



Journal of the House

State of Indiana

120th General Assembly

First Regular Session

Fortieth Day

Tuesday Morning

April 4, 2017

The invocation was offered by Pastor Ray Labore of McCoy Memorial Baptist Church in Elkhart, a guest of Representative Wesco.

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

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

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

Arnold	Kirchhofer
Austin <input type="checkbox"/>	Klinker
Aylesworth	Lawson
Bacon	Lehe
Baird	Lehman
Bartlett	Leonard
Bauer	Lucas
Behning	Lyness
Beumer	Macer
Borders	Mahan
Braun	May
C. Brown	Mayfield
T. Brown	McNamara
Burton	Miller
Candelaria Reardon <input type="checkbox"/>	Moed <input type="checkbox"/>
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	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 364: 96 present; 4 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 Wednesday, April 5, 2017, at 11:00 a.m.

LEHMAN

The motion was adopted by a constitutional majority.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 74

Representative Bauer introduced House Concurrent Resolution 74:

A CONCURRENT RESOLUTION honoring the accomplishments of John Grew.

Whereas, John Grew, Indiana University executive director, state relations and policy analysis, has been a valued public servant of the State of Indiana since 1990;

Whereas, John Grew, a New Jersey native, came to Indiana to attend Indiana University in 1972 and graduated with a bachelor of science in public affairs in 1976;

Whereas, John Grew had a successful career in public transportation, working as the manager of ATE Management and Service Co., Inc., from 1976 until 1988 in Cincinnati, Ohio; Mobile, Alabama; Missoula, Montana; and South Bend, Indiana;

Whereas, After leaving ATE Management and Service Co., John Grew worked as a group operations manager of North American Van Lines in Fort Wayne, Indiana, from 1988 until 1990;

Whereas, John Grew began his public service with the State of Indiana in 1990 when he came to work as the senior fiscal analyst for the Democratic caucus of the Indiana house of representatives, serving in this capacity until 1999, playing an important role in crafting five state budgets and examining state tax policies;

Whereas, During his time at the Indiana General Assembly, John Grew helped to create the new school funding formula, enacted in 1993, which resulted in the dropping of a school funding equity lawsuit. During this time, John Grew collaborated with other fiscal staff members on many school finance issues, leading to legislation on Prime Time, the At-Risk program, and vocational education;

Whereas, After leaving the Indiana house of representatives, John Grew went to work as an executive assistant for fiscal policy and higher education for the office of Indiana Governor

Frank O'Bannon, where he worked on a variety of issues relating to higher education policy and K-12 education finance;

Whereas, During his time on the governor's staff, John Grew served as the lead staff member for tax restricting legislation that was enacted in 2002, worked with Stan Jones and the Indiana commission for higher education on the establishment of Indiana's first community college system, and worked with staff in the governor's office and the budget agency to help develop the plan for use of the tobacco settlement fund dollars;

Whereas, John Grew began work at Indiana University in 2002, first serving as the managing director of financial analysis and operations for the office of the vice president and chief financial officer, where he was responsible for the day-to-day operations and coordination of the office of the vice president and chief financial officer and served as assistant and adviser in implementing university programs, initiatives, and special projects;

Whereas, In 2007 John Grew began his role as the executive director, state relations and policy analysis, where he has been an integral member of the Indiana University state relations team, working with the Indiana General Assembly, the Indiana commission for higher education, the budget agency, as well as other state agencies to secure state funding for Indiana University in five biennial budgets;

Whereas, John Grew's fiscal expertise has been recognized and valued by the state and, during both Democratic and Republican administrations, he was appointed jointly by the speaker of the house of representatives and the president pro tempore to serve as an adviser to the Indiana state revenue forecast technical committee, which produces state revenue forecasts;

Whereas, John Grew, along with Bill Sheldrake, was appointed by the speaker of the house of representatives and the president pro tempore of the senate to perform a review of the K-12 A-F accountability system and produced a report in 2012; and

Whereas, John Grew, who has been an exceptional colleague, mentor, and friend to many, will retire from full-time work in June 2017, having served the State of Indiana for 27 years; his positive contributions to the State of Indiana are recognized and greatly appreciated: Therefore,

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

SECTION 1. That the Indiana General Assembly recognizes John Grew's accomplishments and contributions to the State of Indiana and wishes him a happy retirement.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to John Grew and his family.

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 Kenley.

House Concurrent Resolution 75

Representatives Frye, Baird, Lucas and DeLaney introduced House Concurrent Resolution 75:

A CONCURRENT RESOLUTION honoring the United States Naval Sea Cadet Corps.

Whereas, The United States Naval Sea Cadet Corps (USNSCC) is a youth development program for young people 10 years of age through completion of high school;

Whereas, At the request of the Department of the Navy, the Navy League of the United States established the USNSCC in

1962 to "create a favorable image of the Navy on the part of American youth";

Whereas, The focus of the USNSCC is on teaching cadets leadership through the core principles of the Navy - honor, courage, and commitment;

Whereas, the United States Naval Sea Cadet Corps adheres to a standardized training program designed to develop an interest and ability in seamanship and seagoing skills, instill virtues of good citizenship and strong moral principles, demonstrate the value of an alcohol free, drug free, and gang free lifestyle, and expose cadets to the prestige of public service and a variety of career paths through hands-on training with our nation's armed services;

Whereas, In order to qualify to be a United States Naval Sea Cadet, participants must be drug, alcohol, and gang free while attending school full time, maintaining at least a C average, attending at least 75 percent of all drills, completing their course work, and attending training;

Whereas, Each cadet enters the USNSCC as a recruit and is promoted through the ranks as seaman apprentice, seaman, petty officer third class, petty officer second class, petty officer first class, and chief;

Whereas, After enrolling in the Naval Sea Cadet Corps, all cadets must attend a mandatory two-week recruit training session at the Navy's Recruit Training Command, at other naval bases or stations, or at regional recruit training sites;

Whereas, After successfully completing recruit training, cadets may choose from a wide variety of advanced training opportunities, including Petty Officer Leadership Academy, Basic or Advanced Underwater Scuba, the United States Naval Academy's Summer Seminar, and the United States Coast Guard Academy Introduction Mission (AIM);

Whereas, The Flying Tigers Squadron, with members in Milan, Moores Hill, Osgood, Versailles, Greensburg, Batesville, and Lawrenceburg, have performed more than 1,600 hours of community service in their local areas, including working in a soup kitchen, serving at a pancake breakfast, helping the American Legion with its still board shoots, and donating a weekend to the National Rifle Association convention; and

Whereas, From the first unit of 78 men to over 380 units today with approximately 9,000 young men and women, the United States Naval Sea Cadet Corps continues to grow and help young men and women reach their full potential: 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 acknowledges the outstanding work of the United States Naval Sea Cadet Corps.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the Secretary of the Navy.

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 Perfect.

House Resolution 53

Representative Arnold introduced House Resolution 53:

A HOUSE RESOLUTION congratulating the Springs Valley Junior Senior High School Blackhawk Brigade on its 2016 Indiana State School Music Association Class D Marching Band State Championship.

Whereas, On its 27th appearance in the Indiana State School Music Association (ISSMA) State Finals, the Springs Valley Junior Senior High School Blackhawk Brigade became the 2016 ISSMA Class D State Champion;

Whereas, This state championship marks the third time the Blackhawk Brigade has won the state championship; the other championship years were 1977 and 2010;

Whereas, The 2016 championship celebrated the first undefeated musical season for the Blackhawk Brigade;

Whereas, The ISSMA State Finals are the culmination of many weeks of marching band competitions across the state, bringing together the top 10 bands from four classes (A, B, C, and D) chosen from the Top 10 in each class in semi-state competition during the previous weekend;

Whereas, The history of the Blackhawk Brigade began in 1938 when Helen and Gilbert Aylsworth arrived in French Lick, beginning the 70 year journey with three generations of music educators in Springs Valley;

Whereas, In 1969, Gilbert's son, John Aylsworth, took over the marching band program, bringing the first state championship to Springs Valley and 16 state finals appearances;

Whereas, The third generation of the Blackhawk Brigade began in 2001, when John's son, Luke, took over the program;

Whereas, In addition to the ISSMA state championships and appearances, the Blackhawk Brigade is a seven time ISSMA State Runner-Up (1978, 1992, 2007, 2012, 2013, 2014, and 2015) and a former BOA Grand Nationals Semi-finalist (2009) and has been designated as one of "The Best Communities for Music Education" by the NAMM Foundation;

Whereas, In 2015 the Springs Valley Percussion Ensemble won the Tristate PSCA Championship, and, in 2014, the ensemble was awarded the IPA PSCA State Championship Runner-Up; and

Whereas, Outstanding accomplishments such as these deserve special recognition. Therefore,

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

SECTION 1. That the Indiana House of Representatives congratulates the Springs Valley Junior Senior High School Blackhawk Brigade on its 2016 Indiana State School Music Association Class D Marching Band State Championship.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to each band member, Director of Bands Luke Aylsworth; Assistant Directors Laura Aylsworth, John Aylsworth, and Justin "Beavis" Wininger; Principal Jim Bush; and Springs Valley Community Schools Superintendent Tony Whitaker.

The resolution was read a first time and adopted by voice vote.

House Resolution 54

Representatives Burton and Moed introduced House Resolution 54:

A HOUSE RESOLUTION congratulating the Indianapolis Homeschool Wildcats.

Whereas, The Indianapolis Homeschool Wildcats boys basketball team won the Indiana Christian Basketball Alliance state basketball tournament by defeating the Noblesville Northwest Warriors 74-55 on February 11, 2017;

Whereas, The Wildcats became only the second team in the Indiana Christian Basketball Alliance tournament history to

win three state championships in a row;

Whereas, Freshman Noah Shook scored a team high 18 points in the state championship game;

Whereas, The Indianapolis Homeschool Wildcats also won the Midwest Christian Homeschool Conference for a record third straight time, defeating Illinois' Crossroads Crusaders 73-64 on January 28, 2017;

Whereas, Senior captain Carter Hughes led the Wildcats with 22 points in the conference championship game;

Whereas, Freshman Tayson Parker was the leading scorer and rebounder for the Wildcats with an average of 18 points and seven rebounds per game; and

Whereas, Senior captains Carter Hughes and Hiatt Dunlap, along with freshman Tayson Parker, have scored a combined 1,000 points in their varsity careers: Therefore,

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

SECTION 1. That the Indiana House of Representatives congratulates the Indianapolis Homeschool Wildcats on their victory in the Indiana Christian Basketball Alliance state basketball tournament and wishes them continued success in all their future endeavors, both on and off the basketball court.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to team members Noah Clark, Hiatt Dunlap, Ben Gluntz, Carter Hughes, Tayson Parker, Jake Rosko, Luke Ruddle, Charlton Seitz, Noah Shook, Alex Stearman, and Mitchell Wirts, assistant coaches Bradley Mitchell, Scot Rosko, Paul Settle, and Patrick Shook, and head coach Jeremy Bialek.

The resolution was read a first time and adopted by voice vote.

House Resolution 55

Representatives Shackelford and Nisly introduced House Resolution 55:

A HOUSE RESOLUTION recognizing the importance of Lyme disease awareness and prevention.

Whereas, Lyme disease is a bacterial infection caused by the bacteria Borrelia burgdorferi and other members of the Borrelia burgdorferi sensu lato complex;

Whereas, Lyme disease can result in severe and lasting effects in human beings, including neuropsychiatric, musculoskeletal disease;

Whereas, Lyme disease is most commonly transmitted through the bite of a deer tick (Ixodes scapularis), and people may become infected after attachment of less than 24 to 36 hours and may have the disease even if they do not have a red bull's eye rash that is often identified as a marker for Lyme disease;

Whereas, A number of patients treated for Lyme disease will experience lingering symptoms such as debilitating fatigue, pain, and impaired cognitive function that may persist for months or years after initial treatment;

Whereas, The national annual incidence of Lyme disease exceeds 300,000 cases;

Whereas, One out of 30 dogs tested positive for Lyme disease in Indiana in 2016, and the number of reported Lyme disease cases in Indiana has tripled in recent years;

Whereas, Diagnostic techniques for Lyme disease are not sufficiently accurate, resulting in both false negative and false positive test readings; and

Whereas, Indiana summers are the most likely time Hoosiers will receive tick bites: Therefore,

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

SECTION 1. That the Indiana House of Representatives affirms the importance of Lyme disease awareness and prevention and urges Governor Holcomb to proclaim May 2017 as "Lyme Disease Awareness Month" in Indiana.

SECTION 2. That the Indiana House of Representatives encourages expanded efforts to keep Indiana residents properly informed about Lyme disease prevention, symptom recognition, limitations in diagnostic testing, and treatment and urges Indiana Lyme Connect, the Indiana Department of Natural Resources, the Indiana State Medical Association, the Indiana Hospital Association, and the Indiana State Department of Health to meet and devise a plan to better educate Indiana residents.

SECTION 3. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Indiana Governor Eric Holcomb, Indiana Lyme Connect, the Indiana State Medical Association, the Indiana Hospital Association, and the Indiana State Department of Health.

The resolution was read a first time and adopted by voice vote.

Representatives Zent, Austin, and Moed, who had been excused, are now present.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 404

The Speaker handed down for third reading Engrossed Senate Bill 404, sponsored by Representative Mayfield, which had been made a special order of business.

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

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

Roll Call 365: yeas 75, nays 23. 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.

Engrossed Senate Bill 20

Representative Friend called down Engrossed Senate Bill 20 for third reading:

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

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

Roll Call 366: yeas 83, nays 15. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 51

Representative Davison called down Engrossed Senate Bill 51 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

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

Roll Call 367: yeas 96, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 60

Representative Friend called down Engrossed Senate Bill 60 for third reading:

A BILL FOR AN ACT concerning state offices and administration.

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

Roll Call 368: yeas 69, nays 29. 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.

Engrossed Senate Bill 90

Representative Lehe called down Engrossed Senate Bill 90 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

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

Roll Call 369: yeas 97, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 105

Representative Steuerwald called down Engrossed Senate Bill 105 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

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

Roll Call 370: yeas 98, 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.

Engrossed Senate Bill 128

Representative Braun called down Engrossed Senate Bill 128 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 371: yeas 90, nays 7. 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.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 2:46 p.m. with the Speaker in the Chair.

Representative Candelaria Reardon, who had been excused, is now present.

**ENGROSSED SENATE BILLS
ON SECOND READING**

Engrossed Senate Bill 1

Representative Lehman called down Engrossed Senate Bill 1 for second reading. The bill was read a second time by title.

**HOUSE MOTION
(Amendment 1-1)**

Mr. Speaker: I move that Engrossed Senate Bill 1 be amended to read as follows:

- Page 2, line 42, after "cartridges" insert ".".
- Page 2, line 42, strike "of".
- Page 2, line 42, delete "five (5)".
- Page 2, line 42, strike "milliliters or less used in".
- Page 3, strike line 1.

Page 3, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 14. IC 7.1-7-2-20 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 20: "Quick response code" means a two (2) dimensional bar code that is used to provide easy access to information through a smartphone or other electronic mobile device."

- Page 4, line 41, after "permits" insert ".".
- Page 4, line 41, delete "and labeling of".
- Page 4, delete line 42.
- Page 7, line 1, after "(9)" insert "(6)".
- Page 7, line 1, reset in roman "Written consent allowing the state police department to".
- Page 7, reset in roman lines 2 through 3.
- Page 7, line 10, delete "(6)" and insert "(7)".
- Page 8, line 14, delete "(b)(6)" and insert "(b)(5)".
- Page 8, line 23, delete "containing any substance" and insert "that:

- (A) consists in whole or in part of any filthy, putrid, or decomposed substance; or
- (B) is contaminated by any added poisonous or added deleterious substance that may render the product injurious to health; and"

- Page 8, delete lines 24 through 25.
- Page 9, line 4, after "number;" insert "an".
- Page 9, line 8, delete "January 1," and insert "May 31,".
- Page 9, line 11, after "NICOTINE." delete "" and insert "NICOTINE IS AN ADDICTIVE CHEMICAL.".
- Page 9, strike lines 12 through 14.
- Page 9, line 15, strike "(7)" and insert "(6)".
- Page 9, line 22, delete "(8)" and insert "(7)".
- Page 9, line 22, reset in roman "manufacturer".
- Page 9, line 22, after "manufacturer" insert "and".
- Page 9, line 22, strike "must take reasonable steps to".
- Page 9, line 23, strike "ensure that an unauthorized ingredient is not included" and insert "may not use adulterated products".
- Page 10, line 6, delete "(9)" and insert "(8)".
- Page 10, line 8, delete "(10)" and insert "(9)".
- Page 10, line 17, delete "(11)" and insert "(10)".
- Page 10, line 23, delete "(b)(4)(A)" and insert "(b)(5)(A)".
- Page 11, line 41, after "1.1" insert ".".
- Page 12, line 10, after "cigarette" insert "or an e-liquid".
- Page 12, line 17, delete "A distributor shall indicate on each invoice of a sale of an".
- Page 12, delete lines 18 through 19.
- Page 12, line 20, delete "permit holder or from another Indiana distributor."
- Page 12, line 21, delete "described in this subsection" and insert "to a retailer or from a manufacturer".
- Page 12, line 23, delete "quarterly" and insert "annually".
- Page 12, between lines 33 and 34, begin a new line blocked left and insert:

"A report under this subsection is confidential and the ATC

may not disclose it to another person." Page 13, line 2, after "certification" insert ", by October 1 of each year,".

- Page 13, line 42, reset in roman "infraction."
- Page 13, line 42, delete "misdemeanor."
- Page 15, line 20, reset in roman "infraction."
- Page 15, line 20, delete "misdemeanor."
- Page 16, delete lines 3 through 6.
- Renumber all SECTIONS consecutively.
- (Reference is to ESB 1 as printed March 31, 2017.)

LEHMAN

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 38

Representative Steuerwald called down Engrossed Senate Bill 38 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 108

Representative Behning called down Engrossed Senate Bill 108 for second reading. The bill was read a second time by title.

**HOUSE MOTION
(Amendment 108-3)**

Mr. Speaker: I move that Engrossed Bill 108 be amended to read as follows:

Page 6, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 3. IC 20-29-5-8, AS ADDED BY SEA 407-2017, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 8. (a) The board shall develop and maintain training modules, videos, or other instructional material on the board's Internet web site to instruct school employees of their rights under this chapter.

(b) Each school year in which school employee participation in a school employee organization currently serving as the exclusive representative of the bargaining unit does not represent a majority of the school employees within the unit, the board shall notify, in a manner prescribed by the board, the school employees of the bargaining unit of their right to:

- (1) representation under this chapter; and
- (2) become a member of the school employee organization under IC 20-29-4; and
- (3) the ability to change their exclusive representative under section 3 of this chapter."

Renumber all SECTIONS consecutively.
(Reference is to ESB 108 as printed March 28, 2017.)

KLINKER

Upon request of Representatives Pelath and Porter, the Speaker ordered the roll of the House to be called. Roll Call 372: yeas 31, nays 68. Motion failed.

**HOUSE MOTION
(Amendment 108-4)**

Mr. Speaker: I move that Engrossed Senate Bill 108 be amended to read as follows:

Page 10, line 36, after "shall" insert "conduct a study in Indiana of standard and indicator level observation data based upon a representative population of certificated employees to".

Page 10, line 42, delete "and".
Page 10, after line 42, begin a new line block indented and insert:

- "(3) recommend standards and indicators that may be used to guide higher education educator preparation programs; and".

Page 11, line 1, delete "(3)" and insert "(4)".
(Reference is to ESB 108 as printed March 28, 2017.)

COOK

Motion prevailed.

HOUSE MOTION
(Amendment 108-2)

Mr. Speaker: I move that Engrossed Senate Bill 108 be amended to read as follows:

Page 4, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 2. IC 20-27-9-5, AS AMENDED BY P.L.182-2009(ss), SECTION 318, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 5. (a) A special purpose bus may be used:

- (1) by a school corporation to provide regular transportation of a student between one (1) school and another school but not between the student's residence and the school;
- (2) to transport students and their supervisors, including coaches, managers, and sponsors to athletic or other extracurricular school activities and field trips;
- (3) by a school corporation to provide transportation between an individual's residence and the school for an individual enrolled in a special program for the habilitation or rehabilitation of persons with a developmental or physical disability, **and, if applicable, the individual's sibling;** and
- (4) to transport homeless students under IC 20-27-12.

(b) The mileage limitation of section 3 of this chapter does not apply to special purpose buses.

(c) The operator of a special purpose bus must be at least twenty-one (21) years of age, be authorized by the school corporation, and meet the following requirements:

- (1) If the special purpose bus has a capacity of less than sixteen (16) passengers, the operator must hold a valid:
 - (A) operator's;
 - (B) chauffeur's;
 - (C) public passenger chauffeur's; or
 - (D) commercial driver's;
 license.

(2) If the special purpose bus has a capacity of more than fifteen (15) passengers, the operator must meet the requirements for a school bus driver set out in IC 20-27-8.

(d) A special purpose bus is not required to be constructed, equipped, or painted as specified for school buses under this article or by the rules of the committee.

(e) An owner or operator of a special purpose bus, other than a special purpose bus owned or operated by a school corporation or a nonpublic school, is subject to IC 8-2.1."

Renumber all SECTIONS consecutively.

(Reference is to ESB 108 as printed March 28, 2017.)

GOODIN

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 190

Representative Steuerwald called down Engrossed Senate Bill 190 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 198

Representative Huston called down Engrossed Senate Bill 198 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 198-1)

Mr. Speaker: I move that Engrossed Senate Bill 198 be amended to read as follows:

- Page 9, line 12, delete "value" and insert "**need**".
- Page 9, line 23, delete "value" and insert "**need**".
- Page 9, line 34, delete "value" and insert "**need**".
- Page 11, line 35, delete "value" and insert "**need**".
- Page 11, line 36, delete "value" and insert "**need**".
- Page 11, line 37, delete "value" and insert "**need**".

- Page 15, line 21, delete "value" and insert "**need**".
- Page 15, line 22, delete "value" and insert "**need**".
- Page 15, line 23, delete "value" and insert "**need**".
- Page 16, line 29, delete "value" and insert "**need**".
- Page 16, line 34, delete "value" and insert "**need**".
- Page 16, line 38, delete "value" and insert "**need**".

(Reference is to ESB 198 as printed March 31, 2017.)

HUSTON

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 324

Representative Steuerwald called down Engrossed Senate Bill 324 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 402

Representative Kirchhofer called down Engrossed Senate Bill 402 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 402-2)

Mr. Speaker: I move that Engrossed Senate Bill 402 be amended to read as follows:

Page 1, line 8, after "issues." insert "**An abstinence based living environment, for purposes of opioid addiction, may include individuals who are in a treatment that includes medication assisted treatment with a goal of opioid abstinence or the minimum clinically necessary medication dose.**".

Page 3, line 26, delete "Develop" and insert "**Provide that the**".

Page 3, line 26, after "by" insert "**recovery residences for**".

Page 5, delete line 9.

Page 5, line 10, delete "under" and insert "**office, acquire and maintain the certification required in**".

(Reference is to ESB 402 as printed March 31, 2017.)

KIRCHHOFER

Motion prevailed.

HOUSE MOTION
(Amendment 402-1)

Mr. Speaker: I move that Engrossed Senate Bill 402 be amended to read as follows:

Page 5, after line 13, begin a new paragraph and insert:
"SECTION 4. IC 12-30-1-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 0.5. As used in this article, "board of commissioners of a county" includes a person delegated by the board under section 7 of this chapter to the extent of the authority delegated by the board to the person for purposes of this article.**

SECTION 5. IC 12-30-1-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 7. (a) The board of commissioners of a county may:**

- (1) **delegate the performance of the board's duties under this article; and**
- (2) **contract for the services reasonably required to operate and maintain the county home, including the management of the county home;**

on terms and conditions the board finds reasonable and in the best interests of the county.

(b) Any action taken by the board of commissioners of a county under this section does not constitute a discontinuance under section 6 of this chapter as long as the board's actions under this section do not limit the ultimate authority of the board of commissioners over the county home.

SECTION 6. IC 12-30-2-9 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) **Except as provided in subsection (e)**, the superintendent of a county home shall appoint the assistants, nurses, farmers, laborers, and other employees needed for the work of the home.

(b) **Except as provided in subsection (e)**, the superintendent may at any time remove and dismiss an officer or employee appointed by the superintendent. The superintendent shall report the removal in writing to the board of commissioners at the next regular meeting.

(c) **Except as provided in subsection (e)**, the superintendent of a county home shall promptly remove an officer or employee who is guilty of drunkenness, profane or abusive language in the presence of the residents, cruelty to the residents, lewdness, or any other offense against Indiana law or against public decency.

(d) The superintendent may not consider political, family, or any other improper influence in appointing or dismissing a subordinate officer or an employee. Considerations of character, merit, and competence are the only reasons for appointment or dismissal.

(e) **A person delegated the performance of duties under IC 12-30-1-7 may make an appointment, removal, or dismissal under this section if the person was delegated the authority to do so by the board of commissioners of the county.**

SECTION 7. **An emergency is declared for this act.**"

Renumber all SECTIONS consecutively.

(Reference is to ESB 402 as printed March 31, 2017.)

THOMPSON

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 408

Representative Zent called down Engrossed Senate Bill 408 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 447

Representative Frizzell called down Engrossed Senate Bill 447 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 447-1)

Mr. Speaker: I move that Engrossed Senate Bill 447 be amended to read as follows:

Page 8, line 10, delete "reunification of a child's family; and".
(Reference is to ESB 447 as printed March 31, 2017.)

FRIZZELL

Motion prevailed.

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

HOUSE MOTION
(Amendment 447-3)

Mr. Speaker: I move that Engrossed Senate Bill 447 be amended to read as follows:

Page 4, line 31, after "corporation" insert ", charter school,".
Page 5, between lines 8 and 9, begin a new paragraph and insert:

"(d) The training required under this section must be during the school employee's contracted day or at a time chosen by the employee."

Page 8, line 10, delete "reunification of a child's family; and".

Page 8, between lines 29 and 30, begin a new line block indented and insert:

"(11) Human and sexual trafficking (IC 35-42-3.5)."

Page 8, line 30, delete "(11)" and insert "(12)".

Page 8, line 31, delete "(12)" and insert "(13)".

Page 8, line 33, delete "(13)" and insert "(14)".

Page 8, line 34, delete "(14)" and insert "(15)".

Page 8, line 35, delete "(15)" and insert "(16)".

Page 8, line 37, delete "(16)" and insert "(17)".

Page 8, line 38, delete "(17)" and insert "(18)".

Page 8, line 40, delete "(18)" and insert "(19)".

Page 8, line 42, delete "(19)" and insert "(20)".

Page 9, line 2, delete "(20)" and insert "(21)".

Page 9, line 3, delete "(21)" and insert "(22)".

Page 9, line 4, delete "(20)" and insert "(21)".

Page 43, line 21, delete "school," and insert "**public or nonpublic school,**".

(Reference is to ESB 447 as printed March 31, 2017.)

KLINKER

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 472

Representative DeVon called down Engrossed Senate Bill 472 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 472-3)

Mr. Speaker: I move that Engrossed Bill 472 be amended to read as follows:

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

"SECTION 3. IC 8-1-26-16, AS AMENDED BY P.L.200-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 16. (a) Except as provided in section 19 of this chapter, before commencing an excavation or demolition operation described in section 14 of this chapter, each person responsible for the excavation or demolition shall:

(1) serve notice on the association of the person's intent to excavate or demolish; and

(2) perform white lining at the site of the excavation or demolition if the person responsible for the excavation or demolition is unable to provide to the association the physical location of the proposed excavation or demolition by one (1) of the following means:

(A) A street address.

(B) A legal description of the location.

(C) A highway location using highway mile markers or cross streets.

The notice required under subdivision (1) must be received at least two (2) full working days but not more than twenty (20) calendar days before the commencement of the work. Upon receiving the notice, the association immediately shall notify each operator that has underground facilities located in the proposed area of excavation or demolition. A person responsible for excavation or demolition may commence work before the elapse of two (2) full working days if all affected operators have notified the person that the location of all the affected operators' facilities have been marked or that the affected operators have no facilities in the location of the proposed excavation or demolition.

(b) ~~A county recorder who receives an inquiry from a person seeking to provide notice of an excavation or a demolition under this section shall refer the person to the association:~~ After receiving a notice under this section, the association shall provide notice of the proposed excavation or demolition to each member operator that has underground facilities located in the proposed area of excavation or demolition.

(c) A person responsible for demolition must give an operator a reasonable amount of time, as mutually determined by the operator, the person responsible for demolition, and the project owner, to remove or protect the operator's facilities before demolition of the structure is commenced.

(d) The notice required by subsection (a) must contain the following information:

(1) The name, address, and telephone number of the person serving the notice, and, if different, the person responsible for the excavation or demolition.

(2) The starting date, anticipated duration, and type of excavation or demolition operation to be conducted.

- (3) The location of the proposed excavation or demolition.
- (4) Whether or not explosives or blasting are to be used.
- (5) The approximate depth of excavation.
- (6) Whether the person responsible for the proposed excavation or demolition intends to perform white lining at the site of the proposed excavation or demolition.

(e) The person responsible for the excavation or demolition shall submit a separate locate request along with the notice provided under subsection (d)(3) to the association as follows:

- (1) Within an incorporated area, for each one thousand five hundred (1,500) linear feet of proposed excavation or demolition.
- (2) In an unincorporated area, for at least each two thousand six hundred forty (2,640) linear feet of proposed excavation or demolition.

(f) A notice provided under this section by a person responsible for an excavation or demolition expires twenty (20) days after the date the notice is submitted to the association under subsection (a), as determined in the manner specified in section 17(d) of this chapter. If, at the conclusion of the twenty (20) day period described in this subsection, any part of the excavation or demolition is not complete at any part of the site for which the original notice was submitted, the person responsible for the excavation or demolition may not continue or resume the excavation or demolition at any part of the site for which the original notice was submitted until:

- (1) the person responsible for the excavation or demolition submits to the association a new locate request, along with a notice that complies with subsection (d), with respect to that part of the site for which the excavation or demolition is not complete; and
- (2) each affected operator provides facility locate markings in compliance with section 18 of this chapter for that part of the site for which the new locate request and notice are submitted under subdivision (1).

(g) The association shall maintain an adequate record of the notice required by this section for seven (7) years to document compliance with this chapter. A copy of the record shall be furnished to the person giving notice to excavate or demolish upon written request.

(h) A person that:

- (1) causes damage to a pipeline facility located in an area of excavation or demolition;
- (2) is required to provide notice under this section for the excavation or demolition; and
- (3) fails to provide the notice;

may be subject to a civil penalty in an amount recommended by the advisory committee and approved by the commission, not to exceed ten thousand dollars (\$10,000).

(i) A person that:

- (1) causes damage to a pipeline facility located in an area of excavation or demolition;
- (2) is required to perform white lining under subsection (a)(2); and
- (3) fails to perform white lining before an operator of a pipeline facility arrives at the site of the proposed excavation or demolition to mark the operator's pipeline facilities;

may be subject to a civil penalty in an amount recommended by the advisory committee and approved by the commission, not to exceed ten thousand dollars (\$10,000)."

Page 3, line 34, delete "A county recorder who receives an inquiry from a person". Page 3, delete line 35.

Page 3, line 36, delete "shall refer the person to the association."

Renumber all SECTIONS consecutively.

(Reference is to ESB 472 as printed March 31, 2017.)

DEVON

Motion prevailed.

HOUSE MOTION
(Amendment 472-2)

Mr. Speaker: I move that Engrossed Senate Bill 472 be amended to read as follows:

Page 10, after line 6, begin a new paragraph and insert:

"SECTION 6. IC 13-18-15-2, AS AMENDED BY P.L.228-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. (a) The persons involved shall negotiate the terms for connection and service under this chapter.

(b) If service is ordered under this chapter, a receiver of that service that is located in an unincorporated area may grant a waiver to a municipality providing the service. A waiver under this section:

- (1) must waive the receiver's right of remonstrance against annexation of the areas in which the service is to be provided; and
- (2) may be one (1) of the terms for connection and service described in subsection (a).

(c) The waiver, if granted:

- (1) shall be noted on the deed of each property affected and recorded as provided by law; and
- (2) is considered a covenant running with the land.

(d) Notwithstanding any other law, a waiver of the right of remonstrance executed after June 30, 2015, **that is not void under subsection (f)**, expires not later than fifteen (15) years after the date the waiver was executed.

(e) This subsection applies to any deed recorded after June 30, 2015. This subsection applies only to property that is subject to a remonstrance waiver. A municipality shall, within a reasonable time after the recording of a deed to property located within the municipality, provide written notice to the property owner that a waiver of the right of remonstrance exists with respect to the property.

(f) This subsection applies to a remonstrance waiver executed before, on, or after June 30, 2017. A remonstrance waiver is void if the remonstrance waiver is recorded more than thirty (30) business days after the date the remonstrance waiver is executed.

SECTION 7. IC 36-4-3-11.7, AS ADDED BY P.L.228-2015, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 11.7. (a) Notwithstanding any other law, a waiver of the right of remonstrance executed after June 30, 2015, **that is not void under subsection (c)**, expires not later than fifteen (15) years after the date the waiver was executed.

(b) This subsection applies to any deed recorded after June 30, 2015. This subsection applies only to property that is subject to a remonstrance waiver. A municipality shall, within a reasonable time after the recording of a deed to property located within the municipality, provide written notice to the property owner that a waiver of the right of remonstrance exists with respect to the property.

(c) This subsection applies to a remonstrance waiver executed before, on, or after June 30, 2017. A remonstrance waiver is void if the remonstrance waiver is recorded more than thirty (30) business days after the date the remonstrance waiver is executed.

SECTION 8. IC 36-9-22-2, AS AMENDED BY P.L.228-2015, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. (a) The power of the municipal works board to fix the terms of a contract under this section applies to contracts for the installation of sewage works that have not been finally approved or accepted for full maintenance and operation by the municipality on July 1, 1979.

(b) The works board of a municipality may contract with owners of real property for the construction of sewage works within the municipality or within four (4) miles outside its corporate boundaries in order to provide service for the area in

which the real property of the owners is located. The contract must provide, for a period of not to exceed fifteen (15) years, for the payment to the owners and their assigns by any owner of real property who:

- (1) did not contribute to the original cost of the sewage works; and
- (2) subsequently taps into, uses, or deposits sewage or storm waters in the sewage works or any lateral sewers connected to them;

of a fair pro rata share of the cost of the construction of the sewage works, subject to the rules of the board and notwithstanding any other law relating to the functions of local governmental entities. However, the contract does not apply to any owner of real property who is not a party to the contract unless the contract or (after June 30, 2013) a signed memorandum of the contract has been recorded in the office of the recorder of the county in which the real property of the owner is located before the owner taps into or connects to the sewers and facilities. The board may provide that the fair pro rata share of the cost of construction includes interest at a rate not exceeding the amount of interest allowed on judgments, and the interest shall be computed from the date the sewage works are approved until the date payment is made to the municipality.

(c) The contract must include, as part of the consideration running to the municipality, the release of the right of the parties to the contract and their successors in title to remonstrate against pending or future annexations by the municipality of the area served by the sewage works. Any person tapping into or connecting to the sewage works contracted for is considered to waive the person's rights to remonstrate against the annexation of the area served by the sewage works.

(d) This subsection does not affect any rights or liabilities accrued, or proceedings begun before July 1, 2013. Those rights, liabilities, and proceedings continue and shall be imposed and enforced under prior law as if this subsection had not been enacted. For contracts executed after June 30, 2013, the release of the right to remonstrate is binding on a successor in title to a party to the contract only if the successor in title:

- (1) has actual notice of the release; or
- (2) has constructive notice of the release because the contract, or a signed memorandum of the contract stating the release, has been recorded in the chain of title of the property.

(e) Subsection (c) does not apply to a landowner if all of the following conditions apply:

- (1) The landowner is required to connect to the sewage works because a person other than the landowner has polluted or contaminated the area.
- (2) The costs of extension of or connection to the sewage works are paid by a person other than the landowner or the municipality.

(f) Subsection (c) does not apply to a landowner who taps into, connects to, or is required to tap into or connect to the sewage works of a municipality only because the municipality provides wholesale sewage service (as defined in IC 8-1-2-61.7) to another municipality that provides sewage service to the landowner.

(g) Notwithstanding any other law, a waiver of the right of remonstrance executed after June 30, 2015, **that is not void under subsection (i)**, expires not later than fifteen (15) years after the date the waiver was executed.

(h) This subsection applies to any deed recorded after June 30, 2015. This subsection applies only to property that is subject to a remonstrance waiver. A municipality shall provide written notice to any successor in title to property within a reasonable time after the deed is recorded, that a waiver of the right of remonstrance exists with respect to the property.

(i) This subsection applies to a remonstrance waiver executed before, on, or after June 30, 2017. A remonstrance waiver is void if the remonstrance waiver is recorded more

than thirty (30) business days after the date the remonstrance waiver is executed.

SECTION 9. IC 36-9-25-14, AS AMENDED BY P.L.228-2015, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 14. (a) As to each municipality to which this chapter applies:

- (1) all the territory included within the corporate boundaries of the municipality; and
- (2) any territory, town, addition, platted subdivision, or unplatted land lying outside the corporate boundaries of the municipality that has been taken into the district in accordance with a prior statute, the sewage or drainage of which discharges into or through the sewage system of the municipality;

constitutes a special taxing district for the purpose of providing for the sanitary disposal of the sewage of the district in a manner that protects the public health and prevents the undue pollution of watercourses of the district.

(b) Upon request by:

- (1) a resolution adopted by the legislative body of another municipality in the same county; or
- (2) a petition of the majority of the resident freeholders in a platted subdivision or of the owners of unplatted land outside the boundaries of a municipality, if the platted subdivision or unplatted land is in the same county;

the board may adopt a resolution incorporating all or any part of the area of the municipality, platted subdivision, or unplatted land into the district.

(c) A request under subsection (b) must be signed and certified as correct by the secretary of the legislative body, resident freeholders, or landowners. The original shall be preserved in the records of the board. The resolution of the board incorporating an area in the district must be in writing and must contain an accurate description of the area incorporated into the district. A certified copy of the resolution, signed by the president and secretary of the board, together with a map showing the boundaries of the district and the location of additional areas, shall be delivered to the auditor of the county within which the district is located. It shall be properly indexed and kept in the permanent records of the offices of the auditor.

(d) In addition, upon request by ten (10) or more interested resident freeholders in a platted or unplatted territory, the board may define the limits of an area within the county and including the property of the freeholders that is to be considered for inclusion into the district. Notice of the defining of the area by the board, and notice of the location and limits of the area, shall be given by publication in accordance with IC 5-3-1. Upon request by a majority of the resident freeholders of the area, the area may be incorporated into the district in the manner provided in this section. The resolution of the board incorporating the area into the district and a map of the area shall be made and filed in the same manner.

(e) In addition, a person owning or occupying real property outside the district may enter into a sewer service agreement with the board for connection to the sewage works of the district. If the agreement provides for connection at a later time, the date or the event upon which the service commences shall be stated in the agreement. The agreement may impose any conditions for connection that the board determines. The agreement must also provide the amount of service charge to be charged for connection if the persons are not covered under section 11 of this chapter, with the amount to be fixed by the board in its discretion and without a hearing.

(f) All sewer service agreements made under subsection (e) or (after June 30, 2013) a signed memorandum of the sewer service agreement shall be recorded in the office of the recorder of the county where the property is located. The agreements run with the property described and are binding upon the persons owning or occupying the property, their personal representatives, heirs, devisees, grantees, successors, and

assigns. Each agreement that is recorded, or each agreement of which a signed memorandum is recorded, and that provides for the property being served to be placed on the tax rolls shall be certified by the board to the auditor of the county where the property is located. The certification must state the date the property is to be placed on the tax rolls, and upon receipt of the certification together with a copy of the agreement, the auditor shall immediately place the property certified upon the rolls of property subject to the levy and collection of taxes for the district. An agreement may provide for the collection of a service charge for the period services are rendered before the levy and collection of the tax.

(g) Except as provided in subsection (j), sewer service agreements made under subsection (e) must contain a waiver provision that persons (other than municipalities) who own or occupy property agree for themselves, their executors, administrators, heirs, devisees, grantees, successors, and assigns that they will:

- (1) neither object to nor file a remonstrance against the proposed annexation of the property by a municipality within the boundaries of the district;
- (2) not appeal from an order or a judgment annexing the property to a municipality; and
- (3) not file a complaint or an action against annexation proceedings.

(h) This subsection does not affect any rights or liabilities accrued or proceedings begun before July 1, 2013. Those rights, liabilities, and proceedings continue and shall be imposed and enforced under prior law as if this subsection had not been enacted. For contracts executed after June 30, 2013, a waiver of the right to remonstrate under subsection (g) is binding as to an executor, administrator, heir, devisee, grantee, successor, or assign of a party to a sewer service agreement under subsection (g) only if the executor, administrator, heir, devisee, grantee, successor, or assign:

- (1) has actual notice of the waiver; or
- (2) has constructive notice of the waiver because the sewer service agreement or a signed memorandum of the sewer service agreement stating the waiver has been recorded in the chain of title of the property.

(i) This section does not affect any sewer service agreements entered into before March 13, 1953. **However, subsection (m) applies to a remonstrance waiver regardless of when the waiver was executed.**

(j) Subsection (g) does not apply to a landowner if all of the following conditions apply:

- (1) The landowner is required to connect to a sewer service because a person other than the landowner has polluted or contaminated the area.
- (2) The costs of extension of service or connection to the sewer service are paid by a person other than the landowner or the municipality.

(k) Notwithstanding any other law, a waiver of the right of remonstrance executed after June 30, 2015, **if the waiver is not void under subsection (m)**, expires not later than fifteen (15) years after the date the waiver was executed.

(l) This subsection applies to any deed recorded after June 30, 2015. This subsection applies only to property that is subject to a remonstrance waiver. A municipality shall provide written notice to any successor in title to property within a reasonable time after the deed is recorded, that a waiver of the right of remonstrance has been granted with respect to the property.

(m) This subsection applies to a remonstrance waiver executed before, on, or after June 30, 2017. A remonstrance waiver is void if the remonstrance waiver is recorded more than thirty (30) business days after the date the remonstrance waiver is executed."

Re-number all SECTIONS consecutively.

(Reference is to ESB 472 as printed March 31, 2017.)

ELLINGTON

Motion withdrawn.

HOUSE MOTION
(Amendment 472-1)

Mr. Speaker: I move that Engrossed Senate Bill 472 be amended to read as follows:

Page 10, after line 6, begin a new paragraph and insert:

"SECTION 6. [EFFECTIVE JULY 1, 2017] (a) **As used in this SECTION, "committee" refers to the interim study committee on environmental affairs established by IC 2-5-1.3-4(9).**

(b) As used in this SECTION, "interim" has the meaning set forth in IC 2-5-1.3-1.

(c) As used in this SECTION, "legislative council" refers to the legislative council established by IC 2-5-1.1-1.

(d) The legislative council is urged to assign to the committee for study during the 2017 interim the topic of establishing an action plan for the state of Indiana that will:

(1) fight climate change by reducing Indiana's emissions of carbon dioxide;

(2) place special emphasis on:

(A) the disproportionate effects of climate change, including heat waves and other extreme weather events, on communities of color and low income populations, whose housing affords less protection against temperature extremes, who have limited resources to cope with relocation or evacuation, and who suffer a higher incidence of respiratory illness and other medical problems exacerbated by extreme weather; and

(B) the disadvantages that communities of color and low income populations face in regard to efforts to reduce carbon emissions, such as a lack of low carbon emission transportation options, a lack of neighborhood green spaces, and the absence of retail, service, and entertainment options within walking distance of their homes; and

(3) enlist the active involvement of communities of color and low income populations in planning to reduce carbon emissions and addressing the disproportionate effects and disadvantages described in subdivision (2).

The action plan, as established, should be revised on a regular basis as new challenges and opportunities affecting the plan and its implementation are recognized.

(e) If the topic set forth in subsection (d) is assigned to the committee, the committee shall issue a final report to the legislative council containing the committee's findings and recommendations as to how an action plan as described in subsection (d) should be established, including any recommendations as to legislation concerning the establishment of the action plan, in an electronic format under IC 5-14-6 not later than November 1, 2017.

(f) This SECTION expires December 31, 2017."

(Reference is to ESB 472 as printed March 31, 2017.)

PRYOR

Motion withdrawn. The bill was ordered engrossed.

Engrossed Senate Bill 513

Representative T. Brown called down Engrossed Senate Bill 513 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 513-1)

Mr. Speaker: I move that Engrossed Senate Bill 513 be amended to read as follows:

Page 1, line 12, delete "who is employed by a home health agency" and insert ".".

Page 1, delete line 13.

Page 2, delete lines 21 through 28, begin a new paragraph and insert:

"(b) A home health agency shall randomly test:

(1) at least fifty percent (50%) of the home health agency's employees who:

(A) have direct contact with patients; and

(B) are not licensed by a board or commission under IC 25;

at least annually; or

(2) when the home health agency has reasonable suspicion that an employee is engaged in the illegal use of a controlled substance."

Page 2, line 29, delete "(d)" and insert "(c)".

(Reference is to ESB 513 as printed March 28, 2017.)

SIEGRIST

Motion prevailed.

HOUSE MOTION
(Amendment 513-4)

Mr. Speaker: I move that Engrossed Senate Bill 513 be amended to read as follows:

Page 2, line 36, delete "The employee shall pay for the confirmation test."

(Reference is to ESB 513 as printed March 28, 2017.)

SHACKLEFORD

Motion failed. The bill was ordered engrossed.

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

**ENGROSSED SENATE BILLS
ON THIRD READING**

Engrossed Senate Bill 151

Representative Clere called down Engrossed Senate Bill 151 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

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

Roll Call 373: yeas 97, 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.

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

Engrossed Senate Bill 154

Representative Olthoff called down Engrossed Senate Bill 154 for third reading:

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

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

Roll Call 374: yeas 97, 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.

Engrossed Senate Bill 156

Representative Clere called down Engrossed Senate Bill 156 for third reading:

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

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

Roll Call 375: yeas 98, 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.

Engrossed Senate Bill 213

Representative Ober called down Engrossed Senate Bill 213 for third reading:

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

The bill was read a third time by sections and placed upon its passage.

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 213 be returned to the second reading calendar forthwith for the purpose of amendment.

OBER

Motion prevailed.

Engrossed Senate Bill 242

Pursuant to House Rule 146.3, the sponsor of Engrossed Senate Bill 242, Representative Frizzell, granted consent to the cosponsor, Representative Harris, to call the bill down for third reading.

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration and to make an appropriation.

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

Roll Call 376: yeas 99, 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.

Engrossed Senate Bill 303

Representative Kirchhofer called down Engrossed Senate Bill 303 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

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

Roll Call 377: yeas 97, 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.

Engrossed Senate Bill 309

Representative Ober called down Engrossed Senate Bill 309 for third reading:

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

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

Roll Call 378: yeas 56, nays 43. 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.

Engrossed Senate Bill 409

Representative Tor called down Engrossed Senate Bill 409 for third reading:

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

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

Roll Call 379: yeas 99, 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.

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

Engrossed Senate Bill 423

Representative Burton called down Engrossed Senate Bill 423 for third reading:

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

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

Roll Call 380: yeas 72, nays 26. 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.

Engrossed Senate Bill 449

Representative Slager called down Engrossed Senate Bill 449 for third reading:

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

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

Roll Call 381: yeas 96, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 457

Representative Friend called down Engrossed Senate Bill 457 for third reading:

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

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

Roll Call 382: yeas 98, 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.

Engrossed Senate Bill 466

Representative Frizell called down Engrossed Senate Bill 466 for third reading:

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

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

Roll Call 383: yeas 99, 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.

Engrossed Senate Bill 479

Representative J. Young called down Engrossed Senate Bill 479 for third reading:

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

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

Roll Call 384: yeas 98, 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.

Engrossed Senate Bill 498

Representative Wesco called down Engrossed Senate Bill 498 for third reading:

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

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

Roll Call 385: yeas 98, 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.

Engrossed Senate Bill 514

Representative Siegrist called down Engrossed Senate Bill 514 for third reading:

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

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

Roll Call 386: yeas 97, 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.

Engrossed Senate Joint Resolution 7

Representative T. Brown called down Engrossed Senate Bill 7 for third reading:

A JOINT RESOLUTION proposing an amendment to Article 10, Section 5 of the Constitution of the State of Indiana concerning state fiscal matters..

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

Roll Call 387: yeas 94, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 32

The Speaker handed down Senate Concurrent Resolution 32, sponsored by Representatives Siegrist, T. Brown and Klinker:

A CONCURRENT RESOLUTION urging the Indiana Department of Transportation to rename the bridge over Interstate 65 at State Road 38 as the "Mark S. Davis Memorial Bridge".

Whereas, Mark S. Davis, West Lafayette, passed away on Saturday, March 4, 2017, at the age of 63;

Whereas, Mark Davis graduated from West Lafayette High School and Indiana University, where he earned a law degree;

Whereas, Mark Davis began his career working in economic development in Indianapolis, Greater Lafayette, and Flint, Michigan, before opening an independent law practice in Lafayette;

Whereas, His career highlights include helping to bring the Subaru plant to Lafayette, working on agreements with the United States and Canada on the Blue Water Bridge that spans our two countries, and helping to promote the Hoosier Heartland highway; and

Whereas, The death of Mark S. Davis left a huge void in the lives of all who knew him; he will be greatly missed: 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 expresses its deepest sympathies to the family of Mark S. Davis and urges the Indiana Department of Transportation to honor his memory by renaming the bridge over Interstate 65 at State Road 38 as the "Mark S. Davis Memorial Bridge".

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to the family of Mark S. Davis and the Commissioner of the Indiana Department of Transportation.

The resolution was read a first time and referred to the Committee on Roads and Transportation.

House Resolution 56

Representatives Forestal, Moed, Klinker, Goodin, DeLaney and Schaibley introduced House Resolution 56:

A HOUSE RESOLUTION urging Hoosiers to participate in Independent Bookstore Day.

Whereas, Independent bookstores play a crucial role in society serving as spaces where ideas live freely, thought and conversation flourish, and communities are nurtured and strengthened;

Whereas, Independent Bookstore Day is an annual celebration that takes place at independent bookstores across the country on the last Saturday in April;

Whereas, Independent Bookstore Day is sponsored by the American Booksellers Association and local trade groups;

Whereas, Indiana's trade group is The Great Lakes Independent Booksellers Association;

Whereas, Indiana stores taking part in Independent Bookstore Day 2017 include Bookmamas, Indianapolis; Kids Ink Children's Bookstore, Indianapolis; Basile History Market, Indianapolis; 4 Kids Books & Toys, Zionsville; Viewpoint Books, Columbus; Main Street Books, Lafayette; Three Sisters Books & Gifts, Shelbyville; and Village Lights, Madison;

Whereas, Independent bookstores are much more than stores; they are community centers and local anchors run by passionate readers; and

Whereas, Independent bookstores are not dying; they are living, breathing organisms that continue to grow and expand: Therefore,

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

SECTION 1. That the Indiana House of Representatives urges all Hoosiers to participate in Independent Bookstore Day.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to The Great Lakes Independent Booksellers Association.

The resolution was read a first time and adopted by voice vote.

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that Representative Steuerwald be removed as first sponsor and Representative J. Young be substituted therefor and Representative Steuerwald be added as cosponsor of Engrossed Senate Bill 38.

STEUERWALD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Steuerwald be removed as first sponsor and Representative Washburne be substituted therefor and Representative Steuerwald be added as cosponsor of Engrossed Senate Bill 190.

STEUERWALD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Negele be added as cosponsor of Engrossed Senate Bill 324.

STEUERWALD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three cosponsors and that Representatives Candelaria Reardon, J. Taylor, Hatfield and Hamilton be added as cosponsors of Engrossed Senate Bill 355.

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 Morris be added as cosponsor of Engrossed Senate Bill 457.

FRIEND

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Pressel be added as cosponsor of Engrossed Senate Bill 513.

T. BROWN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Borders be added as coauthor of House Concurrent Resolution 8.

ELLINGTON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Wright be added as coauthor of House Resolution 53.

ARNOLD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative M. Smith be added as coauthor of House Resolution 54.

BURTON

Motion prevailed.

April 4, 2017

House 659

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1178, 1234, 1235, 1318, 1395, 1430, 1492, 1521 and 1539 with amendments and the same are herewith returned to the House for concurrence.

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 concurred in the House amendments to Engrossed Senate Bills 43, 46, 73, 114, 323, 332, 382, 390, 392, 400, 440, 443 and 549.

JENNIFER L. MERTZ

On the motion of Representative Ober, the House adjourned at 5:18 p.m., this fourth day of April, 2017, until Wednesday, April 5, 2017, at 11:00 a.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives