



# Journal of the House

State of Indiana

119th General Assembly

First Regular Session

Sixteenth Day

Monday Afternoon

February 9, 2015

The invocation was offered by Pastor Kris Holzmeyer of Christian Fellowship Church, a guest of Representative Holli Anne Sullivan.

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 Representative Holli Anne Sullivan.

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

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

Truitt  
Ubelhor  
VanNatter  
Washburne  
Wesco

Wolkins  
Wright  
Zent  
Ziemke  
Mr. Speaker

Roll Call 88: 99 present; 1 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 Tuesday, February 10, 2015, at 1:30 p.m.

OBER

The motion was adopted by a constitutional majority.

## REPORTS FROM COMMITTEES

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1351, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 10 through 12.

Page 1, line 13, delete "3." and insert "2."

Page 1, line 15, delete "4." and insert "3."

Page 1, line 15, delete "specifically authorized by statute," and insert "**provided in section 4 of this chapter**,"

Page 2, delete lines 8 through 27, begin a new line block indented and insert:

**"(1) is not based upon a federal requirement;**

**(2) exceeds the authority granted to a federal or state agency under federal statutory authority; or**

**(3) is not specifically authorized by state statute.**

**Sec. 4. The adoption of rules, guidelines, standards, or other policies that are not based upon a federal requirement or specific statutory authority may be based upon:**

**(1) the general authority of an agency subject to any limits:**

**(A) in the grant of the authority; and**

**(B) upon the subject matter; or**

**(2) the power to adopt emergency rules in the manner provided under IC 4-22-2-37.1."**

Page 2, delete lines 35 through 42, begin a new paragraph and insert:

**"(c) The office:**

**(1) shall review:**

**(A) each proposed and emergency rule submitted for publication in the Indiana Register; and**

**(B) each adopted rule submitted to the attorney general under IC 4-22-2-31 or IC 4-22-2-40; and**

**(2) may review, upon request by a member of the general assembly, each proposed and adopted guideline, standard, or other policy;**

**for compliance with the standards in IC 1-1-15 and IC 4-22-2-19.5. The office may carry out other duties as**

assigned by the legislative council or the executive director of the legislative services agency."

Page 3, line 7, delete "rule" and insert "**rule, guideline, standard, or other policy**".

Page 3, line 9, delete "rule" and insert "**rule, guideline, standard, or other policy**".

Page 3, line 17, after "rules," insert "**guidelines, standards, or other policies,**".

Page 3, line 21, after delete "rule" and insert "**rule, guideline, standard, or other policy**".

Page 3, line 22, delete "IC 1-1-15-6" and insert "**IC 1-1-15**".

Page 3, line 23, delete "rule" and insert "**rule, guideline, standard, or other policy**".

Page 3, line 23, delete "IC 1-1-15-6" and insert "**IC 1-1-15**".

(Reference is to HB 1351 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 4.

LUCAS, Acting Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1222, 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 1222 as introduced.)

Committee Vote: Yeas 11, Nays 0.

BEHNING, Chair

Report adopted.

### RESOLUTIONS ON FIRST READING

#### House Resolution 13

Representatives Baird, Heaton and Morrison introduced House Resolution 13:

A HOUSE RESOLUTION recognizing Jackson Township Elementary School for being named a National Blue Ribbon School.

*Whereas, Jackson Township Elementary School in Brazil has been named a 2014 National Blue Ribbon School by the United States Department of Education;*

*Whereas, Jackson Township Elementary received Indiana's highest commendation as a Four-Star School in 2012 and 2013.*

*Whereas, Recognized as one of the most outstanding schools in Indiana, at least 95 percent of Jackson Township's students excelled in language arts and mathematics in the ISTEP+ and, for the last five years, the school has received an "A" rating from the Indiana Department of Education and has met Adequate Yearly Progress expectations since its inception;*

*Whereas, Each year since 1982, the United States Department of Education has honored over 200 of America's finest public and private elementary schools;*

*Whereas, The Blue Ribbon School Award gives national recognition to a diverse group of public and private schools that are unusually effective in meeting local, state, and national goals and in educating their students;*

*Whereas, The program is made up of the Elementary School Recognition Program and the Secondary School Recognition Program, recognizing elementary and secondary schools in alternate years;*

*Whereas, The Blue Ribbon School Award recognizes excellence in leadership, teaching and student environment, curriculum and instruction, parent and community support, and*

*organizational vitality;*

*Whereas, Jackson Township Elementary School is one of America's finest public schools;*

*Whereas, Jackson Township Elementary School is an outstanding elementary school that has repeatedly demonstrated clear vision, shared sense of mission, up-to-date curriculum, strong family involvement, and commitment to high standards; and*

*Whereas, Jackson Township Elementary School was only one of nine schools in Indiana to be honored as a National Blue Ribbon School for 2014: 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 faculty, administration, staff, and families of Jackson Township Elementary School for the school's selection as a 2014 National Blue Ribbon School by the United States Department of Education.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Brad Ennen, principal of Jackson Township Elementary School, and Jeff Fritz, former principal of Jackson Township Elementary School.

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

### HOUSE BILLS ON SECOND READING

Pursuant to House Rule 143.1, the following bills which had no amendments filed, were read a second time by title and ordered engrossed: House Bills 1065, 1139, 1164, 1417, 1448 and 1449.

### ENGROSSED HOUSE BILLS ON THIRD READING

#### Engrossed House Bill 1042

Representative Cox called down Engrossed House Bill 1042 for third reading:

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

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

Roll Call 89: 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. Senate sponsors: Senators A. Banks and Kruse.

#### Engrossed House Bill 1093

Representative Bacon called down Engrossed House Bill 1093 for third reading:

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

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

Roll Call 90: 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. Senate sponsors: Senators Grooms, Messmer and Breaux.

#### Engrossed House Bill 1184

Representative Davisson called down Engrossed House Bill 1184 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 91: 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. Senate sponsors: Senators Grooms, Becker and Mrvan.

### Engrossed House Bill 1196

Representative McNamara called down Engrossed House Bill 1196 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 92: 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. Senate sponsors: Senators Head and Bray.

## RESOLUTIONS ON FIRST READING

### Senate Concurrent Resolution 12

The Speaker handed down Senate Concurrent Resolution 12, sponsored by Representative Clere:

A CONCURRENT RESOLUTION congratulating the Providence High School volleyball team on its victory in the 2014 IHSAA Class 2A volleyball championship.

*Whereas, On November 8, 2014, in the IHSAA Class 2A volleyball championship, the Providence High School volleyball team defeated Southwood High School 3-0;*

*Whereas, The win marks the second consecutive state championship in volleyball for Providence High School, the Pioneers having claimed their first Class 2A state title in 2013;*

*Whereas, Jacqueline Hornung led all players with 11 kills, Marissa Hornung had 10 kills, Taylor Wilson had 9 kills, and Patricia Mattingly assisted in 39 of these kills;*

*Whereas, At the conclusion of the state finals, the IHSAA Executive Committee named Mattingly as the winner of the Class 2A Mental Attitude Award;*

*Whereas, A four-year starter for the Pioneers, Mattingly has been named to the Indiana Coaches of Girls Sports Association All-State team every year and this season is an Academic All-State member and nominee for the Gatorade Player of the Year;*

*Whereas, Each year the IHSAA Executive Committee selects a senior player, nominated by her principal and coach, who was determined to have best demonstrated mental attitude, scholarship, leadership, and athletic ability;*

*Whereas, The Committee presented the award amount to Providence High School's general scholarship fund in Mattingly's name;*

*Whereas, Mattingly plans to attend the U.S. Naval Academy this fall with a Blue Chip Scholarship where she will study Internet Security and Cyber Warfare; and*

*Whereas, It is fitting that the General Assembly gives special recognition to the young ladies and coaches of the Providence High School volleyball team: 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 congratulates the Providence High School volleyball team on its second consecutive IHSAA Class 2A championship title.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to each member of the Providence High School volleyball team: Madelyn Bivens, Carlie Combs, Haley Libs, Patricia Mattingly, Taylor Wilson, Amanda Barney, Alyson Bass, Jacqueline Hornung, Audrey Shannon, Claire Shannon, Anna Wingate, Amelia Fougerousse, Lexie Libs, Marissa Hornung, Head Coach Terri Purichia; Assistant Coaches: Brandy Denning, Hayley Koetter, Karrie Quenichet, Taylor Gelbach; Managers: Erica Denison, Joseph Bivens, Mari Kate Whitten, and Paul Meyer; Athletic Director Mickey Golembeski; Principal Dr. Mindy Ernstberger; and President Joan Hurley.

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.

## ENGROSSED HOUSE BILLS ON THIRD READING

### Engrossed House Bill 1240

Representative Braun called down Engrossed House Bill 1240 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

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

Roll Call 93: yeas 95, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Bassler.

### Engrossed House Bill 1358

Representative Cox called down Engrossed House Bill 1358 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 94: yeas 95, nays 3. 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 Steele and Broden.

### Engrossed House Bill 1469

Representative Ober called down Engrossed House Bill 1469 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

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

Roll Call 95: 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. Senate sponsor: Senator Boots.

The House recessed until the fall of the gavel.

## RECESS

The House reconvened at 4:03 p.m. with the Speaker in the Chair.

Upon request of Representative T. Brown, the Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum. Roll Call 96: 74 present. The Speaker declared a quorum present.

Representative Goodin is now excused.

### ENGROSSED HOUSE BILLS ON THIRD READING

#### Engrossed House Bill 1609

Representative McMillin called down Engrossed House Bill 1609 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 97: yeas 58, 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 Holdman.

Representative Price is now excused.

#### Engrossed House Bill 1601

Representative Smaltz called down Engrossed House Bill 1601 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

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

Roll Call 98: yeas 78, nays 16. 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 Glick and Buck.

#### Engrossed House Bill 1549

Representative Lehe called down Engrossed House Bill 1549 for third reading:

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

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

Roll Call 99: yeas 95, 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 Leising.

#### Engrossed House Bill 1545

Representative Saunders called down Engrossed House Bill 1545 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

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

Roll Call 100: 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

sponsors: Senators Glick and Leising.

#### Engrossed House Bill 1509

Representative VanNatter called down Engrossed House Bill 1509 for third reading:

A BILL FOR AN ACT concerning general provisions.

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

Roll Call 101: 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 Hershman.

#### Engrossed House Bill 1505

Representative VanNatter called down Engrossed House Bill 1505 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 102: 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 Head.

#### Engrossed House Bill 1501

Representative Baird called down Engrossed House Bill 1501 for third reading:

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

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

Roll Call 103: yeas 95, 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 Leising, Glick, Bray and Mrvan.

### HOUSE BILLS ON SECOND READING

#### House Bill 1186

Representative Leonard called down House Bill 1186 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 1186-5)

Mr. Speaker: I move that House Bill 1186 be amended to read as follows:

Page 8, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 5. IC 22-4-13-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 5. (a) Notwithstanding any other law, the department shall waive an individual's liability for repayment of benefits that were paid to an individual not entitled to receive the benefits if:**

**(1) the individual received the benefits after July 1, 2011;**

**(2) the individual received the benefits without fault of the individual; and**

**(3) the individual was not entitled to receive the benefits solely as the result of changes in the unemployment insurance law made by HEA 1450-2011 (P.L.2-2011).**

**(b) If an individual has repaid all or a part of an**

overpayment that is waived under subsection (a), the department shall refund to the individual all amounts paid to reimburse the department for the benefits for which repayment is waived.

(c) Benefits for which repayment is waived under subsection (a) shall be charged to the fund and not to:

- (1) the experience account of any employer; or
- (2) an employer making payments in lieu of contributions."

Renumber all SECTIONS consecutively.

(Reference is to HB 1186 as printed February 6, 2015.)

RIECKEN

Upon request of Representatives Pelath and Porter, the Speaker ordered the roll of the House to be called. Roll Call 104: yeas 30, nays 64. Motion failed.

HOUSE MOTION  
(Amendment 1186-1)

Mr. Speaker: I move that House Bill 1186 be amended to read as follows:

Page 21, after line 12, begin a new paragraph and insert:

"SECTION 11. [EFFECTIVE JULY 1, 2015] (a) The general assembly urges the legislative council to assign to an appropriate study commission or committee during the 2015 legislative interim the task of studying fraud and benefit overpayments occurring in the unemployment insurance program in Indiana.

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

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

Renumber all SECTIONS consecutively.

(Reference is to HB 1186 as printed February 6, 2015.)

MOSELEY

Upon request of Representatives Carbaugh and Mahan, the Speaker ordered the roll of the House to be called. Roll Call 105: yeas 94, nays 0. Motion prevailed.

HOUSE MOTION  
(Amendment 1186-2)

Mr. Speaker: I move that House Bill 1186 be amended to read as follows:

Page 8, between lines 17 and 18, begin a new paragraph and insert:

"Sec. 2. (a) The department shall not use a collection agency or another third party to collect overpayments under this chapter.

(b) The department shall not report to any credit agency that an individual has a benefit overpayment or is subject to administrative income withholding.

(c) The department shall not inform an individual's employer or another third party of the circumstances that resulted in the overpayment. The employer's notice under section 4 of this chapter is limited to stating that the individual is subject to income withholding under this chapter."

Page 8, line 18, delete "Sec. 2." and insert "Sec. 3."

Page 8, line 28, delete "3" and insert "4".

Page 8, line 34, delete "Sec. 3." and insert "Sec. 4."

Page 9, line 6, delete "7(d)" and insert "8(d)".

Page 9, line 8, delete "5" and insert "6".

Page 9, line 12, delete "6" and insert "7".

Page 9, line 15, delete "Sec. 4." and insert "Sec. 5."

Page 9, line 16, delete "3" and insert "4".

Page 9, line 29, delete "3" and insert "4".

Page 10, line 2, delete "Sec. 5." and insert "Sec. 6."

Page 10, line 21, delete "Sec. 6." and insert "Sec. 7."

Page 11, line 4, delete "Sec. 7." and insert "Sec. 8."

Page 11, line 5, delete "3" and insert "4".

Page 11, line 9, delete "3" and insert "4".

Page 11, line 23, delete "Sec. 8." and insert "Sec. 9."

Page 11, line 23, delete "2" and insert "3".

Page 21, line 11, delete "IC 22-4-13.3-7" and insert "IC 22-4-13.3-8".

(Reference is to HB 1186 as printed February 6, 2015.)

MOSELEY

Upon request of Representatives Pelath and Lawson, the Speaker ordered the roll of the House to be called. Roll Call 106: yeas 28, nays 68. Motion failed.

HOUSE MOTION  
(Amendment 1186-3)

Mr. Speaker: I move that House Bill 1186 be amended to read as follows:

Page 5, line 27, delete "subsection" and insert "**subsections (c), (d), and**".

Page 7, delete lines 26 through 42.

Page 8, delete lines 1 through 2.

Page 8, line 10, delete "or IC 22-4-13-1(d);" and insert ";".

Page 8, between lines 33 and 34, begin a new paragraph and insert:

"(c) The department shall provide a separate written notice under this section to an individual whenever the department sends a notice to withhold income to the individual's employer under section 3 of this chapter.

(d) The department may not send a notice to withhold income to an employer under section 3 of this chapter until after an individual has fully exhausted the individual's administrative and legal challenges to the income withholding."

Page 9, line 1, delete "this article." and insert "IC 22-4-13-1(c)."

Page 9, line 38, delete "as indicated by a written statement to the" and insert ".".

Page 9, delete line 39.

Page 10, line 20, after "(\$1,000)" delete "." and insert "**to be paid to the employee.**".

Page 12, delete lines 7 through 18, begin a new paragraph and insert:

"Sec. 9. (a) The department shall designate a deputy commissioner who is responsible for the efficient and proper administration of this chapter.

(b) Each notice sent to an individual under section 2 of this chapter or to an employer under section 3 of this chapter must provide the individual and the employer with information necessary to submit questions or objections that arise from the administration of this chapter. The notices sent under sections 2 and 3 of this chapter must include the following information for the deputy commissioner responsible for the administration of this chapter:

- (1) The deputy commissioner's name.
- (2) The deputy commissioner's business address.
- (3) The deputy commissioner's electronic mail address.
- (4) The deputy commissioner's telephone number.

(c) The deputy commissioner shall respond to an objection that arises from the administration of this chapter from an individual or employer not later than fifteen (15) days after the date the deputy commissioner receives the objection. An individual or employer has the right to seek administrative review of the deputy commissioner's decision under this subsection.

(d) If the deputy commissioner does not respond to an objection by the fifteenth day after the date the deputy commissioner received the objection, the employer shall immediately discontinue the income withholding and is not subject to any penalties under this chapter. To reinstate the

income withholding, the department is required to send a new notice to:

- (1) the individual under section 2 of this chapter; and
- (2) the employer under section 3 of this chapter.

(e) The department shall reimburse an individual for all financial losses arising from errors made in the administration of this chapter, including:

- (1) reimbursement of the individual for all income improperly withheld;
- (2) payment of interest on amounts improperly withheld at the rate of five hundredths of one percent (0.05%) per month; and
- (3) compensation to the individual for all other financial damages arising from the department's error."

Renumber all SECTIONS consecutively.

(Reference is to HB 1186 as printed February 6, 2015.)

MOSELEY

Upon request of Representatives Pelath and Porter, the Speaker ordered the roll of the House to be called. Roll Call 107: yeas 28, nays 67. Motion failed. The bill was ordered engrossed.

### House Bill 1281

Representative Ober called down House Bill 1281 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1281-1)

Mr. Speaker: I move that House Bill 1281 be amended to read as follows:

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

"SECTION 1. IC 5-13-6-1, AS AMENDED BY P.L.151-2012, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) All public funds paid into the treasury of the state or the treasuries of the respective political subdivisions shall be deposited not later than the business day following the receipt of funds on business days of the depository in one (1) or more depositories in the name of the state or political subdivision by the officer having control of the funds.

(b) Except as provided in subsections (d), (f), and (g), all public funds collected by state officers, other than the treasurer of state, shall be deposited with the treasurer of state, or an approved depository selected by the treasurer of state not later than the business day following the receipt of the funds. The treasurer of state shall deposit daily on business days of the depository all public funds deposited with the treasurer of state. Deposits do not relieve any state officer from the duty of maintaining a cashbook under IC 5-13-5-1.

(c) Except as provided in subsections (d) and (g), all local officers, except township trustees, who collect public funds of their respective political subdivisions, shall deposit funds not later than the business day following the receipt of funds on business days of the depository in the depository or depositories selected by the several local boards of finance that have jurisdiction of the funds. The public funds collected by township trustees shall be deposited in the designated depository on or before the first and fifteenth day of each month. Public funds deposited under this subsection shall be deposited in the same form in which they were received.

(d) Except as provided in subsection (g), a city (other than a consolidated city) or a town shall deposit funds not later than the next business day following the receipt of the funds in depositories:

- (1) selected by the city or town as provided in an ordinance adopted by the city or the town; and
- (2) approved as depositories of state funds.

(e) All local investment officers shall reconcile at least

monthly the balance of public funds, as disclosed by the records of the local officers, with the balance statements provided by the respective depositories.

(f) An office of:

- (1) the department of natural resources; or
- (2) the department of state revenue;

that is detached from the main office of the department is not required to deposit funds on the business day following receipt if the funds on hand do not exceed five hundred dollars (\$500). However, the office must deposit the funds on hand not later than the business day following the day that the funds exceed five hundred dollars (\$500).

(g) An office of the legislative branch of state government is **The following are not required to deposit funds on the business day following receipt if the funds on hand do not exceed ~~one hundred dollars (\$100)~~ five hundred dollars (\$500):**

- (1) An office of the legislative branch of state government.
- (2) A local officer of a political subdivision required to deposit funds under subsection (c) other than a township trustee.
- (3) A city or a town required to deposit funds under subsection (d).

However, the office must deposit the funds on hand **must be deposited** not later than the business day following the day that the funds exceed ~~one hundred dollars (\$100)~~ **five hundred dollars (\$500).**"

Renumber all SECTIONS consecutively.

(Reference is to HB 1281 as printed February 6, 2015.)

OBER

Motion prevailed. The bill was ordered engrossed.

### House Bill 1373

Representative Richardson called down House Bill 1373 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1373-1)

Mr. Speaker: I move that House Bill 1373 be amended to read as follows:

Page 3, line 28, after "action." insert "**However, the court may waive the payment of a fee under this subsection if the court finds that the petitioner is indigent.**"

Page 5, line 15, after "action." insert "**However, the court may waive the payment of a fee under this subsection if the court finds that the petitioner is indigent.**"

(Reference is to HB 1373 as printed February 6, 2015.)

MCMILLIN

Motion prevailed. The bill was ordered engrossed.

### House Bill 1394

Representative Soliday called down House Bill 1394 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1394-1)

Mr. Speaker: I move that House Bill 1394 be amended to read as follows:

Page 3, line 39, after "accompanied" insert "**in the seat beside the holder**".

Page 4, line 39, after "the" insert "**front seat of the**".

Page 6, line 35, after "accompanied" insert "**in the front seat of the motor vehicle**".

(Reference is to HB 1394 as printed February 6, 2015.)

BROWN, C

Upon request of Representatives Carbaugh and Mahan, the Speaker ordered the roll of the House to be called. Roll Call 108: yeas 96, nays 0. Motion prevailed. The bill was ordered engrossed.

**House Bill 1435**

Representative Olthoff called down House Bill 1435 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1435-1)

Mr. Speaker: I move that House Bill 1435 be amended to read as follows:

Page 4, line 12, delete "in a" and insert "**in sealed bottles or cases.**".

Page 4, delete line 13.

Page 5, line 21, delete "a closed and" and insert "**sealed bottles or cases.**".

Page 5, delete line 22.

(Reference is to HB 1435 as printed February 6, 2015.)

OLTHOFF

Motion prevailed. The bill was ordered engrossed.

**OTHER BUSINESS ON THE SPEAKER’S TABLE**

**Referrals to Ways and Means**

The Speaker announced, pursuant to House Rule 127, that House Bill 1222 had been referred to the Committee on Ways and Means.

HOUSE MOTION

Mr. Speaker: I move that Representative Cox be added as coauthor of House Bill 1102.

KOCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Price and V. Smith be added as coauthors of House Bill 1131.

HAMM

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Niezgodski be added as coauthor of House Bill 1279.

LEHMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Negele be added as coauthor of House Bill 1393.

SOLIDAY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Harris be added as coauthor of House Bill 1397.

SOLIDAY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Moseley be added as coauthor of House Bill 1617.

SULLIVAN

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 12, 37, 120, 127, 182, 251, 252, 259, 261, 265, 267, 280, 282, 291, 307, 326, 336, 358, 368, 372, 393, 420, 423, 433, 462, 473, 474, 495 and 531 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 Senate Concurrent Resolution 12 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 House Concurrent Resolutions 16 and 17 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 McMillin, the House adjourned at 6:04 p.m., this ninth day of February, 2015, until Tuesday February 10, 2015, at 1:30 p.m.

BRIAN C. BOSMA  
Speaker of the House of Representatives

M. CAROLINE SPOTTS  
Principal Clerk of the House of Representatives