committee" means either of the following:

(1) A statutory committee established under IC 2-5.

(2) An interim study committee.

(c) The legislative council is urged to assign to the appropriate study committee the task of studying the following topics:

(1) Possible sources of funding for law enforcement academies.

(2) Possible sources of funding for law enforcement officer training.

(3) Alternative sources of funding for law enforcement academies and officer training, including but not limited to:

(A) the creation of a law enforcement capital projects fund; or

(B) an increase in existing fees currently used to finance law enforcement facilities and training.

(4) The sustainability of existing revenue streams responsible for funding law enforcement academies and officer training.

(5) Possible locations for new or relocated law enforcement academies.

(6) The repurposing of existing facilities for use as law enforcement academies.

(7) The leasing of existing facilities for use as law enforcement academies.

(8) The feasibility and utility of using the facilities of a:

(A) state educational institution; or

(B) postsecondary institution;

to conduct or provide law enforcement training programs.

(9) The modernization or revision of law enforcement officer training curriculums.

(d) If an appropriate study committee is assigned the topics described under subsection (c), the study committee shall issue to the legislative council a final report 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, 2017.

(e) This SECTION expires December 31, 2017.

SECTION 2. An emergency is declared for this act.

(Reference is to HB 1535 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

FRYE R, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1537, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

Page 1, between lines 9 and 10, begin a new paragraph and insert:

"(c) After June 30, 2018, and not later than October 1, 2018, 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, 2017, and who is entitled to receive a monthly benefit on July 1, 2018. The amount is not an increase in the pension portion of the monthly benefit."

Page 1, line 10, delete "(c)" and insert "(d)".

Page 1, line 12, after "(b)" insert "or (c)".

Page 2, line 3, delete "(d)" and insert "(e)".

Page 2, line 9, delete "(e)" and insert "(f)".

Page 2, line 15, delete "(f)" and insert "(g)".

Page 2, line 16, after "(b)" insert "or (c), as applicable,".

Page 2, line 18, after "(b)" insert "or (c), as applicable,".

Page 2, line 20, delete "." and insert "or (c), as applicable.".

Page 2, line 21, delete "(g)" and insert "(h)".

Page 2, line 21, delete "2018." and insert "2019.".

Page 2, line 26, delete "(c)" and insert "(d)".

Page 2, between lines 30 and 31, begin a new paragraph and insert:

"(c) After June 30, 2018, and not later than October 1, 2018, 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, 2017, and who is entitled to receive a monthly benefit on July 1, 2018. The amount is not an increase in the pension portion of the monthly benefit."

Page 2, line 31, delete "(c)" and insert "(d)".

Page 2, line 33, after "(b)" insert "or (c)".

Page 2, line 42, delete "(d)" and insert "(e)".

Page 3, line 6, delete "(e)" and insert "(f)".

Page 3, line 12, delete "(f)" and insert "(g)".

Page 3, line 13, after "(b)" insert "or (c), as applicable,".

Page 3, line 15, after "(b)" insert "or (c), as applicable,".

Page 3, line 17, delete "." and insert "or (c), as applicable.".

Page 3, line 18, delete "(g)" and insert "(h)".

Page 3, line 18, delete "2018." and insert "2019.".

Page 3, line 27, delete "(d)" and insert "(e)".

Page 3, between lines 31 and 32, begin a new paragraph and insert:

"(d) After June 30, 2018, and not later than October 1, 2018, the board of trustees of the Indiana public retirement system established by IC 5-10.5-3-1 shall pay the amount determined under subsection (e) to a plan participant (or to a survivor or beneficiary of a plan participant) who retired or was disabled on or before December 1, 2017, and who is entitled to receive a monthly benefit on July 1, 2018. The amount is not an increase in the annual retirement allowance."

Page 3, line 32, delete "(d)" and insert "(e)".

Page 3, line 34, after "(c)" insert "or (d)".

Page 4, line 2, delete "(e)" and insert "(f)".

Page 4, line 9, delete "(f)" and insert "(g)".

Page 4, line 15, delete "(g)" and insert "(h)".

Page 4, line 17, after "(c)" insert "or (d), as applicable,".

Page 4, line 19, after "(c)" insert "or (d), as applicable,".

Page 4, line 21, delete "." and insert "or (d), as applicable.".

Page 4, line 22, delete "(h)" and insert "(i)".

Page 4, line 22, delete "2018." and insert "2019.".

Page 4, between lines 36 and 37, begin a new paragraph and insert:

"(d) After September 1, 2018, and not later than October 1, 2018, the trustee shall pay from the trust fund to each employee beneficiary of the state police pre-1987 benefit system covered by IC 10-12-3 who:

(1) retired or was disabled before July 2, 2017; and

(2) is entitled to receive a monthly benefit as of September 1, 2018;

an amount equal to one percent (1%) of the maximum basic annual pension amount payable to a retired state police employee in the grade of trooper who has completed twenty (20) years of service as of July 1, 2018, as calculated under IC 10-12-3-7."

Page 4, line 37, delete "(d)" and insert "(e)".

Page 4, line 39, delete "(e)" and insert "(f)".

Page 4, line 40, after "(c)" insert "or (d), as applicable,".

Page 4, line 42, after "(c)" insert "or (d), as applicable,".

Page 5, line 2, delete "." and insert "or (d), as applicable.".

Page 5, line 3, delete "(f)" and insert "(g)".

Page 5, line 3, delete "2018." and insert "2019.".

Page 5, between lines 18 and 19, begin a new paragraph and insert:

"(d) After September 1, 2018, and not later than October 1, 2018, the trustee shall pay from the trust fund to each employee beneficiary of the state police 1987 benefit system covered by IC 10-12-4 who:

(1) retired or was disabled after June 30, 1987, and before July 2, 2017; and

(2) is entitled to receive a monthly benefit as of September 1, 2018;

an amount equal to one percent (1%) of the maximum basic annual pension amount payable to a retired state police employee in the grade of trooper who has completed twenty-five (25) years of service as of July 1, 2018, as calculated under IC 10-12-4-7."

Page 5, line 19, delete "(d)" and insert "(e)".

Page 5, line 21, delete "(e)" and insert "(f)".

Page 5, line 22, after "(c)" insert "or (d), as applicable,".

Page 5, line 24, after "(c)" insert "or (d), as applicable,".

Page 5, line 26, delete "." and insert "or (d), as applicable.".

Page 5, line 27, delete "(f)" and insert "(g)".

Page 5, line 27, delete "2018." and insert "2019.".

(Reference is to HB 1537 as printed January 31, 2017.)
and when so amended that said bill do pass.

Committee Vote: yeas 21, nays 0.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1555, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning public safety.

Delete everything after the enacting clause and insert the following:

SECTION 1. [EFFECTIVE JULY 1, 2017] (a) The general assembly urges the legislative council to assign to an appropriate interim study committee the topic of the potential liability exposure and other costs to political subdivisions resulting from the use of police reserve officers and other volunteers.

(b) If the legislative council assigns the topic described in subsection (a) to an appropriate interim study committee, the interim study committee shall complete the study required by this SECTION and report its findings and conclusions, if any, including any recommended legislation, to the legislative council in an electronic format under IC 5-14-6 not later than November 1, 2017.

(c) This SECTION expires January 1, 2018.

(Reference is to HB 1555 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

FRYE R, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1622, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 36-2-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 11. (a) The county auditor shall attend all meetings of, and record in writing the official proceedings of, the executive.

(b) If a copy of the executive's proceedings has been signed and sealed by the auditor and introduced into evidence in court, that copy is presumed to be an accurate record of the executive's proceedings.

(c) If the county maintains an Internet web site, the county auditor shall post on the county's Internet web site the roll call votes of the county's executive body within twenty-four (24) hours after the roll call vote is taken and maintain the roll call vote information on the Internet web site for a period of four (4) years.

SECTION 2. IC 36-2-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 6. (a) At its regular meeting required by section 7(b)(1) of this chapter, the fiscal body shall elect a president and president pro tempore from its members.

(b) The county auditor is the clerk of the fiscal body and shall do the following:

(1) Preserve the fiscal body's records in ~~his~~ **the county auditor's** office.

(2) Keep an accurate record of the fiscal body's proceedings.

(3) Record the ayes and nays on each vote appropriating money or fixing the rate of a tax levy. ~~and~~

(4) Record the ayes and nays on other votes when requested to do so by two (2) or more members.

(5) If the county maintains an Internet web site, post on the county's Internet web site the roll call votes of the county's fiscal body within twenty-four (24) hours after the roll call vote is taken and maintain the roll call vote information on the Internet web site for a period of four (4) years.

(c) The county sheriff or a county police officer shall attend the meetings of the fiscal body, if requested by the fiscal body, and shall execute its orders.

(d) The fiscal body may employ legal and administrative personnel necessary to assist and advise it in the performance of its functions and duties."

Renumber all SECTIONS consecutively.

(Reference is to HB 1622 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

MAHAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred House Bill 1644, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"(3) The appropriate training and curriculum, including applied behavior analysis techniques, for teachers whose responsibilities include the instruction of students who:

(A) attend kindergarten through grade 12; and

(B) receive special education services."

(Reference is to HB 1644 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

VANNATTER, Chair

Report adopted.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1010

Representative Steuerwald called down Engrossed House Bill 1010 for third reading:

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

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

Roll Call 109: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator M. Young.

Representative Huston and Pressel, who were present, are now excused.

Engrossed House Bill 1064

Representative Steuerwald called down Engrossed House Bill 1064 for third reading:

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

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

Roll Call 110: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Head.

Representative Huston and Pressel, who had been excused, are now present.

Engrossed House Bill 1133

Representative Lehman called down Engrossed House Bill 1133 for third reading:

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

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

HOUSE MOTION

Mr. Speaker: Pursuant to House Rule 46, I request to be excused from voting on the question of House Bill 1133, 3rd Reading. Pursuant to House Rule 168, the reason for the request is the following:

I have a duty to conduct my official duties in a manner that avoids the appearance of impropriety. I am a co-owner of a short term rental.

AUSTIN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: Pursuant to House Rule 46, I request to be excused from voting on the question of House Bill 1133, 3rd Reading. Pursuant to House Rule 168, the reason for the request is the following:

I have a duty to conduct my official duties in a manner that avoids the appearance of impropriety. I am a owner of a short term rental.

MOED

Motion prevailed.

Roll Call 111: yeas 53, nays 40. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Head.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Friend.

Engrossed House Bill 1174

Representative Culver called down Engrossed House Bill 1174 for third reading:

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

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

Roll Call 112: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Kruse, Glick and Lanane.

Engrossed House Bill 1218

Representative McNamara called down Engrossed House Bill 1218 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 113: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Head and Bray.

Representative Behning, who had been present, is now excused.

Engrossed House Bill 1284

Representative T. Brown called down Engrossed House Bill 1284 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?

HOUSE MOTION

Mr. Speaker: Pursuant to House Rule 46, I request to be excused from voting on the question of House Bill 1284, 3rd Reading. Pursuant to House Rule 168, the reason for the request is the following:

I have a duty to conduct my official duties in a manner that avoids the appearance of impropriety. I anticipate that I will be impacted by the reporting requirements for 'facilitators'.

AUSTIN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: Pursuant to House Rule 46, I request to be excused from voting on the question of House Bill 1284, 3rd Reading. Pursuant to House Rule 168, the reason for the request is the following:

I have a duty to conduct my official duties in a manner that avoids the appearance of impropriety. I anticipate that I will be impacted by the reporting requirements for 'facilitators'.

MOED

Motion prevailed.

Roll Call 114: yeas 58, nays 35. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Hershman.

Representative Behning, who had been excused, is now present.

The Speaker Pro Tempore, Representative Friend yielded the gavel to the Speaker.

Engrossed House Bill 1312

Representative Negele called down Engrossed House Bill 1312 for third reading:

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

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

Roll Call 115: yeas 58, nays 38. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Grooms.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 4:13 p.m. with the Speaker in the Chair.

Representative Arnold, who had been present, is now excused.

Upon request of Representative Pelath and Forestal, the Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum. Roll Call 116: 67 present. The Speaker declared a quorum present.

HOUSE BILLS ON SECOND READING

House Bill 1002

Representative Soliday called down House Bill 1002 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1002-2)

Mr. Speaker: I move that House Bill 1002 be amended to read as follows:

Page 12, line 30, delete "thereafter," and insert "**through July 1, 2024,**".

Page 15, line 1, delete "2018." and insert "**2018 through July 1, 2024,**".

Page 16, line 6, delete "thereafter," and insert "**through July 1, 2024,**".

Page 24, line 12, delete "thereafter," and insert "**through July 1, 2024,**".

(Reference is to HB 1002 as printed February 10, 2017.)

LEHMAN

Upon request of Representatives Mahan and Eberhart, the Speaker ordered the roll of the House to be called. Roll Call 117: yeas 91, nays 0. Motion prevailed.

HOUSE MOTION
(Amendment 1002-1)

Mr. Speaker: I move that House Bill 1002 be amended to read as follows:

Page 37, line 14, after "." insert "**If:**

(1) a waiver is granted under this subsection; and

(2) the department, with the approval of the governor, decides to establish toll lanes under the waiver;

the first toll lanes established on an interstate highway must be located at least seventy-five (75) miles from an interstate highway or bridge on which travel is subject to tolling as of July 1, 2017."

(Reference is to HB 1002 as printed February 10, 2017.)

T. BROWN

Upon request of Representatives Torr and Mahan, the Speaker ordered the roll of the House to be called. Roll Call 118: yeas 71, nays 21. Motion prevailed.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Friend.

HOUSE MOTION
(Amendment 1002-13)

Mr. Speaker: I move that House Bill 1002 be amended to read as follows:

Page 3, delete lines 9 through 42, begin a new paragraph and insert:

"SECTION 2. IC 4-10-24 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]:

Chapter 24. Reversions to the State General Fund

Sec. 1. At the conclusion of each state fiscal year beginning after June 30, 2017, the auditor of state shall:

(1) determine the total amount of money that has reverted to the state general fund during the state fiscal year from any account or fund; and
(2) transfer from the state general fund to the motor vehicle highway account (IC 8-14-1) the difference between:

(A) an amount determined by the budget agency that is at least the lesser of:

(i) the amount determined under subdivision (1);

or

(ii) three hundred million dollars (\$300,000,000);

and

(B) the lesser of:

(i) for a state fiscal year beginning before July 1,

2020, zero dollars (\$0), or, for a state fiscal year

beginning after June 30, 2020, the amount of

federal transportation money received by the

state during the state fiscal year that exceeds the

amount of federal transportation money received

by the state after June 30, 2019, and before July

1, 2020; or

(ii) three hundred million dollars (\$300,000,000).

SECTION 3. IC 4-13.6-5-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 13. (a) As used in this section, "Indiana business" refers to any of the following:**

(1) A business whose principal place of business is located in Indiana.

(2) A business that pays a majority of its payroll (in dollar volume) to residents of Indiana.

(3) A business that employs residents of Indiana as a majority of its employees.

(4) A business that makes significant capital investments in Indiana as determined by the department.

(5) A business that has a substantial positive economic impact on Indiana as determined by the department.

(b) There is a ten percent (10%) price preference for an Indiana business that:

(1) submits a bid for the performance of work on a public works project; and

(2) claims the preference under subsection (e).

(c) Notwithstanding any statute that requires the award of a contract to the lowest responsive and responsible bidder or the lowest responsive and responsible quoter, but subject to subsection (d), a contract shall be awarded to the lowest responsive and responsible Indiana business that claims the preference provided by this section.

(d) Notwithstanding subsection (c), a contract shall be awarded to the lowest responsive and responsible bidder or quoter, regardless of the preference provided in this section, if the lowest responsive and responsible bidder or quoter is an Indiana business.

(e) To claim the preference provided under this section, a business must do all the following:

(1) State in the business's bid that the business claims the preference provided by this section.

(2) Provide the following information to the department:

(A) The location of the business's principal place of business. If the business claims the preference as an Indiana business described in subsection (a)(1), a statement explaining the reasons the business considers the location named as the business's principal place of business.

(B) The amount of the business's total payroll and the amount of the business's payroll paid to residents of Indiana.

(C) The number of the business's employees and the number of the business's employees who are residents of Indiana.

(D) If the business claims the preference as an Indiana business described in subsection (a)(4), a description of the capital investments made in Indiana and a statement of the amount of those capital investments.

(E) If the business claims the preference as an Indiana business described in subsection (a)(5), a description of the substantial positive economic impact the business has on Indiana.

SECTION 4. IC 4-13.6-2.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2.8. (a) As used in this section, "resident of Indiana" means a person who is at least eighteen (18) years of age and is one (1) of the following:

(1) A person who has registered a motor vehicle in Indiana.

(2) A person who is registered to vote in Indiana.

(3) A person who has a child enrolled in an elementary or a secondary school located in Indiana.

(4) A person who derives more than one-half (1/2) of the person's gross income (as defined in Section 61 of the Internal Revenue Code) from sources in Indiana, according to the provisions applicable to determining the source of adjusted gross income under IC 6-3-2-2. However, a person who would otherwise be considered a resident of Indiana under this subdivision is not a resident of Indiana if a preponderance of the evidence concerning the factors set forth in subdivisions (1) through (3) proves that the person is not a resident of Indiana.

(5) A person who:

(A) works from an office in Indiana;

(B) is on the payroll of a business located in Indiana;

(C) possesses a telephone with a telephone number that has an Indiana area code; or

(D) has a permanent place of doing business in Indiana;

for at least thirteen (13) months before entering into a contract or subcontract under this chapter.

(b) A contract for a public works project may not be awarded to a contractor that does not:

(1) employ residents of Indiana as at least ninety percent (90%) of the employees who will work on the contract; and

(2) enter into subcontracts only with subcontractors that employ residents of Indiana as at least ninety percent (90%) of the employees who will work on the subcontract.

(c) Before August 15, 2018, and before August 15 of each year thereafter, the division shall file with the legislative council a report for the preceding year stating:

(1) for each contractor awarded a contract under this chapter; and

(2) for each subcontractor with which a contractor referred to in subdivision (1) entered into a contract in connection with a contract awarded under this chapter;

the percentage of the employees of the contractor or subcontractor who work on the contract and are residents of Indiana. The report to the legislative council must be in an electronic format under IC 5-14-6.

(d) A contract awarded under this chapter for a public works project is terminated if the division determines that the contractor has failed to:

(1) employ residents of Indiana as at least ninety percent (90%) of the employees who work on the contract; and

(2) enter into subcontracts only with subcontractors that employ residents of Indiana as at least ninety

percent (90%) of the employees who work on the subcontract.

(e) A contractor or subcontractor that fails to employ residents of Indiana as at least ninety percent (90%) of the employees who work on the contract or subcontract for a public works project commits a Class B infraction for each nonresident of Indiana employed that exceeds the number of nonresident employees permitted by this section.

(f) If:

(1) a contract or subcontract subject to this section is funded in whole or in part with federal funds; and

(2) imposing the requirements of this section would cause the state to lose the federal funds for the contract, as determined by the federal agency providing the funds;

subsections (a) through (e) do not apply.

(g) If an agency of the federal government makes a determination under subsection (f) that causes a contract to be exempted from the requirements of subsections (a) through (e), this section is meant to express the view of the general assembly that expanding employment opportunities for Indiana residents remains a vital part of the state's economy.

(h) A contract exempted from the requirements of subsections (a) through (e) may not reference the employment of Indiana residents. The division may not consider the number of employment opportunities for Indiana residents when doing any of the following with respect to a project subject to a contract that is exempted from the requirements of subsections (a) through (e):

(1) Issuing a request for proposals.

(2) Issuing a bulletin inviting bids for the contract.

(3) Prequalifying a contractor for the contract.

(4) Evaluating a bid for the contract.

(i) This section does not apply to contracts entered into to perform work:

(1) resulting from an emergency; or

(2) performed by an artisan or by someone in a specialty area with limited persons able to perform the work.

SECTION 5. IC 4-13.6-10 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]:

Chapter 10. Prohibited Political Contributions

Sec. 1. The definitions in IC 3-5-2 apply to this chapter to the extent they do not conflict with the definitions in this article.

Sec. 2. As used in this chapter, "candidate" refers to any of the following:

(1) A candidate for a state office.

(2) A candidate for a legislative office.

Sec. 3. As used in this chapter, "committee" refers to any of the following:

(1) A candidate's committee.

(2) A committee organized by a legislative caucus of the house of representatives of the general assembly.

(3) A committee organized by a legislative caucus of the senate of the general assembly.

Sec. 4. As used in this chapter, "officer" refers only to either of the following:

(1) An individual listed as an officer of a corporation in the corporation's most recent annual report.

(2) An individual who is a successor to an individual described in subdivision (1).

Sec. 5. For purposes of this chapter, a person is considered to have an interest in a contractor if the person satisfies any of the following:

(1) The person holds at least a one percent (1%) interest in the contractor.

(2) The person is an officer of the contractor.

(3) The person is an officer of a person that holds at

least a one percent (1%) interest in the contractor.

(4) The person is a political action committee of the contractor.

Sec. 6. A contractor is considered to have made a contribution if a contribution is made by a person who has an interest in the contractor.

Sec. 7. A contractor or a person who has an interest in a contractor may not make a contribution to a candidate or a committee during the following periods:

(1) The term during which the contractor is a party to a contract entered into under this article.

(2) The three (3) years following the final expiration or termination of the contract described in subdivision (1).

Sec. 8. A person who knowingly or intentionally violates this chapter commits a Level 6 felony.

SECTION 6. IC 5-11-1-26, AS AMENDED BY P.L.172-2011, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 26. (a) If a state office, municipality, or other entity has authority to contract for the construction, reconstruction, alteration, repair, improvement, or maintenance of a public work, the state board of accounts shall include in each examination report concerning the state office, municipality, or entity

(+) an opinion concerning whether the state office, municipality, or entity has complied with IC 5-16-8. and
(-) a brief description of each instance in which the state office, municipality, or entity has exercised its authority under IC 5-16-8-2(b) or IC 5-16-8-4.

(b) If a municipality or a county performs a public work by means of its own workforce under IC 36-1-12-3, the state board of accounts shall include the following in each examination report concerning the municipality or county:

(1) An opinion concerning whether the municipality or county has complied with IC 36-1-12-3 for each public work performed by the entity's own workforce.

(2) A brief description of each public work that the municipality or county has performed with its own workforce under IC 36-1-12-3, including a calculation of the actual cost of each public work under IC 36-1-12-3.

(3) An opinion concerning whether the municipality or county has complied with IC 36-1-12-19 in calculating the actual costs of a public work project performed under IC 36-1-12-3.

(c) If a state agency performs a public work by means of its own workforce under IC 4-13.6-5-4, the state board of accounts shall include the following in each examination report concerning the agency:

(1) An opinion concerning whether the agency has complied with IC 4-13.6-5-4 for each public work performed by the agency's own workforce.

(2) A brief description of each public work that the agency has performed with its own workforce under IC 4-13.6-5-4, including a calculation of the actual cost of each public work under IC 4-13.6-5-4.

(3) An opinion concerning whether the agency has complied with IC 4-13.6-5-4(c) in calculating the actual costs of a public work project performed under IC 4-13.6-5-4.

(d) If a state educational institution performs a public work by means of its own workforce under IC 5-16-1-1.5, the state board of accounts shall include the following in each examination report concerning the state educational institution:

(1) An opinion concerning whether the state educational institution has complied with IC 5-16-1-1.5 for each public work performed by the state educational institution's own workforce.

(2) A brief description of each public work that the state educational institution has performed with its own workforce under IC 5-16-1-1.5, including a calculation of

the actual cost of each public work under IC 5-16-1-1.5.

(3) An opinion concerning whether the state educational institution has complied with IC 5-16-1-1.5 in calculating the actual costs of a public work project performed under IC 5-16-1-1.5.

(e) The state board of accounts may exercise any of its powers under this chapter concerning public accounts to carry out this section, including the power to require a uniform system of accounting or the use of forms prescribed by the state board of accounts.

SECTION 7. IC 5-16-1-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 7.5. (a) As used in this section, "resident of Indiana" means a person who is at least eighteen (18) years of age and is one (1) of the following:

(1) A person who has registered a motor vehicle in Indiana.

(2) A person who is registered to vote in Indiana.

(3) A person who has a child enrolled in an elementary or a secondary school located in Indiana.

(4) A person who derives more than one-half (1/2) of the person's gross income (as defined in Section 61 of the Internal Revenue Code) from sources in Indiana, according to the provisions applicable to determining the source of adjusted gross income under IC 6-3-2-2. However, a person who would otherwise be considered a resident of Indiana under this subdivision is not a resident of Indiana if a preponderance of the evidence concerning the factors set forth in subdivisions (1) through (3) proves that the person is not a resident of Indiana.

(5) A person who:

(A) works from an office in Indiana;

(B) is on the payroll of a business located in Indiana;

(C) possesses a telephone with a telephone number that has an Indiana area code; or

(D) has a permanent place of doing business in Indiana;

for at least thirteen (13) months before entering into a contract or subcontract under this chapter.

(b) A contract for a public works project under this chapter may not be awarded to a contractor that does not:

(1) employ residents of Indiana as at least ninety percent (90%) of the employees who will work on the contract; and

(2) enter into subcontracts only with subcontractors that employ residents of Indiana as at least ninety percent (90%) of the employees who will work on the subcontract.

(c) Before August 15, 2018, and before August 15 each year thereafter, any state agency entering into contracts under this chapter shall file with the legislative council a report stating:

(1) for each contractor awarded a contract under this chapter; and

(2) for each subcontractor with which a contractor referred to in subdivision (1) entered into a contract in connection with a contract awarded under this chapter;

the percentage of the employees of the contractor or subcontractor who work on the contract and are residents of Indiana. The report to the legislative council must be in an electronic format under IC 5-14-6.

(d) A contract awarded under this chapter for a public works project is terminated if the state or a commission determines that the contractor has failed to:

(1) employ residents of Indiana as at least ninety percent (90%) of the employees who work on the contract; and

(2) enter into subcontracts only with subcontractors

that employ residents of Indiana as at least ninety percent (90%) of the employees who work on the subcontract.

(e) A contractor or subcontractor that fails to employ residents of Indiana as at least ninety percent (90%) of the employees who work on the contract or subcontract commits a Class B infraction for each nonresident of Indiana employed that exceeds the number of nonresident employees permitted by this section.

(f) If:

- (1) a contract or subcontract subject to this section is funded in whole or in part with federal funds; and
- (2) imposing the requirements of this section would cause the state to lose the federal funds for the contract, as determined by the federal agency providing the funds;

subsections (a) through (e) do not apply.

(g) If an agency of the federal government makes a determination under subsection (f) that causes a contract to be exempted from the requirements of subsections (a) through (e), this section is meant to express the view of the general assembly that expanding employment opportunities for Indiana residents remains a vital part of the state's economy.

(h) A contract exempted from the requirements of subsections (a) through (e) may not reference the employment of Indiana residents. The state or a commission may not consider the number of employment opportunities for Indiana residents when doing any of the following with respect to a project subject to a contract that is exempted from the requirements of subsections (a) through (e):

- (1) Issuing a request for proposals.
- (2) Issuing a bulletin inviting bids for the contract.
- (3) Prequalifying a contractor for the contract.
- (4) Evaluating a bid for the contract.

(i) This section does not apply to contracts entered into to perform work:

- (1) resulting from an emergency; or
- (2) performed by an artisan or by someone in a specialty area with limited persons able to perform the work.

SECTION 8. IC 5-16-1-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 10. (a) As used in this section, "Indiana business" refers to any of the following:

- (1) A business whose principal place of business is located in Indiana.
- (2) A business that pays a majority of its payroll (in dollar volume) to residents of Indiana.
- (3) A business that employs residents of Indiana as a majority of its employees.
- (4) A business that makes significant capital investments in Indiana as determined by the Indiana department of administration.
- (5) A business that has a substantial positive economic impact on Indiana as determined by the Indiana department of administration.

(b) There is a ten percent (10%) price preference for an Indiana business that:

- (1) submits a bid for the performance of work on a public works project; and
- (2) claims the preference under subsection (e).

(c) Notwithstanding any statute that requires the award of a contract to the lowest responsive and responsible bidder or the lowest responsive and responsible quoter, but subject to subsection (d), a contract shall be awarded to the lowest responsive and responsible Indiana business that claims the preference provided by this section.

(d) Notwithstanding subsection (c), a contract shall be awarded to the lowest responsive and responsible bidder or quoter, regardless of the preference provided in this section,

if the lowest responsive and responsible bidder or quoter is an Indiana business.

(e) To claim the preference provided under this section, a business must do all the following:

(1) State in the business's bid that the business claims the preference provided by this section.

(2) Provide the following information to the awarding officer, commission, or agent and the department of administration:

(A) The location of the business's principal place of business. If the business claims the preference as an Indiana business described in subsection (a)(1), a statement explaining the reasons the business considers the location named as the business's principal place of business.

(B) The amount of the business's total payroll and the amount of the business's payroll paid to residents of Indiana.

(C) The number of the business's employees and the number of the business's employees who are residents of Indiana.

(D) If the business claims the preference as an Indiana business described in subsection (a)(4), a description of the capital investments made in Indiana and a statement of the amount of those capital investments.

(E) If the business claims the preference as an Indiana business described in subsection (a)(5), a description of the substantial positive economic impact the business has on Indiana.

SECTION 9. IC 5-16-7.3 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]:

Chapter 7.3. Prevailing Wage Determinations for the Construction of Public Improvements

Sec. 1. It is the policy of the state to establish a prevailing wage for workers engaged in the construction of any public improvement in order to do the following:

- (1) Safeguard worker efficiency and general well-being.
- (2) Ensure that contractors compete on the ability to perform work competently and efficiently while maintaining community established compensation standards.
- (3) Recognize that local participation in publicly financed construction and family wage income and benefits are essential to the protection of community standards.
- (4) Encourage training and education of workers to industry skill standards.
- (5) Encourage employers to use funds allocated for employee fringe benefits for the actual purchase of those benefits.

Sec. 2. As used in this chapter, "commissioner" means the commissioner of labor (appointed under IC 22-1-1-2) or the commissioner's authorized representative.

Sec. 3. As used in this chapter, "construction" means any construction, reconstruction, remodeling, renovation, demolition, alteration, repair, or maintenance work, including painting and decorating of a public improvement, done under a contract and paid for, in whole or in part, out of the funds of a public body.

Sec. 4. As used in this chapter, "fringe benefit" means one (1) of the following:

- (1) The rate of contribution irrevocably made by a contractor or subcontractor to a trustee or a third person under a plan, fund, or program.
- (2) The rate of costs to a contractor or subcontractor that may be reasonably anticipated in providing benefits to workers under an enforceable written commitment to carry out a financially responsible plan

or program, for any of the following:

- (A) Medical or hospital care.
- (B) Pensions upon a worker's retirement or death.
- (C) Compensation for injuries or illnesses resulting from occupational activity, or insurance to provide compensation for the injuries or illnesses.
- (D) Supplemental unemployment benefits.
- (E) Life insurance.
- (F) Disability and sickness insurance.
- (G) Accident insurance.
- (H) Vacation and holiday pay.
- (I) Payment of the costs of apprenticeship or other similar training programs.
- (J) Other bona fide worker benefits.

Sec. 5. As used in this chapter, "fund" refers to the prevailing wage penalty enforcement fund created by section 29 of this chapter.

Sec. 6. As used in this chapter, "interested party", for a particular public improvement, means any of the following:

- (1) A person who submits a bid for the purpose of being awarded a contract for the construction of a public improvement.
- (2) A person acting as a subcontractor of a person described in subdivision (1).
- (3) A bona fide labor organization that:
 - (A) represents workers engaged in the same trade or craft as workers employed by a person described in subdivision (1) or (2); and
 - (B) exists, in whole or in part, for the purpose of negotiating with employers concerning the wages, hours, or terms and conditions of employment for workers.
- (4) An association having as members a person described in subdivision (1) or (2).

Sec. 7. As used in this chapter, "locality" means a political subdivision of the state, a combination of the political subdivisions or parts of political subdivisions, or any geographical area or areas classified, designated, and fixed by the commissioner from time to time. In determining a "locality", the commissioner shall be guided by:

- (1) the boundary lines of political subdivisions or parts of political subdivisions; and
- (2) a consideration of the geographic areas for which it has been the practice of employers of particular crafts or trades to engage in collective bargaining with the representatives of workers in those crafts or trades.

Sec. 8. As used in this chapter, "maintenance work" means the repair of an existing public improvement that does not result in a change or increase in the size, type, or extent of the public improvement.

Sec. 9. As used in this chapter, "political subdivision" has the meaning set forth in IC 36-1-2-13.

Sec. 10. As used in this chapter, "prevailing wage" means the hourly wage rate, including all fringe benefits, paid in a locality to the majority of workers employed on projects of a similar character in the same craft, classification, or type of worker, as determined by the commissioner.

Sec. 11. As used in this chapter, "public body" includes the following:

- (1) The state.
- (2) A political subdivision.
- (3) An authority created by the general assembly.
- (4) An instrumentality or agency of the state or a political subdivision.

Sec. 12. As used in this chapter, "public improvement" means any of the following:

- (1) Construction of buildings, roads, streets, alleys, sewers, ditches, sewage disposal plants, water works, and all other structures or works for a public body.
- (2) Construction performed within six (6) months after

the completion of a newly constructed structure to prepare the structure for occupancy by a public body.

(3) Construction performed on any property or premises, whether or not the work is paid for from public funds, if, at the time of entering into the contract for the construction:

- (A) at least fifty-five percent (55%) of the property or premises is:
 - (i) leased by a public body; or
 - (ii) subject to an agreement to be leased by a public body; and
- (B) the portion of the property or premises that is leased or subject to an agreement to be leased by a public body measures more than twenty thousand (20,000) square feet.

Sec. 13. As used in this chapter, "worker" includes:

- (1) laborers and mechanics employed by contractors and subcontractors engaged in construction on the site of a public improvement;
- (2) laborers and mechanics employed by contractors and subcontractors engaged in construction at locations other than the site of a public improvement that is necessary for the performance of a contract or subcontract for the construction of a public improvement;
- (3) laborers and mechanics employed by contractors and subcontractors engaged in the transportation of materials and equipment to or from the site of a public improvement, but does not include the transportation of sellers, suppliers, manufacturers, or processors of materials or equipment by the workers of contractors and subcontractors; and
- (4) other laborers and mechanics performing work in connection with the construction of a public improvement.

Sec. 14. Whenever the actual costs for the construction of a public improvement are at least one hundred fifty thousand dollars (\$150,000), the contractor or subcontractor shall pay the workers employed in the performance of work for the construction of the public improvement a rate of wages that is not less than the prevailing wage determined by the commissioner under section 15 of this chapter.

Sec. 15. (a) The commissioner shall determine the prevailing wage for each craft, trade, or classification of worker needed to construct a public improvement.

(b) The prevailing wage for a public improvement shall be determined and computed in accordance with this chapter.

(c) Employer contributions for fringe benefits paid by contractors and subcontractors under a bona fide collective bargaining agreement to any craft or trade in a locality must be included in the prevailing wage determined under this chapter. However, if a contractor or subcontractor is required by federal, state, or local law to provide a fringe benefit listed in section 4(2) of this chapter, the benefit may not be considered in the prevailing wage determination.

(d) A prevailing wage determination is conclusive for a period of one (1) year from the date the determination is issued unless the determination is superseded within that year by a later determination.

(e) All prevailing wage determinations issued by the commissioner must be publicly available. In addition, the commissioner shall provide all prevailing wage determinations by United States mail or electronically to any of the following that file a written request to receive the determinations:

- (1) A representative of any craft or trade.
- (2) A contractor or subcontractor.
- (3) A representative of any group of contractors or subcontractors.

Sec. 16. (a) If the commissioner determines that the prevailing wage for any craft, classification, or type of worker is the rate established by a collective bargaining agreement applicable in the locality, the commissioner shall adopt by reference the rate established in the collective bargaining agreement and that determination shall be effective for the life of the agreement or until the commissioner determines that another rate should be adopted.

(b) If the commissioner determines that the collectively bargained wage rate for a craft, classification, or type of worker does not represent the rate actually prevailing in a locality, the commissioner shall conduct an independent wage survey. If a majority of the workers in the same trade or occupation are not paid at the same rate, the mode of the hourly wages, including all fringe benefits, paid in the locality to workers in the same craft, classification, or type of worker is the prevailing wage rate.

(c) If the wage rate paid by a contractor or subcontractor to workers on a public improvement is based on a time period other than an hour, the prevailing wage hourly rate is mathematically determined by dividing the number of hours worked in the time period into the total wages paid for the time period.

Sec. 17. (a) Whenever a contractor or subcontractor is required to pay the prevailing wage, the contract or subcontract for the construction of a public improvement must contain a provision stating that the contractor or subcontractor is required to pay to the workers employed in the performance of the contract or subcontract a rate of wages that is not less than the prevailing wage determined by the commissioner.

(b) A contract or subcontract described in subsection (a) must also contain a provision that, in the event it is determined that any worker employed by a contractor or a subcontractor covered by the contract has been paid a rate of wages less than the prevailing wage required by the contract, the public body may:

(1) terminate:

(A) the contract; or

(B) only the part of the contract as to which there has been a failure to pay the required wages; and

(2) continue the work covered by the termination described in subdivision (1)(A) or (1)(B) with the public body's own work force or another contractor or subcontractor.

(c) The original contractor or subcontractor and their sureties are liable to the public body for any excess costs occasioned by the contractor's or subcontractor's failure to pay the prevailing wage required by this chapter.

Sec. 18. (a) A public body shall notify the commissioner in writing, on a form prescribed by the commissioner, not later than thirty (30) days after the date the public body awards a contract subject to the provisions of this chapter.

(b) The notice described in subsection (a) must include a list of all tier 1 and tier 2 contractors (as defined by IC 5-16-13-4).

Sec. 19. (a) A contractor's or subcontractor's obligation to make payments in accordance with a prevailing wage determination may be discharged by:

(1) making wage payments to the workers employed by the contractor or subcontractor;

(2) paying for the workers' fringe benefits by making the contributions referred to in section 4(1) of this chapter;

(3) assuming an enforceable commitment to bear the costs of a fringe benefit plan or program referred to in section 4(2) of this chapter; or

(4) any combination of payments, contributions, or costs described in subdivision (1), (2), or (3), so long as the total of the payments, contributions, and costs is

not less than the prevailing wage determined by the commissioner.

(b) Except as provided in subsection (c), in determining the overtime pay to which a worker is entitled under federal or state law, the worker's regular or basic hourly rate of pay (or an alternative rate upon which overtime compensation is computed) shall be deemed to be the wage rate determined by the commissioner under section 15 of this chapter.

(c) Whenever the amount of payments, contributions, or costs described in subsection (a) made by a contractor or subcontractor for a worker exceeds the prevailing wage applicable to the worker, the worker's regular or basic hourly rate of pay (or an alternative rate) is determined by deducting from the payments, contributions, or costs actually paid for the worker, the greater of:

(1) the fringe benefit contributions or costs described in section 4(1) and 4(2) of this chapter actually paid for the worker; or

(2) the fringe benefit contributions or costs described in section 4(1) and 4(2) of this chapter determined but not actually paid for the worker.

Sec. 20. (a) Subject to subsection (b), all contractors and subcontractors shall make full payment of the prevailing wage required by this chapter in a form required by IC 22-2-5-1(a), without any deduction for food, sleeping accommodations, transportation, use of small tools, or any other thing of any kind or description, except for deductions required by federal or state law.

(b) Subsection (a) does not apply if:

(1) the contractor or subcontractor and the worker enter into a written agreement at the beginning of any term of employment covering deductions for food, sleeping accommodations, or other similar items; and

(2) the agreement is:

(A) submitted by the contractor or subcontractor to the contracting public body; and

(B) approved by the contracting public body as fair and reasonable.

Sec. 21. All contractors and subcontractors subject to this chapter shall do the following:

(1) Post in a prominent and accessible place on the work site of the public improvement a legible statement of the schedule of wage rates specified in the contract for the various classifications of workers. The statement must remain posted on the work site until the completion of the public improvement.

(2) Keep full and accurate payroll records for the wages paid to each worker, the worker's wage rate, and the number of hours each worker worked.

(3) The payroll records described in subdivision (2) must be open to inspection by any authorized representative of the contracting public body, the commissioner, or the commissioner's authorized representative at reasonable times and as frequently as necessary.

(4) A contractor or subcontractor shall retain the payroll records described in subdivision (2) in Indiana for one (1) year following the completion of the public improvement for which the records were created.

Sec. 22. (a) The commissioner is authorized to do the following:

(1) Investigate and ascertain the wages of workers employed in the construction of public improvements in the state.

(2) Enter and inspect the place of business or the work site of any contractor, subcontractor, or worker employed for the construction of a public improvement in the state, for the purpose of:

(A) examining any or all of the books, registers, payrolls, and other records of the contractor or

subcontractor that relate to or have a bearing upon the wages, hours, and other terms and conditions of employment of the workers;

(B) copying any or all of the books, registers, payrolls, and other records of the contractor or subcontractor as the commissioner or the commissioner's authorized representative considers necessary or appropriate; or

(C) questioning the workers to determine whether the contractor or subcontractor has been and is complying with the provisions of this chapter.

(3) Require from a contractor or subcontractor full and correct written statements, including sworn statements, concerning the contractor's or subcontractor's workers, including wages, hours, names, addresses, and any other information pertaining to the workers and their employment as the commissioner, or the commissioner's authorized representative, considers necessary or appropriate.

(4) Require a contractor or subcontractor to file, not later than ten (10) days after receiving a request, any records described in subdivision (2) or (3), with a sworn affirmation of the completeness and accuracy of the records provided.

(5) If the contractor or subcontractor fails to provide the requested records within the ten (10) day period, the commissioner may, not later than fifteen (15) days after the expiration of the ten (10) day period, direct the fiscal or financial officer charged with the custody and disbursement of the funds of the public body that contracted for the construction of the public improvement to:

(A) immediately withhold from payment to the contractor or subcontractor up to twenty-five percent (25%) of the amount to be paid to the contractor or subcontractor under the terms of the contract for the construction of the public improvement; and

(B) pay directly to the workers employed by the contractor or subcontractor from the amount withheld from the contractor or subcontractor under clause (A) any wages and fringe benefits found to be due and payable to the workers.

(6) Amounts withheld under subdivision (5)(A) must be released immediately upon the fiscal or financial officer's receipt of a notice from the commissioner indicating that the request for records has been satisfied.

(b) The commissioner shall distribute to all public bodies in the state a list of the names of persons and firms the commissioner has determined have not met their obligations to pay the prevailing wage determined under this chapter. A public body may not award a contract or subcontract for the construction of a public improvement to a person or firm appearing on the list, or to any firm, corporation, partnership, or association in which the person or firm has an interest, for three (3) years after the date of the publication of the list containing the name of the person or firm.

(c) The commissioner may, without the necessity of an assignment, initiate legal proceedings against a contractor or subcontractor to:

(1) enjoin future failures to pay the prevailing wage or overtime pay required by this chapter; and

(2) require the payment of the prevailing wage or overtime pay due workers.

The commissioner is entitled to recover, in addition to other costs, reasonable attorney's fees.

Sec. 23. (a) Every contractor and subcontractor shall file a certified written statement, in a form prescribed by the commissioner, with the contracting public body certifying:

(1) the hourly rate of wages paid to each worker the contractor or a subcontractor has employed in the construction of the public improvement; and

(2) that no worker employed in construction of the public improvement has been paid less than the greater of:

(A) the prevailing wage rate; or

(B) the minimum hourly wage rate specified in the contract.

(b) The person filing a certified statement required under subsection (a) shall verify under oath that:

(1) the contractor or subcontractor has read and knows the contents of the statement; and

(2) to the contractor or subcontractor's knowledge, the contents of the statement are true and complete.

(c) A certified statement filed as required under subsection (a) must set out accurately and completely the payroll records covering the period since the last statement was filed (as required under subsection (e)), including the name and address of each worker, the worker's correct classification, rate of pay, the daily and weekly number of hours worked, deductions made, and actual wages paid.

(d) The contractor or subcontractor shall deliver or mail each certified statement required under subsection (a) to the contracting public body.

(e) Certified statements must be filed as follows:

(1) For a project lasting not more than ninety (90) days from the date of the award of the contract for the construction of a public improvement to the date of the completion of the work under the contract, a certified statement must be submitted once before the first payment is made and once before the final payment is made.

(2) For a project lasting more than ninety (90) days from the date of the award of the contract for the construction of a public improvement to the date of the completion of the work under the contract, a certified statement must be submitted once before the first payment is made, at intervals of not more than ninety (90) days thereafter, and once before final payment is made.

(f) Each contractor or subcontractor shall preserve the certified statements filed under subsection (a) for a period of three (3) years after the date of completion of the contract.

(g) Certified statements filed by a contractor or subcontractor under this section are public records in accordance with IC 5-14-3.

Sec. 24. (a) A contractor or subcontractor that fails to pay workers the prevailing wage required during the construction of a public improvement in violation of section 14 of this chapter is liable to the workers affected for the amount of the unpaid prevailing wages, including all fringe benefits, plus an additional amount equal to the unpaid wages as liquidated damages.

(b) A worker employed during the construction of a public improvement who is paid less than the applicable prevailing wage rate or any interested party may file a complaint in writing with the commissioner on a form prescribed by the commissioner.

(c) After an investigation of a complaint filed under subsection (b), the commissioner shall notify the person who filed the complaint of the results of the commissioner's investigation, including whether the commissioner has determined that there has been a violation of this chapter.

(d) Not less than sixty (60) days after the date the commissioner determines under subsection (c) that a violation of this chapter has occurred, and if:

(1) no worker or interested party has brought suit under section 26 of this chapter; and

(2) no worker has requested that the commissioner

take an assignment of a wage claim under section 25 of this chapter;

the commissioner shall bring a legal action to collect the amounts owed to the workers as the result of a contractor's or subcontractor's violation of this chapter. The commissioner shall pay to the affected workers the amounts collected to which the affected workers are entitled under subsection (a). In a legal action in which the commissioner prevails under this subsection, the contractor or subcontractor shall pay the costs of the suit plus reasonable attorney's fees as determined by the court.

Sec. 25. At the written request of a worker paid less than the prevailing wage rate required under this chapter, the commissioner shall take an assignment of a claim in trust for the worker and bring a legal action against the contractor or subcontractor that employed the worker, including the contractor's or subcontractor's surety, if necessary, to collect the unpaid wages. If the commissioner prevails in a legal action brought under this section, the contractor, subcontractor, or if applicable, the contractor's or subcontractor's surety, shall pay the costs of the suit and reasonable attorney's fees as determined by the court.

Sec. 26. A worker employed on any public improvement who is paid less than the prevailing wage rate required under this chapter or any interested party may file a legal action against a contractor or subcontractor that employed the worker, including the contractor's or subcontractor's surety, if necessary, to recover the unpaid wages. A suit under this section must be filed not later than sixty (60) days after the date the commissioner determines that there has been a violation of this chapter, or the worker or interested party is barred from taking action under this section. If the worker or interested party prevails in the legal action filed under this section, the contractor or subcontractor shall pay the costs of the suit and reasonable attorney's fees as determined by the court.

Sec. 27. An action to enforce a contractor's or subcontractor's obligations to workers under section 24, 25, or 26 of this chapter may be brought as an action on the contractor's or subcontractor's bonds.

Sec. 28. A contractor or subcontractor that fails to pay the prevailing wage rate required by this chapter shall also pay as a civil penalty to the commissioner an amount equal to seventy-five percent (75%) of the difference between the prevailing wage rate determined under this chapter and the wages paid to the workers on the public improvement. The commissioner shall deposit all money received from civil penalties paid under this section to the prevailing wage penalty enforcement fund created by section 29 of this chapter.

Sec. 29. (a) The prevailing wage penalty enforcement fund is created for the purpose of paying the expenses incurred by the commissioner in the administration and enforcement of this chapter.

(b) The commissioner shall administer the fund.

(c) The fund consists of:

- (1) appropriations by the general assembly;
- (2) civil penalties assessed under section 28 of this chapter;
- (3) donations, gifts, and grants in money, property, or any other form made to the fund;
- (4) all earnings on investments or deposits of the fund; and
- (5) money received from any other source, including transfers from other funds or accounts.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund but remains in the fund

to be used exclusively for the purposes of this chapter.

Sec. 30. (a) This section does not apply to an agent or representative of a duly constituted labor organization acting to collect dues or assessments for the labor organization.

(b) This subsection applies to workers who are employed on a public improvement. A person, either on the person's own behalf or on behalf of another person, may not request or demand, with a statement, representation, or understanding that the worker's failure to comply with the person's request or demand will result in the worker not being employed or retained to work on the public improvement, either before or after a worker is hired, that the worker pay back, return, donate, contribute, or give all or any portion of the worker's wages, salary, or thing of value, to the person.

(c) A person may not directly or indirectly:

- (1) request or authorize another person to violate subsection (b); or
- (2) aid another person in violating subsection (b).

Sec. 31. For the purpose of supplementing existing resources and to assist in enforcing this chapter, the commissioner may contract with a certified public accountant certified under IC 25-2.1 to conduct an audit of a person, firm, corporation, or public authority.

Sec. 32. (a) A public body may not divide the construction of a public improvement into more than one (1) contract for the purpose of avoiding payment of the prevailing wage under this chapter.

(b) Whenever the commissioner determines that a public body has divided the construction of a public improvement for the purpose of avoiding payment of the prevailing wage under this chapter, the commissioner shall issue an order compelling compliance.

(c) In making a determination under subsection (b), the commissioner shall consider the following:

- (1) The physical separation of the public improvement structures.
- (2) The timing of the work on the phases or structures of the construction of the public improvement.
- (3) The continuity of the contractors and subcontractors working on the parts or phases of the construction of the public improvement.
- (4) The manner in which the public body and the contractors administer and implement the construction of the public improvement.

Sec. 33. (a) A public body that knowingly does any of the following is liable, either individually or jointly and severally with any contractor or subcontractor that also knowingly does any of the following:

- (1) Fails to include in an advertisement for bids, a request for bids, the contract specifications, or elsewhere in the contract documents a provision required under section 17 of this chapter that the contractor and any subcontractor shall comply with section 14 of this chapter concerning the payment of prevailing wage.
- (2) Fails to pay the prevailing wage determined under this chapter when required to do so.
- (3) Divides the construction of a public improvement into more than one (1) contract for the purpose of avoiding payment of the prevailing wage under this chapter.

(b) The commissioner may enforce subsection (a) by a civil action under section 24 or 25 of this chapter.

SECTION 10. IC 5-16-8-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1.5. For purposes of this chapter, a product is considered to be "manufactured in the United States" if the following apply:

- (1) In the case of an iron, steel, or foundry product, all

manufacturing takes place in the United States. However, it is not necessary for metallurgical processes involving the refinement of steel additives to take place in the United States.

(2) In the case of a product other than a product described in subdivision (1), both of the following apply:

(A) All the manufacturing processes for the product take place in the United States.

(B) All the manufacturing processes for all components of the product take place in the United States, regardless of the origin of subcomponents of each product component.

SECTION 11. IC 5-16-8-2, AS AMENDED BY P.L.6-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. (a) Each public agency shall require that every contract for the construction, reconstruction, alteration, repair, improvement, or maintenance of public works ~~contain~~ **contains** a provision that, if any steel ~~or~~ **products**, foundry products, ~~or other products~~ **are to be used or supplied in the performance of the contract or subcontract, only steel ~~or~~ products, foundry products, and other products** made in the United States shall be used or supplied in the performance of the contract or any of the subcontracts. ~~unless the head of the public agency determines, in writing, that the cost of steel or foundry products is considered to be unreasonable.~~

(b) The head of each public agency shall issue rules which provide that, for purposes of subsection (a), the bid or offered price of any steel or foundry products of domestic origin is not considered unreasonable if the price does not exceed the sum of:

(1) the bid or offered price of like steel or foundry products of foreign origin (including any applicable duty); plus

(2) a differential of fifteen percent (15%) of the bid or offered price of the steel or foundry products of foreign origin.

However, the fifteen percent (15%) differential provided by subdivision (2) may be increased to twenty-five percent (25%); if the head of the public agency determines that use of steel or foundry products of domestic origin would benefit the local or state economy through improved job security and employment opportunity. Whenever the head of a public agency determines that the differential should be increased above fifteen percent (15%) for a particular project, the head of the agency shall file a report with the governor and the legislative services agency detailing the reasons for such determination and the probable impact on the economy of the use of domestic steel or foundry castings in the project. A report filed under this subsection with the legislative services agency must be in an electronic format under IC 5-14-6.

SECTION 12. IC 5-16-8-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 3.5. A person may not be considered responsible for purposes of awarding a public works contract by a public agency if a court with jurisdiction or a federal or state agency determines that the person has intentionally done either of the following:

(1) The person has affixed to a product:

(A) to which this chapter applies;

(B) that is sold in or shipped to the United States; and

(C) that was not manufactured in the United States; a label bearing the words "Made in America" or any other words with the same meaning.

(2) The person has represented that a product:

(A) to which this chapter applies;

(B) that is sold in or shipped to the United States; and

(C) that was not manufactured in the United States;

was manufactured in the United States.

SECTION 13. IC 5-16-8-4 IS REPEALED [EFFECTIVE JULY 1, 2017]. Sec. 4. This chapter does not apply if the head of the public agency determines, in writing, that steel or foundry products are not produced in the United States in sufficient quantities to meet the requirements of the contract.

SECTION 14. IC 5-16-15 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]:

Chapter 15. Prohibited Political Contributions

Sec. 1. The definitions in IC 3-5-2 apply to this chapter to the extent they do not conflict with the definitions in this article.

Sec. 2. As used in this chapter, "candidate" refers to any of the following:

(1) A candidate for a state office.

(2) A candidate for a legislative office.

Sec. 3. As used in this chapter, "committee" refers to any of the following:

(1) A candidate's committee.

(2) A committee organized by a legislative caucus of the house of representatives of the general assembly.

(3) A committee organized by a legislative caucus of the senate of the general assembly.

Sec. 4. As used in this chapter, "officer" refers only to either of the following:

(1) An individual listed as an officer of a corporation in the corporation's most recent annual report.

(2) An individual who is a successor to an individual described in subdivision (1).

Sec. 5. For purposes of this chapter, a person is considered to have an interest in a contractor if the person satisfies any of the following:

(1) The person holds at least a one percent (1%) interest in the contractor.

(2) The person is an officer of the contractor.

(3) The person is an officer of a person that holds at least a one percent (1%) interest in the contractor.

(4) The person is a political action committee of the contractor.

Sec. 6. A contractor is considered to have made a contribution if a contribution is made by a person who has an interest in the contractor.

Sec. 7. A contractor or a person who has an interest in a contractor may not make a contribution to a candidate or a committee during the following periods:

(1) The term during which the contractor is a party to a contract entered into under this article.

(2) The three (3) years following the final expiration or termination of the contract described in subdivision (1).

Sec. 8. A person who knowingly or intentionally violates this chapter commits a Level 6 felony.

SECTION 15. IC 5-22-15-7, AS AMENDED BY P.L.122-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 7. (a) An offeror may claim one (1) of the following types of preference for which the offeror is eligible:

(1) An Indiana business preference under rules adopted under section 20 of this chapter or IC 4-13.6-6-2.5.

(2) A preference for supplies as provided by sections 16, 18, 19, and 24 of this chapter.

(3) An Indiana small business preference as provided by section 23 of this chapter.

(4) An Indiana farm product preference as provided by section 23.5 of this chapter.

(b) An offeror may not claim more than one (1) preference as provided by sections 16, 18, 19, and 24 of this chapter for a given supply item.

(c) This section does not:

- (1) apply to; or
- (2) limit;

action of the Indiana department of administration under rules adopted under section 21 of this chapter.

SECTION 16. IC 5-22-15-21 IS REPEALED [EFFECTIVE JULY 1, 2017]. Sec. 21. (a) This section does not apply to the state lottery commission created by IC 4-30-3-1.

(b) A governmental body shall adopt rules to promote the purchase of supplies manufactured in the United States:

(c) Rules adopted under subsection (b) shall provide that supplies manufactured in the United States shall be specified and purchased unless the governmental body determines that any of the following apply:

- (1) The supplies are not manufactured in the United States in reasonably available quantities;
- (2) The price of the supplies manufactured in the United States exceeds by an unreasonable amount the price of available and comparable supplies manufactured outside the United States;
- (3) The quality of the supplies is substantially less than the quality of comparably priced available supplies manufactured outside the United States;
- (4) The purchase of supplies manufactured in the United States is not in the public interest.

SECTION 17. IC 5-22-15.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]:

Chapter 15.5. Purchasing Supplies Manufactured in the United States

Sec. 1. As used in this chapter, "product" refers to a supply item.

Sec. 2. For purposes of this chapter, a product is considered to be "manufactured in the United States" if the following apply:

- (1) In the case of an iron, steel, or foundry product, all manufacturing takes place in the United States. However, it is not necessary for metallurgical processes involving the refinement of steel additives to take place in the United States.
- (2) In the case of a product other than a product described in subdivision (1), both of the following apply:

- (A) All the manufacturing processes for the product take place in the United States.
- (B) All the manufacturing processes for all components of the product take place in the United States, regardless of the origin of subcomponents of each product component.

Sec. 3. (a) A governmental body shall adopt rules to promote the purchase of products manufactured in the United States.

(b) Rules adopted under subsection (a) must provide that products manufactured in the United States shall be specified and purchased.

Sec. 4. A person may not be considered responsible for purposes of awarding a contract under this article if a court with jurisdiction or a federal or state agency determines that the person has intentionally done either of the following:

- (1) The person has affixed to a product:
 - (A) to which this chapter applies;
 - (B) that is sold in or shipped to the United States; and
 - (C) that was not manufactured in the United States; a label bearing the words "Made in America" or any other words with the same meaning.
- (2) The person has represented that a product:
 - (A) to which this chapter applies;
 - (B) that is sold in or shipped to the United States; and

(C) that was not manufactured in the United States; was manufactured in the United States.

SECTION 18. IC 6-2.5-10-1, AS AMENDED BY P.L.146-2016, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. (a) The department shall account for all state gross retail and use taxes that it collects.

(b) Of all the state gross retail and use taxes that the department collects, the department shall determine separately the parts that:

- (1) the department collects under IC 6-2.5-3.5 (use tax on gasoline);
- (2) the department collects on special fuel (as defined in IC 6-6-2.5-22); and
- (3) the department collects under this article, less the amount amounts described in subdivision subdivisions (1) and (2).

(c) The department shall deposit the collections described in subsection (b)(1) in the following manner:

- (1) For state fiscal year 2017, the following:
 - (A) Fourteen and two hundred eighty-six thousandths percent (14.286%) of the collections shall be deposited in the motor vehicle highway account established under (IC 8-14-1).
 - (B) Eighty-five and seven hundred fourteen thousandths percent (85.714%) to the state general fund.
- (2) For state fiscal year 2018 the following: and thereafter,

- (A) Fourteen and two hundred eighty-six thousandths one hundred percent (~~14.286%~~) (100%) of the collections shall be deposited in the motor vehicle highway account established under (IC 8-14-1).
- (B) Fourteen and two hundred eighty-six thousandths percent (~~14.286%~~) of the collections shall be deposited in the local road and bridge matching grant fund established under IC 8-23-30.
- (C) Seventy-one and four hundred twenty-eight thousandths percent (~~71.428%~~) to the state general fund.
- (3) For state fiscal year 2019 and thereafter, the following:
 - (A) Fourteen and two hundred eighty-six thousandths percent (~~14.286%~~) of the collections shall be deposited in the motor vehicle highway account established under IC 8-14-1.
 - (B) Twenty-one and four hundred twenty-nine thousandths percent (~~21.429%~~) of the collections shall be deposited in the local road and bridge matching grant fund established under IC 8-23-30.
 - (C) Sixty-four and two hundred eighty-five thousandths percent (~~64.285%~~) to the state general fund.

(d) For state fiscal year 2018 and thereafter, the department shall deposit one hundred percent (100%) of the collections described in subsection (b)(2) in the motor vehicle highway account (IC 8-14-1).

(e) The department shall deposit those collections described in subsection (b)(2) (b)(3) in the following manner:

- (1) Ninety-nine and eight hundred thirty-eight thousandths percent (99.838%) of the collections shall be paid into the state general fund.
- (2) Thirty-one thousandths of one percent (0.031%) of the collections shall be deposited into the industrial rail service fund established under IC 8-3-1.7-2.
- (3) One hundred thirty-one thousandths of one percent (0.131%) of the collections shall be deposited into the commuter rail service fund established under IC 8-3-1.5-20.5.

SECTION 19. IC 6-3-2-1, AS AMENDED BY P.L.80-2014, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. (a) Each taxable year, a

tax at the following rate of adjusted gross income is imposed upon the adjusted gross income of every resident person, and on that part of the adjusted gross income derived from sources within Indiana of every nonresident person:

- (1) For taxable years beginning before January 1, 2015, three and four-tenths percent (3.4%).
 - (2) For taxable years beginning after December 31, 2014, and before January 1, 2017, three and three-tenths percent (3.3%).
 - (3) For taxable years beginning after December 31, 2016, three and twenty-three hundredths percent (3.23%).
- (b) Except as provided in section 1.5 of this chapter, each taxable year, a tax at the following rate of adjusted gross income is imposed on that part of the adjusted gross income derived from sources within Indiana of every corporation:

- (1) Before July 1, 2012, eight and five-tenths percent (8.5%).
- (2) After June 30, 2012, and before July 1, 2013, eight percent (8.0%).
- (3) After June 30, 2013, and before July 1, 2014, seven and five-tenths percent (7.5%).
- (4) After June 30, 2014, and before July 1, 2015, seven percent (7.0%).
- (5) After June 30, 2015, and before July 1, 2016, six and five-tenths percent (6.5%).
- (6) After June 30, 2016, and before July 1, 2017, six and twenty-five hundredths percent (6.25%).
- ~~(7) After June 30, 2017, and before July 1, 2018, six percent (6.0%).~~
- ~~(8) After June 30, 2018, and before July 1, 2019, five and seventy-five hundredths percent (5.75%).~~
- ~~(9) After June 30, 2019, and before July 1, 2020, five and five-tenths percent (5.5%).~~
- ~~(10) After June 30, 2020, and before July 1, 2021, five and twenty-five hundredths percent (5.25%).~~
- ~~(11) After June 30, 2021, four and nine-tenths percent (4.9%).~~

(c) If for any taxable year a taxpayer is subject to different tax rates under subsection (b), the taxpayer's tax rate for that taxable year is the rate determined in the last STEP of the following STEPS:

- STEP ONE: Multiply the number of months in the taxpayer's taxable year that precede the month the rate changed by the rate in effect before the rate change.
- STEP TWO: Multiply the number of months in the taxpayer's taxable year that follow the month before the rate changed by the rate in effect after the rate change.
- STEP THREE: Divide the sum of the amounts determined under STEPS ONE and TWO by twelve (12).

However, the rate determined under this subsection shall be rounded to the nearest one-hundredth of one percent (0.01%).

SECTION 20. IC 6-3-7-3, AS AMENDED BY P.L.146-2008, SECTION 323, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 3. (a) All revenues derived from collection of the adjusted gross income tax imposed on corporations shall be deposited as follows:

- (1) **Before July 1, 2017, one hundred percent (100%)** in the state general fund.
- (2) **After June 30, 2017, and before July 1, 2018:**
 - (A) **four percent (4%) in the motor vehicle highway account; and**
 - (B) **ninety-six percent (96%) in the state general fund.**
- (3) **After June 30, 2018, and before July 1, 2019:**
 - (A) **eight percent (8%) in the motor vehicle highway account; and**
 - (B) **ninety-two percent (92%) in the state general fund.**
- (4) **After June 30, 2019, and before July 1, 2020:**
 - (A) **twelve percent (12%) in the motor vehicle**

highway account; and

(B) eighty-eight percent (88%) in the state general fund.

(5) After June 30, 2020, and before July 1, 2021:

(A) sixteen percent (16%) in the motor vehicle highway account; and

(B) eighty-four percent (84%) in the state general fund.

(6) After June 30, 2021:

(A) twenty-one and six-tenths percent (21.6%) to the motor vehicle highway account; and

(B) seventy-eight and four-tenths percent (78.4%) to the state general fund.

(b) All revenues derived from collection of the adjusted gross income tax imposed on persons shall be deposited in the state general fund."

Page 4, delete lines 1 through 26.

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

"SECTION 33. IC 6-5.5-2-1, AS AMENDED BY P.L.80-2014, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. (a) There is imposed on each taxpayer a franchise tax measured by the taxpayer's apportioned income for the privilege of exercising its franchise or the corporate privilege of transacting the business of a financial institution in Indiana. The amount of the tax for a taxable year shall be determined by multiplying the applicable rate under subsection (b) times the remainder of:

- (1) the taxpayer's apportioned income; minus
- (2) the taxpayer's deductible Indiana net operating losses as determined under this section; minus
- (3) the taxpayer's net capital losses minus the taxpayer's net capital gains computed under the Internal Revenue Code for each taxable year or part of a taxable year beginning after December 31, 1989, multiplied by the apportionment percentage applicable to the taxpayer under this chapter for the taxable year of the loss.

A net capital loss for a taxable year is a net capital loss carryover to each of the five (5) taxable years that follow the taxable year in which the loss occurred.

(b) The following are the applicable tax rates to be used under subsection (a):

- (1) For taxable years beginning before January 1, 2014, eight and five-tenths percent (8.5%).
- (2) For taxable years beginning after December 31, 2013, and before January 1, 2015, eight percent (8.0%).
- (3) For taxable years beginning after December 31, 2014, and before January 1, 2016, seven and five-tenths percent (7.5%).
- (4) For taxable years beginning after December 31, 2015, and before January 1, 2017, seven percent (7.0%).
- (5) For taxable years beginning after December 31, 2016, and before January 1, 2019, six and five-tenths percent (6.5%).
- ~~(6) For taxable years beginning after December 31, 2018, and before January 1, 2020, six and twenty-five hundredths percent (6.25%).~~
- ~~(7) For taxable years beginning after December 31, 2019, and before January 1, 2021, six percent (6.0%).~~
- ~~(8) For taxable years beginning after December 31, 2020, and before January 1, 2022, five and five-tenths percent (5.5%).~~
- ~~(9) For taxable years beginning after December 31, 2021, and before January 1, 2023, five percent (5.0%).~~
- ~~(10) For taxable years beginning after December 31, 2022, four and nine-tenths percent (4.9%).~~

(c) The amount of net operating losses deductible under subsection (a) is an amount equal to the net operating losses computed under the Internal Revenue Code, adjusted for the items set forth in IC 6-5.5-1-2, that are:

(1) incurred in each taxable year, or part of a year, beginning after December 31, 1989; and

(2) attributable to Indiana.

(d) The following apply to determining the amount of net operating losses that may be deducted under subsection (a):

(1) The amount of net operating losses that is attributable to Indiana is the taxpayer's total net operating losses under the Internal Revenue Code for the taxable year of the loss, adjusted for the items set forth in IC 6-5.5-1-2, multiplied by the apportionment percentage applicable to the taxpayer under this chapter for the taxable year of the loss.

(2) A net operating loss for any taxable year is a net operating loss carryover to each of the fifteen (15) taxable years that follow the taxable year in which the loss occurred.

(e) The following provisions apply to a combined return computing the tax on the basis of the income of the unitary group when the return is filed for more than one (1) taxpayer member of the unitary group for any taxable year:

(1) Any net capital loss or net operating loss attributable to Indiana in the combined return shall be prorated between each taxpayer member of the unitary group by the quotient of:

(A) the receipts of that taxpayer member attributable to Indiana under section 4 of this chapter; divided by

(B) the receipts of all taxpayer members of the unitary group attributable to Indiana.

(2) The net capital loss or net operating loss for that year, if any, to be carried forward to any subsequent year shall be limited to the capital gains or apportioned income for the subsequent year of that taxpayer, determined by the same receipts formula set out in subdivision (1).

SECTION 1. IC 6-5.5-8-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 2.5. On or before December 1 and June 1 of each year the auditor of state shall transfer from the financial institutions tax fund to the motor vehicle highway account the following applicable percentages of the total financial institutions tax revenue collected during the preceding state fiscal year:**

(1) Before July 1, 2019, zero percent (0%).

(2) After June 30, 2019, and before July 1, 2020, four percent (4%).

(3) After June 30, 2020, and before July 1, 2021, eight percent (8%).

(4) After June 30, 2021, and before July 1, 2022, twelve percent (12%).

(5) After June 30, 2022, and before July 1, 2023, twenty-three percent (23.0%).

(6) After June 30, 2023, twenty-five percent (25%)."

Delete pages 13 through 29.

Page 30, delete lines 1 through 38.

Page 32, after line 42, begin a new paragraph and insert:

"SECTION 37. IC 8-10-1-7.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 7.7. (a) As used in this section, "resident of Indiana" means a person who is at least eighteen (18) years of age and is one (1) of the following:**

(1) A person who has registered a motor vehicle in Indiana.

(2) A person who is registered to vote in Indiana.

(3) A person who has a child enrolled in an elementary or a secondary school located in Indiana.

(4) A person who derives more than one-half (1/2) of the person's gross income (as defined in Section 61 of the Internal Revenue Code) from sources in Indiana, according to the provisions applicable to determining the source of adjusted gross income under IC 6-3-2-2. However, a person who would otherwise be considered

a resident of Indiana under this subdivision is not a resident of Indiana if a preponderance of the evidence concerning the factors set forth in subdivisions (1) through (3) proves that the person is not a resident of Indiana.

(5) A person who:

(A) works from an office in Indiana;

(B) is on the payroll of a business located in Indiana;

(C) possesses a telephone with a telephone number that has an Indiana area code; or

(D) has a permanent place of doing business in Indiana;

for at least thirteen (13) months before entering into a contract or subcontract under this chapter.

(b) A contract for a public works project under this chapter may not be awarded to a contractor that does not:

(1) employ residents of Indiana as at least ninety percent (90%) of the employees of the contractor who will work on the contract; and

(2) enter into subcontracts only with subcontractors that employ residents of Indiana as at least ninety percent (90%) of the employees who will work on the subcontract.

(c) Before August 15, 2018, and before August 15 each year thereafter, the commission shall file with the legislative council a report stating:

(1) for each contractor awarded a contract under this chapter; and

(2) for each subcontractor with which a contractor referred to in subdivision (1) entered into a contract in connection with a contract awarded under this chapter;

the percentage of the employees of the contractor or subcontractor who work on the contract and are residents of Indiana. The report to the legislative council must be in an electronic format under IC 5-14-6.

(d) A contract awarded under this chapter for a public works project is terminated if the commission determines that the contractor has failed to:

(1) employ residents of Indiana as at least ninety percent (90%) of the employees who work on the contract; and

(2) enter into subcontracts only with subcontractors that employ residents of Indiana as at least ninety percent (90%) of the employees who work on the subcontract.

(e) A contractor or subcontractor that fails to employ residents of Indiana as at least ninety percent (90%) of the employees who work on the contract or subcontract commits a Class B infraction for each nonresident of Indiana employed that exceeds the number of nonresident employees permitted by this section.

(f) If:

(1) a contract or subcontract subject to this section is funded in whole or in part with federal funds; and

(2) imposing the requirements of this section would cause the state to lose the federal funds for the contract, as determined by the federal agency providing the funds;

subsections (a) through (e) do not apply.

(g) If an agency of the federal government makes a determination under subsection (f) that causes a contract to be exempted from the requirements of subsections (a) through (e), this section is meant to express the view of the general assembly that expanding employment opportunities for Indiana residents remains a vital part of the state's economy.

(h) A contract exempted from the requirements of subsections (a) through (e) may not reference the employment of Indiana residents. The commission may not

consider the number of employment opportunities for Indiana residents when doing any of the following with respect to a project subject to a contract that is exempted from the requirements of subsections (a) through (e):

- (1) Issuing a request for proposals.
- (2) Issuing a bulletin inviting bids for the contract.
- (3) Prequalifying a contractor for the contract.
- (4) Evaluating a bid for the contract.

(i) This section does not apply to contracts entered into to perform work:

- (1) resulting from an emergency; or
- (2) performed by an artisan or by someone in a specialty area with limited persons able to perform the work.

SECTION 38. IC 8-10-1-7.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 7.9. (a) As used in this section, "Indiana business" refers to any of the following:

- (1) A business whose principal place of business is located in Indiana.
- (2) A business that pays a majority of its payroll (in dollar volume) to residents of Indiana.
- (3) A business that employs residents of Indiana as a majority of its employees.
- (4) A business that makes significant capital investments in Indiana as determined by the Indiana department of administration.
- (5) A business that has a substantial positive economic impact on Indiana as determined by the Indiana department of administration.

(b) There is a ten percent (10%) price preference for an Indiana business that:

- (1) submits a bid for the performance of work on a public works project; and
- (2) claims the preference under subsection (e).

(c) Notwithstanding any statute that requires the award of a contract to the lowest responsive and responsible bidder or the lowest responsive and responsible quoter, but subject to subsection (d), a contract shall be awarded to the lowest responsive and responsible Indiana business that claims the preference provided by this section.

(d) Notwithstanding subsection (c), a contract shall be awarded to the lowest responsive and responsible bidder or quoter, regardless of the preference provided in this section, if the lowest responsive and responsible bidder or quoter is an Indiana business.

(e) To claim the preference provided under this section, a business must do all the following:

- (1) State in the business's bid that the business claims the preference provided by this section.
- (2) Provide the following information to the commission and the department of administration:
 - (A) The location of the business's principal place of business. If the business claims the preference as an Indiana business described in subsection (a)(1), a statement explaining the reasons the business considers the location named as the business's principal place of business.
 - (B) The amount of the business's total payroll and the amount of the business's payroll paid to residents of Indiana.
 - (C) The number of the business's employees and the number of the business's employees who are residents of Indiana.
 - (D) If the business claims the preference as an Indiana business described in subsection (a)(4), a description of the capital investments made in Indiana and a statement of the amount of those capital investments.
 - (E) If the business claims the preference as an Indiana business described in subsection (a)(5), a

description of the substantial positive economic impact the business has on Indiana.

SECTION 39. IC 8-10-10 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]:

Chapter 10. Prohibited Political Contributions

Sec. 1. The definitions in IC 3-5-2 apply to this chapter to the extent they do not conflict with the definitions in this article.

Sec. 2. As used in this chapter, "candidate" refers to any of the following:

- (1) A candidate for a state office.
- (2) A candidate for a legislative office.

Sec. 3. As used in this chapter, "committee" refers to any of the following:

- (1) A candidate's committee.
- (2) A committee organized by a legislative caucus of the house of representatives of the general assembly.
- (3) A committee organized by a legislative caucus of the senate of the general assembly.

Sec. 4. As used in this chapter, "officer" refers only to either of the following:

- (1) An individual listed as an officer of a corporation in the corporation's most recent annual report.
- (2) An individual who is a successor to an individual described in subdivision (1).

Sec. 5. For purposes of this chapter, a person is considered to have an interest in a contractor if the person satisfies any of the following:

- (1) The person holds at least a one percent (1%) interest in the contractor.
- (2) The person is an officer of the contractor.
- (3) The person is an officer of a person that holds at least a one percent (1%) interest in the contractor.
- (4) The person is a political action committee of the contractor.

Sec. 6. A contractor is considered to have made a contribution if a contribution is made by a person who has an interest in the contractor.

Sec. 7. A contractor or a person who has an interest in a contractor may not make a contribution to a candidate or a committee during the following periods:

- (1) The term during which the contractor is a party to a contract entered into under this article.
- (2) The three (3) years following the final expiration or termination of the contract described in subdivision (1).

Sec. 8. A person who knowingly or intentionally violates this chapter commits a Level 6 felony.

SECTION 33. IC 8-14-1-3, AS AMENDED BY P.L.2-2014, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 3. The money collected for the motor vehicle highway account fund and remaining after refunds and the payment of all expenses incurred in the collection thereof, and after the deduction of the amount appropriated to the department for traffic safety, shall be allocated to and distributed among the department and subdivisions designated as follows:

- (1) Of the net amount in the motor vehicle highway account the auditor of state shall set aside for the cities and towns of the state ~~fifteen~~ ~~seventeen~~ percent (~~15%~~) (17%) thereof. ~~The sum shall first be allocated equally among the districts maintained by the department. This sum~~ The amount allocated to each district shall then be allocated to the cities and towns of the district upon the basis that the population of each city and town bears to the total population of all the cities and towns in the district and shall be used for the construction or reconstruction and maintenance of streets and alleys and shall be annually budgeted as now provided by law.

However, no part of such sum shall be used for any other purpose than for the purposes defined in this chapter. If any funds allocated to any city or town shall be used by any officer or officers of such city or town for any purpose or purposes other than for the purposes as defined in this chapter, such officer or officers shall be liable upon their official bonds to such city or town in such amount so used for other purposes than for the purposes as defined in this chapter, together with the costs of said action and reasonable attorney fees, recoverable in an action or suit instituted in the name of the state of Indiana on the relation of any taxpayer or taxpayers resident of such city or town. A monthly distribution thereof of funds accumulated during the preceding month shall be made by the auditor of state.

(2) Of the net amount in the motor vehicle highway account, the auditor of state shall set aside for the counties of the state ~~thirty-two~~ **thirty-six** percent (~~32%~~) **(36%)** thereof. However, as to the allocation to cities and towns under subdivision (1) and as to the allocation to counties under this subdivision, in the event that the amount in the motor vehicle highway account fund remaining after refunds and after the payment of all expenses incurred in the collection thereof shall be less than twenty-two million six hundred and fifty thousand dollars (\$22,650,000) in any fiscal year, then the amount so set aside in the next calendar year for distributions to counties shall be reduced fifty-four percent (54%) of such deficit and the amount so set aside for distribution in the next calendar year to cities and towns shall be reduced thirteen percent (13%) of such deficit. Such reduced distributions shall begin with the distribution January 1 of each year.

(3) The amount set aside for the counties of the state under the provisions of subdivision (2) shall be allocated monthly **in equal amounts to each district maintained by the department. An amount allocated to a district shall be further allocated to each county in the district** upon the following basis:

(A) Five percent (5%) of the amount allocated to the ~~counties~~ **district** to be divided equally among the ~~ninety-two~~ **(92)** counties **in the district.**

(B) Sixty-five percent (65%) of the amount allocated to the ~~counties~~ **district** to be divided **among the counties in the district** on the basis of the ratio of the actual miles, now traveled and in use, of county roads in each county to the total mileage of county roads in the ~~state;~~ **district**, which shall be annually determined, accurately, by the department and submitted to the auditor of state before April 1 of each year.

(C) Thirty percent (30%) of the amount allocated to the ~~counties~~ **district** to be divided **among the counties in the district** on the basis of the ratio of the motor vehicle registrations of each county to the total motor vehicle registration of the ~~state;~~ **district.**

All money so distributed to the several counties of the state shall constitute a special road fund for each of the respective counties and shall be under the exclusive supervision and direction of the board of county commissioners in the construction, reconstruction, maintenance, or repair of the county highways or bridges on such county highways within such county.

(4) Each month the remainder of the net amount in the motor vehicle highway account shall be credited to the state highway fund for the use of the department.

(5) Money in the fund may not be used for any toll road or toll bridge project.

(6) Notwithstanding any other provisions of this section, money in the motor vehicle highway account fund may be appropriated to the Indiana department of transportation from the ~~forty-seven~~ **fifty-three** percent (~~47%~~) **(53%)**

distributed to the political subdivisions of the state to pay the costs incurred by the department in providing services to those subdivisions.

(7) Notwithstanding any other provisions of this section or of IC 8-14-8, for the purpose of maintaining a sufficient working balance in accounts established primarily to facilitate the matching of federal and local money for highway projects, money may be appropriated to the Indiana department of transportation as follows:

(A) One-half (1/2) from the ~~forty-seven~~ **fifty-three** percent (~~47%~~) **(53%)** set aside under subdivisions (1) and (2) for counties and for those cities and towns with a population greater than five thousand (5,000).

(B) One-half (1/2) from the distressed road fund under IC 8-14-8.

SECTION 2. IC 8-14-1-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 6.5. (a) The following definitions apply throughout this section:**

(1) "Minority business enterprise" has the meaning set forth in IC 4-13-16.5-1.

(2) "Veteran business enterprise" means a business enterprise that has a current verification as a veteran owned small business concern under 38 CFR 74 et seq. by the Center of Veterans Enterprise of the United States Department of Veterans Affairs.

(3) "Women's business enterprise" has the meaning set forth in IC 4-13-16.5-1.3.

(b) The department and each county, city, and town shall establish a program to facilitate participation by:

(1) minority business enterprises;

(2) veteran business enterprises; and

(3) women's business enterprises;

in any project that is paid for in whole or in part by money distributed from the motor vehicle highway account."

Page 33, between lines 24 and 25, begin a new paragraph and insert:

"SECTION 43. IC 8-14-15-8, AS AMENDED BY P.L.35-2012, SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 8. (a) The trustee shall:**

(1) administer and manage the trust;

(2) establish a local revolving loan program for transportation projects as provided in section 8.5 of this chapter;

~~(2)~~ **(3) invest the money in the trust not needed for the revolving loan program; and**

~~(3)~~ **(4) deposit in the trust loan payments and any interest that accrues from the investment of these funds.**

(b) Notwithstanding IC 5-13, the trustee shall invest the money in the trust not currently needed to meet the obligations of the trust in the same manner as money is invested by the Indiana public retirement system under IC 5-10.3-5. However, the trustee may not invest the money in the trust in equity securities. The trustee shall also comply with the prudent investor rule set forth in IC 30-4-3.5. The trustee may contract with investment management professionals, investment advisors, and legal counsel to assist in the investment of the trust and may pay the state expenses incurred under those contracts from the trust.

(c) IC 4-9.1-1-8 and IC 4-9.1-1-9 do not apply to a trust established under this chapter.

(d) Money in the trust at the end of a state fiscal year does not revert to the state general fund.

SECTION 44. IC 8-14-15-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 8.5. (a) The authority shall establish a revolving loan program for counties, cities, and towns to receive money to carry out transportation projects.**

(b) The authority shall adopt uniform guidelines for the revolving loan program. The guidelines must apply uniformly to all loans and provide for at least the following:

- (1) Application procedures.
- (2) Transportation project standards for eligibility.
- (3) The maximum amount of money for which any county, city, or town transportation project is eligible.
- (4) Whether local matching funds are required.
- (5) Loan terms, including the interest rate charged on loans, which may not exceed an annual rate of three percent (3%).
- (6) Other provisions to administer the loan program.

(c) A county, city, or town may use money from a loan for planning, designing, constructing, renovating, or improving a transportation project and other activities necessary or convenient to complete these tasks."

Page 34, delete lines 30 through 42.

Page 35, delete lines 1 through 40.

Page 36, delete lines 3 through 42.

Page 37, delete lines 1 through 23.

Page 39, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 48. IC 8-23-9-4.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 4.6. (a) As used in this section, "resident of Indiana" means a person who is at least eighteen (18) years of age and is one (1) of the following:

- (1) A person who has registered a motor vehicle in Indiana.
- (2) A person who is registered to vote in Indiana.
- (3) A person who has a child enrolled in an elementary or a secondary school located in Indiana.
- (4) A person who derives more than one-half (1/2) of the person's gross income (as defined in Section 61 of the Internal Revenue Code) from sources in Indiana, according to the provisions applicable to determining the source of adjusted gross income under IC 6-3-2-2. However, a person who would otherwise be considered a resident of Indiana under this subdivision is not a resident of Indiana if a preponderance of the evidence concerning the factors set forth in subdivisions (1) through (3) proves that the person is not a resident of Indiana.
- (5) A person who:
 - (A) works from an office in Indiana;
 - (B) is on the payroll of a business located in Indiana;
 - (C) possesses a telephone with a telephone number that has an Indiana area code; or
 - (D) has a permanent place of doing business in Indiana;

for at least thirteen (13) months before entering into a contract or subcontract under this chapter.

(b) A contract for a public works project under this chapter may not be awarded to a contractor that does not:

- (1) employ residents of Indiana as at least ninety percent (90%) of the employees of the contractor who will work on the contract; and
- (2) enter into subcontracts only with subcontractors that employ residents of Indiana as at least ninety percent (90%) of the employees who will work on the subcontract.

(c) Before August 15, 2018, and before August 15 each year thereafter, the department shall file with the legislative council a report stating:

- (1) for each contractor awarded a contract under this chapter; and
- (2) for each subcontractor with which a contractor referred to in subdivision (1) entered into a contract in connection with a contract awarded under this

chapter;

the percentage of the employees of the contractor or subcontractor who work on the contract and are residents of Indiana. The report to the legislative council must be in an electronic format under IC 5-14-6.

(d) A contract awarded under this chapter for a public works project is terminated if the department determines that the contractor has failed to:

- (1) employ residents of Indiana as at least ninety percent (90%) of the employees who work on the contract; and
- (2) enter into subcontracts only with subcontractors that employ residents of Indiana as at least ninety percent (90%) of the employees who work on the subcontract.

(e) A contractor or subcontractor that fails to employ residents of Indiana as at least ninety percent (90%) of the employees who work on the contract or subcontract commits a Class B infraction for each nonresident of Indiana employed that exceeds the number of nonresident employees permitted by this section.

(f) If:

- (1) a contract or subcontract subject to this section is funded in whole or in part with federal funds; and
- (2) imposing the requirements of this section would cause the state to lose the federal funds for the contract, as determined by the federal agency providing the funds;

subsections (a) through (e) do not apply.

(g) If an agency of the federal government makes a determination under subsection (f) that causes a contract to be exempted from the requirements of subsections (a) through (e), this section is meant to express the view of the general assembly that expanding employment opportunities for Indiana residents remains a vital part of the state's economy.

(h) A contract exempted from the requirements of subsections (a) through (e) may not reference the employment of Indiana residents. The department may not consider the number of employment opportunities for Indiana residents when doing any of the following with respect to a project subject to a contract that is exempted from the requirements of subsections (a) through (e):

- (1) Issuing a request for proposals.
- (2) Issuing a bulletin inviting bids for the contract.
- (3) Prequalifying a contractor for the contract.
- (4) Evaluating a bid for the contract.

(i) This section does not apply to contracts entered into to perform work:

- (1) resulting from an emergency; or
- (2) performed by an artisan or by someone in a specialty area with limited persons able to perform the work.

SECTION 49. IC 8-23-9-23.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 23.5. (a) As used in this section, "Indiana business" refers to any of the following:

- (1) A business whose principal place of business is located in Indiana.
- (2) A business that pays a majority of its payroll (in dollar volume) to residents of Indiana.
- (3) A business that employs residents of Indiana as a majority of its employees.
- (4) A business that makes significant capital investments in Indiana as determined by the Indiana department of administration.
- (5) A business that has a substantial positive economic impact on Indiana as determined by the Indiana department of administration.

(b) Except as prohibited by federal law, there is a ten

percent (10%) price preference for an Indiana business that:

- (1) submits a bid for the performance of work on a highway project; and
- (2) claims the preference under subsection (e).

(c) Notwithstanding any statute that requires the award of a contract to the lowest responsive and responsible bidder or the lowest responsive and responsible quoter, but subject to subsection (d) and any federal statute or regulation to the contrary, a contract shall be awarded to the lowest responsive and responsible Indiana business that claims the preference provided by this section.

(d) Notwithstanding subsection (c), a contract shall be awarded to the lowest responsive and responsible bidder or quoter, regardless of the preference provided in this section, if the lowest responsive and responsible bidder or quoter is an Indiana business.

(e) To claim the preference provided under this section, a business must do all the following:

- (1) State in the business's bid that the business claims the preference provided by this section.
- (2) Provide the following information to the department and the Indiana department of administration:

(A) The location of the business's principal place of business. If the business claims the preference as an Indiana business described in subsection (a)(1), a statement explaining the reasons the business considers the location named as the business's principal place of business.

(B) The amount of the business's total payroll and the amount of the business's payroll paid to residents of Indiana.

(C) The number of the business's employees and the number of the business's employees who are residents of Indiana.

(D) If the business claims the preference as an Indiana business described in subsection (a)(4), a description of the capital investments made in Indiana and a statement of the amount of those capital investments.

(E) If the business claims the preference as an Indiana business described in subsection (a)(5), a description of the substantial positive economic impact the business has on Indiana.

SECTION 50. IC 8-23-9-55 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 55. (a) Except as provided in subsection (b), money in the state highway fund shall be used for the following:

- (1) Operation of the department.
- (2) Construction, reconstruction, operation, maintenance, and control of the state highways that are the responsibility of the department and of tollways that are the responsibility of the department under IC 8-15-3.

(b) Money credited to the state highway fund from the motor vehicle highway fund under IC 8-14-1-3(4) after June 30, 2017, must be allocated equally among the districts maintained by the department. At least eighty percent (80%) of the money allocated to a district under this subsection must be used for the construction, reconstruction, operation, maintenance, and control of the state highways, bridges, and tollways under IC 8-15-3 that:

- (1) are the responsibility of the department; and
- (2) were in existence on July 1, 2017.

SECTION 51. IC 8-23-9-60 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 60. (a) The definitions in IC 3-5-2 apply to this section to the extent they do not conflict with the definitions in this chapter.

(b) The following definitions apply throughout this chapter:

(1) "Candidate" refers to any of the following:

- (A) A candidate for a state office.
- (B) A candidate for a legislative office.

(2) "Committee" refers to any of the following:

- (A) A candidate's committee.
- (B) A committee organized by a legislative caucus of the house of representatives of the general assembly.
- (C) A committee organized by a legislative caucus of the senate of the general assembly.

(3) "Officer" refers only to either of the following:

- (A) An individual listed as an officer of a corporation in the corporation's most recent annual report.
- (B) An individual who is a successor to an individual described in clause (A).

(c) For purposes of this section, a person is considered to have an interest in a contractor if the person satisfies any of the following:

- (1) The person holds at least a one percent (1%) interest in the contractor.
- (2) The person is an officer of the contractor.
- (3) The person is an officer of a person that holds at least a one percent (1%) interest in the contractor.
- (4) The person is a political action committee of the contractor.

(d) A contractor is considered to have made a contribution if a contribution is made by a person who has an interest in the contractor.

(e) A contractor or a person who has an interest in a contractor may not make a contribution to a candidate or a committee during the following periods:

- (1) The term during which the contractor is a party to a contract entered into under this article.
- (2) The three (3) years following the final expiration or termination of the contract described in subdivision (1).

(f) A person who knowingly or intentionally violates this section commits a Level 6 felony."

Page 43, delete lines 12 through 42.

Delete page 44.

Page 45, delete lines 1 through 2.

Page 45, delete lines 35 through 42, begin a new paragraph and insert:

"SECTION 55. IC 36-1-8-19 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 19. Notwithstanding any other law, if:

- (1) a unit holds money that is designated for the construction or repair of roads or bridges, regardless of the account or fund in which the money is held;
- (2) the money is not needed for the construction of a road or bridge for which the unit is responsible; and
- (3) the money is not otherwise obligated;

the fiscal body of the unit may expend the money for any infrastructure need of the unit.

SECTION 56. IC 36-1-12-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 5.5. (a) As used in this section, "resident of Indiana" means a person who is at least eighteen (18) years of age and is one (1) of the following:

- (1) A person who has registered a motor vehicle in Indiana.
- (2) A person who is registered to vote in Indiana.
- (3) A person who has a child enrolled in an elementary or a secondary school located in Indiana.
- (4) A person who derives more than one-half (1/2) of the person's gross income (as defined in Section 61 of the Internal Revenue Code) from sources in Indiana, according to the provisions applicable to determining the source of adjusted gross income under IC 6-3-2-2.

However, a person who would otherwise be considered a resident of Indiana under this subdivision is not a resident of Indiana if a preponderance of the evidence concerning the factors set forth in subdivisions (1) through (3) proves that the person is not a resident of Indiana.

(5) A person who:

- (A) works from an office in Indiana;
- (B) is on the payroll of a business located in Indiana;
- (C) possesses a telephone with a telephone number that has an Indiana area code; or
- (D) has a permanent place of doing business in Indiana;

for at least thirteen (13) months before entering into a contract or subcontract under this chapter.

(b) A contract for a public works project under this chapter may not be awarded to a contractor that does not:

- (1) employ residents of Indiana as at least ninety percent (90%) of the employees of the contractor who will work on the contract; and
- (2) enter into subcontracts only with subcontractors that employ residents of Indiana as at least ninety percent (90%) of the employees who will work on the subcontract.

(c) A contract awarded under this chapter for a public works project is terminated if the unit determines that the contractor has failed to:

- (1) employ residents of Indiana as at least ninety percent (90%) of the employees who work on the contract; and
- (2) enter into subcontracts only with subcontractors that employ residents of Indiana as at least ninety percent (90%) of the employees who work on the subcontract.

(d) A contractor or subcontractor that fails to employ residents of Indiana as at least ninety percent (90%) of the employees who work on the contract or subcontract commits a Class B infraction for each nonresident of Indiana employed that exceeds the number of nonresident employees permitted by this section.

(e) If:

- (1) a contract or subcontract subject to this section is funded in whole or in part with federal funds; and
- (2) imposing the requirements of this section would cause the state to lose the federal funds for the contract, as determined by the federal agency providing the funds;

subsections (a) through (d) do not apply.

(f) If an agency of the federal government makes a determination under subsection (e) that causes a contract to be exempted from the requirements of subsections (a) through (d), this section is meant to express the view of the general assembly that expanding employment opportunities for Indiana residents remains a vital part of the state's economy.

(g) A contract exempted from the requirements of subsections (a) through (d) may not reference the employment of Indiana residents. A unit may not consider the number of employment opportunities for Indiana residents when doing any of the following with respect to a project subject to a contract that is exempted from the requirements of subsections (a) through (d):

- (1) Issuing a request for proposals.
- (2) Issuing a bulletin inviting bids for the contract.
- (3) Prequalifying a contractor for the contract.
- (4) Evaluating a bid for the contract.

(h) This section does not apply to contracts entered into to perform work:

- (1) resulting from an emergency; or
- (2) performed by an artisan or by someone in a

specialty area with limited persons able to perform the work.

SECTION 57. IC 36-1-12-25 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 25. (a) The definitions in IC 3-5-2 apply to this section to the extent they do not conflict with the definitions in this chapter.

(b) The following definitions apply throughout this chapter:

(1) "Candidate" refers to any of the following:

- (A) A candidate for a state office.
- (B) A candidate for a legislative office.

(2) "Committee" refers to any of the following:

- (A) A candidate's committee.
- (B) A committee organized by a legislative caucus of the house of representatives of the general assembly.
- (C) A committee organized by a legislative caucus of the senate of the general assembly.

(3) "Officer" refers only to either of the following:

- (A) An individual listed as an officer of a corporation in the corporation's most recent annual report.
- (B) An individual who is a successor to an individual described in clause (A).

(c) For purposes of this section, a person is considered to have an interest in a contractor if the person satisfies any of the following:

- (1) The person holds at least a one percent (1%) interest in the contractor.
- (2) The person is an officer of the contractor.
- (3) The person is an officer of a person that holds at least a one percent (1%) interest in the contractor.
- (4) The person is a political action committee of the contractor.

(d) A contractor is considered to have made a contribution if a contribution is made by a person who has an interest in the contractor.

(e) A contractor or a person who has an interest in a contractor may not make a contribution to a candidate or a committee during the following periods:

- (1) The term during which the contractor is a party to a contract entered into under this article.
- (2) The three (3) years following the final expiration or termination of the contract described in subdivision (1).

(f) A person who knowingly or intentionally violates this section commits a Level 6 felony.

SECTION 17. IC 36-9-42.2-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 6.5. Under the program, an eligible entity may not exchange more than ninety-five percent (95%) of the federal funds allocated to the eligible entity.

SECTION 18. IC 36-9-42.2-8, AS ADDED BY P.L.141-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 8. An exchange agreement must provide the following:

- (1) The eligible entity may exchange only federal funds for state funds.
- (2) The eligible entity may use state funds only for a capital project that will fulfill the purpose of the original federal project award and that is approved by the department.
- (3) If the eligible entity uses state funds to replace local funds in order to use the local funds for purposes unrelated to transportation, the eligible entity:
 - (A) must repay the state funds to the department; and
 - (B) may not participate in the program during the succeeding fiscal year.
- (4) An exchange rate of not less than seventy-five cents

~~(\$0.75)~~ **one dollar (\$1)** of state funds for each one dollar (\$1) of federal funds.

(5) The eligible entity agrees to provide local matching funds equal to not less than ten percent (10%) of the estimated project cost.

(6) The department will disburse the state funds to the eligible entity on a reimbursement basis."

Delete pages 46 through 49.

Page 50, delete lines 1 through 35, begin a new paragraph and insert:

"SECTION 62. [EFFECTIVE JULY 1, 2017] **(a) There is appropriated to the Indiana department of transportation ten million dollars (\$10,000,000) from the state general fund for the South Shore extension beginning July 1, 2018, and ending June 30, 2019.**

(b) This SECTION expires January 1, 2020."

Re-number all SECTIONS consecutively.

(Reference is to HB 1002 as printed February 10, 2017.)

FORESTAL

Upon request of Representatives Pelath and Forestal, the Speaker ordered the roll of the House to be called. Roll Call 119: yeas 30, nays 64. Motion failed.

Representative Ober, who had been present, is now excused.

HOUSE MOTION
(Amendment 1002-8)

Mr. Speaker: I move that House Bill 1002 be amended to read as follows:

Page 12, delete lines 12 through 39.

Page 14, delete lines 2 through 42.

Delete pages 15 through 29.

Page 30, delete lines 1 through 7.

Page 50, delete lines 20 through 35.

Re-number all SECTIONS consecutively.

(Reference is to HB 1002 as printed February 10, 2017.)

PORTER

Upon request of Representatives Pelath and Porter, the Speaker ordered the roll of the House to be called. Roll Call 120: yeas 29, nays 61. Motion failed.

HOUSE MOTION
(Amendment 1002-9)

Mr. Speaker: I move that House Bill 1002 be amended to read as follows:

Page 45, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 64. IC 22-2-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 3. As used in this chapter:

"Commissioner" means the commissioner of labor or the commissioner's authorized representative.

"Department" means the department of labor.

"Occupation" means an industry, trade, business, or class of work in which employees are gainfully employed.

"Employer" means any individual, partnership, association, limited liability company, corporation, business trust, the state, or other governmental agency or political subdivision during any work week in which they have two (2) or more employees. However, **except as provided in section 14 of this chapter**, it shall not include any employer who is subject to the minimum wage provisions of the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. ~~201-209~~; **201 et seq.**)

"Employee" means any person employed or permitted to work or perform any service for remuneration or under any contract of hire, written or oral, express or implied by an employer in any occupation, but shall not include any of the following:

(a) Persons less than sixteen (16) years of age.

(b) Persons engaged in an independently established trade, occupation, profession, or business who, in performing the

services in question, are free from control or direction both under a contract of service and in fact.

(c) Persons performing services not in the course of the employing unit's trade or business.

(d) Persons employed on a commission basis.

(e) Persons employed by their own parent, spouse, or child.

(f) Members of any religious order performing any service for that order, any ordained, commissioned, or licensed minister, priest, rabbi, sexton, or Christian Science reader, and volunteers performing services for any religious or charitable organization.

(g) Persons performing services as student nurses in the employ of a hospital or nurses training school while enrolled and regularly attending classes in a nurses training school chartered or approved under law, or students performing services in the employ of persons licensed as both funeral directors and embalmers as a part of their requirements for apprenticeship to secure an embalmer's license or a funeral director's license from the state, or during their attendance at any schools required by law for securing an embalmer's or funeral director's license.

(h) Persons who have completed a four (4) year course in a medical school approved by law when employed as interns or resident physicians by any accredited hospital.

(i) Students performing services for any school, college, or university in which they are enrolled and are regularly attending classes.

(j) Persons with physical or mental disabilities performing services for nonprofit organizations organized primarily for the purpose of providing employment for persons with disabilities or for assisting in their therapy and rehabilitation.

(k) Persons employed as insurance producers, insurance solicitors, and outside salesmen, if all their services are performed for remuneration solely by commission.

(l) Persons performing services for any camping, recreational, or guidance facilities operated by a charitable, religious, or educational nonprofit organization.

(m) Persons engaged in agricultural labor. The term shall include only services performed:

(1) on a farm, in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and furbearing animals and wildlife;

(2) in the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement, or maintenance of the farm and its tools and equipment if the major part of the service is performed on a farm;

(3) in connection with:

(A) the production or harvesting of maple sugar or maple syrup or any commodity defined as an agricultural commodity in the Agricultural Marketing Act, as amended (12 U.S.C. 1141j);

(B) the raising or harvesting of mushrooms;

(C) the hatching of poultry; or

(D) the operation or maintenance of ditches, canals, reservoirs, or waterways used exclusively for supplying and storing water for farming purposes; and

(4) in handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage, to market, or to a carrier for transportation to market, any agricultural or horticultural commodity, but only if service is performed as an incident to ordinary

farming operation or, in the case of fruits and vegetables, as an incident to the preparation of fruits and vegetables for market. However, this exception shall not apply to services performed in connection with any agricultural or horticultural commodity after its delivery to a terminal market or processor for preparation or distribution for consumption.

As used in this subdivision, "farm" includes stock, dairy, poultry, fruit, furbearing animals, and truck farms, nurseries, orchards, or greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities.

(n) Those persons employed in executive, administrative, or professional occupations who have the authority to employ or discharge and who earn one hundred fifty dollars (\$150) or more a week, and outside salesmen.

(o) Any person not employed for more than four (4) weeks in any four (4) consecutive three (3) month periods.

(p) Any employee with respect to whom the Interstate Commerce Commission has power to establish qualifications and maximum hours of service under the federal Motor Carrier Act of 1935 (49 U.S.C. 304(3)) or any employee of a carrier subject to IC 8-2.1.

SECTION 65. IC 22-2-2-4, AS AMENDED BY P.L.165-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 4. (a) Every employer employing four (4) or more employees during a work week shall:

(1) in any work week beginning on or after July 1, 1968, in which the employer is subject to the provisions of this chapter, pay each of the employer's employees wages of not less than one dollar and twenty-five cents (\$1.25) per hour;

(2) in any work week beginning on or after July 1, 1977, in which the employer is subject to this chapter, pay each of the employer's employees wages of not less than one dollar and fifty cents (\$1.50) per hour;

(3) in any work week beginning on or after January 1, 1978, in which the employer is subject to this chapter, pay each of the employer's employees wages of not less than one dollar and seventy-five cents (\$1.75) per hour; and

(4) in any work week beginning on or after January 1, 1979, in which the employer is subject to this chapter, pay each of the employer's employees wages of not less than two dollars (\$2) per hour.

(b) Except as provided in subsection (c), every employer employing at least two (2) employees during a work week shall, in any work week in which the employer is subject to this chapter, pay each of the employees in any work week beginning on and after July 1, 1990, and before October 1, 1998, wages of not less than three dollars and thirty-five cents (\$3.35) per hour.

(c) An employer subject to subsection (b) is permitted to apply a "tip credit" in determining the amount of cash wage paid to tipped employees. In determining the wage an employer is required to pay a tipped employee, the amount paid the employee by the employee's employer shall be an amount equal to:

(1) the cash wage paid the employee, which for purposes of the determination shall be not less than the cash wage required to be paid to employees covered under the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 203(m)(1)) on August 20, 1996, which amount is two dollars and thirteen cents (\$2.13) an hour; and

(2) an additional amount on account of the tips received by the employee, which amount is equal to the difference between the wage specified in subdivision (1) and the wage in effect under subsections (b), (f), (g), and (h), and (i).

An employer is responsible for supporting the amount of tip credit taken through reported tips by the employees.

(d) No employer having employees subject to any provisions of this section shall discriminate, within any establishment in which employees are employed, between employees on the basis of sex by paying to employees in such establishment a rate less than the rate at which the employer pays wages to employees of the opposite sex in such establishment for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions, except where such payment is made pursuant to:

(1) a seniority system;

(2) a merit system;

(3) a system which measures earnings by quantity or quality of production; or

(4) a differential based on any other factor other than sex.

(e) An employer who is paying a wage rate differential in violation of subsection (d) shall not, in order to comply with subsection (d), reduce the wage rate of any employee, and no labor organization, or its agents, representing employees of an employer having employees subject to subsection (d) shall cause or attempt to cause such an employer to discriminate against an employee in violation of subsection (d).

(f) Except as provided in subsection (c), every employer employing at least two (2) employees during a work week shall, in any work week in which the employer is subject to this chapter, pay each of the employees in any work week beginning on or after October 1, 1998, and before March 1, 1999, wages of not less than four dollars and twenty-five cents (\$4.25) per hour.

(g) Except as provided in subsections (c) and (f), (k), every employer employing at least two (2) employees during a work week shall, in any work week in which the employer is subject to this chapter, pay each of the employees in any work week beginning on or after March 1, 1999, and before July 1, 2007, wages of not less than five dollars and fifteen cents (\$5.15) an hour.

(h) Except as provided in subsections (c) and (f), (k), every employer employing at least two (2) employees during a work week shall, in any work week in which the employer is subject to this chapter, pay each of the employees in any work week beginning on or after June 30, 2007, and before July 1, 2017, wages of not less than the minimum wage payable under the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201 et seq.).

(i) Except as provided in subsections (c) and (k), every employer shall, in any work week in which the employer is subject to this chapter, pay each of the employees in any work week beginning after June 30, 2017, and continuing for each subsequent June 30, an increase in the hourly minimum wage set by this section using the percentage of increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers determined for the preceding calendar year. The amount of the increase established under this subsection is equal to the amount determined in STEP FOUR of the following formula:

STEP ONE: Round the percentage increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers determined for the preceding calendar year to the nearest tenth of a percent (0.1%).
STEP TWO: Express the STEP ONE result as a decimal to the one thousandth (0.001) place.
STEP THREE: Multiply the STEP TWO result by one hundred (100).
STEP FOUR: Multiply the STEP THREE result by one dollar (\$1.00).

(j) This section does not apply if an employee:

(1) provides companionship services to the aged and infirm (as defined in 29 CFR 552.6); and

(2) is employed by an employer or agency other than the family or household using the companionship services, as provided in 29 CFR 552.109 (a).

(†) (k) This subsection applies only to an employee who has not attained the age of twenty (20) years. Instead of the rates prescribed by subsections (c), (f), (g), ~~and~~ (h), **and (i)**, an employer may pay an employee of the employer, during the first ninety (90) consecutive calendar days after the employee is initially employed by the employer, a wage which is not less than

(1) ~~four dollars and twenty-five cents (\$4.25) per hour, effective March 1, 1999; and~~

(2) the amount payable under the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201 et seq.), during the first ninety (90) consecutive calendar days after initial employment to an employee who has not attained twenty (20) years of age. ~~effective July 1, 2007.~~

However, no employer may take any action to displace employees (including partial displacements such as reduction in hours, wages, or employment benefits) for purposes of hiring individuals at the wage authorized in this subsection.

(†) (l) Except as otherwise provided in this section, no employer shall employ any employee for a work week longer than forty (40) hours unless the employee receives compensation for employment in excess of the hours above specified at a rate not less than one and one-half (1.5) times the regular rate at which the employee is employed.

(†) (m) For purposes of this section the following apply:

(1) "Overtime compensation" means the compensation required by subsection ~~(k)~~ (l).

(2) "Compensatory time" and "compensatory time off" mean hours during which an employee is not working, which are not counted as hours worked during the applicable work week or other work period for purposes of overtime compensation, and for which the employee is compensated at the employee's regular rate.

(3) "Regular rate" means the rate at which an employee is employed is considered to include all remuneration for employment paid to, or on behalf of, the employee, but is not considered to include the following:

(A) Sums paid as gifts, payments in the nature of gifts made at Christmas time or on other special occasions, as a reward for service, the amounts of which are not measured by or dependent on hours worked, production, or efficiency.

(B) Payments made for occasional periods when no work is performed due to vacation, holiday, illness, failure of the employer to provide sufficient work, or other similar cause, reasonable payments for traveling expenses, or other expenses, incurred by an employee in the furtherance of the employer's interests and properly reimbursable by the employer, and other similar payments to an employee which are not made as compensation for the employee's hours of employment.

(C) Sums paid in recognition of services performed during a given period if:

(i) both the fact that payment is to be made and the amount of the payment are determined at the sole discretion of the employer at or near the end of the period and not pursuant to any prior contract, agreement, or promise causing the employee to expect the payments regularly;

(ii) the payments are made pursuant to a bona fide profit sharing plan or trust or bona fide thrift or savings plan, meeting the requirements of the administrator set forth in appropriately issued regulations, having due regard among other relevant factors, to the extent to which the amounts paid to the employee are determined without regard to hours of work, production, or efficiency; or

(iii) the payments are talent fees paid to performers, including announcers, on radio and television programs.

(D) Contributions irrevocably made by an employer to a trustee or third person pursuant to a bona fide plan for providing old age, retirement, life, accident, or health insurance or similar benefits for employees.

(E) Extra compensation provided by a premium rate paid for certain hours worked by the employee in any day or work week because those hours are hours worked in excess of eight (8) in a day or in excess of the maximum work week applicable to the employee under subsection ~~(k)~~ (l) or in excess of the employee's normal working hours or regular working hours, as the case may be.

(F) Extra compensation provided by a premium rate paid for work by the employee on Saturdays, Sundays, holidays, or regular days of rest, or on the sixth or seventh day of the work week, where the premium rate is not less than one and one-half (1.5) times the rate established in good faith for like work performed in nonovertime hours on other days.

(G) Extra compensation provided by a premium rate paid to the employee, in pursuance of an applicable employment contract or collective bargaining agreement, for work outside of the hours established in good faith by the contract or agreement as the basic, normal, or regular workday (not exceeding eight (8) hours) or work week (not exceeding the maximum work week applicable to the employee under subsection ~~(k)~~ (l) where the premium rate is not less than one and one-half (1.5) times the rate established in good faith by the contract or agreement for like work performed during the workday or work week.

(†) (n) No employer shall be considered to have violated subsection ~~(k)~~ (l) by employing any employee for a work week in excess of that specified in subsection ~~(k)~~ (l) without paying the compensation for overtime employment prescribed therein if the employee is so employed:

(1) in pursuance of an agreement, made as a result of collective bargaining by representatives of employees certified as bona fide by the National Labor Relations Board, which provides that no employee shall be employed more than one thousand forty (1,040) hours during any period of twenty-six (26) consecutive weeks; or

(2) in pursuance of an agreement, made as a result of collective bargaining by representatives of employees certified as bona fide by the National Labor Relations Board, which provides that during a specified period of fifty-two (52) consecutive weeks the employee shall be employed not more than two thousand two hundred forty (2,240) hours and shall be guaranteed not less than one thousand eight hundred forty (1,840) hours (or not less than forty-six (46) weeks at the normal number of hours worked per week, but not less than thirty (30) hours per week) and not more than two thousand eighty (2,080) hours of employment for which the employee shall receive compensation for all hours guaranteed or worked at rates not less than those applicable under the agreement to the work performed and for all hours in excess of the guaranty which are also in excess of the maximum work week applicable to the employee under subsection ~~(k)~~ (l) or two thousand eighty (2,080) in that period at rates not less than one and one-half (1.5) times the regular rate at which the employee is employed.

(†) (o) No employer shall be considered to have violated subsection ~~(k)~~ (l) by employing any employee for a work week in excess of the maximum work week applicable to the employee under subsection ~~(k)~~ (l) if the employee is employed pursuant to a bona fide individual contract, or pursuant to an agreement made as a result of collective bargaining by representatives of employees, if the duties of the employee

necessitate irregular hours of work, and the contract or agreement includes the following:

(1) Specifies a regular rate of pay of not less than the minimum hourly rate provided in subsections (c), ~~(h)~~, (i), ~~and~~ (j), ~~and~~ (k) (whichever is applicable) and compensation at not less than one and one-half (1.5) times that rate for all hours worked in excess of the maximum work week.

(2) Provides a weekly guaranty of pay for not more than sixty (60) hours based on the rates so specified.

~~(p)~~ (p) No employer shall be considered to have violated subsection ~~(k)~~ (l) by employing any employee for a work week in excess of the maximum work week applicable to the employee under that subsection if, pursuant to an agreement or understanding arrived at between the employer and the employee before performance of the work, the amount paid to the employee for the number of hours worked by the employee in the work week in excess of the maximum work week applicable to the employee under that subsection:

(1) in the case of an employee employed at piece rates, is computed at piece rates not less than one and one-half (1.5) times the bona fide piece rates applicable to the same work when performed during nonovertime hours;

(2) in the case of an employee performing two (2) or more kinds of work for which different hourly or piece rates have been established, is computed at rates not less than one and one-half (1.5) times those bona fide rates applicable to the same work when performed during nonovertime hours; or

(3) is computed at a rate not less than one and one-half (1.5) times the rate established by the agreement or understanding as the basic rate to be used in computing overtime compensation thereunder, provided that the rate so established shall be substantially equivalent to the average hourly earnings of the employee, exclusive of overtime premiums, in the particular work over a representative period of time;

and if the employee's average hourly earnings for the work week exclusive of payments described in this section are not less than the minimum hourly rate required by applicable law, and extra overtime compensation is properly computed and paid on other forms of additional pay required to be included in computing the regular rate.

~~(q)~~ (q) Extra compensation paid as described in this section shall be creditable toward overtime compensation payable pursuant to this section.

~~(r)~~ (r) No employer shall be considered to have violated subsection ~~(k)~~ (l) by employing any employee of a retail or service establishment for a work week in excess of the applicable work week specified therein, if:

(1) the regular rate of pay of the employee is in excess of one and one-half (1.5) times the minimum hourly rate applicable to the employee under section 2 of this chapter; and

(2) more than half of the employee's compensation for a representative period (not less than one (1) month) represents commissions on goods or services.

In determining the proportion of compensation representing commissions, all earnings resulting from the application of a bona fide commission rate shall be considered commissions on goods or services without regard to whether the computed commissions exceed the draw or guarantee.

~~(s)~~ (s) No employer engaged in the operation of a hospital or an establishment which is an institution primarily engaged in the care of the sick, the aged, or individuals with a mental illness or defect who reside on the premises shall be considered to have violated subsection ~~(k)~~ (l) if, pursuant to an agreement or understanding arrived at between the employer and the employee before performance of the work, a work period of fourteen (14) consecutive days is accepted in lieu of the work

week of seven (7) consecutive days for purposes of overtime computation and if, for the employee's employment in excess of eight (8) hours in any workday and in excess of eighty (80) hours in that fourteen (14) day period, the employee receives compensation at a rate not less than one and one-half (1.5) times the regular rate at which the employee is employed.

~~(t)~~ (t) No employer shall employ any employee in domestic service in one (1) or more households for a work week longer than forty (40) hours unless the employee receives compensation for that employment in accordance with subsection ~~(k)~~ (l).

~~(u)~~ (u) In the case of an employee of an employer engaged in the business of operating a street, a suburban or interurban electric railway, or a local trolley or motorbus carrier (regardless of whether or not the railway or carrier is public or private or operated for profit or not for profit), in determining the hours of employment of such an employee to which the rate prescribed by subsection ~~(k)~~ (l) applies, there shall be excluded the hours the employee was employed in charter activities by the employer if both of the following apply:

(1) The employee's employment in the charter activities was pursuant to an agreement or understanding with the employer arrived at before engaging in that employment.

(2) If employment in the charter activities is not part of the employee's regular employment.

~~(v)~~ (v) Any employer may employ any employee for a period or periods of not more than ten (10) hours in the aggregate in any work week in excess of the maximum work week specified in subsection ~~(k)~~ (l) without paying the compensation for overtime employment prescribed in subsection ~~(k)~~ (l), if during that period or periods the employee is receiving remedial education that:

(1) is provided to employees who lack a high school diploma or educational attainment at the eighth grade level;

(2) is designed to provide reading and other basic skills at an eighth grade level or below; and

(3) does not include job specific training.

~~(w)~~ (w) Subsection ~~(k)~~ (l) does not apply to an employee of a motion picture theater.

~~(x)~~ (x) Subsection ~~(k)~~ (l) does not apply to an employee of a seasonal amusement or recreational establishment, an organized camp, or a religious or nonprofit educational conference center that is exempt under the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 213).

SECTION 66. IC 22-2-2-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 14. (a) This section applies to an employer that is subject to the minimum wage provisions of the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201 et seq.).**

(b) Except as provided in subsection (c), if the minimum hourly wage required under section 4 of this chapter is higher than the minimum wage provisions of the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201 et seq.), an employer shall pay the minimum hourly wage required under section 4 of this chapter.

(c) The exception to payment of the minimum wage as required in subsection (b) does not apply to an employee subject to 29 U.S.C. 206 (g) or 29 U.S.C. 213."

Renumber all SECTIONS consecutively.

(Reference is to HB 1002 as printed February 10, 2017.)

BARTLETT

Representative Torr rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was not well taken.

APPEAL OF THE RULING OF THE CHAIR

Mr. Speaker: We hereby appeal the ruling of the Chair that amendment House Bill 1002-9 violates House Rule 80. The

amendment addresses a minimum wage increase based on the Consumer Price Index and is assuredly germane to the bill's subject matter of a gas tax increase based on the Consumer Price Index.

DVORAK
BARTLETT

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

The question was, Shall the ruling of the Chair be sustained? Roll Call 121: yeas 61, nays 30. The ruling of the Chair was sustained.

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

Representative Huston, who had been present, is now excused.

HOUSE MOTION
(Amendment 1002-10)

Mr. Speaker: I move that House Bill 1002 be amended to read as follows:

Page 33, delete lines 25 through 42, begin a new paragraph and insert:

"SECTION 46. IC 8-14.5-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. Except as provided in sections 2 and 5 of this chapter, the authority may, by resolution, issue and sell bonds or notes of the authority for the purpose of providing funds to carry out the provisions of this article with respect to the construction of a project or projects or the refunding of any bonds or notes, together with any reasonable costs associated with a refunding. However, the authority may not issue any bonds or notes **after June 30, 2025**, for the construction of a **highway railroad crossing upgrade project after July 1, 2007, described in IC 8-14.5-8. The amount of the bonds or notes issued for highway railroad crossing upgrade projects may not cause the annual payments on all the bonds and notes for this purpose to exceed ten million dollars (\$10,000,000).**"

Renumber all SECTIONS consecutively.

(Reference is to HB 1002 as printed February 10, 2017.)

DELANEY

Upon request of Representatives Pelath and Porter, the Speaker ordered the roll of the House to be called. Roll Call 122: yeas 30, nays 61. Motion failed.

Representative Cherry, who had been present, is now excused.

HOUSE MOTION
(Amendment 1002-12)

Mr. Speaker: I move that House Bill 1002 be amended to read as follows:

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

"SECTION 2. IC 5-22-2-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 23. (a) "Public funds" means money:

- (1) derived from the revenue sources of the governmental body; and
- (2) deposited into the general or a special fund of the governmental body.

(b) The term does not include either of the following:

- (1) Money ~~received by any~~ **paid to a person for** managing or operating a public facility under an authorized operating agreement under IC 5-23.
- (2) Proceeds of bonds payable exclusively by a private entity.

SECTION 3. IC 5-23-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. (a) BOT agreements may provide the following:

(1) The design, construction, operation, management, maintenance, or financing of the cost of a public facility shall be partially or entirely the responsibility of the operator.

(2) The governmental body shall lease the public facility and real property owned by the governmental body upon which the public facility is to be located to the operator for a predetermined period. The BOT agreement must provide for ownership of all improvements by the governmental body, unless the governmental body elects to provide for ownership of the public facility by the operator during the term of the BOT agreement. In this case, ownership reverts back to the governmental body upon the termination of the BOT agreement.

(3) The BOT agreement must identify which costs are to be the responsibility of the operator and which costs are to be the responsibility of the governmental body.

(4) The operator may be authorized to retain a mutually agreed upon percentage of the revenues received in the operation and management of the public facility, or the operator may be paid an amount established by the governmental body, which shall be applied as follows:

(A) Capital outlay costs for the public facility and public service plus interest and principal repayment for any debt incurred.

(B) Costs associated with the operation, management, and maintenance of the public facility.

(C) Payment to the governmental body for reimbursement of the costs of maintenance, law enforcement, and other services if the services are performed by the governmental body under the BOT agreement.

(D) An agreed upon return on investment to the operator.

(5) The operator may pay the governmental body either a lease payment or a percentage of gross revenue per month for the operator's operation and use of the public facility.

~~(6) The~~ (b) A BOT agreement ~~may~~ **must**:

(1) require a performance bond **in an amount that is at least eighty percent (80%) of the cost to design and construct the public facility;** and

(2) provide for the payment of contractors and subcontractors under IC 4-13.6-7, IC 5-16-5, or IC 36-1-12, whichever is applicable."

Page 37, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 54. IC 8-15.5-5-2, AS AMENDED BY P.L.91-2014, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. A public-private agreement entered into under this article must provide for the following:

(1) The original term of the public-private agreement, which may not exceed seventy-five (75) years.

(2) Provisions for a:

(A) lease, franchise, or license of the project and the real property owned by the authority upon which the project is located or is to be located; or

(B) management agreement or other contract to operate the project and the real property owned by the authority upon which the project is located or is to be located;

for a predetermined period. The public-private agreement must provide for ownership of all improvements and real property by the authority in the name of the state or by a governmental entity, or both.

(3) Monitoring of the operator's maintenance practices by the authority and the taking of actions by the authority that it considers appropriate to ensure that the project is properly maintained.

(4) The basis upon which user fees that may be collected by the operator, as determined under this article, are

established.

(5) Compliance with applicable state and federal laws and local ordinances.

(6) Grounds for termination of the public-private agreement by the authority or the operator.

(7) The date of termination of the operator's authority and duties under this article.

(8) Procedures for amendment of the agreement.

(9) Provisions requiring the completion of all environmental analyses of the project required by state and federal law in the manner and at the times required by the appropriate state and federal agencies.

(10) An expedited method for resolving disputes between or among the authority, the parties to the public-private agreement, and units of local government that contain any part of the project, as required by IC 8-15.5-10-8.

(11) For a public-private agreement entered into after June 30, 2017, bond requirements as follows:

(A) A performance bond in an amount that is at least eighty percent (80%) of the cost to design and construct the project.

(B) A payment bond conditioned on payment of the full amount of the cost for labor and material furnished for use in construction of the project.

SECTION 55. IC 8-15.7-5-1.5, AS ADDED BY P.L.85-2010, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1.5. In addition to the other requirements of this article, a public-private agreement entered into under this article must include the following:

(1) A requirement for the completion of all environmental analyses of the project required by state and federal law in the manner and at the times required by the appropriate state and federal agencies.

(2) A requirement for ownership by the department in the name of the state of Indiana of:

(A) all the real property on which the project is located; and

(B) all of the improvements on that real property.

(3) An expedited method for resolving disputes between or among the department, the parties to the public-private agreement, and affected jurisdictions, as required by IC 8-15.7-12-2.

(4) For a public-private agreement entered into after June 30, 2017, bond requirements as follows:

(A) A performance bond in an amount that is at least eighty percent (80%) of the cost to design and construct the project.

(B) A payment bond conditioned on payment of the full amount of the cost for labor and material furnished for use in construction of the project."

Renumber all SECTIONS consecutively.

(Reference is to HB 1002 as printed February 10, 2017.)

DELANEY

Upon request of Representatives Pelath and Porter, the Speaker ordered the roll of the House to be called. Roll Call 123: yeas 30, nays 60. Motion failed.

HOUSE MOTION
(Amendment 1002-3)

Mr. Speaker: I move that House Bill 1002 be amended to read as follows:

Page 37, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 52. IC 8-15.5-4-1.5, AS AMENDED BY P.L.213-2015, SECTION 110, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1.5. (a) This section applies only to a toll road project and not to a freeway project or a facility project.

(b) The authority may not issue a request for proposals for a

toll road project under this article unless the authority has received a preliminary feasibility study and an economic impact study for the project from the department, **conducted a public hearing, and concluded the periods for public comments and the authority's replies.**

(c) The economic impact study must, at a minimum, include an analysis of the following matters with respect to the proposed project:

(1) Economic impacts on existing commercial and industrial development.

(2) Potential impacts on employment.

(3) Potential for future development near the project area, including consideration of locations for interchanges that will maximize opportunities for development.

(4) Fiscal impacts on revenues to local units of government.

(5) Demands on government services, such as public safety, public works, education, zoning and building, and local airports.

The authority shall post a copy of the economic impact study on the authority's Internet web site and shall also provide copies of the study to the governor and the legislative council (in an electronic format under IC 5-14-6).

(d) After completion of the economic impact study, the authority must conduct a public hearing on the results of the study in the county seat of the county in which the proposed project would be located. At least ten (10) days before each public hearing, the authority shall:

(1) post notice of the public hearing on the authority's Internet web site;

(2) publish notice of the public hearing one (1) time in accordance with IC 5-3-1 in two (2) newspapers of general circulation in the county; and

(3) include in the notices under subdivisions (1) and (2):

(A) the date, time, and place of the hearing;

(B) the subject matter of the hearing;

(C) a description of the purpose of the economic impact study;

(D) a description of the proposed project and its location; and

(E) a statement concerning the availability of the study on the authority's Internet web site.

At the hearing, the authority shall allow the public to be heard on the economic impact study and the proposed project.

(e) For the thirty (30) days following the public hearing on the results of the economic impact study, the authority shall receive comments from the public on the proposed project. The comments may address any aspect of the proposed project.

(f) Within fifteen (15) days following the close of the public comment period, the authority shall publish on the authority's Internet web site the authority's replies to the public comments submitted to the authority during the public comment period.

SECTION 53. IC 8-15.7-4-1, AS AMENDED BY P.L.163-2011, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. (a) The department may request proposals from private entities for all or part of the development, financing, and operation of one (1) or more projects.

(b) If all or part of the project will consist of a tollway, the department shall take the following steps before the commencement of the procurement process under this chapter:

(1) Except as provided by subsection (c), the department shall cause to be prepared a preliminary feasibility study and an economic impact study on that part of the project consisting of a tollway by a firm or firms internationally recognized in the preparation of studies or reports on the financial feasibility and economic impact of proposed toll road projects. Before the preparation of the preliminary

feasibility study and the economic impact study, the department must conduct a public hearing on the proposed studies in the county seat of the county in which the proposed project would be located. At least ten (10) days before each public hearing, the authority shall:

- (A) post notice of the public hearing on the department's Internet web site;
- (B) publish notice of the public hearing one (1) time in accordance with IC 5-3-1 in two (2) newspapers of general circulation in the county in which the proposed project would be located; and
- (C) include in the notices under clauses (A) and (B):
 - (i) the date, time, and place of the hearing;
 - (ii) the subject matter of the hearing;
 - (iii) a description of the purpose of the proposed preliminary feasibility study and economic impact study; and
 - (iv) a description of the proposed project and its location.

At the hearing, the department shall allow the public to be heard on the proposed studies and the proposed project.

(2) The preliminary feasibility study must be based upon a public-private financial and project delivery structure. The economic impact study must, at a minimum, include an analysis of the following matters with respect to the proposed project:

- (A) Economic impacts on existing commercial and industrial development.
- (B) Potential impacts on employment.
- (C) Potential for future development near the project area, including consideration of locations for interchanges that will maximize opportunities for development.
- (D) Fiscal impacts on revenues to local units of government.
- (E) Demands on government services, such as public safety, public works, education, zoning and building, and local airports.

The department shall post copies of the preliminary feasibility study and the economic impact study on the department's Internet web site and shall also provide copies of the studies to the governor and to the legislative council (in an electronic format under IC 5-14-6).

(3) After the completion of the preliminary feasibility study and the economic impact statement, the department shall schedule a public hearing on the proposed project and the studies in the county seat of the county that would be an affected jurisdiction for purposes of the proposed project. At least ten (10) days before the public hearing, the department shall:

- (A) post notice of the public hearing on the department's Internet web site;
- (B) publish notice of the hearing one (1) time in accordance with IC 5-3-1 in two (2) newspapers of general circulation in the county; and
- (C) include the following in the notices under clauses (A) and (B):
 - (i) The date, time, and place of the hearing.
 - (ii) The subject matter of the hearing.
 - (iii) A description of the proposed project, its location, the part of the project consisting of a tollway, and, consistent with the assessments reached in the preliminary feasibility study, the estimated total cost of the acquisition, construction, installation, equipping, and improving of the proposed project, as well as the part of the project consisting of a tollway.
 - (iv) The address and telephone number of the department.
 - (v) A statement concerning the availability of the

preliminary feasibility study and the economic impact study on the department's Internet web site.

(4) At the hearing, the department shall allow the public to be heard on the proposed project, the preliminary feasibility study, and the economic impact study.

(5) For the thirty (30) days following the public hearing on the proposed project, the department shall receive comments from the public on the proposed project. The comments may address any aspect of the proposed project.

(6) Within fifteen (15) days following the close of the public comment period, the department shall publish on the department's Internet web site the department's replies to the public comments submitted to the department during the public comment period.

~~(5)~~ (7) After the completion of the public hearings response period described in subdivision ~~(3)~~; (6), the department shall submit the preliminary feasibility study, and the economic impact study, **the public comments received, and the department responses to the public comments** to the budget committee for its review before the commencement of the procurement process under this chapter. If the preliminary feasibility study or the economic impact study submitted for review provides for any tolls, the budget committee shall hold a meeting and conduct a review of the preliminary feasibility study and the economic impact study not later than ninety (90) days after the date the preliminary feasibility study and the economic impact study are submitted for review.

(c) The following provisions apply if the department determines that a feasibility study for the Illiana Expressway that was prepared before March 15, 2010, meets the requirements of subsection (b) concerning the preparation of a preliminary feasibility study:

(1) The department is not required to prepare an additional preliminary feasibility study.

(2) The requirement under subsection (b)(1) for a public hearing before preparation of a preliminary feasibility study does not apply. However, the requirement under subsection (b)(1) for a public hearing on the economic impact study does apply.

(3) The feasibility study prepared before March 15, 2010, is considered to be the preliminary feasibility study for purposes of subsection (b)(3) through (b)(5)."

Renumber all SECTIONS consecutively.

(Reference is to HB 1002 as printed February 10, 2017.)

PIERCE

Upon request of Representatives Porter and Pierce, the Speaker ordered the roll of the House to be called. Roll Call 124: yeas 88, nays 0. Motion prevailed. The bill was ordered engrossed.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred House Bill 1071, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 29, delete "twenty-one (21)" and insert "**eighteen (18)**".

Page 3, after line 39, begin a new paragraph and insert:

"SECTION 3. [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) As used in this SECTION, "study committee" means either of the following:

- (1) A statutory committee established under IC 2-5.**
- (2) An interim study committee.**

(c) The legislative council is urged to assign to the appropriate study committee the task of studying the repeal of the law that requires a person to obtain a license to carry a handgun in Indiana.

(d) If an appropriate study committee is assigned the topic described under subsection (c), the study committee may consider, as part of its study, the following:

(1) The fiscal impact of a repeal of the handgun licensure law.

(2) The issuance and use of reciprocity licenses.

(3) Any persons who should be prohibited from possessing or carrying a handgun.

(4) The rate in which handguns are used in suicides in Indiana.

(5) The rate in which handguns are used in criminal acts in Indiana.

(e) If the topic described in subsection (c) is assigned to an interim study committee, the interim study committee shall issue to the legislative council a final report containing the interim study committee's findings and recommendations, including any recommended legislation concerning the repeal of the handgun licensure law, in an electronic format under IC 5-14-6, not later than November 1, 2017.

(f) This SECTION expires December 31, 2017.

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

Renumber all SECTIONS consecutively.

(Reference is to HB 1071 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 4.

SMALTZ, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred HCR 12, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 6, delete "Hoosier" and insert "*Hoosiers currently serving or those who have served*".

Page 1, line 6, delete "veterans returning home from Iraq and".

Page 1, line 7, delete "Afghanistan".

Page 1, line 7, delete "employment;" and insert "*employment and are veterans;*".

(Reference is to HCR 12 as printed January 25, 2017.)
and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

FRYE R, Chair

Report adopted.

ENROLLED ACTS SIGNED

The Speaker announced that he had signed House Enrolled Act 1230 on February 14.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that House Bill 1131 had been referred to the Committee on Ways and Means.

HOUSE MOTION

Mr. Speaker: I move that Representatives Washburne, Hatfield and J. Young be added as coauthors of House Bill 1107.

STEUERWALD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Klinker be added as coauthor of House Bill 1130.

CLERE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Leonard, Siegrist and Candelaria Reardon be added as coauthors of House Bill 1144.

SLAGER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative VanNatter be added as coauthor of House Bill 1162.

LUCAS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Porter be added as coauthor of House Bill 1218.

MCNAMARA

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three coauthors and that Representatives Austin, Errington, Hamilton, Klinker, Lawson, Macer, McNamara, Olthoff, Pryor, Candelaria Reardon, Richardson, Schaibley, Siegrist, Wright, Ziemke, Zent, Clere, T. Brown and Slager be added as coauthors of House Bill 1278.

NEGELE

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Bacon be added as coauthor of House Bill 1337.

KIRCHHOFFER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Austin and Zent be added as coauthors of House Bill 1395.

ELLINGTON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Dvorak be added as coauthor of House Bill 1405.

WASHBURNE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three coauthors and that Representatives Bosma, Clere, Schaibley, Ziemke, McNamara, Soliday and Karickhoff be added as coauthors of House Bill 1430.

OLTHOFF

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Sullivan be added as coauthor of House Bill 1491.

SOLIDAY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Lehman be added as coauthor of House Bill 1496.

SMALTZ

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives GiaQuinta, Engleman and Mahan be added as coauthors of House Bill 1523.

RICHARDSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Sullivan and Frye be added as coauthors of House Bill 1527.

SOLIDAY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Olthoff be added as coauthor of House Concurrent Resolution 12.

MOSELEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Mayfield, Morris, Olthoff, Braun and Porter be added as coauthors of House Concurrent Resolution 23.

BAUER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Summers and Bartlett be added as coauthors of House Concurrent Resolution 26.

PRYOR

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has overridden the veto of the Governor on House Enrolled Act 1022-2016 and House Enrolled Act 1082-2016 and the same are herewith returned to the House.

JENNIFER L. MERTZ

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bill 256 and the same is herewith transmitted to the House for further action.

JENNIFER L. MERTZ

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 2 and 7 and the same are herewith transmitted to the House for further action.

JENNIFER L. MERTZ

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 22, 23 and 25 and the same are herewith returned to the House.

JENNIFER L. MERTZ

Principal Secretary of the Senate

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Soliday, the House adjourned at 6:05 p.m., this fourteenth day of February, 2017, until Thursday, February 16, 2017, at 10:00 a.m.

BRIAN C. BOSMA

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives