



Journal of the Senate

State of Indiana

119th General Assembly

Second Regular Session

Twenty-fifth Meeting Day

Thursday Afternoon

February 25, 2016

The Senate convened at 1:35 p.m., with the President of the Senate, Sue Ellspermann, in the Chair.

Prayer was offered by Pastor Matt Barnes of Capitol Commission.

The Pledge of Allegiance to the Flag was led by Senator James C. Smith, Jr.

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

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

Roll Call 216: present 45; excused 5. [Note: A indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 43

Senate Concurrent Resolution 43, introduced by Senator Long:

A CONCURRENT RESOLUTION memorializing the honorable life and service of former Allen County Prosecutor and State Senator Walter P. Helmke.

Whereas, Walter P. Helmke was born in Fort Wayne, Indiana on December 28, 1927;

Whereas, Following the venerable footsteps of his father, Walter E. Helmke, who was affectionately known as "Mr. Republican," Helmke devoted his own life to serving both his community and state as well;

Whereas, Helmke received his B.A. from Indiana University in 1950, and his J.D. from Valparaiso University in 1952;

Whereas, After practicing law for several years, Helmke went on to serve as the Prosecuting Attorney of Allen County from 1962 until 1970;

Whereas, Helmke was then elected to the Indiana State Senate in 1970, where he was a champion of pro-life efforts;

Whereas, Senator Helmke served parts of Adams, Allen, and DeKalb Counties until 1974;

Whereas, Following his elected service, Helmke continued to practice law at Helmke Beams LLP and remained involved in state government, serving as Governor Otis Bowen's liaison to the Indiana State Senate for several years;

Whereas, Active in his community, Helmke also served as Chairman of the Greater Fort Wayne Chamber of Commerce, Chairman of Indiana University-Purdue University Fort Wayne's (IPFW) Community Advisory Council, and Chairman of Parkview Memorial Hospital;

Whereas, For his professional achievements and ongoing support of local organizations, Helmke was a recipient of IPFW's Ralph E. Broyles Medal, the Allen County Bar Association's first Lifetime Achievement Award, and the Fort Wayne North Side Distinguished Alumni Award;

Whereas, Helmke and his loving wife of 67 years, Rowene, had three children together, seven grandchildren, and six great grandchildren; and

Whereas, Helmke passed away on January 20, 2016, surrounded by three generations of descendants, and will be remembered and missed by so many: 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

memorializes the honorable life and service of its friend, Walter P. Helmke.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to Walter P. Helmke's son and former Fort Wayne mayor, Paul Helmke, and his daughter, Marsha Shirk.

The resolution was read in full and adopted by standing vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Lehman.

SENATE MOTION

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 20 and that a conference committee be appointed to confer with a like committee of the House.

BOOTS

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 324 and that a conference committee be appointed to confer with a like committee of the House.

MESSMER

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 364 and that a conference committee be appointed to confer with a like committee of the House.

BASSLER

Motion prevailed.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed/removed/changed the following senator(s) as Senate conferees (or advisors) on Engrossed Senate Bill 20:

Conferees: Boots, Chair and Tallian

Advisors: Walker and Arnold

LONG

Date: 2/25/16

Time: 1:27 p.m.

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed/removed/changed the following senator(s) as Senate conferees (or advisors) on Engrossed Senate Bill 364:

Conferees: Bassler, Chair and Mrvan

Advisors: Patricia Miller and Breaux

LONG

Date: 2/24/16

Time: 9:32 a.m.

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed/removed/changed the following senator(s) as Senate conferees (or advisors) on Engrossed Senate Bill 324:

Conferees: Messmer, Chair and Arnold

Advisors: Yoder, Broden, and Perfect

LONG

Date: 2/24/16

Time: 1:30 p.m.

Report adopted.

SENATE MOTION

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

SCR 47 Senator Zakas

Honoring REAL Services

LONG

Motion prevailed.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 47

Senate Concurrent Resolution 47, introduced by Senators Zakas, Broden, Mishler, Arnold, Yoder:

A CONCURRENT RESOLUTION honoring REAL Services for 50 years of serving the needs of individuals in northern Indiana.

Whereas, REAL Services was established in May 1966 as a part of the planning division of United Way;

Whereas, The organization was founded to develop a service network designed to meet the needs of older adults in St. Joseph County;

Whereas, The organization's mission is to assist in establishing a community in which those served can maintain their independence to the maximum degree possible, and find meaning and satisfaction throughout their lives;

Whereas, The first Indiana grant from the U.S. Administration on Aging for Research and Development was given to REAL Services in 1967, and was used to establish the organization's Information, Counseling and Referral Program (ICR) to determine and address the immediate needs of the elderly;

Whereas, As a result of ICR's establishment, a directory of community services for older adults was prepared and distributed, and new programs were developed to meet the needs;

Whereas, In its early years, in conjunction with First United Methodist Church, REAL Services launched a program to provide meals and socialization opportunities for older adults, which became the model for nationwide nutrition programs under the Older Americans Act of 1965;

Whereas, Through the years, REAL Services enacted programs such as Dial-A-Ride transportation, crime victim services, weatherization assistance, and guardianship; and in the 1980s, expanded its outreach to include services for low-income people of any age;

Whereas, REAL Services is the Area Agency on Aging for Area Two of Indiana and has two other divisions that serve vulnerable older adults and low-income persons of all ages: The Community Action Agency and Alzheimer's and Dementia Services;

Whereas, Today, REAL Services serves as an umbrella organization for more than 20 programs that assist 30,000 elderly, disabled and low-income individuals in 12 northern Indiana counties each year; and

Whereas, It is fitting that REAL Services is honored and recognized for its continual devotion to bettering northern Indiana and the lives of the individuals they serve on a daily basis: 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 honors REAL Services for 50 years of serving the needs of individuals in northern Indiana.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Becky Zaseck, President of REAL Services.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives DeVon, Bauer, Miller, Wesco, and Niezgodski.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Public Policy, to which was referred Senate Concurrent Resolution 32, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.

Committee Vote: Yeas 9, Nays 0.

ALTING, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education & Career Development, to which was referred Senate Resolution 14, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.

Committee Vote: Yeas 8, Nays 0.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security & Transportation, to which was referred Senate Resolution 31, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.

Committee Vote: Yeas 8, Nays 0.

YODER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education & Career Development, to which was referred Senate Resolution 33, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.

Committee Vote: Yeas 8, Nays 0.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred House Bill 1001, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 4-10-22-1, AS AMENDED BY P.L.213-2015, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) After the end of **the state fiscal year beginning July 1, 2015, and ending June 30, 2016, and after the end of** each odd-numbered state fiscal year **thereafter**, the office of management and budget shall calculate in the customary manner the total amount of state reserves as of the end of the state fiscal year. The office of management and budget shall make the calculation not later **than July 31, 2016, and not later** than July 31 of each odd-numbered year **thereafter**.

(b) The office of management and budget may not consider a balance in the state tuition reserve account established by IC 4-12-1-15.7 when making the calculation required by subsection (a) **in 2017 and in an odd-numbered year thereafter**.

SECTION 2. IC 4-10-22-2, AS AMENDED BY P.L.160-2012, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. If:

(1) the total amount of state reserves calculated by the office of management and budget exceeds:

(A) eleven and five-tenths percent (11.5%) of the general revenue appropriations for the current state fiscal year, in the case of a calculation made in calendar year 2016; or

(B) twelve and five-tenths percent (12.5%) of the general revenue appropriations for the current state fiscal year, in the case of a calculation made in 2017 and in an odd-numbered year thereafter; and

(2) the accounts payable by the state at the end of the preceding state fiscal year are not unusually large as a percentage of the total amount of state reserves (as compared to recent history);

the governor shall make a presentation to the state budget committee regarding the disposition of excess state reserves under section 3 of this chapter. The presentation must be made not later **than September 30, 2016, not later than September 30, 2017, and not later than** September 30 of each odd-numbered year **thereafter**.

SECTION 3. IC 4-10-22-3, AS AMENDED BY P.L.91-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. **(a) This subsection does not apply in calendar year 2016.** If, after completing the presentation to the state budget committee described in section 2 of this chapter, the amount of the excess reserves is fifty million dollars (\$50,000,000) or more, the governor shall do the

following:

(1) If the year is calendar year 2013, transfer one hundred percent (100%) of the excess reserves to the pension stabilization fund established by IC 5-10.4-2-5 for the purposes of the pension stabilization fund. If the year is calendar year 2014 or **the calendar year is 2017 or an odd-numbered year** thereafter, transfer fifty percent (50%) of any excess reserves to the pension stabilization fund established by IC 5-10.4-2-5 for the purposes of the pension stabilization fund.

(2) If the year is calendar year 2014 or **the calendar year is 2017 or an odd-numbered year** thereafter, use fifty percent (50%) of any excess reserves for the purposes of providing an automatic taxpayer refund under section 4 of this chapter.

(b) This subsection applies in calendar year 2016. If excess reserves exist, and after completing the calculation required in section 1 of this chapter and the presentation to the state budget committee described in section 2 of this chapter, the governor shall transfer one hundred percent (100%) of the excess reserves to the state highway fund for road and bridge repair. This transfer shall be made from the state general fund."

Delete pages 2 through 5.

Page 6, delete lines 1 through 23.

Page 6, line 42, delete "has the meaning" and insert "**includes planning for drainage systems and rights-of-way that affect transportation assets.**".

Page 7, delete line 1.

Page 8, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 6. IC 6-3.5-4-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. In the case of a county that contains a consolidated city, the city-county council may appropriate money derived from the surtax to the department of transportation established by IC 36-3-5-4 for use by the department under law **and for the following purposes:**

(1) To purchase salt and other ice melting chemicals.

(2) To pay the expenses of sprinkling, snow removal, weed and tree cutting related to streets and roads, cleaning of highways, painting, and the operation and maintenance of traffic signs and signals and safety zones and devices.

The city-county council may not appropriate money derived from the surtax for any other purpose.

SECTION 7. IC 6-3.5-4-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. (a) In the case of a county that does not contain a consolidated city of the first class, the county treasurer shall deposit the surtax revenues in a fund to be known as the "_____ County Surtax Fund".

(b) Before the twentieth day of each month, the county auditor shall allocate the money deposited in the county surtax fund during that month among the county and the cities and the towns in the county. The county auditor shall allocate the money to counties, cities, and towns under IC 8-14-2-4(c)(1) through

IC 8-14-2-4(c)(3).

(c) Before the twenty-fifth day of each month, the county treasurer shall distribute to the county and the cities and towns in the county the money deposited in the county surtax fund during that month. The county treasurer shall base the distribution on allocations made by the county auditor for that month under subsection (b).

(d) A county, city, or town may only use the surtax revenues it receives under this section **for the following purposes:**

- (1) To construct, reconstruct, repair, or maintain streets and roads under its jurisdiction.
- (2) **To purchase salt and other ice melting chemicals.**
- (3) **To pay the expenses of sprinkling, snow removal, weed and tree cutting related to streets and roads, cleaning of highways, painting, and the operation and maintenance of traffic signs and signals and safety zones and devices."**

Page 8, line 31, delete "has the" and insert "**includes planning for drainage systems and rights-of-way that affect transportation assets."**

Page 8, delete line 32.

Page 9, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 10. IC 6-3.5-5-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14. (a) In the case of a county that contains a consolidated city, the city-county council may appropriate money derived from the wheel tax:

- (1) to:
 - (+) (A) the department of transportation established by IC 36-3-5-4 for use by the department under law; or
 - (-) (B) an authority established under IC 36-7-23; or
- (2) **for any of the following purposes:**
 - (A) **The purchase of salt and other ice melting chemicals.**
 - (B) **The expenses of sprinkling, snow removal, weed and tree cutting related to streets and roads, cleaning of highways, painting, and the operation and maintenance of traffic signs and signals and safety zones and devices.**

(b) The city-county council may not appropriate money derived from the wheel tax for any other purpose.

SECTION 11. IC 6-3.5-5-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15. (a) In the case of a county that does not contain a consolidated city, the county treasurer shall deposit the wheel tax revenues in a fund to be known as the "County Wheel Tax Fund".

(b) Before the twentieth day of each month, the county auditor shall allocate the money deposited in the county wheel tax fund during that month among the county and the cities and the towns in the county. The county auditor shall allocate the money to counties, cities, and towns under IC 8-14-2-4(c)(1) through IC 8-14-2-4(c)(3).

(c) Before the twenty-fifth day of each month, the county treasurer shall distribute to the county and the cities and towns in the county the money deposited in the county wheel tax fund

during that month. The county treasurer shall base the distribution on allocations made by the county auditor for that month under subsection (b).

(d) A county, city, or town may only use the wheel tax revenues it receives under this section:

- (1) to construct, reconstruct, repair, or maintain streets and roads under its jurisdiction; ~~or~~
- (2) as a contribution to an authority established under IC 36-7-23; or
- (3) **for any of the following purposes:**

- (A) **The purchase of salt and other ice melting chemicals.**
- (B) **The expenses of sprinkling, snow removal, weed and tree cutting related to streets and roads, cleaning of highways, painting, and the operation and maintenance of traffic signs and signals and safety zones and devices."**

Page 9, line 31, delete "twenty thousand (20,000)." and insert "**ten thousand (10,000)."**

Page 9, line 40, delete "has the meaning" and insert "**includes planning for drainage systems and rights-of-way that affect transportation assets."**

Page 9, delete line 41.

Page 12, line 20, after "jurisdiction" delete "." and insert "**or for any of the following purposes:**

- (1) **To purchase salt and other ice melting chemicals.**
- (2) **To pay the expenses of sprinkling, snow removal, weed and tree cutting related to streets and roads, cleaning of highways, painting, and the operation and maintenance of traffic signs and signals and safety zones and devices."**

Page 13, line 11, delete "twenty thousand (20,000)." and insert "**ten thousand (10,000)."**

Page 13, line 24, delete "has the" and insert "**includes planning for drainage systems and rights-of-way that affect transportation assets."**

Page 13, delete line 25.

Page 17, line 8, delete "or".

Page 17, line 10, after "IC 36-7-23" delete "." and insert "**; or (3) for any of the following purposes:**

- (A) **To purchase salt and other ice melting chemicals.**
- (B) **To pay the expenses of sprinkling, snow removal, weed and tree cutting related to streets and roads, cleaning of highways, painting, and the operation and maintenance of traffic signs and signals and safety zones and devices."**

Page 17, delete lines 25 through 42, begin a new paragraph and insert:

"SECTION 14. IC 8-14-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. The funds allocated to the respective counties of the state from the motor vehicle highway account shall annually be budgeted as provided by law, and, when distributed shall be used for construction, reconstruction and maintenance of the highways of the respective counties, including highways which traverse the streets of

incorporated towns, the cost of the repair and maintenance of which prior to the tenth day of September, 1932, was paid from the county gravel road repair fund excepting where the department is charged by law with the maintenance or construction of any such highway so traversing such streets. Any surplus existing in the funds at the end of the year shall thereafter continue as a part of the highway funds of the said counties and shall be rebudgeted and used as already provided in this chapter. The purchase, rental and repair of highway equipment, painting of bridges and acquisition of grounds for erection and construction of storage buildings, acquisition of rights of way and the purchase of fuel oil, and supplies necessary to the performance of construction, reconstruction and maintenance of highways, shall be paid out of the highway account of the various counties. **The funds allocated to counties from the motor vehicle highway account may also be used for any purpose for which a distribution from the local road and street account under IC 8-14-2 may be used. The funds allocated to counties from the motor vehicle highway account may not be used for the purchase of salt and other ice melting chemicals.**

SECTION 15. IC 8-14-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) All funds allocated to cities and towns from the motor vehicle highway account shall be used by the cities and towns for the construction, reconstruction, repair, maintenance, ~~and oiling sprinkling, snow removal, weed and tree cutting and cleaning~~ of their highways as herein defined, and including also any curbs, and the city's or town's share of the cost of the separation of the grades of crossing of public highways and railroads, the purchase or lease of highway construction and maintenance equipment, ~~and the purchase and erection operation and maintenance of traffic signs and signals. and safety zones and devices; and the painting of structures, objects, surfaces in highways for purposes of safety and traffic regulation.~~ **However, funds allocated to cities and towns from the motor vehicle highway account may not be used for the purchase of salt and other ice melting chemicals.** All of such funds shall be budgeted as provided by law.

(b) ~~In addition to purposes for which funds may be expended under subsections (a) and (c) of this section; monies allocated to cities and towns under this chapter may be expended for law enforcement purposes; subject to the following limitations:~~

(1) ~~For cities and towns with a population of less than five thousand (5,000); no more than fifteen percent (15%) may be spent for law enforcement purposes.~~

(2) ~~For cities and towns other than those specified in subdivision (1) of this subsection; no more than ten percent (10%) may be spent for law enforcement purposes.~~

(c) ~~(b) In addition to purposes for which funds may be expended under subsections subsection (a), and (b) of this section; monies allocated to cities and towns under this chapter may be expended for the payment of principal and interest on bonds sold primarily to finance road, street, or thoroughfare projects. The funds allocated to cities and towns from the motor vehicle highway account may also be used for any~~

purpose for which a distribution from the local road and street account under IC 8-14-2 may be used.

SECTION 16. IC 8-14-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. **(a) Except as provided in section 5.5 of this chapter,** money from the local road and street account shall be used exclusively by the cities, towns, and counties for:

(1) engineering, land acquisition, construction, resurfacing, maintenance, restoration, or rehabilitation of both local and arterial road and street systems;

(2) the payment of principal and interest on bonds sold primarily to finance road, street, or thoroughfare projects;

(3) any local costs required to undertake a recreational or reservoir road project under IC 8-23-5; or

(4) the purchase, rental, or repair of highway equipment.

(b) Money from the local road and street account may not be used for the purchase of salt and other ice melting chemicals.

SECTION 17. IC 8-14-2-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5.5. **In addition to the purposes described in section 5 of this chapter, money from the local road and street account allocated to cities and towns may be used for any purpose for which money from the motor vehicle highway account under IC 8-14-1 may be used.**

SECTION 18. IC 8-14-15-10, AS ADDED BY P.L.47-2006, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) The principal of the trust may not be diminished during the term of the trust.

(b) The income that accrues from investment of the trust shall be deposited in the trust.

(c) **Except as provided in subsection (d),** on March 15, 2011, March 15, 2016, **March 15, 2021,** and March 15 every five (5) years thereafter, the treasurer of state shall transfer all interest accruing to the trust to the major moves construction fund.

(d) In addition to transfers on the dates set forth in subsection (c), the treasurer of state shall transfer the first fifty million dollars (\$50,000,000) of interest accruing to the trust after March 15, 2016, to the state highway fund for the purpose of road and bridge repair."

Delete pages 18 through 30.

Page 31, delete lines 1 through 25.

Page 33, delete lines 8 through 42.

Delete page 34.

Page 35, delete lines 1 through 15.

Page 35, line 31, delete "local road and bridge matching grant fund" and insert "**motor vehicle highway account established under IC 8-14-1.**"

Page 35, delete line 32, begin a new paragraph and insert:

"SECTION 33. IC 9-29-5-48.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 48.5. **(a) The fee in this section applies after December 31, 2016, to**

each hybrid vehicle that is required to be registered under IC 9-18.

(b) As used in this section, "hybrid vehicle" means a vehicle that:

- (1) draws propulsion energy from both an internal combustion engine and an energy storage device; and
- (2) employs a regenerative braking system to recover waste energy to charge the energy storage device that is providing propulsion energy.

(c) In addition to any other fee required to register a hybrid vehicle under this chapter, the supplemental fee to register a hybrid vehicle is fifty dollars (\$50). The fee shall be distributed to the motor vehicle highway account established under IC 8-14-1.

SECTION 34. IC 34-28-5-4, AS AMENDED BY P.L.106-2010, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) A judgment of up to ten thousand dollars (\$10,000) may be entered for a violation constituting a Class A infraction.

(b) A judgment of up to one thousand dollars (\$1,000) may be entered for a violation constituting a Class B infraction.

(c) Except as provided in subsection (f), a judgment of up to five hundred dollars (\$500) may be entered for a violation constituting a Class C infraction.

(d) A judgment of up to twenty-five dollars (\$25) may be entered for a violation constituting a Class D infraction.

(e) Subject to section 1(i) of this chapter, a judgment:

- (1) up to the amount requested in the complaint; and
- (2) not exceeding any limitation under IC 36-1-3-8;

may be entered for an ordinance violation.

(f) Except as provided in subsections (g) and (h), a person who has admitted to a moving violation constituting a Class C infraction, pleaded nolo contendere to a moving violation constituting a Class C infraction, or has been found by a court to have committed a moving violation constituting a Class C infraction may not be required to pay more than the following amounts for the violation:

(1) If, before the appearance date specified in the summons and complaint, the person mails or delivers an admission of the moving violation or a plea of nolo contendere to the moving violation, the person may not be required to pay any amount, except court costs and a judgment that does not exceed thirty-five dollars and fifty cents (\$35.50).

(2) If the person admits the moving violation or enters a plea of nolo contendere to the moving violation on the appearance date specified in the summons and complaint, the person may not be required to pay any amount, except court costs and a judgment that does not exceed thirty-five dollars and fifty cents (\$35.50).

(3) If the person contests the moving violation in court and is found to have committed the moving violation, the person may not be required to pay any amount, except:

- (A) court costs and a judgment that does not exceed thirty-five dollars and fifty cents (\$35.50) if, in the five (5) years before the appearance date specified in the

summons and complaint, the person was not found by a court in the county to have committed a moving violation;

(B) court costs and a judgment that does not exceed two hundred fifty dollars and fifty cents (\$250.50) if, in the five (5) years before the appearance date specified in the summons and complaint, the person was found by a court in the county to have committed one (1) moving violation; and

(C) court costs and a judgment that does not exceed five hundred dollars (\$500) if, in the five (5) years before the appearance date specified in the summons and complaint, the person was found by a court in the county to have committed two (2) or more moving violations.

In a proceeding under subdivision (3), the court may require the person to submit an affidavit or sworn testimony concerning whether, in the five (5) years before the appearance date specified in the summons and complaint, the person has been found by a court to have committed one (1) or more moving violations.

(g) The amounts described in subsection (f) are in addition to any amount that a person may be required to pay for attending a defensive driving school program.

(h) This subsection applies only to infraction judgments imposed in Marion County for traffic violations after December 31, 2010. Subsection (f) applies to an infraction judgment described in this subsection. However, a court shall impose a judgment of not less than thirty-five dollars (\$35) for an infraction judgment that is entered in Marion County. These funds shall be transferred to a dedicated fund in accordance with section 5 of this chapter.

(i) This subsection applies only to infraction judgments imposed in Clark County for toll violations after January 1, 2017. Subsection (f) applies to an infraction judgment described in this subsection. However, a court shall impose a judgment of not less than thirty-five dollars (\$35) for an infraction judgment that is entered in Clark County. These funds shall be transferred to a dedicated fund in accordance with section 5(f) of this chapter.

SECTION 35. IC 34-28-5-5, AS AMENDED BY P.L.106-2010, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) A defendant against whom a judgment is entered is liable for costs. Costs are part of the judgment and may not be suspended except under IC 9-30-3-12. Whenever a judgment is entered against a person for the commission of two (2) or more civil violations (infractions or ordinance violations), the court may waive the person's liability for costs for all but one (1) of the violations. This subsection does not apply to judgments entered for violations constituting:

- (1) Class D infractions; or
- (2) Class C infractions for unlawfully parking in a space reserved for a person with a physical disability under IC 5-16-9-5 or IC 5-16-9-8.

(b) If a judgment is entered:

- (1) for a violation constituting:
 - (A) a Class D infraction; or
 - (B) a Class C infraction for unlawfully parking in a space reserved for a person with a physical disability under IC 5-16-9-5 or IC 5-16-9-8; or

(2) in favor of the defendant in any case; the defendant is not liable for costs.

(c) Except for costs, and except as provided in ~~subsection~~ **subsections (e) and (f)** and IC 9-21-5-11(e), the funds collected as judgments for violations of statutes defining infractions shall be deposited in the state general fund.

(d) A judgment may be entered against a defendant under this section or section 4 of this chapter upon a finding by the court that the defendant:

- (1) violated:
 - (A) a statute defining an infraction; or
 - (B) an ordinance; or
- (2) consents to entry of judgment for the plaintiff upon a pleading of nolo contendere for a moving traffic violation.

(e) The funds collected for an infraction judgment described in section 4(h) of this chapter shall be transferred to a dedicated county fund. The money in the dedicated county fund does not revert to the county general fund or state general fund and may be used, after appropriation by the county fiscal body, only for the following purposes:

- (1) To pay compensation of commissioners appointed under IC 33-33-49.
- (2) To pay costs of the county's guardian ad litem program.

(f) The funds collected for an infraction judgment described in section 4(i) of this chapter shall be transferred to a dedicated toll revenue fund created as part of a project under IC 8-15.5-1-2(b)(4). The money in the fund does not revert to the county general fund or state general fund and may be used only to pay the cost of operating, maintaining, and repairing the tolling system for a project under IC 8-15.5-1-2(b)(4), including major repairs, replacements, and improvements."

Page 35, delete line 42, begin a new paragraph and insert:

"SECTION 38. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "task force" refers to the funding Indiana's roads for a stronger, safer tomorrow task force established by subsection (b).**

(b) The funding Indiana's roads for a stronger, safer tomorrow task force is established.

(c) The task force consists of the following members:

- (1) The chairperson of the house of representatives ways and means committee.**
- (2) The chairperson of the senate appropriations committee.**
- (3) The chairperson of the senate tax and fiscal policy committee.**
- (4) The chairperson of the house of representatives roads and transportation committee.**
- (5) The chairperson of the senate homeland security and transportation committee.**

(6) The director of the office of management and budget.

(7) The public finance director of the Indiana finance authority.

(8) One (1) member who represents counties and is appointed by the governor after considering the recommendation of the Association of Indiana Counties.

(9) One (1) member who represents municipalities and is appointed by the governor after considering the recommendation of the Indiana Association of Cities and Towns.

(10) One (1) member appointed by the governor after considering the recommendation of the Build Indiana Council.

(11) One (1) member appointed by the governor who is an employee of the Indiana department of transportation.

(12) One (1) member of the general assembly who is a member of the minority party of the house of representatives and is appointed by the speaker of the house of representatives in consultation with the minority leader of the house of representatives.

(13) One (1) member of the general assembly who is a member of the minority party of the senate and is appointed by the president pro tempore of the senate in consultation with the minority leader of the senate.

(d) The budget committee shall select a member of the task force to serve as the chairperson of the task force.

(e) The task force shall develop a long term plan for state highway and major bridge needs that addresses the ten (10) points described in subsection (g) and:

- (1) will achieve the recommended pavement and bridge conditions;**
- (2) will complete the current statewide priority projects;**
- (3) includes Tier 1, 2, and 3 projects; and**
- (4) using the model developed by the Indiana department of transportation, includes sustainable funding mechanisms for the various components of the plan.**

(f) The long term plan for state highway and major bridge needs must provide a basis for consideration for the state biennial budget enacted for the biennium beginning July 1, 2017.

(g) The long term plan for state highway and major bridge needs must include the following ten (10) points:

- (1) Estimates of the costs of major projects, including a study of which projects can be done within current revenue streams and which projects may require additional funding.**
- (2) The identification of projects for which a public/private partnership or tolling might be viable, with planning to verify and confirm these public/private partnership or tolling opportunities.**

(3) The identification of resources for annual maintenance need, concentrating first on available user fees and attempting to secure stable and predictable funding sources. This must include a determination of whether additional resources must be pursued and what form of resource is most appropriate for each project.

(4) A review of the state's debt situation and the development of a plan to maintain a strong financial position for the state. This must include consideration of whether a fee or tax could be associated with the life of a bond for an individual project, with the fee or tax then expiring by law upon payment of the bond.

(5) The evaluation of the state system of taxes, fees, and registration fees, and the equity of payments by different groups of users of transportation assets. This must include an evaluation of the overall reliability over time of the receipt of revenue from these sources.

(6) A review of the fuel tax system, including such concepts as indexing tax rates, changing tax rates, and the appropriate collection points for these taxes.

(7) The ensuring that the projects listed in the plan are priority items that should be carried out, and confirming that these projects bring value to citizens either through access and safety needs or for economic development of Indiana as a whole.

(8) A review of the impact and advisability of dedicating some part of state sales tax to roads and road maintenance.

(9) An analysis of how collective purchasing agreements could be developed to share and reduce costs across the system of state and local governments.

(10) A presentation of the plan and recommendations to the budget committee before January 1, 2017.

(h) The legislative services agency shall provide staff support to the task force.

(i) The meetings of the task force must be held in public as provided under IC 5-14-1.5. However, the task force is permitted to meet in executive session as determined necessary by the chairperson of the task force.

(j) This SECTION expires June 30, 2017.

SECTION 39. [EFFECTIVE JULY 1, 2016] (a) There is appropriated for the state fiscal year beginning July 1, 2016, and ending June 30, 2017, five hundred thousand dollars (\$500,000) from the motor vehicle highway account to the Indiana department of transportation. The funds appropriated under this SECTION shall be used by the local technical assistance program established under IC 8-23-2-5(a)(6) to do the following:

(1) Studying issues related to the development and operation by local governments of transportation asset management plans and pavement management plans.

(2) Assisting local governments in Indiana in developing and operating transportation asset management plans and pavement management plans.

(b) The calculation of the other distributions to be made from the motor vehicle highway account under IC 8-14-1-3 in the state fiscal year beginning July 1, 2016, and ending June 30, 2017, shall be made after deducting the amount appropriated under this SECTION.

(c) This SECTION expires June 30, 2017."

Page 36, delete lines 1 through 11.

Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as printed January 29, 2016.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred House Bill 1002, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning higher education.

Delete everything after the enacting clause and insert the following:

SECTION 1. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "commission" refers to the commission for higher education established by IC 21-18-2-1.

(b) The commission shall, subject to the availability of data, do the following before December 1, 2016:

(1) Identify and document the following:

(A) All current scholarship programs that are administered by the commission.

(B) All sources of financial aid that are provided by each state educational institution (as defined in IC 21-7-13-32).

(2) Review the current scholarship programs and financial aid sources identified in subdivision (1) and determine whether a program to provide scholarships to high achieving students who intend to enter the teaching profession in Indiana upon graduation would be conducive to placement within a current scholarship program administered by the commission.

(3) Research and identify programs offered in other states that provide state scholarships or loan forgiveness to high achieving students who intend to enter the teaching profession in that state upon graduation (if any). If the commission identifies programs offered in other states under this subdivision, the commission shall document at least the following data for each state program:

(A) The structure of the program, including whether the program provides a scholarship or is in the form of loan forgiveness.

(B) The qualifications and requirements for a

recipient under the program.

(C) The administration of the program.

(4) Develop and outline potential administrative procedures that would allow the commission to effectively and efficiently recover scholarship money from a scholarship recipient under a program described in subdivision (2) who fails to enter the teaching profession in Indiana upon graduation or otherwise fails to fulfill the obligations of the program.

(5) Compile a report that contains demographic information for students in Indiana who, within the last two (2) years, received scores in the top twentieth percentile on the SAT or ACT examination or graduated in the highest ten percent (10%) of the students' graduating class. The report must include:

(A) identification of the educational institutions in which the students enrolled; and

(B) the degree programs or courses of study that the students pursued;

upon graduation from high school.

(6) Identify other program options for providing incentives to Indiana's high achieving students to enter the teaching profession in Indiana upon graduation, in addition to the program described in subdivision (2).

(7) Prepare a comprehensive report that includes each item required under subdivisions (1) through (6) and provide a copy of the report to the budget agency and legislative council not later than December 1, 2016. The report to the legislative council under this subdivision must be in an electronic format under IC 5-14-6.

(c) This SECTION expires July 1, 2017.

SECTION 2. An emergency is declared for this act.

(Reference is to HB 1002 as reprinted January 26, 2016.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred House Bill 1017, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 7, Nays 1.

HEAD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred House Bill 1019, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 3, line 5, delete "activity." and insert "activity, or a custodial interrogation conducted in a place of detention as described in Indiana Evidence Rule 617, regardless of the ultimate admissibility of a statement made during the custodial interrogation."

Page 12, line 35, delete "or any part of a law".

Page 12, delete line 36.

Page 12, line 37, delete "located on an airport (as defined in IC 8-21-1-1)".

Page 12, line 38, delete "agency." and insert "agency, or any part of a law enforcement recording that captures information about airport security procedures, areas, or systems."

Page 13, line 6, after "a" insert "security procedure, area, system, or".

Page 14, line 39, delete "section 5.1" and insert "sections 5.1 and 5.2".

Page 14, line 40, after "recording." insert "However, before disclosing the recording, the public agency must comply with the obscuring requirements of sections 5.1 and 5.2 of this chapter, if applicable."

Page 15, between lines 40 and 41, begin a new line block indented and insert:

"(5) A person who:

(A) is the victim of a crime; or

(B) suffers a loss due to personal injury or property damage;

if the events depicted in the law enforcement recording are relevant to the person's loss or to the crime committed against the person."

Page 16, delete lines 10 through 14, begin a new paragraph and insert:

"(c) Before an inspection under subsection (b), the public agency:

(1) shall obscure in the recording any information described in section 4(a) of this chapter; and

(2) may obscure:

(A) an undercover law enforcement officer; or

(B) a confidential informant."

Page 16, line 20, delete "Any person may petition to obtain a court" and insert "A public agency shall permit any person to inspect or copy a law enforcement recording depicting evidence pertaining to:

(1) the excessive use of force; or

(2) a civil rights violation, tortious act, or other unlawful act;

by a law enforcement officer, unless section 4(b)(19) of this chapter applies and the person has not demonstrated that the public agency that owns, occupies, leases, or maintains the airport approves the disclosure of the recording. However, before permitting a person to inspect or copy the recording, the public agency must comply with the obscuring provisions of subsection (f), if applicable. The act of releasing a law enforcement recording under this subsection is not an admission of wrongdoing by the public agency and may not

be considered by a trier of fact in adjudicating any action to which matters depicted on the recording are relevant.

(b) This subsection does not apply to a law enforcement recording described in subsection (a). A public agency shall permit any person to inspect or copy a law enforcement recording unless one (1) or more of the following circumstances apply:

(1) Section 4(b)(19) of this chapter applies and the person has not demonstrated that the public agency that owns, occupies, leases, or maintains the airport approves the disclosure of the recording.

(2) The public agency finds, after due consideration of the facts of the particular case, that access to or dissemination of the recording:

(A) creates a significant risk of substantial harm to any person or to the general public;

(B) is likely to interfere with the ability of a person to receive a fair trial by creating prejudice or bias concerning the person or a claim or defense presented by the person;

(C) may affect an ongoing investigation, if the recording is an investigatory record of a law enforcement agency; or

(D) would not serve the public interest.

However, before permitting a person to inspect or copy the recording, the public agency must comply with the obscuring provisions of subsection (f), if applicable.

(c) If a public agency denies a person the opportunity to inspect or copy a law enforcement recording under subsection (a) or (b), the person may petition the circuit or superior court of the county in which the law enforcement recording was made for an order permitting inspection or copying of a law enforcement recording. The court shall review the decision of the public agency de novo and grant the order unless one (1) or more of the following apply:

(1) If section 4(b)(19) of this chapter applies, the petitioner fails to establish by a preponderance of the evidence that the public agency that owns, occupies, leases, or maintains the airport approves the disclosure of the recording.

(2) The law enforcement recording is not a recording described in subsection (a) and the public agency establishes by a preponderance of the evidence in light of the facts of the particular case, that access to or dissemination of the recording:

(A) creates a significant risk of substantial harm to any person or to the general public;

(B) is likely to interfere with the ability of a person to receive a fair trial by creating prejudice or bias concerning the person or a claim or defense presented by the person;

(C) may affect an ongoing investigation, if the recording is an investigatory record of a law enforcement agency; or

(D) would not serve the public interest."

Page 16, delete lines 21 through 33.

Page 16, line 34, delete "(b)" and insert "(d)".

Page 16, line 35, delete "a petition" and insert "an order".

Page 16, line 38, delete "an" and insert "a petition filed".

Page 16, line 39, delete "action".

Page 16, line 40, delete "(c)" and insert "(e)".

Page 16, line 41, after "disclose the" insert "recording. However, before disclosing the recording, the public agency must comply with the obscuring provisions of subsection (f), if applicable.

(f) A public agency that discloses a law enforcement recording under this section:

(1) shall obscure:

(A) any information described in:

(i) section 4(a) of this chapter; and

(ii) section 4(b)(2) through 4(b)(26) of this chapter, unless disclosure is expressly permitted or required by this chapter; and

(B) depictions of:

(i) an individual's death or a dead body;

(ii) acts of severe violence that are against any individual who is clearly visible and that result in serious bodily injury (as defined in IC 35-31.5-2-292);

(iii) serious bodily injury (as defined in IC 35-31.5-2-292);

(iv) nudity (as defined in IC 35-49-1-5);

(v) an individual whom the public agency reasonably believes is less than eighteen (18) years of age;

(vi) personal medical information;

(vii) a victim of a crime, or any information identifying the victim of a crime, if the public agency finds that obscuring this information is necessary for the victim's safety; and

(viii) a witness to a crime or an individual who reports a crime, or any information identifying a witness to a crime or an individual who reports a crime, if the public agency finds that obscuring this information is necessary for safety of the witness or individual who reports a crime; and

(2) may obscure:

(A) a law enforcement officer operating in an undercover capacity; or

(B) a confidential informant.

(g) A court shall expedite a proceeding filed under this section. Unless prevented by extraordinary circumstances, the court shall conduct a hearing (if required) and rule on a petition filed under this section not later than thirty (30) days after the date the petition is filed."

Page 16, delete line 42.

Page 17, delete lines 1 through 22.

Page 17, line 25, delete "A" and insert "(a) Except as provided in subsection (c), a".

Page 17, line 25, after "agency" insert "that is not the state

or a state agency".

Page 17, line 27, delete "eighty (180)" and insert "**ninety (190)**".

Page 17, line 27, delete "recording, except in the" and insert "**recording**".

Page 17, delete lines 28 through 42, begin a new paragraph and insert:

"(b) Except as provided in subsection (c), a public agency that is the state or a state agency shall retain an unaltered, unobscured law enforcement recording for at least two hundred eighty (280) days after the date of the recording.

(c) A public agency shall retain an unaltered, unobscured law enforcement recording for a period longer than the period described in subsections (a) and (b) if the following conditions are met:

(1) Except as provided in subdivision (3), if a person defined as a requestor as set forth in section 5.1(a) of this chapter notifies the public agency in writing not more than:

(A) one hundred eighty (180) days (if the public agency is not the state or a state agency); or

(B) two hundred seventy (270) days (if the public agency is the state or a state agency);

after the date of the recording that the recording is to be retained, the recording shall be retained for at least two (2) years after the date of the recording. The public agency may not request or require the person to provide a reason for the retention.

(2) Except as provided in subdivision (3), if a formal or informal complaint is filed with the public agency regarding a law enforcement activity depicted in the recording less than:

(A) one hundred eighty (180) days (if the public agency is not the state or a state agency); or

(B) two hundred seventy (270) days (if the public agency is the state or a state agency);

after the date of the recording, the public agency shall automatically retain the recording for at least two (2) years after the date of the recording.

(3) If a recording is used in a criminal, civil, or administrative proceeding, the public agency shall retain the recording until final disposition of all appeals and order from the court.

(d) The public agency may retain a recording for training purposes for any length of time."

Page 18, delete lines 1 through 5, begin a new paragraph and insert:

"SECTION 7. IC 5-14-3-8, AS AMENDED BY P.L.16-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) For the purposes of this section, "state agency" has the meaning set forth in IC 4-13-1-1.

(b) Except as provided in this section, a public agency may not charge any fee under this chapter:

(1) to inspect a public record; or

(2) to search for, examine, or review a record to determine

whether the record may be disclosed.

(c) The Indiana department of administration shall establish a uniform copying fee for the copying of one (1) page of a standard-sized document by state agencies. The fee may not exceed the average cost of copying records by state agencies or ten cents (\$0.10) per page, whichever is greater. A state agency may not collect more than the uniform copying fee for providing a copy of a public record. However, a state agency shall establish and collect a reasonable fee for copying nonstandard-sized documents.

(d) This subsection applies to a public agency that is not a state agency. The fiscal body (as defined in IC 36-1-2-6) of the public agency, or the governing body, if there is no fiscal body, shall establish a fee schedule for the certification or copying of documents. The fee for certification of documents may not exceed five dollars (\$5) per document. The fee for copying documents may not exceed the greater of:

(1) ten cents (\$0.10) per page for copies that are not color copies or twenty-five cents (\$0.25) per page for color copies; or

(2) the actual cost to the agency of copying the document.

As used in this subsection, "actual cost" means the cost of paper and the per-page cost for use of copying or facsimile equipment and does not include labor costs or overhead costs. A fee established under this subsection must be uniform throughout the public agency and uniform to all purchasers.

(e) If:

(1) a person is entitled to a copy of a public record under this chapter; and

(2) the public agency which is in possession of the record has reasonable access to a machine capable of reproducing the public record;

the public agency must provide at least one (1) copy of the public record to the person. However, if a public agency does not have reasonable access to a machine capable of reproducing the record or if the person cannot reproduce the record by use of enhanced access under section 3.5 of this chapter, the person is only entitled to inspect and manually transcribe the record. A public agency may require that the payment for copying costs be made in advance.

(f) Notwithstanding subsection (b), (c), (d), (g), (h), or (i), a public agency shall collect any certification, copying, facsimile machine transmission, or search fee that is specified by statute or is ordered by a court.

(g) Except as provided by subsection (h), for providing a duplicate of a computer tape, computer disc, microfilm, **law enforcement recording**, or similar or analogous record system containing information owned by the public agency or entrusted to it, a public agency may charge a fee, uniform to all purchasers, that does not exceed the sum of the following:

(1) The agency's direct cost of supplying the information in that form. **However, the fee for a copy of a law enforcement recording may not exceed one hundred fifty dollars (\$150).**

(2) The standard cost for selling the same information to the public in the form of a publication if the agency has published the information and made the publication available for sale.

(3) In the case of the legislative services agency, a reasonable percentage of the agency's direct cost of maintaining the system in which the information is stored. However, the amount charged by the legislative services agency under this subdivision may not exceed the sum of the amounts it may charge under subdivisions (1) and (2).

(h) This subsection applies to the fee charged by a public agency for providing enhanced access to a public record. A public agency may charge any reasonable fee agreed on in the contract under section 3.5 of this chapter for providing enhanced access to public records.

(i) This subsection applies to the fee charged by a public agency for permitting a governmental entity to inspect public records by means of an electronic device. A public agency may charge any reasonable fee for the inspection of public records under this subsection, or the public agency may waive any fee for the inspection.

(j) Except as provided in subsection (k), a public agency may charge a fee, uniform to all purchasers, for providing an electronic map that is based upon a reasonable percentage of the agency's direct cost of maintaining, upgrading, and enhancing the electronic map and for the direct cost of supplying the electronic map in the form requested by the purchaser. If the public agency is within a political subdivision having a fiscal body, the fee is subject to the approval of the fiscal body of the political subdivision.

(k) The fee charged by a public agency under subsection (j) to cover costs for maintaining, upgrading, and enhancing an electronic map may be waived by the public agency if the electronic map for which the fee is charged will be used for a noncommercial purpose, including the following:

- (1) Public agency program support.
- (2) Nonprofit activities.
- (3) Journalism.
- (4) Academic research.

(l) This subsection does not apply to a state agency. A fee collected under subsection (g) for the copying of a law enforcement recording may be:

- (1) retained by the public agency; and**
- (2) used without appropriation for one (1) or more of the following purposes:**

- (A) To purchase cameras and other equipment for use in connection with the agency's law enforcement recording program.**
- (B) For training concerning law enforcement recording.**
- (C) To defray the expenses of storing, producing, and copying law enforcement recordings.**

Money from a fee described in this subsection does not revert to the local general fund at the end of a fiscal year."

Page 19, line 32, delete "subsection:" and insert "subsection".

Page 19, line 33, delete "(A)".

Page 19, delete line 34 and insert "capricious."

Page 19, run in lines 32 through 34.

Page 19, delete lines 35 through 37.

Page 20, line 21, delete "for" and insert "**to appeal the**".

Page 20, line 22, after "chapter." insert "**A requestor (as defined in section 5.1 of this chapter) may bring an action to appeal from the denial of access to a law enforcement recording without first seeking or receiving an informal inquiry response or advisory opinion from the public access counselor. If the requestor prevails in an action under this subsection:**".

Page 20, delete lines 23 through 25.

Page 20, line 26, delete "plaintiff" and insert "**requestor**".

Page 20, line 26, delete "the awarding of" and insert "**an award of reasonable**".

Page 20, line 27, delete "expenses if the plaintiff" and insert "**expenses; and**".

Page 20, delete line 28.

Renumber all SECTIONS consecutively.

(Reference is to HB 1019 as printed January 14, 2016.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 1.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections & Criminal Law, to which was referred House Bill 1028, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 7.1-5-10-21 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 21: (a) A person who knowingly or intentionally visits a building, structure, vehicle, or other place when it is being used by any person to buy an alcoholic beverage (if the sale is in violation of section 5 of this chapter) commits visiting a common nuisance, a Class B misdemeanor:

(b) A person who knowingly or intentionally maintains a building, structure, vehicle, or other place that is used for the sale of alcoholic beverages (if the sale is in violation of section 5 of this chapter) commits maintaining a common nuisance, a Level 6 felony:

SECTION 2. IC 16-31-3-14, AS AMENDED BY P.L.168-2014, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14. (a) A person holding a certificate or license issued under this article must comply with the applicable standards and rules established under this article. A certificate holder or license holder is subject to disciplinary sanctions under subsection (b) if the department of homeland security determines that the certificate holder or license holder:

- (1) engaged in or knowingly cooperated in fraud or material deception in order to obtain a certificate or license, including cheating on a certification or licensure examination;
- (2) engaged in fraud or material deception in the course of professional services or activities;
- (3) advertised services or goods in a false or misleading manner;
- (4) falsified or knowingly allowed another person to falsify attendance records or certificates of completion of continuing education courses required under this article or rules adopted under this article;
- (5) is convicted of a crime, if the act that resulted in the conviction has a direct bearing on determining if the certificate holder or license holder should be entrusted to provide emergency medical services;
- (6) is convicted of violating IC 9-19-14.5;
- (7) fails to comply and maintain compliance with or violates any applicable provision, standard, or other requirement of this article or rules adopted under this article;
- (8) continues to practice if the certificate holder or license holder becomes unfit to practice due to:
 - (A) professional incompetence that includes the undertaking of professional activities that the certificate holder or license holder is not qualified by training or experience to undertake;
 - (B) failure to keep abreast of current professional theory or practice;
 - (C) physical or mental disability; or
 - (D) addiction to, abuse of, or dependency on alcohol or other drugs that endanger the public by impairing the certificate holder's or license holder's ability to practice safely;
- (9) engages in a course of lewd or immoral conduct in connection with the delivery of services to the public;
- (10) allows the certificate holder's or license holder's name or a certificate or license issued under this article to be used in connection with a person who renders services beyond the scope of that person's training, experience, or competence;
- (11) is subjected to disciplinary action in another state or jurisdiction on grounds similar to those contained in this chapter. For purposes of this subdivision, a certified copy of a record of disciplinary action constitutes prima facie evidence of a disciplinary action in another jurisdiction;
- (12) assists another person in committing an act that would constitute a ground for disciplinary sanction under this chapter; or
- (13) allows a certificate or license issued by the commission to be:
 - (A) used by another person; or
 - (B) displayed to the public when the certificate or license is expired, inactive, invalid, revoked, or

suspended.

(b) The department of homeland security may issue an order under IC 4-21.5-3-6 to impose one (1) or more of the following sanctions if the department of homeland security determines that a certificate holder or license holder is subject to disciplinary sanctions under subsection (a):

- (1) Revocation of a certificate holder's certificate or license holder's license for a period not to exceed seven (7) years.
- (2) Suspension of a certificate holder's certificate or license holder's license for a period not to exceed seven (7) years.
- (3) Censure of a certificate holder or license holder.
- (4) Issuance of a letter of reprimand.
- (5) Assessment of a civil penalty against the certificate holder or license holder in accordance with the following:
 - (A) The civil penalty may not exceed five hundred dollars (\$500) per day per violation.
 - (B) If the certificate holder or license holder fails to pay the civil penalty within the time specified by the department of homeland security, the department of homeland security may suspend the certificate holder's certificate or license holder's license without additional proceedings.
- (6) Placement of a certificate holder or license holder on probation status and requirement of the certificate holder or license holder to:
 - (A) report regularly to the department of homeland security upon the matters that are the basis of probation;
 - (B) limit practice to those areas prescribed by the department of homeland security;
 - (C) continue or renew professional education approved by the department of homeland security until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or
 - (D) perform or refrain from performing any acts, including community restitution or service without compensation, that the department of homeland security considers appropriate to the public interest or to the rehabilitation or treatment of the certificate holder or license holder.

The department of homeland security may withdraw or modify this probation if the department of homeland security finds after a hearing that the deficiency that required disciplinary action is remedied or that changed circumstances warrant a modification of the order.

(c) If an applicant or a certificate holder or license holder has engaged in or knowingly cooperated in fraud or material deception to obtain a certificate or license, including cheating on the certification or licensure examination, the department of homeland security may rescind the certificate or license if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the certificate or license for a length of time established by the department of homeland security.

(d) The department of homeland security may deny

certification or licensure to an applicant who would be subject to disciplinary sanctions under subsection (b) if that person were a certificate holder or license holder, has had disciplinary action taken against the applicant or the applicant's certificate or license to practice in another state or jurisdiction, or has practiced without a certificate or license in violation of the law. A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action.

(e) The department of homeland security may order a certificate holder or license holder to submit to a reasonable physical or mental examination if the certificate holder's or license holder's physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding. Failure to comply with a department of homeland security order to submit to a physical or mental examination makes a certificate holder or license holder liable to temporary suspension under subsection (i).

(f) Except as provided under subsection (a), subsection (g), and section 14.5 of this chapter, a certificate or license may not be denied, revoked, or suspended because the applicant, certificate holder, or license holder has been convicted of an offense. The acts from which the applicant's, certificate holder's, or license holder's conviction resulted may be considered as to whether the applicant or certificate holder or license holder should be entrusted to serve the public in a specific capacity.

(g) The department of homeland security may deny, suspend, or revoke a certificate or license issued under this article if the individual who holds or is applying for the certificate or license is convicted of any of the following:

- (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- (2) Possession of methamphetamine under IC 35-48-4-6.1.
- (3) Possession of a controlled substance under IC 35-48-4-7(a).
- (4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(c).
- (5) Manufacture of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.1(b).
- (6) Dealing in paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.5(b).
- (7) Possession of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.3(b).
- (8) Possession of marijuana, hash oil, hashish, or salvia as a Class D felony (for a crime committed before July 1, 2014) or Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-11.
- (9) Possession of a synthetic drug or synthetic drug lookalike substance as a Class D felony (for a crime

committed before July 1, 2014) or Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-11.5 (or under IC 35-48-4-11 before its amendment in 2013).

(10) Maintaining a common nuisance under IC 35-48-4-13 **(repealed)** or **IC 35-45-1-5, if the common nuisance involves a controlled substance.**

(11) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.

(12) Conspiracy under IC 35-41-5-2 to commit an offense listed in this section.

(13) Attempt under IC 35-41-5-1 to commit an offense listed in this section.

(14) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in this section.

(h) A decision of the department of homeland security under subsections (b) through (g) may be appealed to the commission under IC 4-21.5-3-7.

(i) The department of homeland security may temporarily suspend a certificate holder's certificate or license holder's license under IC 4-21.5-4 before a final adjudication or during the appeals process if the department of homeland security finds that a certificate holder or license holder would represent a clear and immediate danger to the public's health, safety, or property if the certificate holder or license holder were allowed to continue to practice.

(j) On receipt of a complaint or information alleging that a person certified or licensed under this chapter or IC 16-31-3.5 has engaged in or is engaging in a practice that is subject to disciplinary sanctions under this chapter, the department of homeland security must initiate an investigation against the person.

(k) The department of homeland security shall conduct a factfinding investigation as the department of homeland security considers proper in relation to the complaint.

(l) The department of homeland security may reinstate a certificate or license that has been suspended under this section if the department of homeland security is satisfied that the applicant is able to practice with reasonable skill, competency, and safety to the public. As a condition of reinstatement, the department of homeland security may impose disciplinary or corrective measures authorized under this chapter.

(m) The department of homeland security may not reinstate a certificate or license that has been revoked under this chapter.

(n) The department of homeland security must be consistent in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar conduct must be explained in the department of homeland security's findings or orders.

(o) A certificate holder may not surrender the certificate holder's certificate, and a license holder may not surrender the license holder's license, without the written approval of the

department of homeland security, and the department of homeland security may impose any conditions appropriate to the surrender or reinstatement of a surrendered certificate or license.

(p) For purposes of this section, "certificate holder" means a person who holds:

- (1) an unlimited certificate;
- (2) a limited or probationary certificate; or
- (3) an inactive certificate.

(q) For purposes of this section, "license holder" means a person who holds:

- (1) an unlimited license;
- (2) a limited or probationary license; or
- (3) an inactive license.

SECTION 3. IC 16-42-19-24 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 24. (a) A store, shop, warehouse, dwelling house, apartment, building, vehicle, boat, aircraft, or any other place that is used:~~

~~(1) by a person for the purpose of unlawfully using a legend drug; or~~

~~(2) for the unlawful keeping or selling of the legend drug;~~

~~is a common nuisance.~~

~~(b) A person may not:~~

~~(1) keep or maintain a common nuisance; or~~

~~(2) frequent or visit a place knowing the place to be used for a purpose;~~

~~as described in subsection (a).~~

SECTION 4. IC 16-42-19-27, AS AMENDED BY P.L.187-2015, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 27. (a) Unless otherwise specified, a person who knowingly violates this chapter, except sections 24, 25(b) and 30(c) of this chapter, commits a Level 6 felony. However, the offense is a Level 5 felony if the person has a prior conviction under this subsection or IC 16-6-8-10(a) before its repeal.

~~(b) A person who violates section 24 of this chapter commits a Class B misdemeanor.~~

~~(c) (b) A person who violates section 25(b) of this chapter commits dealing in an anabolic steroid, a Level 5 felony. However, the offense is a Level 4 felony if the person delivered the anabolic steroid to a person who is:~~

- ~~(1) less than eighteen (18) years of age; and~~
- ~~(2) at least three (3) years younger than the delivering person.~~

~~(d) (c) A person who violates section 30(c) of this chapter commits a Class A infraction.~~

SECTION 5. IC 22-15-5-16, AS AMENDED BY P.L.238-2015, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 16. (a) A practitioner shall comply with the standards established under this licensing program. A practitioner is subject to the exercise of the disciplinary sanctions under subsection (b) if the department finds that a practitioner has:

- (1) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice,

including cheating on a licensing examination;

(2) engaged in fraud or material deception in the course of professional services or activities;

(3) advertised services or goods in a false or misleading manner;

(4) falsified or knowingly allowed another person to falsify attendance records or certificates of completion of continuing education courses provided under this chapter;

(5) been convicted of a crime that has a direct bearing on the practitioner's ability to continue to practice competently;

(6) knowingly violated a state statute or rule or federal statute or regulation regulating the profession for which the practitioner is licensed;

(7) continued to practice although the practitioner has become unfit to practice due to:

(A) professional incompetence;

(B) failure to keep abreast of current professional theory or practice;

(C) physical or mental disability; or

(D) addiction to, abuse of, or severe dependency on alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely;

(8) engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public;

(9) allowed the practitioner's name or a license issued under this chapter to be used in connection with an individual or business who renders services beyond the scope of that individual's or business's training, experience, or competence;

(10) had disciplinary action taken against the practitioner or the practitioner's license to practice in another state or jurisdiction on grounds similar to those under this chapter;

(11) assisted another person in committing an act that would constitute a ground for disciplinary sanction under this chapter; or

(12) allowed a license issued by the department to be:

(A) used by another person; or

(B) displayed to the public when the license has expired, is inactive, is invalid, or has been revoked or suspended.

For purposes of subdivision (10), a certified copy of a record of disciplinary action constitutes prima facie evidence of a disciplinary action in another jurisdiction.

(b) The department may impose one (1) or more of the following sanctions if the department finds that a practitioner is subject to disciplinary sanctions under subsection (a):

(1) Permanent revocation of a practitioner's license.

(2) Suspension of a practitioner's license.

(3) Censure of a practitioner.

(4) Issuance of a letter of reprimand.

(5) Assess a civil penalty against the practitioner in accordance with the following:

(A) The civil penalty may not be more than one thousand dollars (\$1,000) for each violation listed in

subsection (a), except for a finding of incompetency due to a physical or mental disability.

(B) When imposing a civil penalty, the department shall consider a practitioner's ability to pay the amount assessed. If the practitioner fails to pay the civil penalty within the time specified by the department, the department may suspend the practitioner's license without additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the practitioner's inability to pay a civil penalty.

(6) Place a practitioner on probation status and require the practitioner to:

(A) report regularly to the department upon the matters that are the basis of probation;

(B) limit practice to those areas prescribed by the department;

(C) continue or renew professional education approved by the department until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or

(D) perform or refrain from performing any acts, including community restitution or service without compensation, that the department considers appropriate to the public interest or to the rehabilitation or treatment of the practitioner.

The department may withdraw or modify this probation if the department finds after a hearing that the deficiency that required disciplinary action has been remedied or that changed circumstances warrant a modification of the order.

(c) If an applicant or a practitioner has engaged in or knowingly cooperated in fraud or material deception to obtain a license to practice, including cheating on the licensing examination, the department may rescind the license if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the license for a length of time established by the department.

(d) The department may deny licensure to an applicant who has had disciplinary action taken against the applicant or the applicant's license to practice in another state or jurisdiction or who has practiced without a license in violation of the law. A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action.

(e) The department may order a practitioner to submit to a reasonable physical or mental examination if the practitioner's physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding. Failure to comply with a department order to submit to a physical or mental examination makes a practitioner liable to temporary suspension under subsection (j).

(f) Except as provided under subsection (g) or (h), a license may not be denied, revoked, or suspended because the applicant or holder has been convicted of an offense. The acts from which the applicant's or holder's conviction resulted may, however, be considered as to whether the applicant or holder should be

entrusted to serve the public in a specific capacity.

(g) The department may deny, suspend, or revoke a license issued under this chapter if the individual who holds the license is convicted of any of the following:

(1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.

(2) Possession of methamphetamine under IC 35-48-4-6.1.

(3) Possession of a controlled substance under IC 35-48-4-7(a).

(4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b) (for a crime committed before July 1, 2014) or IC 35-48-4-7(c) (for a crime committed after June 30, 2014).

(5) Manufacture of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.1(b).

(6) Dealing in paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.5(b).

(7) Possession of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.3(b).

(8) Possession of marijuana, hash oil, hashish, or salvia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-11.

(9) Possession of a synthetic drug or synthetic drug lookalike substance as a:

(A) Class D felony for a crime committed before July 1, 2014, under:

(i) IC 35-48-4-11, before its amendment in 2013; or

(ii) IC 35-48-4-11.5; or

(B) Level 6 felony for a crime committed after June 30, 2014, under IC 35-48-4-11.5.

(10) Maintaining a common nuisance under IC 35-48-4-13 **(repealed)** or **IC 35-45-1-5, if the common nuisance involves a controlled substance.**

(11) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.

(12) Conspiracy under IC 35-41-5-2 to commit an offense listed in this subsection.

(13) Attempt under IC 35-41-5-1 to commit an offense listed in this subsection.

(14) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in this subsection.

(h) The department shall deny, revoke, or suspend a license issued under this chapter if the individual who holds the license is convicted of any of the following:

(1) Dealing in cocaine or a narcotic drug under

IC 35-48-4-1.

(2) Dealing in methamphetamine under IC 35-48-4-1.1.

(3) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.

(4) Dealing in a schedule IV controlled substance under IC 35-48-4-3.

(5) Dealing in a schedule V controlled substance under IC 35-48-4-4.

(6) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.

(7) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.

(8) Dealing in a counterfeit substance under IC 35-48-4-5.

(9) Dealing in marijuana, hash oil, hashish, or salvia as a felony under IC 35-48-4-10.

(10) Dealing in a synthetic drug or synthetic drug lookalike substance under IC 35-48-4-10.5 (or under IC 35-48-4-10(b) before its amendment in 2013).

(11) Conspiracy under IC 35-41-5-2 to commit an offense listed in this subsection.

(12) Attempt under IC 35-41-5-1 to commit an offense listed in this subsection.

(13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in this subsection.

(14) A violation of any federal or state drug law or rule related to wholesale legend drug distributors licensed under IC 25-26-14.

(i) A decision of the department under subsections (b) through (h) may be appealed to the commission under IC 4-21.5-3-7.

(j) The department may temporarily suspend a practitioner's license under IC 4-21.5-4 before a final adjudication or during the appeals process if the department finds that a practitioner represents a clear and immediate danger to the public's health, safety, or property if the practitioner is allowed to continue to practice.

(k) On receipt of a complaint or an information alleging that a person licensed under this chapter has engaged in or is engaging in a practice that jeopardizes the public health, safety, or welfare, the department shall initiate an investigation against the person.

(l) Any complaint filed with the office of the attorney general alleging a violation of this licensing program shall be referred to the department for summary review and for its general information and any authorized action at the time of the filing.

(m) The department shall conduct a fact finding investigation as the department considers proper in relation to the complaint.

(n) The department may reinstate a license that has been suspended under this section if, after a hearing, the department is satisfied that the applicant is able to practice with reasonable skill, safety, and competency to the public. As a condition of

reinstatement, the department may impose disciplinary or corrective measures authorized under this chapter.

(o) The department may not reinstate a license that has been revoked under this chapter. An individual whose license has been revoked under this chapter may not apply for a new license until seven (7) years after the date of revocation.

(p) The department shall seek to achieve consistency in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar conduct must be explained in the department's findings or orders.

(q) A practitioner may petition the department to accept the surrender of the practitioner's license instead of having a hearing before the commission. The practitioner may not surrender the practitioner's license without the written approval of the department, and the department may impose any conditions appropriate to the surrender or reinstatement of a surrendered license.

(r) A practitioner who has been subjected to disciplinary sanctions may be required by the commission to pay the costs of the proceeding. The practitioner's ability to pay shall be considered when costs are assessed. If the practitioner fails to pay the costs, a suspension may not be imposed solely upon the practitioner's inability to pay the amount assessed. The costs are limited to costs for the following:

- (1) Court reporters.
- (2) Transcripts.
- (3) Certification of documents.
- (4) Photo duplication.
- (5) Witness attendance and mileage fees.
- (6) Postage.
- (7) Expert witnesses.
- (8) Depositions.
- (9) Notarizations.

SECTION 6. IC 25-1-1.1-2, AS AMENDED BY P.L.168-2014, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. Notwithstanding IC 25-1-7, a board, a commission, or a committee may suspend, deny, or revoke a license or certificate issued under this title by the board, the commission, or the committee without an investigation by the office of the attorney general if the individual who holds the license or certificate is convicted of any of the following and the board, commission, or committee determines, after the individual has appeared in person, that the offense affects the individual's ability to perform the duties of the profession:

- (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- (2) Possession of methamphetamine under IC 35-48-4-6.1.
- (3) Possession of a controlled substance under IC 35-48-4-7(a).
- (4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(c).
- (5) Manufacture of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony

(for a crime committed after June 30, 2014) under IC 35-48-4-8.1(b).

(6) Dealing in paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.5(b).

(7) Possession of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.3(b).

(8) Possession of marijuana, hash oil, hashish, or salvia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-11.

(9) Possession of a synthetic drug or synthetic drug lookalike substance as a:

(A) Class D felony for a crime committed before July 1, 2014, under:

- (i) IC 35-48-4-11, before its amendment in 2013; or
- (ii) IC 35-48-4-11.5; or

(B) Level 6 felony for a crime committed after June 30, 2014, under IC 35-48-4-11.5.

(10) Maintaining a common nuisance under IC 35-48-4-13 **(repealed) or IC 35-45-1-5, if the common nuisance involves a controlled substance.**

(11) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.

(12) Conspiracy under IC 35-41-5-2 to commit an offense listed in this section.

(13) Attempt under IC 35-41-5-1 to commit an offense listed in this section.

(14) A sex crime under IC 35-42-4.

(15) A felony that reflects adversely on the individual's fitness to hold a professional license.

(16) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in this section.

SECTION 7. IC 35-45-1-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 5. (a) As used in this section, "common nuisance" means a building, structure, vehicle, or other place that is used for (1) or more of the following purposes:**

(1) To buy an alcoholic beverage in violation of IC 7.1-5-10-5.

(2) To unlawfully use, keep, or sell a legend drug.

(3) To unlawfully:

- (A) use;
- (B) manufacture;
- (C) keep;
- (D) offer for sale;
- (E) sell;
- (F) deliver; or
- (G) finance the delivery of;

a controlled substance or an item of drug paraphernalia (as described in IC 35-48-4-8.5).

(4) To provide a location for a person to pay, offer to pay, or agree to pay money or other property to another person for an individual whom the person knows has been forced into:

- (A) forced labor;
- (B) involuntary servitude; or
- (C) prostitution.

(5) To provide a location for a person to commit a violation of IC 35-42-3.5-1(a) through IC 35-42-3.5-1(d) (human trafficking).

(b) A person who knowingly or intentionally visits a common nuisance described in subsections (a)(1) through (a)(4) commits visiting a common nuisance. The offense is a:

(1) Class B misdemeanor if the common nuisance is used for the unlawful:

- (A) sale of an alcoholic beverage as set forth in subsection (a)(1); or
- (B) use, keeping, or sale of a legend drug as set forth in subsection (a)(2); or
- (C) use, manufacture, keeping, offer for sale, sale, delivery, or financing the delivery of a controlled substance or item of drug paraphernalia (as described in IC 35-48-4-8.5), as set forth in subsection (a)(3);

(2) Class A misdemeanor if:

- (A) the common nuisance is used as a location for a person to pay, offer to pay, or agree to pay for a person who has been forced into forced labor, involuntary servitude, or prostitution as set forth in subsection (a)(4); or
- (B) the person knowingly, intentionally, or recklessly takes a person less than eighteen (18) years of age or an endangered adult (as defined in IC 12-10-3-2) into a common nuisance used to unlawfully:

- (i) use;
- (ii) manufacture;
- (iii) keep;
- (iv) offer for sale;
- (v) sell;
- (vi) deliver; or
- (vii) finance the delivery of;

a controlled substance or an item of drug paraphernalia, as set forth in subsection (a)(3); and

(3) Level 6 felony if the person:

(A) knowingly, intentionally, or recklessly takes a person less than eighteen (18) years of age or an endangered adult (as defined in IC 12-10-3-2) into a common nuisance used to unlawfully:

- (i) use;
- (ii) manufacture;
- (iii) keep;
- (iv) offer for sale;
- (v) sell;

M. YOUNG, Chair

- (vi) deliver; or
- (vii) finance the delivery of;

a controlled substance or an item of drug paraphernalia, as set forth in subsection (a)(3); and (B) has a prior unrelated conviction for a violation of this section involving a controlled substance or drug paraphernalia.

(c) A person who knowingly or intentionally maintains a common nuisance commits maintaining a common nuisance, a Level 6 felony.

SECTION 8. IC 35-48-4-13 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 13: (a) A person who knowingly or intentionally visits a building, structure, vehicle, or other place that is used by any person to unlawfully use a controlled substance commits visiting a common nuisance, a Class B misdemeanor:

(b) A person who knowingly or intentionally maintains a building, structure, vehicle, or other place that is used one (1) or more times:

- (1) by persons to unlawfully use controlled substances; or
- (2) for unlawfully:
 - (A) manufacturing;
 - (B) keeping;
 - (C) offering for sale;
 - (D) selling;
 - (E) delivering; or
 - (F) financing the delivery of;

controlled substances; or items of drug paraphernalia as described in IC 35-48-4-8.5;

commits maintaining a common nuisance, a Level 6 felony.

SECTION 9. IC 35-48-4-13.3 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 13.3: A person who recklessly, knowingly, or intentionally takes a person less than eighteen (18) years of age or an endangered adult (as defined in IC 12-10-3-2) into a building, structure, vehicle, or other place that is being used by any person to:

- (1) unlawfully possess drugs or controlled substances; or
- (2) unlawfully:
 - (A) manufacture;
 - (B) keep;
 - (C) offer for sale;
 - (D) sell;
 - (E) deliver; or
 - (F) finance the delivery of;

drugs or controlled substances; commits a Class A misdemeanor. However, the offense is a Level 6 felony if the person has a prior unrelated conviction under this section.

SECTION 10. IC 35-52-7-77 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 77: IC 7-1-5-10-21 defines a crime concerning alcohol:

(Reference is to HB 1028 as printed January 22, 2016.) and when so amended that said bill do pass. Committee Vote: Yeas 8, Nays 0.

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Engrossed House Bill 1034, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass. Committee Vote: Yeas 10, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections & Criminal Law, to which was referred House Bill 1048, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 3, line 33, after "misdemeanor." insert "**However, the offense is a Level 6 felony if the aggregate fair market value of all vehicles, vehicle parts, and watercraft sold or offered for sale is at least seven hundred fifty dollars (\$750) and less than fifty thousand dollars (\$50,000), and a Level 5 felony if the aggregate fair market value of all vehicles, vehicle parts, and watercraft sold or offered for sale is at least fifty thousand dollars (\$50,000).**".

Page 4, line 4, delete "Level 6 felony." and insert "**Class A misdemeanor, except as provided in subsection (d).**"

(d) The offense described in subsection (c) is a:

(1) Level 6 felony if:

- (A) the person possesses more than one (1) plate or label and the plates or labels are not attached to a motor vehicle or motor vehicle part; or
- (B) the aggregate fair market value of all plates and labels, and of all motor vehicles and motor vehicle parts to which the plates or labels are wrongfully attached, is at least seven hundred fifty dollars (\$750) and less than fifty thousand dollars (\$50,000); and

(2) Level 5 felony if the aggregate fair market value of all plates or labels, and of all motor vehicles and motor vehicle parts to which the plate or label is wrongfully attached, is at least fifty thousand dollars (\$50,000)."

Page 4, line 5, delete "(d)" and insert "(e)".

Page 4, line 11, delete "(e)" and insert "(f)".

Page 4, line 16, strike "Class B" and insert "Class A".

Page 4, line 16, after "misdemeanor." insert "**However, the offense is a Level 6 felony if the aggregate fair market value of all motor vehicles, semitrailers, and recreational vehicles for which the person counterfeits or falsely reproduces a certificate of title is at least seven hundred fifty dollars (\$750) and less than fifty thousand dollars (\$50,000), and a Level 5 felony if the aggregate fair market value of all motor**

vehicles, semitrailers, and recreational vehicles for which the person counterfeits or falsely reproduces a certificate of title is at least fifty thousand dollars (\$50,000)."

(Reference is to HB 1048 as printed January 22, 2016.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 1.

M. YOUNG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred House Bill 1064, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred House Bill 1069, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 5-2-6.1-8, AS AMENDED BY P.L.238-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. As used in this chapter, "violent crime" means the following:

(1) A crime under the Indiana Code that is a felony of any kind or a Class A misdemeanor that results in bodily injury or death to the victim but does not include any of the following:

(A) A crime under IC 9-30-5 resulting from the operation of a vehicle other than a motor vehicle.

(B) Involuntary manslaughter resulting from the operation of a motor vehicle by a person who was not intoxicated (IC 35-42-1-4).

(C) Reckless homicide resulting from the operation of a motor vehicle by a person who was not intoxicated (IC 35-42-1-5).

(D) Criminal recklessness involving the use of a motor vehicle, unless the offense was intentional or the person using the motor vehicle was intoxicated (IC 35-42-2-2).

(E) A crime involving the operation of a motor vehicle if the driver of the motor vehicle was not charged with an offense under IC 9-30-5.

(F) A battery offense included in IC 35-42-2 upon a child less than fourteen (14) years of age. (~~IC 35-42-2-1~~).

(G) Child molesting (IC 35-42-4-3).

(H) Child seduction (IC 35-42-4-7).

(2) A crime in another jurisdiction in which the elements of the crime are substantially similar to the elements of a crime that, if the crime results in death or bodily injury to the victim, would be a felony or a Class A misdemeanor if committed in Indiana. However, the term does not include any of the following:

(A) A crime in another jurisdiction resulting from operating a vehicle, other than a motor vehicle, while intoxicated.

(B) A crime in another jurisdiction with elements substantially similar to involuntary manslaughter resulting from the operation of a motor vehicle if the crime was committed by a person who was not intoxicated.

(C) A crime in another jurisdiction with elements substantially similar to reckless homicide resulting from the operation of a motor vehicle if the crime was committed by a person who was not intoxicated.

(D) A crime in another jurisdiction with elements substantially similar to criminal recklessness involving the use of a motor vehicle unless the offense was intentional or the person using the motor vehicle was intoxicated.

(E) A crime involving the operation of a motor vehicle if the driver of the motor vehicle was not charged with an offense under IC 9-30-5.

(3) A terrorist act.

SECTION 2. IC 5-2-6.1-16, AS AMENDED BY P.L.238-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 16. (a) A person eligible for assistance under section 12 of this chapter may file an application for assistance with the division if the violent crime was committed in Indiana.

(b) Except as provided in subsection (e), the application must be received by the division not more than one hundred eighty (180) days after the date the crime was committed. The division may grant an extension of time for good cause shown by the claimant. However, and except as provided in subsection (e), the division may not accept an application that is received more than two (2) years after the date the crime was committed.

(c) The application must be filed in the office of the division in person, through the division's web site, or by first class or certified mail. If requested, the division shall assist a victim in preparing the application.

(d) The division shall accept all applications filed in compliance with this chapter. Upon receipt of a complete application, the division shall promptly begin the investigation and processing of an application.

(e) An alleged victim of a child sex crime may submit an application to the division until the victim becomes thirty-one (31) years of age.

(f) An alleged victim of a battery offense included in IC 35-42-2 upon a child less than fourteen (14) years of age

~~under IC 35-42-2-1~~ may submit an application to the division not later than five (5) years after the commission of the offense.

SECTION 3. IC 8-1-34-30, AS ADDED BY P.L.241-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 30. (a) As used in this section, "designated employee" means a holder's:

- (1) employee; or
- (2) authorized agent;

whom the holder designates or will designate to receive direct marketing authority.

(b) As used in this section, "direct marketing authority" means the authority granted by the commission to a holder to market any service or product offered by the holder directly to all households in a service area served by the holder.

(c) As used in this section, "political subdivision" has the meaning set forth in IC 36-1-2-13.

(d) A holder may apply to the commission, in the manner and form prescribed by the commission, for direct marketing authority. An application must include the following information with respect to each designated employee of the holder:

- (1) Name.
- (2) Home address.
- (3) Driver's license number.
- (4) A certification described in subsection (e)(1).

(e) In an application under subsection (d), a holder shall include the following:

(1) A certification by the holder that each designated employee satisfies the following requirements:

- (A) The employee is at least eighteen (18) years of age.
- (B) The employee has a high school diploma or the equivalent of a high school diploma.
- (C) The employee has not been convicted of a felony within the seven (7) years immediately preceding the date of the application.
- (D) Within the seven (7) years immediately preceding the date of the application, the employee has not been released from incarceration after serving time for a felony conviction.
- (E) The employee has not been convicted of:
 - (i) a misdemeanor involving fraud, deceit, or dishonesty;
 - (ii) a battery offense included in IC 35-42-2 as a misdemeanor; or
 - (iii) two (2) or more misdemeanors involving the illegal use of alcohol or the illegal sale, use, or possession of a controlled substance;

within the five (5) years immediately preceding the date of the application.

(F) The employee has a valid driver's license.

(2) Proof of financial responsibility.

(f) A holder may comply with subsection (e)(1) by submitting to the commission a document signed by the holder in which the holder:

- (1) identifies each designated employee by name, home

address, and driver's license number;

(2) certifies that each designated employee has been the subject of a criminal history background check for each jurisdiction in the United States in which the designated employee has lived or worked within the seven (7) years immediately preceding the date of the application; and

(3) affirms that the background check described in subdivision (2) for each designated employee indicates that the designated employee satisfies the requirements set forth in subsection (e)(1), as applicable.

(g) Not more than fifteen (15) days after the commission receives an application under subsection (d), the commission shall determine whether the application is complete and properly verified. If the commission determines that the application is incomplete or not properly verified, the commission shall notify the applicant holder of the deficiency and allow the holder to resubmit the application after correcting the deficiency. If the commission determines that the application is complete and properly verified, the commission shall issue an order granting the holder direct marketing authority. The order must contain the following:

- (1) The name of the holder.
- (2) The names of designated employees of the holder.
- (3) A grant of direct marketing authority to the holder and designated employees of the holder.
- (4) The date on which the order takes effect.

The commission shall provide public notice of an order granting direct marketing authority under this subsection by posting the order on the commission's Internet web site.

(h) A holder that has direct marketing authority shall notify the commission in a timely manner of any changes to the holder's list of designated employees. A designated employee may exercise direct marketing authority immediately upon the holder's submission to the commission of all information required under subsection (e)(1) with respect to the designated employee.

(i) Only the commission is authorized to grant direct marketing authority to a holder under this section. However, subject to subsection (j), with respect to direct marketing activities in a holder's service area within a political subdivision, this section does not prohibit a holder from electing to:

- (1) apply for marketing or solicitation authority directly from the political subdivision; and
- (2) exercise any marketing or solicitation authority under a license, permit, or other authority granted by the political subdivision before, on, or after June 30, 2013;

instead of applying for and exercising direct marketing authority granted by the commission under this section.

(j) A political subdivision may not do any of the following:

- (1) Require a holder that is granted direct marketing authority from the commission under this section to also obtain marketing or solicitation authority from the political subdivision in order to engage in direct marketing in the holder's service area within the political subdivision.
- (2) Impose any licensing requirement or fee on a holder in

connection with any direct marketing authority granted to the holder by the commission under this section with respect to the holder's service area within the political subdivision.

(3) Except as provided in subsection (k), otherwise regulate a holder that is granted direct marketing authority from the commission under this section and that engages in direct marketing in the holder's service area within the political subdivision.

(k) A political subdivision may enforce any ordinance or regulation that:

(1) imposes restrictions as to the hours or manner in which direct marketing activities may be performed in the political subdivision; and

(2) applies uniformly to all persons engaging in direct marketing or other soliciting in the political subdivision, regardless of:

(A) the product or service being marketed; or

(B) the type of business engaged in by the person engaging in the direct marketing or other soliciting.

SECTION 4. IC 11-12-3.7-6, AS AMENDED BY P.L.158-2013, SECTION 178, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. As used in this chapter, "violent offense" means one (1) or more of the following offenses:

(1) Murder (IC 35-42-1-1).

(2) Attempted murder (IC 35-41-5-1).

(3) Voluntary manslaughter (IC 35-42-1-3).

(4) Involuntary manslaughter (IC 35-42-1-4).

(5) Reckless homicide (IC 35-42-1-5).

(6) Aggravated battery (IC 35-42-2-1.5).

(7) Battery (IC 35-42-2-1) as a:

(A) Class A felony, Class B felony, or Class C felony (for a crime committed before July 1, 2014); or

(B) Level 2 felony, Level 3 felony, or Level 5 felony (for a crime committed after June 30, 2014).

(8) Kidnapping (IC 35-42-3-2).

(9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8 that is a:

(A) Class A felony, Class B felony, or Class C felony (for a crime committed before July 1, 2014); or

(B) Level 1 felony, Level 2 felony, Level 3 felony, Level 4 felony, or Level 5 felony (for a crime committed after June 30, 2014).

(10) Sexual misconduct with a minor (IC 35-42-4-9) as a:

(A) Class A felony or Class B felony (for a crime committed before July 1, 2014); or

(B) Level 1 felony, Level 2 felony, or Level 4 felony (for a crime committed after June 30, 2014).

(11) Incest (IC 35-46-1-3).

(12) Robbery (IC 35-42-5-1) as a:

(A) Class A felony or a Class B felony (for a crime committed before July 1, 2014); or

(B) Level 2 felony or Level 3 felony (for a crime

committed after June 30, 2014).

(13) Burglary (IC 35-43-2-1) as a:

(A) Class A felony or a Class B felony (for a crime committed before July 1, 2014); or

(B) Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony (for a crime committed after June 30, 2014).

(14) Carjacking (IC 35-42-5-2) (repealed).

(15) Assisting a criminal (IC 35-44.1-2-5) as a:

(A) Class C felony (for a crime committed before July 1, 2014); or

(B) Level 5 felony (for a crime committed after June 30, 2014).

(16) Escape (IC 35-44.1-3-4) as a:

(A) Class B felony or Class C felony (for a crime committed before July 1, 2014); or

(B) Level 4 felony or Level 5 felony (for a crime committed after June 30, 2014).

(17) Trafficking with an inmate (IC 35-44.1-3-5) as a:

(A) Class C felony (for a crime committed before July 1, 2014); or

(B) Level 5 felony (for a crime committed after June 30, 2014).

(18) Causing death when operating a vehicle (IC 9-30-5-5).

(19) Criminal confinement (IC 35-42-3-3) as a:

(A) Class B felony (for a crime committed before July 1, 2014); or

(B) Level 3 felony (for a crime committed after June 30, 2014).

(20) Arson (IC 35-43-1-1) as a:

(A) Class A or Class B felony (for a crime committed before July 1, 2014); or

(B) Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014).

(21) Possession, use, or manufacture of a weapon of mass destruction (IC 35-47-12-1).

(22) Terroristic mischief (IC 35-47-12-3) as a:

(A) Class B felony (for a crime committed before July 1, 2014); or

(B) Level 4 felony (for a crime committed after June 30, 2014).

(23) Hijacking or disrupting an aircraft (IC 35-47-6-1.6).

(24) A violation of IC 35-47.5 (controlled explosives) as a:

(A) Class A or Class B felony (for a crime committed before July 1, 2014); or

(B) Level 2 or Level 4 felony (for a crime committed after June 30, 2014).

(25) Domestic battery (IC 35-42-2-1.3) as a Level 2 felony, Level 3 felony, or Level 5 felony.

~~(25)~~ (26) A crime under the laws of another jurisdiction, including a military court, that is substantially similar to any of the offenses listed in this subdivision.

~~(26)~~ (27) Any other crimes evidencing a propensity or history of violence.

SECTION 5. IC 12-7-2-20.8 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2016]: **Sec. 20.8. "Battery", for purposes of IC 12-10-3, includes battery (IC 35-42-2-1), domestic battery (IC 35-42-2-1.3), and aggravated battery (IC 35-42-2-1.5).**

SECTION 6. IC 12-10-3-2, AS AMENDED BY P.L.117-2015, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) Except as provided in subsection (b), as used in this chapter, "endangered adult" means an individual who is:

- (1) at least eighteen (18) years of age;
- (2) incapable by reason of mental illness, intellectual disability, dementia, habitual drunkenness, excessive use of drugs, or other physical or mental incapacity of managing or directing the management of the individual's property or providing or directing the provision of self-care; and
- (3) harmed or threatened with harm as a result of:
 - (A) neglect;
 - (B) a battery offense included in IC 35-42-2; or
 - (C) exploitation of the individual's personal services or property.

(b) For purposes of IC 12-10-3-17, IC 35-42-2-1, **IC 35-42-2-1.3**, and IC 35-46-1-13, "endangered adult" means an individual who is:

- (1) at least eighteen (18) years of age;
- (2) incapable by reason of mental illness, intellectual disability, dementia, or other physical or mental incapacity of managing or directing the management of the individual's property or providing or directing the provision of self-care; and
- (3) harmed or threatened with harm as a result of:
 - (A) neglect; or
 - (B) battery.

(c) An individual is not an endangered adult solely:

- (1) for the reason that the individual is being provided spiritual treatment in accordance with a recognized religious method of healing instead of specified medical treatment if the individual would not be considered to be an endangered adult if the individual were receiving the medical treatment; or
- (2) on the basis of being physically unable to provide self care when appropriate care is being provided."

Page 1, line 6, delete "involving" and insert "**(IC 35-42-2-1) or domestic battery (IC 35-42-2-1.3) involving**".

Page 1, line 7, delete "person (IC 35-42-2-1)." and insert "**person.**".

Page 4, line 1, delete "involving" and insert "**(IC 35-42-2-1) or domestic battery (IC 35-42-2-1.3) involving**".

Page 4, line 2, delete "person (IC 35-42-2-1)," and insert "**person.**".

Page 4, line 36, delete "involving" and insert "**(IC 35-42-2-1) or domestic battery (IC 35-42-2-1.3) involving**".

Page 4, line 37, delete "person (IC 35-42-2-1)," and insert

"**person.**".

Page 6, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 9. IC 20-19-3-4, AS AMENDED BY P.L.213-2015, SECTION 152, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) The department shall:

- (1) perform the duties required by statute;
- (2) implement the policies and procedures established by the state board;
- (3) conduct analytical research to assist the state board in determining the state's educational policy;
- (4) compile statistics concerning the ethnicity, gender, and disability status of students in Indiana schools, including statistics for all information that the department receives from school corporations on enrollment, number of suspensions, and number of expulsions; and
- (5) provide technical assistance to school corporations.

(b) In compiling statistics by gender, ethnicity, and disability status under subsection (a)(4), the department shall also categorize suspensions and expulsions by cause as follows:

- (1) Alcohol.
- (2) Drugs.
- (3) Deadly weapons (other than firearms).
- (4) Handguns.
- (5) Rifles or shotguns.
- (6) Other firearms.
- (7) Tobacco.
- (8) Attendance.
- (9) Destruction of property.
- (10) Legal settlement (under IC 20-33-8-17).
- (11) Fighting (incident does not rise to the level of battery).
- (12) **A battery offense included in IC 35-42-2.** ~~(IC 35-42-2-1).~~
- (13) Intimidation (IC 35-45-2-1).
- (14) Verbal aggression or profanity.
- (15) Defiance.
- (16) Other.

(c) The department shall provide the state board any data, including fiscal data, as determined by the state board, in a reasonable time frame established by the state board after consultation with the department, necessary to conduct an audit or evaluation of any federal or state supported program principally engaged in the provision of education, including, but not limited to:

- (1) early childhood education;
- (2) elementary and secondary education;
- (3) postsecondary education;
- (4) special education;
- (5) job training;
- (6) career and technical education; and
- (7) adult education;

or for the enforcement of or compliance with federal legal requirements related to those education programs as determined

by the state board. The state board and the department are considered state educational authorities within the meaning of the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g and 34 CFR Part 99) for the purpose of allowing the free exchange of information between the department and the state board.

(d) The department shall develop guidelines necessary to implement this section.

SECTION 10. IC 20-26-5-11, AS AMENDED BY P.L.233-2015, SECTION 100, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. (a) This section applies to:

- (1) a school corporation;
- (2) a charter school; and
- (3) an entity:
 - (A) with which the school corporation contracts for services; and
 - (B) that has employees who are likely to have direct, ongoing contact with children within the scope of the employees' employment.

(b) A school corporation, charter school, or entity may use information obtained under section 10 of this chapter concerning an individual's conviction for one (1) of the following offenses as grounds to not employ or contract with the individual:

- (1) Murder (IC 35-42-1-1).
- (2) Causing suicide (IC 35-42-1-2).
- (3) Assisting suicide (IC 35-42-1-2.5).
- (4) Voluntary manslaughter (IC 35-42-1-3).
- (5) Reckless homicide (IC 35-42-1-5).
- (6) Battery (IC 35-42-2-1) unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
- (7) Aggravated battery (IC 35-42-2-1.5).
- (8) Kidnapping (IC 35-42-3-2).
- (9) Criminal confinement (IC 35-42-3-3).
- (10) A sex offense under IC 35-42-4.
- (11) Carjacking (IC 35-42-5-2) (repealed).
- (12) Arson (IC 35-43-1-1), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
- (13) Incest (IC 35-46-1-3).
- (14) Neglect of a dependent as a Class B felony (for a crime committed before July 1, 2014) or a Level 1 felony or Level 3 felony (for a crime committed after June 30, 2014) (IC 35-46-1-4(b)(2)), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
- (15) Child selling (IC 35-46-1-4(d)).
- (16) Contributing to the delinquency of a minor (IC 35-46-1-8), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
- (17) An offense involving a weapon under IC 35-47 or IC 35-47.5, unless ten (10) years have elapsed from the

date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(18) An offense relating to controlled substances under IC 35-48-4, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(19) An offense relating to material or a performance that is harmful to minors or obscene under IC 35-49-3, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(20) An offense relating to operating a motor vehicle while intoxicated under IC 9-30-5, unless five (5) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(21) Domestic battery (IC 35-42-2-1.3), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is latest.

~~(21)~~ (22) An offense that is substantially equivalent to any of the offenses listed in this subsection in which the judgment of conviction was entered under the law of any other jurisdiction.

(c) An individual employed by a school corporation, charter school, or an entity described in subsection (a) shall notify the governing body of the school corporation, if during the course of the individual's employment, the individual is convicted in Indiana or another jurisdiction of an offense described in subsection (b).

SECTION 11. IC 20-33-9-1.3, AS ADDED BY P.L.72-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.3. As used in this chapter, "battery" refers to:

- (1) battery under IC 35-42-2-1;
- (2) **domestic battery under IC 35-42-2-1.3; and**
- (3) **aggravated battery under IC 35-42-2-1.5.**

SECTION 12. IC 31-19-9-10, AS AMENDED BY P.L.168-2014, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. A court shall determine that consent to adoption is not required from a parent if:

- (1) the parent is convicted of and incarcerated at the time of the filing of a petition for adoption for:
 - (A) murder (IC 35-42-1-1);
 - (B) causing suicide (IC 35-42-1-2);
 - (C) voluntary manslaughter (IC 35-42-1-3);
 - (D) rape (IC 35-42-4-1);
 - (E) criminal deviate conduct (IC 35-42-4-2) (before its repeal);
 - (F) child molesting (IC 35-42-4-3) as a:
 - (i) Class A or Class B felony, for a crime committed before July 1, 2014; or
 - (ii) Level 1, Level 2, Level 3, or Level 4 felony, for a crime committed after June 30, 2014;
 - (G) incest (IC 35-46-1-3) as a:

- (i) Class B felony, for a crime committed before July 1, 2014; or
- (ii) Level 4 felony, for a crime committed after June 30, 2014;

(H) neglect of a dependent (IC 35-46-1-4) as a:

- (i) Class B felony, for a crime committed before July 1, 2014; or
- (ii) Level 1 or Level 3 felony, for a crime committed after June 30, 2014;

(I) battery (IC 35-42-2-1) of a child as a:

- (i) Class C felony, for a crime committed before July 1, 2014; or
- (ii) Level 5 felony, for a crime committed after June 30, 2014;

(J) battery (IC 35-42-2-1) as a:

- (i) Class A or Class B felony, for a crime committed before July 1, 2014; or
- (ii) Level 2, ~~or~~ Level 3, ~~or~~ **Level 4** felony, for a crime committed after June 30, 2014; ~~or~~

(K) domestic battery (IC 35-42-2-1.3) as a Level 5, Level 4, Level 3, or Level 2 felony;

(L) aggravated battery (IC 35-42-2-1.5) as a Level 3 or Level 1 felony; or

~~(K)~~ **(M) an attempt under IC 35-41-5-1 to commit an offense described in clauses (A) through (J); this subdivision;**

(2) the child or the child's sibling, half-blood sibling, or step-sibling of the parent's current marriage is the victim of the offense; and

(3) after notice to the parent and a hearing, the court determines that dispensing with the parent's consent to adoption is in the child's best interests.

SECTION 13. IC 31-34-4-2, AS AMENDED BY P.L.123-2014, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) If a child alleged to be a child in need of services is taken into custody under an order of the court under this chapter and the court orders out-of-home placement, the department is responsible for that placement and care and must consider placing the child with a:

- (1) suitable and willing relative; or
- (2) de facto custodian;

before considering any other out-of-home placement.

(b) The department shall consider placing a child described in subsection (a) with a relative related by blood, marriage, or adoption before considering any other placement of the child.

(c) Before the department places a child in need of services with a relative or a de facto custodian, the department shall complete an evaluation based on a home visit of the relative's home.

(d) Except as provided in subsection (f), before placing a child in need of services in an out-of-home placement, the department shall conduct a criminal history check of each person who is currently residing in the location designated as the out-of-home

placement.

(e) Except as provided in subsection (g), the department may not make an out-of-home placement if a person described in subsection (d) has:

- (1) committed an act resulting in a substantiated report of child abuse or neglect; or
- (2) been convicted of a felony listed in IC 31-27-4-13 or had a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13 if committed by an adult.

(f) The department is not required to conduct a criminal history check under subsection (d) if the department makes an out-of-home placement to an entity or a facility that is not a residence (as defined in IC 3-5-2-42.5) or that is licensed by the state.

(g) A court may order or the department may approve an out-of-home placement if:

(1) a person described in subsection (d) has:

(A) committed an act resulting in a substantiated report of child abuse or neglect;

(B) been convicted of:

(i) **a battery offense included in IC 35-42-2** ~~(IC 35-42-2-1)~~ as a felony;

(ii) criminal confinement (IC 35-42-3-3) as a felony;

(iii) carjacking (IC 35-42-5-2) (repealed) as a felony;

(iv) arson (IC 35-43-1-1) as a felony;

(v) a felony involving a weapon under IC 35-47 or IC 35-47.5;

(vi) a felony relating to controlled substances under IC 35-48-4;

(vii) a felony under IC 9-30-5; or

(viii) a felony that is substantially equivalent to a felony listed in ~~items (i) through (vii)~~ **this clause** for which the conviction was entered in another ~~state;~~ **jurisdiction;**

if the conviction did not occur within the past five (5) years; or

(C) had a juvenile adjudication for an act listed in IC 31-27-4-13(a) that, if committed by an adult, would be a felony; and

(2) the person's commission of the offense, delinquent act, or act of abuse or neglect described in subdivision (1) is not relevant to the person's present ability to care for a child, and the placement is in the best interest of the child.

However, a court or the department may not make an out-of-home placement if the person has been convicted of a felony listed in IC 31-27-4-13 that is not specifically excluded under subdivision (1)(B).

(h) In considering the placement under subsection (g), the court or the department shall consider the following:

(1) The length of time since the person committed the offense, delinquent act, or abuse or neglect.

(2) The severity of the offense, delinquent act, or abuse or neglect.

(3) Evidence of the person's rehabilitation, including the

person's cooperation with a treatment plan, if applicable.

SECTION 14. IC 31-34-20-1.5, AS AMENDED BY P.L.158-2013, SECTION 322, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.5. (a) Except as provided in subsection (d), the juvenile court may not enter a dispositional decree approving or ordering placement of a child in another home under section 1(a)(3) of this chapter or awarding wardship to the department that will place the child in another home under section 1(a)(4) of this chapter if a person who is currently residing in the home in which the child would be placed under section 1(a)(3) or 1(a)(4) of this chapter has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13 if committed by an adult, or has a conviction for a felony listed in IC 31-27-4-13.

(b) The department or caseworker who prepared the predispositional report shall conduct a criminal history check (as defined in IC 31-9-2-22.5) to determine if a person described in subsection (a) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13 if committed by an adult, or has a conviction for a felony listed in IC 31-27-4-13. However, the department or caseworker is not required to conduct a criminal history check under this section if criminal history information under IC 31-34-4-2 or IC 31-34-18-6.1 establishes whether a person described in subsection (a) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13(a) if committed by an adult, or has a conviction for a felony listed in IC 31-27-4-13(a).

(c) The department or caseworker is not required to conduct a criminal history check under this section if:

(1) the department or caseworker is considering only an out-of-home placement to an entity or a facility that:

- (A) is not a residence (as defined in IC 3-5-2-42.5); or
- (B) is licensed by the state; or

(2) placement under this section is undetermined at the time the predispositional report is prepared.

(d) A juvenile court may enter a dispositional decree that approves placement of a child in another home or award wardship to the department that will place the child in a home with a person described in subsection (a) if:

(1) the person described in subsection (a) has:

(A) committed an act resulting in a substantiated report of child abuse or neglect;

(B) been convicted of:

- (i) a battery offense included in IC 35-42-2 (~~IC 35-42-2-1~~) as a felony;
- (ii) criminal confinement (IC 35-42-3-3) as a felony;
- (iii) carjacking (IC 35-42-5-2) (repealed) as a felony;
- (iv) arson (IC 35-43-1-1) as a felony;
- (v) a felony involving a weapon under IC 35-47 or IC 35-47.5;

(vi) a felony relating to controlled substances under IC 35-48-4;

(vii) a felony under IC 9-30-5; or

(viii) a felony that is substantially equivalent to a felony listed in ~~items (i) through (vii)~~ **this clause** for which the conviction was entered in another ~~state~~; **jurisdiction**;

if the conviction did not occur within the past five (5) years; or

(C) had a juvenile adjudication for an act listed in IC 31-27-4-13(a) that, if committed by an adult, would be a felony; and

(2) the person's commission of the offense, delinquent act, or act of abuse or neglect described in subdivision (1) is not relevant to the person's present ability to care for a child, and placing a child in another home or awarding wardship to the department is in the best interest of the child.

However, a court may not enter a dispositional decree that approves placement of a child in another home or awards wardship to the department if the person has been convicted of a felony listed in IC 31-27-4-13(a) that is not specifically excluded under subdivision (1)(B).

(e) In considering the placement under subsection (d), the court shall consider the following:

(1) The length of time since the person committed the offense, delinquent act, or act that resulted in the substantiated report of abuse or neglect.

(2) The severity of the offense, delinquent act, or abuse or neglect.

(3) Evidence of the person's rehabilitation, including the person's cooperation with a treatment plan, if applicable.

SECTION 15. IC 31-34-21-7.5, AS AMENDED BY P.L.104-2015, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7.5. (a) Except as provided in subsection (d), the juvenile court may not approve a permanency plan under subsection (c)(1)(D), (c)(1)(E), or (c)(1)(F) if a person who is currently residing with a person described in subsection (c)(1)(D) or (c)(1)(E) or in a residence in which the child would be placed under subsection (c)(1)(F) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13 if committed by an adult, or has a conviction for a felony listed in IC 31-27-4-13.

(b) Before requesting juvenile court approval of a permanency plan, the department shall conduct a criminal history check (as defined in IC 31-9-2-22.5) to determine if a person described in subsection (a) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13 if committed by an adult, or has a conviction for a felony listed in IC 31-27-4-13. However, the department is not required to conduct a criminal history check under this section if criminal history information under IC 31-34-4-2, IC 31-34-18-6.1, or

IC 31-34-20-1.5 establishes whether a person described in subsection (a) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13 if committed by an adult, or has a conviction for a felony listed in IC 31-27-4-13.

(c) A permanency plan under this chapter includes the following:

(1) The intended permanent or long term arrangements for care and custody of the child that may include any of the following arrangements that the department or the court considers most appropriate and consistent with the best interests of the child:

(A) Return to or continuation of existing custodial care within the home of the child's parent, guardian, or custodian or placement of the child with the child's noncustodial parent.

(B) Initiation of a proceeding for termination of the parent-child relationship under IC 31-35.

(C) Placement of the child for adoption.

(D) Placement of the child with a responsible person, including:

- (i) an adult sibling;
- (ii) a grandparent;
- (iii) an aunt;
- (iv) an uncle;
- (v) a custodial parent of a sibling of the child; or
- (vi) another relative;

who is able and willing to act as the child's permanent custodian and carry out the responsibilities required by the permanency plan.

(E) Appointment of a legal guardian. The legal guardian appointed under this section is a caretaker in a judicially created relationship between the child and caretaker that is intended to be permanent and self-sustaining as evidenced by the transfer to the caretaker of the following parental rights with respect to the child:

- (i) Care, custody, and control of the child.
- (ii) Decision making concerning the child's upbringing.

(F) A supervised independent living arrangement or foster care for the child with a permanency plan of another planned, permanent living arrangement. However, a child less than sixteen (16) years of age may not have another planned, permanent living arrangement as the child's permanency plan.

(2) A time schedule for implementing the applicable provisions of the permanency plan.

(3) Provisions for temporary or interim arrangements for care and custody of the child, pending completion of implementation of the permanency plan.

(4) Other items required to be included in a case plan under IC 31-34-15 or federal law, consistent with the permanent or long term arrangements described by the permanency

plan.

(d) A juvenile court may approve a permanency plan if:

(1) a person described in subsection (a) has:

(A) committed an act resulting in a substantiated report of child abuse or neglect;

(B) been convicted of:

(i) a battery offense included in IC 35-42-2 (~~IC 35-42-2-1~~) as a felony;

(ii) criminal confinement (IC 35-42-3-3) as a felony;

(iii) carjacking (IC 35-42-5-2) (repealed) as a felony;

(iv) arson (IC 35-43-1-1) as a felony;

(v) a felony involving a weapon under IC 35-47 or IC 35-47.5;

(vi) a felony relating to controlled substances under IC 35-48-4;

(vii) a felony under IC 9-30-5; or

(viii) a felony that is substantially equivalent to a felony listed in items (i) through (vii) **this clause** for which the conviction was entered in another state; **jurisdiction;**

if the conviction did not occur within the past five (5) years; or

(C) had a juvenile adjudication for an act listed in IC 31-27-4-13(a) that, if committed by an adult, would be a felony; and

(2) the person's commission of the offense, delinquent act, or act of abuse or neglect described in subdivision (1) is not relevant to the person's present ability to care for a child, and that approval of the permanency plan is in the best interest of the child.

However, a court may not approve a permanency plan if the person has been convicted of a felony listed in IC 31-27-4-13 that is not specifically excluded under subdivision (1)(B), or has a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13 if committed by an adult that is not specifically excluded under subdivision (1)(B).

(e) In making its written finding under subsection (d), the court shall consider the following:

(1) The length of time since the person committed the offense, delinquent act, or act that resulted in the substantiated report of abuse or neglect.

(2) The severity of the offense, delinquent act, or abuse or neglect.

(3) Evidence of the person's rehabilitation, including the person's cooperation with a treatment plan, if applicable."

Page 6, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 17. IC 31-37-4-3, AS AMENDED BY P.L.168-2014, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) This section applies if a child is arrested or taken into custody for allegedly committing an act that would be any of the following crimes if committed by an adult:

(1) Murder (IC 35-42-1-1).

- (2) Attempted murder (IC 35-41-5-1).
- (3) Voluntary manslaughter (IC 35-42-1-3).
- (4) Involuntary manslaughter (IC 35-42-1-4).
- (5) Reckless homicide (IC 35-42-1-5).
- (6) Aggravated battery (IC 35-42-2-1.5).
- (7) Battery (IC 35-42-2-1).
- (8) Kidnapping (IC 35-42-3-2).
- (9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8.
- (10) Sexual misconduct with a minor (IC 35-42-4-9).
- (11) Incest (IC 35-46-1-3).
- (12) Robbery as a Level 2 felony or a Level 3 felony (IC 35-42-5-1).
- (13) Burglary as a Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony (IC 35-43-2-1).
- (14) Assisting a criminal as a Level 5 felony (IC 35-44.1-2-5).
- (15) Escape (IC 35-44.1-3-4) as a Level 4 felony or Level 5 felony.
- (16) Trafficking with an inmate as a Level 5 felony (IC 35-44.1-3-5).
- (17) Causing death when operating a vehicle (IC 9-30-5-5).
- (18) Criminal confinement (IC 35-42-3-3) as a Level 2 or Level 3 felony.
- (19) Arson (IC 35-43-1-1) as a Level 2 felony, Level 3 felony, or Level 4 felony.
- (20) Possession, use, or manufacture of a weapon of mass destruction (IC 35-47-12-1).
- (21) Terroristic mischief (IC 35-47-12-3) as a Level 2 or Level 3 felony.
- (22) Hijacking or disrupting an aircraft (IC 35-47-6-1.6).
- (23) A violation of IC 35-47.5 (controlled explosives) as a Level 2 felony, Level 3 felony, or Level 4 felony.
- (24) A controlled substances offense under IC 35-48.
- (25) A criminal gang offense under IC 35-45-9.

(26) Domestic battery (IC 35-42-2-1.3).

(b) If a child is taken into custody under this chapter for a crime or act listed in subsection (a) or a situation to which IC 12-26-4-1 applies, the law enforcement agency that employs the law enforcement officer who takes the child into custody shall notify the chief administrative officer of the primary or secondary school, including a public or nonpublic school, in which the child is enrolled or, if the child is enrolled in a public school, the superintendent of the school district in which the child is enrolled:

- (1) that the child was taken into custody; and
- (2) of the reason why the child was taken into custody.

(c) The notification under subsection (b) must occur within forty-eight (48) hours after the child is taken into custody.

(d) A law enforcement agency may not disclose information that is confidential under state or federal law to a school or school district under this section.

(e) A law enforcement agency shall include in its training for law enforcement officers training concerning the notification

requirements under subsection (b).

SECTION 18. IC 31-37-19-6.5, AS AMENDED BY P.L.158-2013, SECTION 329, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6.5. (a) Except as provided in subsection (d), the juvenile court may not enter a dispositional decree approving placement of a child in another home under section 1(a)(3) or 6(b)(2)(D) of this chapter or awarding wardship to a person or facility that results in a placement with a person under section 1(a)(4) or 6(b)(2)(E) of this chapter if a person who is currently residing in the home in which the child would be placed under section 1(a)(3), 1(a)(4), 6(b)(2)(D), or 6(b)(2)(E) of this chapter has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13 if committed by an adult, or has a conviction for a felony listed in IC 31-27-4-13.

(b) The juvenile probation officer who prepared the predispositional report shall conduct a criminal history check (as defined in IC 31-9-2-22.5) to determine if a person described in subsection (a) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13 if committed by an adult, or has a conviction for a felony listed in IC 31-27-4-13. However, the probation officer is not required to conduct a criminal history check under this section if criminal history information obtained under IC 31-37-17-6.1 establishes whether a person described in subsection (a) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13 if committed by an adult, or has a conviction for a felony listed in IC 31-27-4-13.

(c) The juvenile probation officer is not required to conduct a criminal history check under this section if:

- (1) the probation officer is considering only an out-of-home placement to an entity or a facility that:
 - (A) is not a residence (as defined in IC 3-5-2-42.5); or
 - (B) is licensed by the state; or
- (2) placement under this section is undetermined at the time the predispositional report is prepared.

(d) The juvenile court may enter a dispositional decree approving placement of a child in another home under section 1(a)(3) or 6(b)(2)(D) of this chapter or awarding wardship to a person or facility that results in a placement with a person under section 1(a)(4) or 6(b)(2)(E) of this chapter if:

- (1) a person described in subsection (a) has:
 - (A) committed an act resulting in a substantiated report of child abuse or neglect;
 - (B) been convicted of:
 - (i) a battery offense included in IC 35-42-2 (~~IC 35-42-2-1~~) as a felony;
 - (ii) criminal confinement (IC 35-42-3-3) as a felony;
 - (iii) carjacking (IC 35-42-5-2) (repealed) as a felony;
 - (iv) arson (IC 35-43-1-1) as a felony;
 - (v) a felony involving a weapon under IC 35-47 or

IC 35-47.5;

(vi) a felony relating to controlled substances under IC 35-48-4; or

(vii) a felony that is substantially equivalent to a felony listed in ~~items (i) through (vi)~~ **this clause** for which the conviction was entered in another ~~state;~~ **jurisdiction;**

if the conviction did not occur within the past five (5) years; or

(C) had a juvenile adjudication for an act listed in IC 31-27-4-13(a) that, if committed by an adult, would be a felony; and

(2) the person's commission of the offense, delinquent act, or act of abuse or neglect described in subdivision (1) is not relevant to the person's present ability to care for a child, and placing the child in another home is in the best interest of the child.

However, a court may not enter a dispositional decree placing a child in another home under section 1(a)(3) or 6(b)(2)(D) of this chapter or awarding wardship to a person or facility under this subsection if a person with whom the child is or will be placed has been convicted of a felony listed in IC 31-27-4-13 that is not specifically excluded under subdivision (1)(B).

(e) In considering the placement under subsection (d), the court shall consider the following:

(1) The length of time since the person committed the offense, delinquent act, or act that resulted in the substantiated report of abuse or neglect.

(2) The severity of the offense, delinquent act, or abuse or neglect.

(3) Evidence of the person's rehabilitation, including the person's cooperation with a treatment plan, if applicable.

SECTION 19. IC 33-37-5-12, AS AMENDED BY P.L.214-2013, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. The court shall order a person to pay a child abuse prevention fee of one hundred dollars (\$100) to the clerk in each criminal action in which:

(1) the person is found to have committed the offense of:

(A) murder (IC 35-42-1-1);

(B) causing suicide (IC 35-42-1-2);

(C) voluntary manslaughter (IC 35-42-1-3);

(D) reckless homicide (IC 35-42-1-5);

(E) battery (IC 35-42-2-1);

(F) domestic battery (IC 35-42-2-1.3);

(G) aggravated battery (IC 35-42-2-1.5);

~~(G)~~ **(H) rape (IC 35-42-4-1);**

~~(H)~~ **(I) criminal deviate conduct (IC 35-42-4-2)** (repealed);

~~(I)~~ **(J) child molesting (IC 35-42-4-3);**

~~(J)~~ **(K) child exploitation (IC 35-42-4-4);**

~~(K)~~ **(L) vicarious sexual gratification (IC 35-42-4-5);**

~~(L)~~ **(M) child solicitation (IC 35-42-4-6);**

~~(M)~~ **(N) incest (IC 35-46-1-3);**

~~(N)~~ **(O) neglect of a dependent (IC 35-46-1-4);**

~~(O)~~ **(P) child selling (IC 35-46-1-4); or**

~~(P)~~ **(Q) child seduction (IC 35-42-4-7); and**

(2) the victim of the offense is less than eighteen (18) years of age."

Page 6, between lines 24 and 25, begin a new paragraph and insert:

"SECTION 21. IC 35-36-7-3, AS AMENDED BY P.L.169-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) This section applies to criminal actions for:

(1) an offense listed in IC 11-8-8-4.5(a);

(2) neglect of a dependent (IC 35-46-1-4);

(3) **a battery offense included in IC 35-42-2** ~~(IC 35-42-2-1)~~ if the victim is:

(A) less than eighteen (18) years of age; or

(B) an endangered adult (as defined in IC 12-10-3-2); and

(4) attempts of the crimes listed in subdivisions (1) through (3).

(b) If a motion is made to postpone a trial or other court proceeding that involves an offense listed in subsection (a), the court shall consider whether a postponement will have an adverse impact upon an endangered adult (as defined in IC 12-10-3-2) or a child who is less than sixteen (16) years of age and who:

(1) is the alleged victim of an offense listed in subsection (a); or

(2) will be a witness in the trial.

SECTION 22. IC 35-37-4-6, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2016 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) This section applies to a criminal action involving the following offenses where the victim is a protected person under subsection (c)(1) or (c)(2):

(1) Sex crimes (IC 35-42-4).

(2) **A battery offense included in IC 35-42-2** upon a child less than fourteen (14) years of age. ~~(IC 35-42-2-1)~~;

(3) Kidnapping and confinement (IC 35-42-3).

(4) Incest (IC 35-46-1-3).

(5) Neglect of a dependent (IC 35-46-1-4).

(6) Human and sexual trafficking crimes (IC 35-42-3.5).

(7) An attempt under IC 35-41-5-1 ~~for to commit~~ an offense listed in ~~subdivisions (i) through (6)~~ **this subsection.**

(b) This section applies to a criminal action involving the following offenses where the victim is a protected person under subsection (c)(3):

(1) Exploitation of a dependent or endangered adult (IC 35-46-1-12).

(2) A sex crime (IC 35-42-4).

(3) **A battery offense included in IC 35-42-2.** ~~(IC 35-42-2-1)~~;

(4) Kidnapping, confinement, or interference with custody (IC 35-42-3).

- (5) Home improvement fraud (IC 35-43-6).
- (6) Fraud (IC 35-43-5).
- (7) Identity deception (IC 35-43-5-3.5).
- (8) Synthetic identity deception (IC 35-43-5-3.8).
- (9) Theft (IC 35-43-4-2).
- (10) Conversion (IC 35-43-4-3).
- (11) Neglect of a dependent (IC 35-46-1-4).
- (12) Human and sexual trafficking crimes (IC 35-42-3.5).
- (c) As used in this section, "protected person" means:
- (1) a child who is less than fourteen (14) years of age;
 - (2) an individual with a mental disability who has a disability attributable to an impairment of general intellectual functioning or adaptive behavior that:
 - (A) is manifested before the individual is eighteen (18) years of age;
 - (B) is likely to continue indefinitely;
 - (C) constitutes a substantial impairment of the individual's ability to function normally in society; and
 - (D) reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated; or
 - (3) an individual who is:
 - (A) at least eighteen (18) years of age; and
 - (B) incapable by reason of mental illness, ~~mental retardation~~, *intellectual disability*, dementia, or other physical or mental incapacity of:
 - (i) managing or directing the management of the individual's property; or
 - (ii) providing or directing the provision of self-care.
- (d) A statement or videotape that:
- (1) is made by a person who at the time of trial is a protected person;
 - (2) concerns an act that is a material element of an offense listed in subsection (a) or (b) that was allegedly committed against the person; and
 - (3) is not otherwise admissible in evidence;
- is admissible in evidence in a criminal action for an offense listed in subsection (a) or (b) if the requirements of subsection (e) are met.
- (e) A statement or videotape described in subsection (d) is admissible in evidence in a criminal action listed in subsection (a) or (b) if, after notice to the defendant of a hearing and of the defendant's right to be present, all of the following conditions are met:
- (1) The court finds, in a hearing:
 - (A) conducted outside the presence of the jury; and
 - (B) attended by the protected person in person or by using closed circuit television testimony as described in section 8(f) and 8(g) of this chapter;
 that the time, content, and circumstances of the statement or videotape provide sufficient indications of reliability.
 - (2) The protected person:
 - (A) testifies at the trial; or
 - (B) is found by the court to be unavailable as a witness for one (1) of the following reasons:
 - (i) From the testimony of a psychiatrist, physician, or psychologist, and other evidence, if any, the court finds that the protected person's testifying in the physical presence of the defendant will cause the protected person to suffer serious emotional distress such that the protected person cannot reasonably communicate.
 - (ii) The protected person cannot participate in the trial for medical reasons.
 - (iii) The court has determined that the protected person is incapable of understanding the nature and obligation of an oath.
- (f) If a protected person is unavailable to testify at the trial for a reason listed in subsection (e)(2)(B), a statement or videotape may be admitted in evidence under this section only if the protected person was available for cross-examination:
- (1) at the hearing described in subsection (e)(1); or
 - (2) when the statement or videotape was made.
- (g) A statement or videotape may not be admitted in evidence under this section unless the prosecuting attorney informs the defendant and the defendant's attorney at least ten (10) days before the trial of:
- (1) the prosecuting attorney's intention to introduce the statement or videotape in evidence; and
 - (2) the content of the statement or videotape.
- (h) If a statement or videotape is admitted in evidence under this section, the court shall instruct the jury that it is for the jury to determine the weight and credit to be given the statement or videotape and that, in making that determination, the jury shall consider the following:
- (1) The mental and physical age of the person making the statement or videotape.
 - (2) The nature of the statement or videotape.
 - (3) The circumstances under which the statement or videotape was made.
 - (4) Other relevant factors.
- (i) If a statement or videotape described in subsection (d) is admitted into evidence under this section, a defendant may introduce a:
- (1) transcript; or
 - (2) videotape;
- of the hearing held under subsection (e)(1) into evidence at trial.
- SECTION 23. IC 35-37-4-8, AS AMENDED BY P.L.238-2015, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) This section applies to a criminal action under the following:
- (1) Sex crimes (IC 35-42-4).
 - (2) A battery **offense included in IC 35-42-2** upon a child less than fourteen (14) years of age. (~~IC 35-42-2-1~~).
 - (3) Kidnapping and confinement (IC 35-42-3).
 - (4) Incest (IC 35-46-1-3).

- (5) Neglect of a dependent (IC 35-46-1-4).
- (6) Human and sexual trafficking crimes (IC 35-42-3.5).
- (7) An attempt under IC 35-41-5-1 for an offense listed in subdivisions (1) through (6).

(b) As used in this section, "protected person" has the meaning set forth in section 6 of this chapter.

(c) On the motion of the prosecuting attorney, the court may order that the testimony of a protected person be taken in a room other than the courtroom, and that the questioning of the protected person by the prosecution and the defense be transmitted using a two-way closed circuit television arrangement that:

- (1) allows the protected person to see the accused and the trier of fact; and
- (2) allows the accused and the trier of fact to see and hear the protected person.

(d) On the motion of the prosecuting attorney or the defendant, the court may order that the testimony of a protected person be videotaped for use at trial. The videotaping of the testimony of a protected person under this subsection must meet the requirements of subsection (c).

(e) The court may not make an order under subsection (c) or (d) unless:

(1) the testimony to be taken is the testimony of a protected person who:

- (A) is the alleged victim of an offense listed in subsection (a) for which the defendant is being tried or is a witness in a trial for an offense listed in subsection (a); and
- (B) is found by the court to be a protected person who should be permitted to testify outside the courtroom because:

(i) the court finds from the testimony of a psychiatrist, physician, or psychologist and any other evidence that the protected person's testifying in the physical presence of the defendant would cause the protected person to suffer serious emotional harm and the court finds that the protected person could not reasonably communicate in the physical presence of the defendant to the trier of fact;

(ii) a physician has certified that the protected person cannot be present in the courtroom for medical reasons; or

(iii) evidence has been introduced concerning the effect of the protected person's testifying in the physical presence of the defendant, and the court finds that it is more likely than not that the protected person's testifying in the physical presence of the defendant creates a substantial likelihood of emotional or mental harm to the protected person;

(2) the prosecuting attorney has informed the defendant and the defendant's attorney of the intention to have the protected person testify outside the courtroom; and

(3) the prosecuting attorney informed the defendant and the

defendant's attorney under subdivision (2) at least ten (10) days before the trial of the prosecuting attorney's intention to have the protected person testify outside the courtroom.

(f) If the court makes an order under subsection (c), only the following persons may be in the same room as the protected person during the protected person's testimony:

(1) A defense attorney if:

(A) the defendant is represented by the defense attorney; and

(B) the prosecuting attorney is also in the same room.

(2) The prosecuting attorney if:

(A) the defendant is represented by a defense attorney; and

(B) the defense attorney is also in the same room.

(3) Persons necessary to operate the closed circuit television equipment.

(4) Persons whose presence the court finds will contribute to the protected person's well-being.

(5) A court bailiff or court representative.

(g) If the court makes an order under subsection (d), only the following persons may be in the same room as the protected person during the protected person's videotaped testimony:

(1) The judge.

(2) The prosecuting attorney.

(3) The defendant's attorney (or the defendant, if the defendant is not represented by an attorney).

(4) Persons necessary to operate the electronic equipment.

(5) The court reporter.

(6) Persons whose presence the court finds will contribute to the protected person's well-being.

(7) The defendant, who can observe and hear the testimony of the protected person with the protected person being able to observe or hear the defendant. However, if the defendant is not represented by an attorney, the defendant may question the protected person.

(h) If the court makes an order under subsection (c) or (d), only the following persons may question the protected person:

(1) The prosecuting attorney.

(2) The defendant's attorney (or the defendant, if the defendant is not represented by an attorney).

(3) The judge.

SECTION 24. IC 35-37-4-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14. (a) This section applies even if no criminal charges were filed concerning the act that is the basis of the evidence of a previous battery.

(b) As used in this section, "evidence of a previous battery" means evidence that a person charged with a crime described in subsection (c)(1) through ~~(c)(3)~~ **(c)(5)** committed a prior unrelated act of battery or attempted battery on the victim of a crime described in subsection (c)(1) through ~~(c)(3)~~ **(c)(5)** within five (5) years before the person allegedly committed the crime described in subsection (c)(1) through (c)(3).

(c) In a prosecution for:

- (1) battery (IC 35-42-2-1);

- (2) domestic battery (IC 35-42-2-1.3);
- ~~(2)~~ (3) aggravated battery (IC 35-42-2-1.5);
- ~~(3)~~ (4) murder (IC 35-42-1-1); or
- ~~(4)~~ (5) voluntary manslaughter (IC 35-42-1-3);

evidence of a previous battery is admissible into evidence in the state's case-in-chief for purposes of proving motive, intent, identity, or common scheme and design.

(d) If the state proposes to offer evidence described in subsection (b), the following procedure must be followed:

- (1) The state shall file a written motion not less than ten (10) days before trial stating that the state has an offer of proof concerning evidence described in subsection (b) and the relevancy of the evidence to the case. The motion must be accompanied by an affidavit in which the offer of proof is stated.
- (2) If the court finds that the offer of proof is sufficient, the court shall order a hearing out of the presence of the jury. At the hearing, the court shall allow the questioning of the victim or witness regarding the offer of proof made by the state.

At the conclusion of the hearing, if the court finds that evidence proposed to be offered by the state is admissible, the court shall make an order stating what evidence may be introduced by the state and the nature of the questions to be permitted. The state may then offer evidence under the order of the court.

(e) This section shall not be construed to limit the admissibility of evidence of a previous battery in any civil or criminal proceeding.

SECTION 25. IC 35-38-2.6-1, AS AMENDED BY P.L.185-2014, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) Except as provided in subsection (b), this chapter applies to the sentencing of a person convicted of a felony whenever any part of the sentence may not be suspended under IC 35-50-2-2.1 or IC 35-50-2-2.2.

(b) This chapter does not apply to persons convicted of any of the following:

- (1) Sex crimes under IC 35-42-4 or IC 35-46-1-3.
- (2) Any of the following felonies:
 - (A) Murder (IC 35-42-1-1).
 - (B) A battery **offense included in IC 35-42-2** ~~(IC 35-42-2-1)~~ with a deadly weapon or battery causing death.
 - (C) Kidnapping (IC 35-42-3-2).
 - (D) Criminal confinement (IC 35-42-3-3) with a deadly weapon.
 - (E) Robbery (IC 35-42-5-1) resulting in serious bodily injury or with a deadly weapon.
 - (F) Arson (IC 35-43-1-1) for hire resulting in serious bodily injury.
 - (G) Burglary (IC 35-43-2-1) resulting in serious bodily injury.
 - (H) Resisting law enforcement (IC 35-44.1-3-1) with a deadly weapon.

- (I) Escape (IC 35-44.1-3-4) with a deadly weapon.
- (J) Rioting (IC 35-45-1-2) with a deadly weapon.
- (K) Aggravated battery (IC 35-42-2-1.5).
- (L) Disarming a law enforcement officer (IC 35-44.1-3-2).

(3) An offense under IC 9-30-5-4.

(4) An offense under IC 9-30-5-5.

SECTION 26. IC 35-42-1-4, AS AMENDED BY P.L.158-2013, SECTION 414, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) As used in this section, "fetus" means a fetus that has attained viability (as defined in IC 16-18-2-365).

(b) A person who kills another human being while committing or attempting to commit:

- (1) a Level 5 or Level 6 felony that inherently poses a risk of serious bodily injury;
- (2) a Class A misdemeanor that inherently poses a risk of serious bodily injury; or
- (3) battery;

commits involuntary manslaughter, a Level 5 felony.

(c) A person who kills a fetus while committing or attempting to commit:

- (1) a Level 5 or Level 6 felony that inherently poses a risk of serious bodily injury;
- (2) a Class A misdemeanor that inherently poses a risk of serious bodily injury;
- (3) a battery **offense included in IC 35-42-2**; or
- (4) a violation of IC 9-30-5-1 through IC 9-30-5-5 (operating a vehicle while intoxicated);

commits involuntary manslaughter, a Level 5 felony."

Page 8, strike lines 2 through 8.

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

Page 8, line 24, after "for" insert "a".

Page 8, line 24, after "battery" insert "**offense included in this chapter**".

Page 9, after line 14, begin a new paragraph and insert:

"SECTION 28. IC 35-42-2-1.3, AS AMENDED BY P.L.158-2013, SECTION 421, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.3. (a) **Except as provided in subsections (b) through (f)**, a person who knowingly or intentionally: ~~touches an individual who:~~

- ~~(1) is or was a spouse of the other person;~~
- ~~(2) is or was living as if a spouse of the other person as provided in subsection (c); or~~
- ~~(3) has a child in common with the other person;~~

~~in a rude, insolent, or angry manner that results in bodily injury to the person described in subdivision (1); (2); or (3)~~

(1) touches a family or household member in a rude, insolent, or angry manner; or

(2) in a rude, insolent, or angry manner places any bodily fluid or waste on a family or household member;

commits domestic battery, a Class A misdemeanor.

(b) ~~However,~~ The offense under subsection ~~(a)~~ **(a)(1) or (a)(2)** is a Level 6 felony if one (1) or more of the following apply: ~~the~~

person who committed the offense:

(1) The person who committed the offense has a previous, unrelated conviction:

(A) under this section (or ~~IC 35-42-2-1(a)(2)(E)~~ before that provision was removed by P.L.188-1999; SECTION 5); for a battery offense included in this chapter; or

(B) in any other jurisdiction, including a military court, in which the elements of the crime for which the conviction was entered are substantially similar to the elements described in this section: of a battery offense included in this chapter. or

(2) The person who committed the offense is at least eighteen (18) years of age and committed the offense against a family or household member in the physical presence of a child less than sixteen (16) years of age, knowing that the child was present and might be able to see or hear the offense.

(3) The offense results in moderate bodily injury to a family or household member.

(4) The offense is committed against a family or household member who is less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age.

(5) The offense is committed against a family or household member of any age who has a mental or physical disability and is committed by a person having the care of the family or household member with the mental or physical disability, whether the care is assumed voluntarily or because of a legal obligation.

(6) The offense is committed against a family or household member who is an endangered adult (as defined in IC 12-10-3-2).

(c) In considering whether a person is or was living as a spouse of another individual for purposes of subsection (a)(2); the court shall review:

(1) the duration of the relationship;

(2) the frequency of contact;

(3) the financial interdependence;

(4) whether the two (2) individuals are raising children together;

(5) whether the two (2) individuals have engaged in tasks directed toward maintaining a common household; and

(6) other factors the court considers relevant.

(c) The offense described in subsection (a)(1) or (a)(2) is a Level 5 felony if one (1) or more of the following apply:

(1) The offense results in serious bodily injury to a family or household member.

(2) The offense is committed with a deadly weapon against a family or household member.

(3) The offense results in bodily injury to a pregnant family or household member if the person knew of the pregnancy.

(4) The person has a previous conviction for a battery offense included in IC 35-42-2 against the same family

or household member.

(5) The offense results in bodily injury to one (1) or more of the following:

(A) A family or household member who is less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.

(B) A family or household member who has a mental or physical disability if the offense is committed by an individual having care of the family or household member with the disability, regardless of whether the care is assumed voluntarily or because of a legal obligation.

(C) A family or household member who is an endangered adult (as defined in IC 12-10-3-2).

(d) The offense described in subsection (a)(1) or (a)(2) is a Level 4 felony if it results in serious bodily injury to a family or household member who is an endangered adult (as defined in IC 12-10-3-2).

(e) The offense described in subsection (a)(1) or (a)(2) is a Level 3 felony if it results in serious bodily injury to a family or household member who is less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.

(f) The offense described in subsection (a)(1) or (a)(2) is a Level 2 felony if it results in the death of one (1) or more of the following:

(1) A family or household member who is less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age.

(2) A family or household member who is an endangered adult (as defined in IC 12-10-3-2).

SECTION 29. IC 35-45-9-1, AS AMENDED BY P.L.192-2007, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. As used in this chapter, "criminal gang" means a group with at least three (3) members that specifically:

(1) either:

(A) promotes, sponsors, or assists in; or

(B) participates in; or

(2) requires as a condition of membership or continued membership;

the commission of a felony or an act that would be a felony if committed by an adult or ~~the a battery offense of battery~~ ~~(IC 35-42-2-1)~~ included in IC 35-42-2.

SECTION 30. IC 35-46-1-14, AS AMENDED BY P.L.238-2015, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14. Any person acting in good faith who:

(1) makes or causes to be made a report of neglect, a battery offense included in IC 35-42-2, or exploitation under this chapter or ~~IC 35-42-2-1~~ concerning an endangered adult or person of any age who has a mental or physical disability;

(2) makes or causes to be made photographs or x-rays of a victim of suspected neglect or a battery offense included

in IC 35-42-2 of an endangered adult or a dependent eighteen (18) years of age or older; or

(3) participates in any official proceeding or a proceeding resulting from a report of neglect, a battery offense included in IC 35-42-2, or exploitation of an endangered adult or a dependent eighteen (18) years of age or older relating to the subject matter of that report;

is immune from any civil or criminal liability that might otherwise be imposed because of these actions. However, this section does not apply to a person accused of neglect, a battery offense, or exploitation of an endangered adult or a dependent eighteen (18) years of age or older.

SECTION 31. IC 35-47-4-5, AS AMENDED BY P.L.168-2014, SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) As used in this section, "serious violent felon" means a person who has been convicted of:

(1) committing a serious violent felony in:

(A) Indiana; or

(B) any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of a serious violent felony; or

(2) attempting to commit or conspiring to commit a serious violent felony in:

(A) Indiana as provided under IC 35-41-5-1 or IC 35-41-5-2; or

(B) any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of attempting to commit or conspiring to commit a serious violent felony.

(b) As used in this section, "serious violent felony" means:

(1) murder (IC 35-42-1-1);

(2) voluntary manslaughter (IC 35-42-1-3);

(3) reckless homicide not committed by means of a vehicle (IC 35-42-1-5);

(4) battery (IC 35-42-2-1) as a:

(A) Class A felony, Class B felony, or Class C felony, for a crime committed before July 1, 2014; or

(B) Level 2 felony, Level 3 felony, Level 4 felony, or Level 5 felony, for a crime committed after June 30, 2014;

(5) domestic battery (IC 35-42-2-1.3) as a Level 2 felony, Level 3 felony, Level 4 felony, or Level 5 felony;

(5) (6) aggravated battery (IC 35-42-2-1.5);

(6) (7) kidnapping (IC 35-42-3-2);

(7) (8) criminal confinement (IC 35-42-3-3);

(8) (9) rape (IC 35-42-4-1);

(9) (10) criminal deviate conduct (IC 35-42-4-2) (before its repeal);

(10) (11) child molesting (IC 35-42-4-3);

(11) (12) sexual battery (IC 35-42-4-8) as a:

(A) Class C felony, for a crime committed before July 1, 2014; or

(B) Level 5 felony, for a crime committed after June 30, 2014;

(12) (13) robbery (IC 35-42-5-1);

(13) (14) carjacking (IC 35-42-5-2) (before its repeal);

(14) (15) arson (IC 35-43-1-1(a)) as a:

(A) Class A felony or Class B felony, for a crime committed before July 1, 2014; or

(B) Level 2 felony, Level 3 felony, or Level 4 felony, for a crime committed after June 30, 2014;

(15) (16) burglary (IC 35-43-2-1) as a:

(A) Class A felony or Class B felony, for a crime committed before July 1, 2014; or

(B) Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony, for a crime committed after June 30, 2014;

(16) (17) assisting a criminal (IC 35-44.1-2-5) as a:

(A) Class C felony, for a crime committed before July 1, 2014; or

(B) Level 5 felony, for a crime committed after June 30, 2014;

(17) (18) resisting law enforcement (IC 35-44.1-3-1) as a:

(A) Class B felony or Class C felony, for a crime committed before July 1, 2014; or

(B) Level 2 felony, Level 3 felony, or Level 5 felony, for a crime committed after June 30, 2014;

(18) (19) escape (IC 35-44.1-3-4) as a:

(A) Class B felony or Class C felony, for a crime committed before July 1, 2014; or

(B) Level 4 felony or Level 5 felony, for a crime committed after June 30, 2014;

(19) (20) trafficking with an inmate (IC 35-44.1-3-5) as a:

(A) Class C felony, for a crime committed before July 1, 2014; or

(B) Level 5 felony, for a crime committed after June 30, 2014;

(20) (21) criminal gang intimidation (IC 35-45-9-4);

(21) (22) stalking (IC 35-45-10-5) as a:

(A) Class B felony or Class C felony, for a crime committed before July 1, 2014; or

(B) Level 4 felony or Level 5 felony, for a crime committed after June 30, 2014;

(22) (23) incest (IC 35-46-1-3);

(23) (24) dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1);

(24) (25) dealing in methamphetamine (IC 35-48-4-1.1);

(25) (26) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2);

(26) (27) dealing in a schedule IV controlled substance (IC 35-48-4-3); or

(27) (28) dealing in a schedule V controlled substance (IC 35-48-4-4).

(c) A serious violent felon who knowingly or intentionally possesses a firearm commits unlawful possession of a firearm by a serious violent felon, a Level 4 felony.

SECTION 32. IC 35-50-2-9, AS AMENDED BY P.L.187-2015, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. (a) The state may seek either a death sentence or a sentence of life imprisonment without parole for murder by alleging, on a page separate from the rest of the charging instrument, the existence of at least one (1) of the aggravating circumstances listed in subsection (b). In the sentencing hearing after a person is convicted of murder, the state must prove beyond a reasonable doubt the existence of at least one (1) of the aggravating circumstances alleged. However, the state may not proceed against a defendant under this section if a court determines at a pretrial hearing under IC 35-36-9 that the defendant is an individual with an intellectual disability.

(b) The aggravating circumstances are as follows:

(1) The defendant committed the murder by intentionally killing the victim while committing or attempting to commit any of the following:

- (A) Arson (IC 35-43-1-1).
- (B) Burglary (IC 35-43-2-1).
- (C) Child molesting (IC 35-42-4-3).
- (D) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
- (E) Kidnapping (IC 35-42-3-2).
- (F) Rape (IC 35-42-4-1).
- (G) Robbery (IC 35-42-5-1).
- (H) Carjacking (IC 35-42-5-2) (before its repeal).
- (I) Criminal gang activity (IC 35-45-9-3).
- (J) Dealing in cocaine or a narcotic drug (IC 35-48-4-1).
- (K) Criminal confinement (IC 35-42-3-3).

(2) The defendant committed the murder by the unlawful detonation of an explosive with intent to injure a person or damage property.

(3) The defendant committed the murder by lying in wait.

(4) The defendant who committed the murder was hired to kill.

(5) The defendant committed the murder by hiring another person to kill.

(6) The victim of the murder was a corrections employee, probation officer, parole officer, community corrections worker, home detention officer, fireman, judge, or law enforcement officer, and either:

- (A) the victim was acting in the course of duty; or
- (B) the murder was motivated by an act the victim performed while acting in the course of duty.

(7) The defendant has been convicted of another murder.

(8) The defendant has committed another murder, at any time, regardless of whether the defendant has been convicted of that other murder.

(9) The defendant was:

- (A) under the custody of the department of correction;
- (B) under the custody of a county sheriff;
- (C) on probation after receiving a sentence for the commission of a felony; or

(D) on parole;

at the time the murder was committed.

(10) The defendant dismembered the victim.

(11) The defendant:

(A) burned, mutilated, or tortured the victim; or

(B) decapitated or attempted to decapitate the victim; while the victim was alive.

(12) The victim of the murder was less than twelve (12) years of age.

(13) The victim was a victim of any of the following offenses for which the defendant was convicted:

(A) A battery offense included in IC 35-42-2 committed before July 1, 2014, as a Class D felony or as a Class C felony, ~~under IC 35-42-2-1~~ or a battery offense included in IC 35-42-2 committed after June 30, 2014, as a Level 6 felony, a Level 5 felony, a Level 4 felony, or a Level 3 felony.

(B) Kidnapping (IC 35-42-3-2).

(C) Criminal confinement (IC 35-42-3-3).

(D) A sex crime under IC 35-42-4.

(14) The victim of the murder was listed by the state or known by the defendant to be a witness against the defendant and the defendant committed the murder with the intent to prevent the person from testifying.

(15) The defendant committed the murder by intentionally discharging a firearm (as defined in IC 35-47-1-5):

(A) into an inhabited dwelling; or

(B) from a vehicle.

(16) The victim of the murder was pregnant and the murder resulted in the intentional killing of a fetus that has attained viability (as defined in IC 16-18-2-365).

(17) The defendant knowingly or intentionally:

(A) committed the murder:

(i) in a building primarily used for an educational purpose;

(ii) on school property; and

(iii) when students are present; or

(B) committed the murder:

(i) in a building or other structure owned or rented by a state educational institution or any other public or private postsecondary educational institution and primarily used for an educational purpose; and

(ii) at a time when classes are in session.

(18) The murder is committed:

(A) in a building that is primarily used for religious worship; and

(B) at a time when persons are present for religious worship or education.

(c) The mitigating circumstances that may be considered under this section are as follows:

(1) The defendant has no significant history of prior criminal conduct.

(2) The defendant was under the influence of extreme mental or emotional disturbance when the murder was

committed.

(3) The victim was a participant in or consented to the defendant's conduct.

(4) The defendant was an accomplice in a murder committed by another person, and the defendant's participation was relatively minor.

(5) The defendant acted under the substantial domination of another person.

(6) The defendant's capacity to appreciate the criminality of the defendant's conduct or to conform that conduct to the requirements of law was substantially impaired as a result of mental disease or defect or of intoxication.

(7) The defendant was less than eighteen (18) years of age at the time the murder was committed.

(8) Any other circumstances appropriate for consideration.

(d) If the defendant was convicted of murder in a jury trial, the jury shall reconvene for the sentencing hearing. If the trial was to the court, or the judgment was entered on a guilty plea, the court alone shall conduct the sentencing hearing. The jury or the court may consider all the evidence introduced at the trial stage of the proceedings, together with new evidence presented at the sentencing hearing. The court shall instruct the jury concerning the statutory penalties for murder and any other offenses for which the defendant was convicted, the potential for consecutive or concurrent sentencing, and the availability of educational credit, good time credit, and clemency. The court shall instruct the jury that, in order for the jury to recommend to the court that the death penalty or life imprisonment without parole should be imposed, the jury must find at least one (1) aggravating circumstance beyond a reasonable doubt as described in subsection (1) and shall provide a special verdict form for each aggravating circumstance alleged. The defendant may present any additional evidence relevant to:

(1) the aggravating circumstances alleged; or

(2) any of the mitigating circumstances listed in subsection (c).

(e) For a defendant sentenced after June 30, 2002, except as provided by IC 35-36-9, if the hearing is by jury, the jury shall recommend to the court whether the death penalty or life imprisonment without parole, or neither, should be imposed. The jury may recommend:

(1) the death penalty; or

(2) life imprisonment without parole;

only if it makes the findings described in subsection (1). If the jury reaches a sentencing recommendation, the court shall sentence the defendant accordingly. After a court pronounces sentence, a representative of the victim's family and friends may present a statement regarding the impact of the crime on family and friends. The impact statement may be submitted in writing or given orally by the representative. The statement shall be given in the presence of the defendant.

(f) If a jury is unable to agree on a sentence recommendation after reasonable deliberations, the court shall discharge the jury and proceed as if the hearing had been to the court alone.

(g) If the hearing is to the court alone, except as provided by IC 35-36-9, the court shall:

(1) sentence the defendant to death; or

(2) impose a term of life imprisonment without parole; only if it makes the findings described in subsection (1).

(h) If a court sentences a defendant to death, the court shall order the defendant's execution to be carried out not later than one (1) year and one (1) day after the date the defendant was convicted. The supreme court has exclusive jurisdiction to stay the execution of a death sentence. If the supreme court stays the execution of a death sentence, the supreme court shall order a new date for the defendant's execution.

(i) If a person sentenced to death by a court files a petition for post-conviction relief, the court, not later than ninety (90) days after the date the petition is filed, shall set a date to hold a hearing to consider the petition. If a court does not, within the ninety (90) day period, set the date to hold the hearing to consider the petition, the court's failure to set the hearing date is not a basis for additional post-conviction relief. The attorney general shall answer the petition for post-conviction relief on behalf of the state. At the request of the attorney general, a prosecuting attorney shall assist the attorney general. The court shall enter written findings of fact and conclusions of law concerning the petition not later than ninety (90) days after the date the hearing concludes. However, if the court determines that the petition is without merit, the court may dismiss the petition within ninety (90) days without conducting a hearing under this subsection.

(j) A death sentence is subject to automatic review by the supreme court. The review, which shall be heard under rules adopted by the supreme court, shall be given priority over all other cases. The supreme court's review must take into consideration all claims that the:

(1) conviction or sentence was in violation of the:

(A) Constitution of the State of Indiana; or

(B) Constitution of the United States;

(2) sentencing court was without jurisdiction to impose a sentence; and

(3) sentence:

(A) exceeds the maximum sentence authorized by law; or

(B) is otherwise erroneous.

If the supreme court cannot complete its review by the date set by the sentencing court for the defendant's execution under subsection (h), the supreme court shall stay the execution of the death sentence and set a new date to carry out the defendant's execution.

(k) A person who has been sentenced to death and who has completed state post-conviction review proceedings may file a written petition with the supreme court seeking to present new evidence challenging the person's guilt or the appropriateness of the death sentence if the person serves notice on the attorney general. The supreme court shall determine, with or without a hearing, whether the person has presented previously

undiscovered evidence that undermines confidence in the conviction or the death sentence. If necessary, the supreme court may remand the case to the trial court for an evidentiary hearing to consider the new evidence and its effect on the person's conviction and death sentence. The supreme court may not make a determination in the person's favor nor make a decision to remand the case to the trial court for an evidentiary hearing without first providing the attorney general with an opportunity to be heard on the matter.

(l) Before a sentence may be imposed under this section, the jury, in a proceeding under subsection (e), or the court, in a proceeding under subsection (g), must find that:

- (1) the state has proved beyond a reasonable doubt that at least one (1) of the aggravating circumstances listed in subsection (b) exists; and
- (2) any mitigating circumstances that exist are outweighed by the aggravating circumstance or circumstances."

Renumber all SECTIONS consecutively.

(Reference is to HB 1069 as printed January 29, 2016.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security & Transportation, to which was referred House Bill 1087, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 18, line 14, after "a" insert "**for-hire**".

Page 18, line 15, delete "IC 9-13-2-17)" and insert "**IC 9-13-2-66.7)**".

Page 23, line 26, delete "IC 9-18-3-1." and insert "**IC 9-18-3-1 (before its expiration) or IC 9-18.1-9.**".

Page 41, line 14, strike "International Registration Plan." and insert "**department.**".

Page 43, line 4, strike "motor carrier services division" and insert "**department**".

Page 44, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 45. IC 6-6-5.5-7.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7.5. Notwithstanding any other provision, the annual excise tax for a motor vehicle, trailer, or semitrailer and tractor operated primarily as a farm truck, farm trailer, or farm semitrailer and tractor as described in IC 9-29-5-13 (**before its expiration**) or **IC 9-18.1-7** is fifty percent (50%) of the amount listed in this chapter for a truck, trailer, or semitrailer and tractor of the same declared gross weight."

Page 44, line 16, delete "IC 9-18.1-11," and insert "**IC 9-18.1-13,**".

Page 44, line 27, after "with" insert "**the department under**

IC 9-18-2-4.6 or IC 9-18.1-13-3 or".

Page 52, line 24, delete "IC 9-20-5-7," and insert "**IC 6-6-4.1-13, IC 9-20-5-7(b), IC 9-20-5-7(c),**".

Page 56, between lines 27 and 28, begin a new paragraph and insert:

"SECTION 59. IC 8-6-7.6-1 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 1: (a) Except as provided in subsection (b) or in a rule adopted by the Indiana department of transportation, each railroad in the State of Indiana shall maintain each public crossing under its control in such a manner that the operator of any licensed motor vehicle has an unobstructed view for fifteen hundred (1,500) feet in both directions along the railroad right-of-way subject only to terrain elevations or depressions, track curvature, or permanent improvements. However, the Indiana department of transportation may adopt rules under IC 4-22-2 to adjust the distance of the unobstructed view requirement under this subsection based on variances in train speeds, number of tracks, angles of highway and rail crossing intersections, elevations, and other factors consistent with accepted engineering practices.

(b) A public crossing equipped with a train activated crossing gate is exempt from the requirements of subsection (a); if the railroad maintains an unobstructed view for at least two hundred fifty (250) feet in both directions along the railroad right-of-way.

(c) This section expires on the date on which rules described in section 1:1 of this chapter are finally adopted:

SECTION 60. IC 8-6-7.6-1.1 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 1:1: (a) The Indiana department of transportation shall adopt rules under IC 4-22-2 to do the following:

(1) Establish distances at which a railroad must maintain, for the benefit of operators of licensed motor vehicles, an unobstructed view within the railroad right-of-way at a public railroad crossing that is under the control of the railroad. In establishing distances under this subdivision, the Indiana department of transportation shall take into account safety measures in place at a public crossing, including train activated warning devices and federal railroad track classifications.

(2) Provide exceptions to distances required under subdivision (1) based on variances in terrain, elevations, track curvature, and permanent improvements at or near a public crossing.

(3) Develop a method to determine and verify distances required under subdivision (1). The method must:

(A) be consistent with accepted engineering practices; and

(B) produce results capable of replication.

(b) A rule adopted under subsection (a) replaces any common law duties imposed on a railroad with respect to distances established or methods of verification developed under the rule.

SECTION 61. IC 8-6-7.6-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.5. The following

definitions apply throughout this chapter:

- (1) "Field side" means the side of a rail pointing away from a track.
- (2) "Maximum authorized speed limit" means the maximum speed limit authorized under Federal Railroad Administration track classifications and safety standards.
- (3) "Passive warning device" means a crossbuck assembly with a yield or stop sign installed in accordance with the Indiana Manual on Uniform Traffic Control Devices.
- (4) "Public rail-highway grade crossing" means any location where a public highway, street, or road crosses one (1) or more railroad tracks at grade.
- (5) "Right-of-way" means the right-of-way at a public rail-highway grade crossing that is controlled by a railroad.
- (6) "Train-activated warning device" means a train-activated warning device or other active traffic control device installed in accordance with the Indiana Manual on Uniform Traffic Control Devices.

SECTION 62. IC 8-6-7.6-2 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 2: A railroad that violates section † of this chapter shall be held liable therefor to the State of Indiana in a penalty of one hundred dollars (\$100) a day for each day the violation continues subject to a maximum fine of five thousand dollars (\$5,000); to be recovered in a civil action at the suit of said state; in the circuit or superior court of any county wherein such crossing may be located. This section expires on the date on which rules described in section †-† of this chapter are finally adopted:

SECTION 63. IC 8-6-7.6-2.1, AS ADDED BY P.L.2-2013, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2.1. A railroad that violates a rule adopted under section †-† section 3 or 4 of this chapter is subject to a civil penalty of one hundred dollars (\$100) for each day the violation continues. The maximum penalty under this section is five thousand dollars (\$5,000). The Indiana department of transportation may bring an action to recover a civil penalty under this section in the circuit or superior court of the county in which the crossing that is the subject of the violation is located.

SECTION 64. IC 8-6-7.6-3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) A railroad shall provide and maintain within the railroad's right-of-way an unobstructed view in each quadrant of a public rail-highway grade crossing that is under the control of the railroad to the following specifications:

- (1) From the centerline of the highway, street, or road:
 - (A) forty-two (42) inches above the highway, street, or road; and
 - (B) twenty (20) feet from the field side of the nearest rail or, if the railroad's right-of-way is less than twenty (20) feet from the field side of the nearest rail, to the limit of the railroad's right-of-way.

- (2) From the centerline of the track:
 - (A) forty-two (42) inches above the track; and
 - (B) to the appropriate distance determined under section 4 of this chapter.

If the public rail-highway grade crossing includes multiple tracks, the measurements are taken at a ninety (90) degree angle from the top of the field side of the rail nearest the highway, street, or road.

(b) This chapter does not require a railroad to enter onto property not owned by the railroad to meet the requirements under this chapter.

(c) This section replaces any common law duties imposed on a railroad with respect to sight distances, including methods to verify sight distances.

SECTION 65. IC 8-6-7.6-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) A railroad shall provide and maintain within the railroad's right-of-way an unobstructed view in each quadrant of a public rail-highway crossing that is under the control of the railroad as follows:

(1) If the crossing is equipped with a passive warning device, as follows:

- (A) For tracks with a maximum authorized speed limit of not more than thirty (30) miles per hour, an unobstructed view of three hundred fifty (350) feet.
- (B) For tracks with a maximum authorized speed limit of more than thirty (30) miles per hour and not more than sixty (60) miles per hour, an unobstructed view of six hundred fifty (650) feet.
- (C) For tracks with a maximum authorized speed limit of more than sixty (60) miles per hour, an unobstructed view of nine hundred (900) feet.

If the crossing includes multiple tracks with different maximum authorized speed limits, the track with the highest authorized maximum speed limit shall be used to determine the unobstructed view under this subdivision.

(2) If the crossing is equipped with a train-activated warning device, two hundred fifty (250) feet.

(b) If a railroad is unable to provide or maintain an unobstructed view under subsection (a) due to a variance in terrain, elevation, track curvature, rolling stock, or permanent improvements at or near the public rail-highway grade crossing, the railroad shall provide and maintain an unobstructed view in each quadrant of the public rail-highway grade crossing to the furthest achievable unobstructed view.

SECTION 66. IC 8-6-7.7-1.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.1. As used in this chapter, "person" means an individual, a firm, a limited liability company, a corporation, an association, a fiduciary, or a governmental entity.

SECTION 67. IC 8-6-7.7-3.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3.2. (a) A person

may petition a unit (as defined in IC 36-1-2-23) under whose jurisdiction a public railroad crossing lies for the closure of a public railroad crossing. The unit shall conduct a public hearing on the petition **not more than sixty (60) days after the date on which the unit receives the petition.**

(b) Except as provided in subsection (c), if the unit determines that the crossing meets the criteria adopted by the Indiana department of transportation under section 3.1 of this chapter for closing a crossing, the unit shall approve the petition described in subsection (a) and issue an order to close the crossing. The unit shall provide a copy of the unit's findings to the Indiana department of transportation.

(c) If the unit determines that:

- (1) the crossing meets the criteria for closure adopted by the Indiana department of transportation under section 3.1 of this chapter; and
- (2) a compelling reason has been shown to exist for the crossing to remain open;

the unit ~~shall~~ **may** deny a petition to close the crossing. The unit shall provide a copy of the unit's findings to the Indiana department of transportation.

(d) If the unit determines that the crossing does not meet the criteria for closure adopted by the Indiana department of transportation and section 3.1 of this chapter, the unit may deny a petition to close the crossing.

(e) Notwithstanding subsections (a) through (d), a unit and a railroad may agree to close a crossing within the jurisdiction of the unit.

SECTION 68. IC 8-6-7.7-3.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3.3. (a) If a unit denies a petition to close a crossing under section ~~3.2(c)~~ **3.2** of this chapter, the Indiana department of transportation may schedule an appeal on the denial of the petition as set forth in this section. **If the Indiana department of transportation does not schedule an appeal on the denial of a petition within sixty (60) days after the petition is denied, the Indiana department of transportation is considered to have decided not to schedule an appeal on the denial of the petition.** The decision to schedule or not schedule an appeal is ~~(1) in the sole discretion of the department;~~ ~~(2) final and conclusive;~~ and ~~(3) not~~ subject to review under IC 4-21.5.

(b) If the Indiana department of transportation after reviewing the findings of the local unit on the petition determines **that:**

- (1) the crossing meets the criteria for closure, opening, or denial of a closure, adopted by the Indiana department of transportation under section 3.1 of this chapter; and
- (2) ~~that~~ a compelling reason has been shown for the crossing to remain open;

the Indiana department of transportation shall issue written findings that the crossing may remain open.

(c) If the Indiana department of transportation after reviewing the findings of the local unit on the petition determines **that:**

- (1) the crossing meets the criteria for closure adopted by the Indiana department of transportation under section 3.1

of this chapter; and

- (2) ~~that~~ a compelling reason has not been shown for the crossing to remain open;

the Indiana department of transportation shall issue an order abolishing the crossing under section 3 of this chapter."

Page 61, line 35, delete "photo-exempt" and insert "**photo exempt**".

Page 73, line 15, delete "IC 9-32-2-18.7." and insert "**IC 9-32-2-18.6.**".

Page 90, line 40, delete "IC 9-17.3,".

Page 114, line 1, after "States" delete "and".

Page 114, line 12, delete "or a rental company" and insert "**a vehicle rental company, a vehicle leasing company, or a lessee of a vehicle leasing company**".

Page 114, line 14, delete "or rental company:" and insert "**vehicle rental company, vehicle leasing company, or lessee of a vehicle leasing company:**".

Page 114, between lines 24 and 25, begin a new line block indented and insert:

"(7) A vehicle that is purchased in another state and titled in Indiana by a vehicle rental company or a vehicle leasing company if the vehicle rental company or vehicle leasing company:

(A) provides a vehicle history report issued by an independent provider of vehicle history information that includes the vehicle's:

(i) title information;

(ii) odometer readings; and

(iii) number of owners; and

(B) maintains a copy of all documentation required under this subsection for at least ten (10) years."

Page 136, strike lines 39 through 40.

Page 136, line 41, strike "(5)" and insert "(4)".

Page 137, line 15, after "subject to" insert "**registration under any of the following:**".

Page 137, line 16, delete "the", begin a new line block indented and insert:

"(1) The".

Page 137, between lines 16 and 17, begin a new line block indented and insert:

"(2) IC 9-18-2-4.6.

(3) IC 9-18.1-13-3."

Page 140, line 18, after "Plan" insert ", **IC 9-18-2-4.6, or IC 9-18.1-13-3**".

Page 140, line 38, strike "who" and insert "**that**".

Page 142, after line 42, begin a new paragraph and insert:

"SECTION 259. IC 9-18-3-6.5, AS AMENDED BY P.L.188-2015, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6.5. (a) An employee of an agency that is exempt from the payment of registration fees under section 1(5) through 1(7) of this chapter is exempt from the payment of any fees for licensing under ~~IC 9-24-6~~ **IC 9-24-6.1** while employed by the exempt agency if the director of the agency notifies the bureau in writing that the

employee's duties include driving a commercial motor vehicle for the agency.

(b) The director of an agency that is exempt from the payment of registration fees under section 1(5) through 1(7) of this chapter shall notify the bureau if an individual who received a license without the payment of fees under subsection (a) ceases to be employed by the exempt agency.

(c) Not later than thirty (30) days following the day on which an individual ceases to be employed by an exempt agency, the individual must do the following:

- (1) Renew the individual's license.
- (2) Pay the appropriate fee for licensing under ~~IC 9-24-6~~
IC 9-24-6.1.

(d) A person who fails to:

- (1) renew the person's license; and
- (2) pay an appropriate license fee under ~~IC 9-24-6~~
IC 9-24-6.1;

subsequent to ending employment with an exempt agency commits a Class C infraction."

Page 152, line 7, after "bureau" delete "." and insert "**or the motor carrier services division of the department of state revenue.**".

Page 175, line 35, delete "who" and insert "**that**".

Page 176, line 1, delete "Program;" and insert "**Plan;**".

Page 187, delete lines 22 through 23, begin a new paragraph and insert:

"Sec. 2. (a) The authority granted to the bureau throughout this article extends to the department of state revenue when the department administers transactions under IC 9-17-2, IC 9-17-3, IC 9-18, or IC 9-18.1. The department's authority includes the following:

- (1) Registering vehicles (IC 9-18.1-3 and IC 9-18.1-4).**
- (2) Withholding registration of a vehicle when the vehicle was used in the commission of a toll violation (IC 9-18.1-3).**
- (3) Determining the size, character, display, mounting, securing, content, issuance, replacement, and life cycle of license plates, temporary license plates, renewal stickers, and other proof of registration issued by the department (IC 9-18.1-4).**
- (4) Publishing a schedule of expiration dates (IC 9-18.1-11).**
- (5) Transferring registration and license plates (IC 9-18.1-11).**
- (6) Issuing a duplicate license plate that is lost, stolen, or destroyed (IC 9-18.1-11).**
- (7) Changing ownership information (IC 9-18.1-11).**
- (8) Issuing temporary permits (IC 9-18.1-12).**
- (9) Issuing certificates of title (IC 9-17-2).**

(b) Plates issued by the department of state revenue remain the property of the department (IC 9-18.1-4).

(c) The department of state revenue may adopt rules under IC 4-22-2 to administer this chapter."

Page 189, line 7, after "(\$1)." insert "**However, the department of state revenue may waive the fee for a**

duplicate cab card processed on the Internet web site of the department."

Page 190, between lines 7 and 8, begin a new paragraph and insert:

"Sec. 7. (a) Except as provided in subsection (b), a person that fails to:

- (1) apply for the registration of, or transfer a registration to, a vehicle;**
- (2) provide full payment for the registration of a vehicle; or**
- (3) both:**
 - (A) apply for the registration of, or transfer a registration to, a vehicle; and**
 - (B) provide full payment for the registration of a vehicle;**

as required under this chapter is subject to the penalties and interest imposed under IC 6-8.1-10.

(b) A person that fails to:

- (1) apply for the registration of, or transfer a registration to, a vehicle;**
- (2) provide full payment for the registration of a vehicle; or**
- (3) both:**
 - (A) apply for the registration of, or transfer a registration to, a vehicle; and**
 - (B) provide full payment for the registration of a vehicle;**

as required under IC 9-18-2-4.6 or IC 9-18.1-13-3 is subject to the administrative penalty imposed under IC 9-18.1-11-5.

(c) An administrative penalty collected under subsection (b) shall be deposited in the commission fund."

Page 190, line 17, after "snowmobile" insert "**that is registered in another state or country and**".

Page 190, line 18, delete "as authorized under IC 14-16-1-19." and insert "**for a period not to exceed twenty (20) days in one (1) calendar year.**".

Page 232, line 9, delete "funds" and insert "**fund**".

Page 265, line 37, delete "in an".

Page 265, line 38, delete "amount".

Page 265, line 40, after "forth" insert "**in**".

Page 266, line 6, delete "A" and insert "**Except as provided in section 4.4 of this chapter, a**".

Page 266, line 29, delete "A" and insert "**Except as provided in section 4.4 of this chapter, a**".

Page 267, line 2, delete "A" and insert "**Except as provided in section 4.4 of this chapter, a**".

Page 267, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 368. IC 9-22-3-4.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4.4. (a) For purposes of sections 4.1, 4.2, and 4.3 of this chapter, "other proof of ownership" with respect to a vehicle includes the following items that contain the electronic signature of the owner without notarization:

(1) A document granting an insurance company a limited power of attorney.

(2) An affidavit transferring title to an insurance company.

(3) Another document authorizing an insurance company to assign ownership of the motor vehicle.

(b) A person that violates section 4.1, 4.2, or 4.3 of this chapter by knowingly or intentionally submitting a fraudulent document or affidavit described in subsection (a) commits a Class A infraction."

Page 277, line 12, after "recycler" insert ",".

Page 371, line 6, delete "IC 9-29-5-47" and insert "IC 9-29-5-47.2".

Page 371, line 8, delete "47." and insert "47.2".

Page 396, line 38, delete "IC 9-32-2-18.7" and insert "IC 9-32-2-18.6".

Page 396, line 40, delete "18.7" and insert "18.6".

Page 411, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 628. IC 24-4-9-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 8.5. As used in this chapter, "vehicle license cost recovery fee" means a charge imposed by a rental company to recover costs incurred by the rental company in licensing, titling, registering, plating, and inspecting a vehicle.**

SECTION 629. IC 24-4-9-11.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 11.1. (a) A rental company may include in a rental agreement separately stated surcharges, fees, and charges, including vehicle license cost recovery fees, airport access fees, airport concession fees, and any applicable taxes.**

(b) A vehicle license cost recovery fee that is included as a separately stated fee in a rental agreement must represent the rental company's good faith estimate of the rental company's daily charge necessary to recover the rental company's actual total annual vehicle licensing, titling, registration, plating, and inspection costs.

(c) If a rental company collects, in a calendar year, vehicle license cost recovery fees in an amount that exceeds the rental company's actual total vehicle licensing, titling, registration, plating, and inspection costs for the calendar year, the rental company shall do the following:

(1) Retain the excess amount.

(2) Reduce the vehicle license cost recovery fee for the following year by a corresponding, proportionate amount.

(d) This section may not be construed to prevent a rental company from adjusting its vehicle license cost recovery fee during a calendar year."

Renumber all SECTIONS consecutively.

(Reference is to HB 1087 as printed January 15, 2016.) and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

YODER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections & Criminal Law, to which was referred House Bill 1105, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

M. YOUNG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Insurance & Financial Institutions, to which was referred House Bill 1136, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 4-33-4-3.5, AS AMENDED BY P.L.170-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 3.5. (a) As used in this section, "salaries and other expenses" does not include payments, rights, or benefits available to an employee under IC 22-3-2 through IC 22-3-7.**

(b) The commission shall employ gaming agents to perform the duties imposed by this chapter. **Gaming agents and staff required to support the gaming agents are employees of the commission and are not considered to be employees of licensed owners and operating agents.**

(c) The licensed owners and operating agents shall, in the manner prescribed by the rules of the commission reimburse the commission for:

- (1) the training expenses incurred to train gaming agents;
- (2) the salaries and other expenses of staff required to support the gaming agents; and
- (3) the salaries and other expenses of the gaming agents required to be present during the time gambling operations are conducted on a riverboat.

(d) **Each licensed owner shall annually pay a special worker's compensation coverage fee of ten thousand dollars (\$10,000) to the commission to assist in offsetting potential state expenses incurred under IC 22-3-2 through IC 22-3-7 by gaming agents and staff required to support the gaming agents.**

(e) **This section is subject to section 3.7 of this chapter.**

SECTION 2. IC 4-33-4-3.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 3.7. (a) Section 3.5 of this chapter, as in effect before July 1, 2016, applies to an injury or occupational disease occurring before July 1, 2016.**

(b) Section 3.5 of this chapter, as amended during the 2016 session of the general assembly, applies to an injury or occupational disease occurring after June 30, 2016.

SECTION 3. IC 4-35-4-5, AS ADDED BY P.L.233-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. **(a) As used in this section, "salaries and other expenses" does not include payments, rights, or benefits available to an employee under IC 22-3-2 through IC 22-3-7.**

(b) Gaming agents and staff required to support the gaming agents are employees of the commission and are not considered to be employees of licensees.

(c) The commission shall employ gaming agents to perform duties imposed by this article. A licensee shall, under rules adopted by the commission under IC 4-22-2, reimburse the commission for:

- (1) training expenses incurred to train gaming agents;
- (2) salaries and other expenses of staff required to support the gaming agents; and
- (3) salaries and other expenses of the gaming agents required to be present during the time gambling games are being conducted at a racetrack.

(d) Each licensee shall annually pay a special worker's compensation coverage fee of ten thousand dollars (\$10,000) to the commission to assist in offsetting potential state expenses incurred under IC 22-3-2 through IC 22-3-7 by gaming agents and staff required to support the gaming agents.

(e) This section is subject to section 5.1 of this chapter.

SECTION 4. IC 4-35-4-5.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5.1. **(a) Section 5 of this chapter, as in effect before July 1, 2016, applies to an injury or occupational disease occurring before July 1, 2016.**

(b) Section 5 of this chapter, as amended during the 2016 session of the general assembly, applies to an injury or occupational disease occurring after June 30, 2016.

SECTION 5. IC 5-4-1-18, AS AMENDED BY HEA 1035-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 18. **(a) Except as provided in subsection (b), the following individuals shall file and maintain in place an individual surety bond during each year that the individual serves as an officer, employee, or contractor:**

- (1) City judges, controllers, clerks, and clerk-treasurers.
- (2) Town judges and clerk-treasurers.
- (3) Auditors, treasurers, recorders, surveyors, sheriffs, coroners, assessors, and clerks.
- (4) Township trustees.
- (5) Those employees directed to file an individual bond by the fiscal body of a city, town, or county.
- (6) Township assessors (if any).
- (7) Individuals:
 - (A) who are employees or contractors of a city, town, county, or township; and
 - (B) whose official duties include receiving, processing,

depositing, disbursing, or otherwise having access to funds that belong to the federal government, the state, a political subdivision, or another governmental entity.

(b) The fiscal body of a city, town, county, or township may by ordinance authorize the purchase of a blanket bond that:

- (1) is endorsed to include faithful performance to cover the faithful performance of; and
- (2) includes aggregate coverage sufficient to provide coverage amounts specified for;

all employees, commission members, and persons acting on behalf of the local government unit, including the officers, employees, and contractors described in subsection (a) who are required to file a bond under this chapter.

(c) The fiscal body of a city, town, county, or township may by ordinance (or for a township, by resolution) authorize the purchase of a crime insurance policy that provides coverage for criminal acts or omissions committed by officers, employees, contractors, commission members, and persons acting on behalf of the local government unit. For the sole purpose of recovering public funds on behalf of a local government unit, the state is considered to be an additional named insured on all crime insurance policies obtained under this subsection.

(d) Except as provided in subsections (j) and (k), the fiscal bodies of the respective units shall fix the amount of the bond of city controllers, city clerk-treasurers, town clerk-treasurers, Barrett Law fund custodians, county treasurers, county sheriffs, circuit court clerks, township trustees, and conservancy district financial clerks as follows:

- (1) The amount must equal thirty thousand dollars (\$30,000) for each one million dollars (\$1,000,000) of receipts of the officer's office during the last complete fiscal year before the purchase of the bond, subject to subdivision (2).
- (2) The amount may not be less than thirty thousand dollars (\$30,000) nor more than three hundred thousand dollars (\$300,000) unless the fiscal body approves a greater amount for the officer or employee.

County auditors shall file bonds in amounts of not less than thirty thousand dollars (\$30,000), as fixed by the fiscal body of the county.

(e) The amount of the bond of a person who is not specified in subsection (d) and is required to file an individual bond shall be fixed by the fiscal body of the unit as follows:

- (1) If the person is not described in subsection (a)(7), at not less than fifteen thousand dollars (\$15,000).
- (2) If the person is described in subsection (a)(7), at not less than five thousand dollars (\$5,000).

(f) Except as provided in subsection (l), a controller of a solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal) shall file an individual surety bond in an amount:

- (1) fixed by the board of directors of the solid waste management district; and
- (2) that is at least thirty thousand dollars (\$30,000).

(g) Except as provided under subsection (f), a person who is required to file an individual surety bond by the board of directors of a solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal) shall file a bond in an amount fixed by the board of directors.

(h) In 1982 and every four (4) years after that, the state examiner shall review the bond amounts fixed under this section and report in an electronic format under IC 5-14-6 to the general assembly whether changes are necessary to ensure adequate and economical coverage.

(i) The commissioner of insurance ~~shall~~ **may** prescribe the form of the bonds or crime insurance policies required by this section, in consultation with the state board of accounts and the Indiana archives and records administration under IC 5-15-5.1-6. **However**, a bond or crime insurance policy that does not conform to ~~the a~~ form prescribed under this subsection may ~~not~~ be used to meet the requirements of this chapter.

(j) Notwithstanding subsection (d), the state board of accounts may fix the amount of the bond for a city controller, city clerk-treasurer, town clerk-treasurer, Barrett Law fund custodian, county treasurer, county sheriff, circuit court clerk, township trustee, or conservancy district financial clerk at an amount that exceeds thirty thousand dollars (\$30,000) for each one million dollars (\$1,000,000) of receipts of the officer's office during the last complete fiscal year before the purchase of the bond. However, the bond amount may not exceed three hundred thousand dollars (\$300,000). An increased bond amount may be established under this subsection only if the state examiner issues a report under IC 5-11-5-1 that includes a finding that the officer engaged in malfeasance, misfeasance, or nonfeasance that resulted in the misappropriation of, diversion of, or inability to account for public funds.

(k) Notwithstanding subsection (e), the state board of accounts may fix the amount of the bond for any person who is described in:

- (1) subsection (e)(1) and is required to file an individual bond at an amount that exceeds fifteen thousand dollars (\$15,000); or
- (2) subsection (e)(2) and is required to file an individual bond at an amount that exceeds five thousand dollars (\$5,000).

An increased bond amount may be established under this subsection only if the state examiner issues a report under IC 5-11-5-1 that includes a finding that the person engaged in malfeasance, misfeasance, or nonfeasance that resulted in the misappropriation of, diversion of, or inability to account for public funds.

(l) Notwithstanding subsection (f), the state board of accounts may fix the amount of the bond for a controller of a solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal) at an amount that exceeds thirty thousand dollars (\$30,000). An increased bond amount may be established under this subsection only if the state examiner issues a report under IC 5-11-5-1 that includes a finding that the controller

engaged in malfeasance, misfeasance, or nonfeasance that resulted in the misappropriation of, diversion of, or inability to account for public funds.

(m) Both of the following apply to a bond that is filed to comply with this section:

(1) Each bond must have a term of one (1) year commencing on the first day of the:

- (A) calendar year;
- (B) fiscal year of the political subdivision or governmental unit; or
- (C) individual's service in the office, employment, or contracted position for which a bond is required.

(2) Consecutive yearly bonds filed by an individual must provide separate coverage for each year. The aggregate liability of the surety or insurer for a policy year is the sum of the amounts specified in the bonds issued by the surety or insurer for that policy year."

Page 20, line 7, delete "that,".

Page 31, delete lines 20 through 30, begin a new paragraph and insert:

"SECTION 15. IC 27-7-3.7-7, AS ADDED BY P.L.92-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) ~~A closing agent may not make disbursements from This section applies to~~ an escrow account in connection with a real estate transaction unless any **that contains** funds that:

- (1) are received from any single party to ~~the a~~ real estate transaction; and
- (2) in the aggregate are at least ten thousand dollars (\$10,000).

~~are wired funds that are unconditionally held by and irrevocably credited to the escrow account of the closing agent.~~

(b) A closing agent may make disbursements from an escrow account described in subsection (a) in connection with a real estate transaction only if both of the following apply:

- (1) All the funds described in subsection (a) are good funds.**
- (2) Any funds described in subsection (a) in excess of ten thousand dollars (\$10,000) are good funds described in section 4(2) of this chapter."**

Page 44, after line 30, begin a new paragraph and insert:

"SECTION 25. [EFFECTIVE JULY 1, 2016] **(a) The legislative council is urged to assign to an appropriate interim study committee for study during the 2016 legislative interim the subject of whether a public-private agreement should contain a requirement for performance bonds for design and construction and payment bonds for labor and materials furnished for use in construction of the public-private project.**

(b) This SECTION expires December 31, 2016."

Re-number all SECTIONS consecutively.

(Reference is to HB 1136 as reprinted January 27, 2016.) and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

HOLDMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections & Criminal Law, to which was referred House Bill 1157, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

- Page 1, delete lines 1 through 4.
 - Page 3, line 10, delete "drug related".
 - Page 3, line 10, after "information" insert "**for each felony described in IC 35-48-4-14.5(h)(1)**".
 - Page 3, line 11, delete "drug related".
 - Page 3, line 12, after "felony" insert "**described in IC 35-48-4-14.5(h)(1)**".
 - Page 3, line 19, delete "drug".
 - Page 3, line 20, delete "related".
 - Page 3, line 24, delete "drug related".
 - Page 3, delete lines 39 through 42.
 - Delete pages 4 through 6.
 - Page 7, delete lines 1 through 18.
 - Page 10, line 16, delete "drug related".
 - Renumber all SECTIONS consecutively.
 - (Reference is to HB 1157 as reprinted February 2, 2016.)
- and when so amended that said bill do pass.
Committee Vote: Yeas 8, Nays 1.

M. YOUNG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Engrossed House Bill 1161, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 11, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce & Technology, to which was referred House Bill 1172, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

- Page 1, between the enacting clause and line 1, begin a new paragraph and insert:
"SECTION 1. IC 25-8-2-2.7, AS AMENDED BY P.L.170-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2.7. (a) "Barbering" means performing one (1) or more of the following practices upon the head, face, or neck of a person:

- (1) Cutting, trimming, styling, arranging, dressing, curling, permanent waving, cleansing, bleaching, tinting, coloring, or similarly treating hair.
- (2) Shaving or trimming beards and mustaches, **including the use of a straight razor.**
- (3) Applying oils, creams, antiseptics, clays, powders, lotions, or other preparations, either by hand or by mechanical appliances, in the performance of facial or scalp massage.
- (b) "Barbering" does not include performing any of the acts described in subsection (a) when done:
 - (1) in treating illness or disease;
 - (2) as a student in a beauty culture school; or
 - (3) without compensation."

Page 2, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 6. IC 25-8-3-23, AS AMENDED BY P.L.170-2013, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 23. (a) The board shall adopt rules under IC 4-22-2 to:

- (1) prescribe sanitary requirements for:
 - (A) beauty culture salons; and
 - (B) beauty culture schools;
- (2) establish standards for the practice of cosmetology and the operation of:
 - (A) beauty culture salons; and
 - (B) beauty culture schools;
- (3) implement the licensing system under this article and provide for a staggered renewal system for licenses; and
- (4) establish requirements for beauty culture school uniforms for students and instructors.

(b) The board shall adopt rules under IC 4-22-2 to specify whether the definition set forth in IC 25-8-2-5 includes the use of a straight razor.

(b)(c) The board may adopt rules under IC 4-22-2 to establish the following for the practice of cosmetology, barbering, electrology, esthetics, or manicuring in a mobile salon:

- (1) Sanitation standards.
- (2) Safety requirements.
- (3) Permanent address requirements at which the following are located:
 - (A) Records of appointments.
 - (B) License numbers of employees.
 - (C) If applicable, the vehicle identification number of the license holder's self-contained facility.
- (4) Enforcement actions to ensure compliance with the requirements under this article and all local laws and ordinances."

Page 4, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 10. IC 25-8-7-2, AS AMENDED BY P.L.170-2013, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. A person who wishes to obtain a beauty culture salon license must:

- (1) do one (1) or more of the following:
- (A) Select a site for the salon which, if located in the same building as a residence:
- (i) is separated from the residence by a substantial floor to ceiling partition; and
 - (ii) has a separate entry.
- (B) Meet the requirements for a mobile salon as established by the board under ~~IC 25-8-3-23(b)~~; **IC 25-8-3-23(c)**;
- (2) if applicable, obtain any building permit, certificate of occupancy, or other approval action required under IC 22-15-3 and IC 36-7-4 to operate the beauty culture salon;
- (3) install the furnishings, if applicable, and obtain the salon equipment required under rules adopted by the board; and
- (4) submit a verified statement on a form prescribed by the board that the beauty culture salon will be under the personal supervision of a person who is licensed as a beauty culture professional before the application was submitted under this chapter."

Renumber all SECTIONS consecutively.

(Reference is to HB 1172 as printed January 12, 2016.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 1.

BUCK, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred House Bill 1179, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

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

Page 3, after line 2, begin a new paragraph and insert:

"SECTION 4. [EFFECTIVE UPON PASSAGE] **(a) With the approval of the governor and the budget agency, the amount appropriated by HEA 1001-2015 for TURNAROUND SUPPORT, Total Operating Expense, for the state fiscal year beginning July 1, 2015, and ending June 30, 2016, may be augmented from unexpended appropriations to the department of education in an amount specified by the budget agency, but not to exceed five hundred thousand dollars (\$500,000).**

(b) A financial specialist selected under IC 6-1.1-20.3-6.9 for a school corporation may submit a request, with the permission of the governing body of the school corporation, to the department of education for a grant to be provided to the school corporation under this SECTION to be used by the school corporation for capital improvements that are necessary to ensure that one (1) or more of the school

corporation's school buildings remain open for educational instruction. The department of education shall specify the information that a school corporation must submit with the school corporation's request.

(c) If a financial specialist of a school corporation makes a request under subsection (b), the department of education may, after review by the budget committee, provide a grant to the school corporation for capital improvements described in subsection (b). The department of education shall specify the capital improvements described in subsection (b) for which the school corporation may spend the grant funds. A grant shall be paid from the amounts appropriated for TURNAROUND SUPPORT, Total Operating Expense, for the state fiscal year beginning July 1, 2015, and ending June 30, 2016, as augmented under subsection (a). The amount of the grant may not exceed the amount by which the appropriation for TURNAROUND SUPPORT, Total Operating Expense, for the state fiscal year beginning July 1, 2015, and ending June 30, 2016, is augmented under subsection (a).

(d) If the department of education provides a grant under this SECTION to a school corporation, the financial specialist for the school corporation shall after the end of each calendar quarter submit to the department of education the information requested by the department of education concerning the expenditure of the grant funds.

(e) This SECTION expires June 30, 2017.

SECTION 5. **An emergency is declared for this act."**

Renumber all SECTIONS consecutively.

(Reference is to EHB 1179 as printed February 19, 2016.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Insurance & Financial Institutions, to which was referred House Bill 1181, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

HOLDMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections & Criminal Law, to which was referred House Bill 1211, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 17, line 36, reset in roman "and".

Page 17, line 42, reset in roman "or".

Page 18, line 2, delete "IC 35-46-3-4.5); or" and insert "IC 35-46-3-4.5).".

Page 18, delete lines 3 through 20.

(Reference is to HB 1211 as reprinted February 2, 2016.)
and when so amended that said bill do pass.
Committee Vote: Yeas 8, Nays 0.

M. YOUNG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections & Criminal Law, to which was referred House Bill 1235, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 8.

Page 2, delete lines 21 through 24, begin a new paragraph and insert:

"(c) If:

(1) a person has a prior unrelated felony conviction in any jurisdiction for dealing in a controlled substance that is not marijuana, hashish, hash oil, salvia divinorum, or a synthetic drug, including an attempt or conspiracy to commit the offense; and

(2) the person is convicted of a Level 2 felony under:

(A) IC 35-48-4-1 and the offense involves the:

(i) manufacture;

(ii) delivery; or

(iii) financing of the manufacture or delivery;

of heroin; or

(B) IC 35-48-4-1.1;

the court may suspend only that part of a sentence that is in excess of the minimum sentence for the Level 2 felony."

Re-number all SECTIONS consecutively.

(Reference is to HB 1235 as printed January 22, 2016.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 2.

M. YOUNG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education & Career Development, to which was referred House Bill 1248, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 3, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 3. IC 21-12-1.7-4, AS ADDED BY P.L.281-2013, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. ~~(a) This section applies to a student who initially enrolls in an eligible institution for an~~

~~academic year beginning after August 31, 2013.~~

~~(b) (a)~~ The commission shall offer an additional award to a recipient who:

(1) is an academic honors student;

(2) received an associate degree before enrolling in a baccalaureate degree program; or

(3) made accelerated progress during the recipient's most recently concluded academic year.

~~(c) (b)~~ The commission may establish one (1) or more student performance incentives in addition to those listed under subsection ~~(b)~~. **(a)**.

~~(d) (c)~~ The commission shall determine the amount of each incentive bonus annually, based on the available appropriation."

Page 4, line 13, after "satisfactory" insert "**academic**".

Page 6, line 1, strike "at least a cumulative grade point average that".

Page 6, line 2, strike "the eligible institution determines is".

Page 6, line 3, delete ";" and insert ",".

Page 6, line 3, after "and" insert "**as determined by the eligible institution;**".

Page 7, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 8. IC 21-12-3-19, AS AMENDED BY P.L.234-2015, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 19. **(a)** The auditor of state shall create a separate and segregated higher education award fund distinct from the freedom of choice grant fund.

(b) All money disbursed from the higher education award fund shall be in accordance with this chapter.

(c) The expense of administering the fund may be paid from money in the fund.

(d) Money remaining in the higher education award fund at the end of any fiscal year does not revert to the state general fund but remains available to be used for making higher education awards under this chapter, or it may be transferred to another fund under this article as directed by the commission under IC 21-12-1.2-2.

SECTION 9. IC 21-12-4-5, AS ADDED BY P.L.2-2007, SECTION 253, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. **(a)** The auditor of the state shall create a separate and segregated freedom of choice grant fund distinct from the higher education award fund.

(b) The expense of administering the fund may be paid from money in the fund."

Page 10, delete lines 4 through 42, begin a new paragraph and insert:

"SECTION 12. IC 21-12-6-7, AS AMENDED BY P.L.281-2013, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. **(a)** Subject to IC 21-12-13-2, a scholarship awarded under section 6 of this chapter or this section may be renewed. To qualify for a scholarship renewal, a scholarship recipient must do the following:

(1) Submit to the commission a renewal application that contains all the information and evidence required by the commission to determine eligibility for the scholarship renewal.

(2) Continue to be enrolled as a full-time student in good standing at an eligible institution.

(3) This subdivision applies only to applicants who initially enroll in the program under section 5 of this chapter or IC 21-12-6.5-2 after June 30, 2011. For purposes of this chapter, applicants who are enrolled in the program before July 1, 2011, will not have an income or financial resources test applied to them when they subsequently apply to renew a scholarship. Continue to have a lack of financial resources reasonably available to the applicant, as defined by the commission, that, in the absence of an award under this chapter, would deter the scholarship applicant from completing the applicant's education at the approved postsecondary educational institution that the applicant has selected and that has accepted the applicant.

(4) ~~If the student initially enrolls in an eligible institution for a semester (or its equivalent) beginning after June 30, 2012; Maintain at least a cumulative grade point average that the eligible institution determines is satisfactory academic progress, as determined by the eligible institution.~~

(5) If the student initially enrolls in an eligible institution for an academic year beginning after August 31, 2013, the student successfully completes:

(A) at least thirty (30) credit hours or the equivalent by the end of the student's first academic year;

(B) at least sixty (60) credit hours or the equivalent by the end of the student's second academic year; and

(C) at least ninety (90) credit hours or the equivalent by the end of the student's third academic year.

A student's academic years used to determine if the student meets the requirements of this subdivision are not required to be successive calendar years. A recipient who fails to meet the credit hour requirement for a particular academic year becomes ineligible for an award during the next academic year. The recipient may become eligible for an award in subsequent academic years if that recipient meets the aggregate credit hour requirements commensurate with the recipient's academic standing. In addition, the commission may allow a student who is otherwise ineligible under this subdivision for an award during the next academic year to maintain eligibility for an award if the student submits a petition to the commission and the commission makes a determination that extenuating circumstances (as determined by the commission) prevented the student from meeting the requirements of this subdivision. **This subdivision expires June 30, 2017.**

(6) Beginning in an academic year beginning after August 31, 2017, the student successfully completes:

(A) at least thirty (30) credit hours or the equivalent

during the last academic year in which the student received state financial aid; or

(B) at least thirty (30) credit hours or the equivalent during the last academic year in which the student was enrolled in postsecondary education.

~~(6)~~ (7) Continue to meet any other minimum criteria established by the commission.

(b) In determining eligibility under subsection (a)(6), the commission shall apply all the following types of credits regardless of whether the credits were completed during the last academic year described in subsection (a)(6)(A) or (a)(6)(B):

(1) Credits earned from dual credit, advanced placement, and international baccalaureate courses.

(2) College credits earned during high school.

(3) Credits earned exceeding thirty (30) credit hours during a previous academic year in which a student received state financial aid.

(c) The commission may allow a student who is otherwise ineligible under subsection (a)(6) for an award during the next academic year to maintain eligibility for an award if the student submits a petition to the commission and the commission makes a determination that extenuating circumstances (as determined by the commission) prevented the student from meeting the requirements under subsection (a)(6)."

Page 11, delete lines 1 through 40.

Page 12, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 14. IC 21-12-8-3, AS AMENDED BY P.L.234-2015, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) An applicant is eligible to receive an adult student grant if the following conditions are met:

(1) The applicant is domiciled in Indiana, as defined by the commission.

(2) The applicant:

(A) has received a diploma of graduation from an approved secondary school;

(B) has been granted a:

(i) high school equivalency certificate before July 1, 1995; or

(ii) state of Indiana general educational development (GED) diploma under IC 20-10.1-12.1 (before its repeal), IC 20-20-6 (before its repeal), or IC 22-4.1-18; or

(C) is a student in good standing who is completing a final year of study at an approved secondary school and will be eligible upon graduation to attend an approved institution of higher learning.

(3) The applicant declares, in writing, a specific educational objective or course of study and enrolls in:

(A) a course that applies toward the requirements for completion of that objective or course of study; or

(B) a course designed to help the applicant develop the basic skills the applicant needs to successfully achieve that objective or continue in that course of study.

(4) The applicant enrolls in at least six (6) credit hours in any academic term.

(5) The commission or an approved postsecondary educational institution acting as the commission's agent determines that the financial resources available to the applicant are such that in the absence of a grant under this chapter the applicant would be deterred from beginning or completing the applicant's declared educational objective or course of study.

(6) The applicant has not received a Frank O'Bannon grant for the maximum number of academic terms.

(7) The applicant is identified as financially independent from the applicant's parents as determined by the Free Application for Federal Student Aid (FAFSA).

(8) The applicant maintains satisfactory academic progress, as determined by the eligible institution.

(b) The commission may reduce an award offered under this section by the amount the applicant is eligible to receive in tuition reimbursement from an employer or another outside source.

SECTION 15. IC 21-12-8-5, AS AMENDED BY P.L.234-2015, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. Subject to this chapter, a student's adult student grant may be renewed if the student does the following:

(1) Successfully completes at least eighteen (18) credit hours or their equivalent toward a certificate, nursing diploma, associate degree, or baccalaureate degree in the previous academic year.

(2) Demonstrates continuing financial need.

~~(3) Maintains at least a cumulative grade point average that the eligible institution determines is satisfactory academic progress."~~

Renumber all SECTIONS consecutively.

(Reference is to HB 1248 as printed January 19, 2016.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce & Technology, to which was referred House Bill 1254, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

BUCK, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health & Provider Services, to which was referred House Bill 1263, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 12-15-27-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The use and the disclosure of the information described in this chapter to persons authorized by law in connection with the official duties relating to:

(1) financial audits;

(2) legislative investigations; or

(3) other purposes directly connected with the administration of the plan;

is permitted.

(b) The secretary shall provide to the legislative services agency, in the form and on the schedule specified by the executive director of the legislative services agency, all information or data described in section 1(1) through 1(4) of this chapter (including, but not limited to, applications, enrollments, claims, and encounters) and any additional information or data concerning a program described in this article or concerning the children's health insurance program established under IC 12-17.6 that is requested by the executive director of the legislative services agency. The legislative services agency:

(1) shall maintain the confidentiality of confidential information or data received under this subsection; and

(2) may use information or data received under this subsection only to estimate the fiscal impact of proposed legislation, prepare program evaluation reports, and forecast enrollment and program costs of the Medicaid program, the healthy Indiana plan, and the children's health insurance program.

(c) Unless:

(1) redaction of an identifier is required under subsection (d); or

(2) the executive director of the legislative services agency requests redaction of an identifier;

from the information or data requested under subsection (b), the information or data received under subsection (a) or (b) must include all identifiers specified in 45 CFR 164.514(b).

(d) Before information or data with names, addresses, or individualized identification numbers of applicants or individuals receiving services under the Medicaid program, the healthy Indiana plan, or the children's health insurance program is provided to the legislative services agency under subsection (a) or (b), the secretary or office shall as soon as practicable after a request provide the information or data to the legislative services agency after:

(1) redacting names, street addresses (other than county and ZIP code information), and individualized

identification numbers used in the operation of the Medicaid program, the healthy Indiana plan, or the children's health insurance program; and

(2) generating and substituting for each applicant or individual a unique number that is not used in the Medicaid program, the healthy Indiana plan, or the children's health insurance program but is maintained over time and is useful for longitudinal analysis described in subsection (b).

The system of numbering under subdivision (2) must be approved by the executive director of the legislative services agency."

Page 1, line 8, delete "law" and insert "statute".

Page 1, line 10, after "2." insert "As used in this chapter, "distant site" means a site at which a provider is located while providing health care services through telemedicine.

Sec. 3. As used in this chapter, "originating site" means any site at which a patient is located at the time health care services through telemedicine are provided to the individual.

Sec. 4."

Page 1, after line 17, begin a new line block indented and insert:

"(4) An optometrist licensed under IC 25-24."

Page 2, line 1, delete "3." and insert "5. As used in this chapter, "store and forward" means the transmission of a patient's medical information from an originating site to the provider at a distant site without the patient being present.

Sec. 6."

Page 2, line 9, delete "the provision of vision services or".

Page 2, line 13, delete "E-mail." and insert "Electronic mail."

Page 2, delete lines 16 through 19, begin a new line block indented and insert:

"(6) Internet questionnaire.

(7) Telephone consultation.

(8) Internet consultation."

Page 2, line 20, delete "5." and insert "7."

Page 2, line 20, delete "uses" and insert "provides health care services through".

Page 2, line 20, delete "provide the" and insert "be held to the same standards of appropriate practice as those standards for health care services provided at an in-person setting."

Page 2, delete lines 21 through 22.

Page 2, line 26, after "." insert "A provider who uses telemedicine shall, if such action would otherwise be required in the provision of the same health care services in a manner other than telemedicine, ensure that a proper provider-patient relationship is established."

Page 2, line 27, after "must" insert "at a minimum".

Page 2, line 28, delete "." and insert "and verify:

(A) the patient's location; and

(B) to the extent possible, identity of the requesting patient."

Page 2, line 30, delete "or".

Page 2, line 31, delete "." and insert ", or optometrist."

Page 2, line 38, delete "." and insert ", including when it is advisable to seek in-person care."

Page 3, line 5, delete "6." and insert "8."

Page 3, line 11, delete ":".

Page 3, line 12, delete "(A)".

Page 3, run in lines 11 through 12.

Page 3, line 13, delete "; and" and insert ".".

Page 3, delete line 14.

Page 3, after line 18, begin a new line block indented and insert:

"(5) The prescription is not for an ophthalmic device, including:

(A) glasses;

(B) contact lenses; or

(C) low vision devices.

Sec. 9. (a) A provider who is physically located outside Indiana is engaged in the provision of health care services in Indiana when the provider:

(1) establishes a provider-patient relationship under this chapter with; or

(2) determines whether to issue a prescription under this chapter for;

an individual who is located in Indiana.

(b) A provider described in subsection (a) may not establish a provider-patient relationship under this chapter with or issue a prescription under this chapter for an individual who is located in Indiana unless the provider and the provider's employer, for purposes of providing health care services under this chapter, have certified in writing to the secretary of state, in a manner specified by the secretary of state, that the provider and the provider's employer will be subject to:

(1) jurisdiction of the courts of law of Indiana; and

(2) Indiana substantive and procedural laws arising from the provision of health care services under this chapter;

to an individual who is located in Indiana at the time the health care services were provided.

Sec. 10. A provider who violates this chapter is subject to disciplinary action under IC 25-1-9.

SECTION 3. IC 25-22.5-2-7, AS AMENDED BY P.L.232-2013, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) The board shall do the following:

(1) Adopt rules and forms necessary to implement this article that concern, but are not limited to, the following areas:

(A) Qualification by education, residence, citizenship, training, and character for admission to an examination for licensure or by endorsement for licensure.

(B) The examination for licensure.

(C) The license or permit.

(D) Fees for examination, permit, licensure, and registration.

(E) Reinstatement of licenses and permits.

(F) Payment of costs in disciplinary proceedings conducted by the board.

(2) Administer oaths in matters relating to the discharge of the board's official duties.

(3) Enforce this article and assign to the personnel of the agency duties as may be necessary in the discharge of the board's duty.

(4) Maintain, through the agency, full and complete records of all applicants for licensure or permit and of all licenses and permits issued.

(5) Make available, upon request, the complete schedule of minimum requirements for licensure or permit.

(6) Issue, at the board's discretion, a temporary permit to an applicant for the interim from the date of application until the next regular meeting of the board.

(7) Issue an unlimited license, a limited license, or a temporary medical permit, depending upon the qualifications of the applicant, to any applicant who successfully fulfills all of the requirements of this article.

(8) Adopt rules establishing standards for the competent practice of medicine, osteopathic medicine, or any other form of practice regulated by a limited license or permit issued under this article.

(9) Adopt rules regarding the appropriate prescribing of Schedule III or Schedule IV controlled substances for the purpose of weight reduction or to control obesity.

(10) Adopt rules establishing standards for office based procedures that require moderate sedation, deep sedation, or general anesthesia.

(11) Adopt rules or protocol establishing the following:

(A) An education program to be used to educate women with high breast density.

(B) Standards for providing an annual screening or diagnostic test for a woman who is at least forty (40) years of age and who has been determined to have high breast density.

As used in this subdivision, "high breast density" means a condition in which there is a greater amount of breast and connective tissue in comparison to fat in the breast.

(12) Adopt rules establishing standards and protocols for the prescribing of controlled substances.

(13) Adopt rules as set forth in IC 25-23.4 concerning the certification of certified direct entry midwives.

(b) The board may adopt rules that establish:

(1) certification requirements for child death pathologists;

(2) an annual training program for child death pathologists under IC 16-35-7-3(b)(2); and

(3) a process to certify a qualified child death pathologist.

(c) The board may adopt rules under IC 4-22-2 establishing guidelines for the practice of telemedicine in Indiana.

SECTION 4. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to HB 1263 as reprinted February 3, 2016.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

PATRICIA MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce & Technology, to which was referred House Bill 1267, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 15-17-5-11, AS ADDED BY P.L.2-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. (a) **As provided in this section**, the board shall ~~exempt issue limited permits for~~ the operations of ~~a person an establishment that are exempt~~ from antemortem inspection and postmortem inspection and other requirements of this chapter if any of the following conditions exist:

(1) To the extent the operations would be exempt from the corresponding requirements under the federal Meat Inspection Act, Section 23 (21 U.S.C. 623), or the Poultry Products Inspection Act, Section 14 (21 U.S.C. 464), if the operations were conducted in or for interstate commerce.

(2) The state is designated under the federal acts as one in which the federal requirements apply to commerce in Indiana.

A person operating an establishment under subsection (f) shall obtain a limited permit from the board.

(b) **The board may enter and inspect the operation of an establishment described in subsection (a) to determine compliance with this chapter.** When the operation of an establishment ~~that is exempt under subsection (a)~~ appears to be a detriment to health and public welfare, the establishment may be brought under this chapter by executive order of the state veterinarian issued in compliance with IC 4-21.5.

(c) Livestock and poultry slaughtered according to the ritual requirements of a religious faith that prescribes a method of slaughter by which the livestock or poultry suffers loss of consciousness by anemia of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument is a humane method under this chapter. However, livestock must be slaughtered immediately following total suspension from the floor.

(d) Except as required in an agreement between the United States Department of Agriculture and the board, a person operating under the inspection program of the federal acts, as amended, is exempt from this chapter.

(e) Except as provided in subsection (f), poultry products produced in an establishment operating under an exemption or limited permit described in subsection (a) must be labeled in accordance with rules adopted by the board and may only

be distributed directly to a household consumer who:

- (1) is the last person to purchase the poultry product; and
- (2) does not resell the poultry.

Distribution directly to a household consumer includes sales at the farm, at a farmers market, at a roadside stand, and through delivery to the consumer.

(f) The board shall issue a limited permit to an establishment operating under subsection (a) and 9 CFR 381.10(a)(5) and 9 CFR 381.10(a)(6) to produce poultry products for distribution to retail stores, hotels, restaurants, and institutions that resell or serve the products to consumers, if the establishment meets the following additional requirements:

- (1) The establishment notifies the board of its operating schedule.
- (2) The establishment meets the standards in 9 CFR Part 416.
- (3) The establishment creates a food safety plan for the operation that includes an analysis of food safety hazards that are reasonably likely to occur in the production process and identification of control measures the establishment can apply to control those hazards.
- (4) There is at least one (1) person who is responsible for all periods of the establishment's operations who has successfully completed a course of instruction in the application of food safety principles to meat and poultry product production.
- (5) The poultry products are labeled in accordance with rules adopted by the board.

The board may conduct microbial testing for food safety at establishments operating under this subsection. The board's microbial testing may not be more stringent than the board's microbial testing at inspected establishments. The board may create and publish recommended standards for microbial testing by establishments operating under this subsection.

(g) **The board may adopt rules under IC 4-22-2 to implement this section.**"

Page 1, line 3, delete "UPON PASSAGE" and insert "JULY 1, 2016".

Page 1, delete lines 12 through 17, begin a new paragraph and insert:

"SECTION 3. IC 16-42-5-29, AS AMENDED BY P.L.202-2015, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 29. (a) **Except as provided in subsection (h)**, this section applies to an individual vendor of a ~~farmer's~~ **farmers** market or roadside stand.

(b) As used in this section, "end consumer" means a person who is the last person to purchase any food product and who does not resell the food product.

(c) An individual vendor of a ~~farmer's~~ **farmers** market or roadside stand is not considered to be a food establishment and is exempt from the requirements of this title that apply to food

establishments if the individual vendor's food product:

- (1) is made, grown, or raised by an individual at the individual's primary residence, property owned by the individual, or property leased by the individual;
- (2) is not a potentially hazardous food product;
- (3) is prepared by an individual who practices proper sanitary procedures, including:
 - (A) proper hand washing;
 - (B) sanitation of the container or other packaging in which the food product is contained; and
 - (C) safe storage of the food product;
- (4) is not resold; and
- (5) includes a label that contains the following information:
 - (A) The name and address of the producer of the food product.
 - (B) The common or usual name of the food product.
 - (C) The ingredients of the food product, in descending order by predominance by weight.
 - (D) The net weight and volume of the food product by standard measure or numerical count.
 - (E) The date on which the food product was processed.
 - (F) The following statement in at least 10 point type: "This product is home produced and processed and the production area has not been inspected by the state department of health."

(d) An individual vendor who meets the requirements in subsection (c) is subject to food sampling and inspection if:

- (1) the state department determines that the individual vendor's food product is:
 - (A) misbranded under IC 16-42-2-3; or
 - (B) adulterated; or
- (2) a consumer complaint has been received by the state department.

(e) If the state department has reason to believe that an imminent health hazard exists with respect to an individual vendor's food product, the state department may order cessation of production and sale of the food product until the state department determines that the hazardous situation has been addressed.

(f) For purposes of this section, the state health commissioner or the commissioner's authorized representatives may take samples for analysis and conduct examinations and investigations through any officers or employees under the state health commissioner's supervision. Those officers and employees may enter, at reasonable times, the facilities of an individual vendor and inspect any food products in those places and all pertinent equipment, materials, containers, and labeling.

(g) The state health commissioner may develop guidelines for an individual vendor who seeks an exemption from regulation as a food establishment as described in subsection (c). The guidelines may include:

- (1) standards for best safe food handling practices;
- (2) disease control measures; and
- (3) standards for potable water sources.

(h) The department shall ~~adopt rules that exclude from the definition of food establishment the sale of products described in subsection (i):~~

~~(1) exclude slaughtering and processing of poultry on a farm for the purpose of conducting limited sales under 9 CFR 381.10; as adopted by reference in 345 IAC 10-2.1-1; from the definition of food establishment if the slaughtered and processed poultry or poultry product is sold only to the end consumer on the farm where the poultry is produced; at a farmer's market; through delivery to the end consumer; or at a roadside stand;~~

~~(2) require that poultry processed under this section that is sold on a farm be refrigerated at the point of sale and labeled in compliance with the requirements of 9 CFR 381.10;~~

~~(1) by an individual vendor of a farmers market or roadside stand; and~~

~~(2) by a farmer selling directly to the end consumer on the farm where the product is produced and through delivery to the end consumer.~~

(i) Subsection (h) applies to the distribution of the following products:

(1) Poultry products produced under IC 15-17-5-11. Poultry products sold at a farmers market or roadside stand must be frozen at the point of sale. Poultry products sold on the farm where the product is produced must be refrigerated at the point of sale and through delivery.

~~(2) allow Rabbits to be that are~~ slaughtered and processed on a farm for the purpose of conducting limited sales on the farm, at a ~~farmer's~~ farmers market, and at a roadside stand. ~~(4) require that rabbits processed under this section be frozen at the point of sale; and Rabbit meat sold at a farmers market or roadside stand must be frozen at the point of sale. Rabbit meat sold on the farm where the product is produced must be refrigerated at the point of sale and through delivery.~~

~~(5) require that poultry processed under this section that is sold at a farmer's market; through delivery to the end consumer; or at a roadside stand be frozen at the point of sale and labeled in compliance with the requirements of 9 CFR 381.10.~~

An individual vendor of a farmer's market or roadside stand operating under the exclusion provided in this subsection must slaughter and process poultry in compliance with the Indiana state board of animal health requirements for producers operating under 9 CFR 381.10. Poultry processed under the exclusion provided in this subsection must be used, sold, or frozen within seventy-two (72) hours of processing. Subsection (h) does not apply to the distribution of meat from a game animal.

~~(j) An individual vendor of a farmer's~~ farmers market or roadside stand that sells eggs that meet the requirements under IC 16-42-11 is not considered to be a food establishment and is exempt from the requirements of this title that apply to a food establishment relating to the sale of eggs.

~~(k) Notwithstanding any other law, a local unit of government (as defined in IC 14-22-31.5-1) may not by ordinance or resolution require any licensure, certification, or inspection of foods or food products of an individual vendor who meets the requirements in subsection (c), including an individual vendor who delivers the individual's food or food product directly to an end consumer."~~

Page 2, delete lines 1 through 9, begin a new paragraph and insert:

"SECTION 4. IC 16-42-5-31 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 31. A food establishment may sell or serve poultry products produced by an establishment operating under a limited permit issued under IC 15-17-5-11(f) only if the poultry products are produced and labeled in accordance with the requirements of IC 15-17-5-11(f).**"

Renumber all SECTIONS consecutively.

(Reference is to HB 1267 as printed January 29, 2016.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 1.

BUCK, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax & Fiscal Policy, to which was referred House Bill 1290, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 4-22-2-21, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2016 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 21. (a) If incorporation of the text in full would be cumbersome, expensive, or otherwise inexpedient, an agency may incorporate by reference into a rule part or all of any of the following matters:

(1) A federal or state statute, rule, or regulation.

(2) A code, manual, or other standard adopted by an agent of the United States, a state, or a nationally recognized organization or association.

(3) A manual of the department of local government finance adopted in a rule described in IC 6-1.1-31-9.

(4) The following requirements:

(A) The schedule, electronic formatting, and standard data, field, and record coding requirements for:

(i) the electronic data file under IC 6-1.1-4-25 concerning the parcel characteristics and parcel assessments of all parcels and personal property return characteristics and assessments; and

(ii) the electronic data file under IC 36-2-9-20

concerning the tax duplicate.

(B) The schedule, electronic formatting, and standard data, field, and record coding requirements for data required to be submitted under IC 6-1.1-5.5-3 or IC 6-1.1-11-8.

(C) Data export and transmission format requirements for information described in clauses (A) and (B).

(b) Each matter incorporated by reference under subsection (a) must be fully and exactly described.

(c) An agency may refer to a matter that is directly or indirectly referred to in a primary matter by fully and exactly describing the primary matter.

(d) Whenever an agency submits a rule to the attorney general, the governor, or the publisher under this chapter, the agency shall also submit a copy of the full text of each matter incorporated by reference under subsection (a) into the rule, other than the following:

- (1) An Indiana statute or rule.
- (2) A form or instructions for a form numbered by the **commission on public records Indiana archives and record administration** under IC 5-15-5.1-6.
- (3) The source of a statement that is quoted or paraphrased in full in the rule.
- (4) Any matter that has been previously filed with the:
 - (A) secretary of state before July 1, 2006; or
 - (B) publisher after June 30, 2006.
- (5) Any matter referred to in subsection (c) as a matter that is directly or indirectly referred to in a primary matter.

(e) An agency may comply with subsection (d) by submitting a paper or an electronic copy of the full text of the matter incorporated by reference.

SECTION 2. IC 4-33-12-6, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2016 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) The department shall place in the state general fund the tax revenue collected under this chapter.

(b) Except as provided by ~~subsections subsection (c) and (d); and IC 6-3.1-20-7~~, **section 8 of this chapter**, the treasurer of state shall quarterly pay the following amounts:

(1) Except as provided in ~~subsection (h); (j);~~ **section 9(g) of this chapter**, one dollar (\$1) of the admissions tax collected by the licensed owner for each person embarking on a gambling excursion during the quarter or admitted to a riverboat that has implemented flexible scheduling under IC 4-33-6-21 during the quarter shall be paid to:

- (A) the city in which the riverboat is docked, if the city:
 - (i) is located in a county having a population of more than one hundred eleven thousand (111,000) but less than one hundred fifteen thousand (115,000); or
 - (ii) is contiguous to the Ohio River and is the largest city in the county; and
- (B) the county in which the riverboat is docked, if the

riverboat is not docked in a city described in clause (A).
(2) Except as provided in ~~subsection (h); (j);~~ **section 9(g) of this chapter**, one dollar (\$1) of the admissions tax collected by the licensed owner for each person:

- (A) embarking on a gambling excursion during the quarter; or
- (B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21; shall be paid to the county in which the riverboat is docked. In the case of a county described in subdivision (1)(B), this one dollar (\$1) is in addition to the one dollar (\$1) received under subdivision (1)(B).

(3) Except as provided in ~~subsection (h); (j);~~ **section 9(g) of this chapter**, ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person:

- (A) embarking on a gambling excursion during the quarter; or
- (B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21; shall be paid to the county convention and visitors bureau or promotion fund for the county in which the riverboat is docked.

(4) Except as provided in ~~subsection (h); (j);~~ **section 9(g) of this chapter**, fifteen cents (\$0.15) of the admissions tax collected by the licensed owner for each person:

- (A) embarking on a gambling excursion during the quarter; or
- (B) admitted to a riverboat during a quarter that has implemented flexible scheduling under IC 4-33-6-21; shall be paid to the state fair commission, for use in any activity that the commission is authorized to carry out under IC 15-13-3.

(5) Except as provided in ~~subsection (h); (j);~~ **section 9(g) of this chapter**, ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person:

- (A) embarking on a gambling excursion during the quarter; or
- (B) admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21; shall be paid to the division of mental health and addiction. The division shall allocate at least twenty-five percent (25%) of the funds derived from the admissions tax to the prevention and treatment of compulsive gambling.

(6) ~~Except as provided in subsection (h); (j);~~ Sixty-five cents (\$0.65) of the admissions tax collected by the licensed owner for each person embarking on a gambling excursion during the quarter or admitted to a riverboat during the quarter that has implemented flexible scheduling under IC 4-33-6-21 shall be paid to the state general fund.

(e) With respect to tax revenue collected from a riverboat located in a historic hotel district, the treasurer of state shall quarterly pay the following:

(1) With respect to admissions taxes collected for a person admitted to the riverboat before July 1, 2010, the following

amounts:

(A) Twenty-two percent (22%) of the admissions tax collected during the quarter shall be paid to the county treasurer of the county in which the riverboat is located. The county treasurer shall distribute the money received under this clause as follows:

(i) Twenty-two and seventy-five hundredths percent (22.75%) shall be quarterly distributed to the county treasurer of a county having a population of more than forty thousand (40,000) but less than forty-two thousand (42,000) for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving county shall provide for the distribution of the money received under this item to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(ii) Twenty-two and seventy-five hundredths percent (22.75%) shall be quarterly distributed to the county treasurer of a county having a population of more than ten thousand seven hundred (10,700) but less than twelve thousand (12,000) for appropriation by the county fiscal body. The county fiscal body for the receiving county shall provide for the distribution of the money received under this item to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(iii) Fifty-four and five-tenths percent (54.5%) shall be retained by the county where the riverboat is located for appropriation by the county fiscal body after receiving a recommendation from the county executive.

(B) Five percent (5%) of the admissions tax collected during the quarter shall be paid to a town having a population of more than two thousand (2,000) but less than three thousand five hundred (3,500) located in a county having a population of more than nineteen thousand five hundred (19,500) but less than twenty thousand (20,000). At least twenty percent (20%) of the taxes received by a town under this clause must be transferred to the school corporation in which the town is located.

(C) Five percent (5%) of the admissions tax collected during the quarter shall be paid to a town having a population of more than three thousand five hundred (3,500) located in a county having a population of more than nineteen thousand five hundred (19,500) but less than twenty thousand (20,000). At least twenty percent (20%) of the taxes received by a town under this clause must be transferred to the school corporation in which

the town is located.

(D) Twenty percent (20%) of the admissions tax collected during the quarter shall be paid in equal amounts to each town that:

(i) is located in the county in which the riverboat is located; and

(ii) contains a historic hotel.

At least twenty percent (20%) of the taxes received by a town under this clause must be transferred to the school corporation in which the town is located.

(E) Ten percent (10%) of the admissions tax collected during the quarter shall be paid to the Orange County development commission established under IC 36-7-11.5. At least one-third (1/3) of the taxes paid to the Orange County development commission under this clause must be transferred to the Orange County convention and visitors bureau.

(F) Thirteen percent (13%) of the admissions tax collected during the quarter shall be paid to the West Baden Springs historic hotel preservation and maintenance fund established by IC 36-7-11.5-11(b).

(G) Twenty-five percent (25%) of the admissions tax collected during the quarter shall be paid to the Indiana economic development corporation to be used by the corporation for the development and implementation of a regional economic development strategy to assist the residents of the county in which the riverboat is located and residents of contiguous counties in improving their quality of life and to help promote successful and sustainable communities. The regional economic development strategy must include goals concerning the following issues:

(i) Job creation and retention.

(ii) Infrastructure, including water, wastewater, and storm water infrastructure needs.

(iii) Housing.

(iv) Workforce training.

(v) Health care.

(vi) Local planning.

(vii) Land use.

(viii) Assistance to regional economic development groups.

(ix) Other regional development issues as determined by the Indiana economic development corporation.

(2) With respect to admissions taxes collected for a person admitted to the riverboat after June 30, 2010, the following amounts:

(A) Twenty-nine and thirty-three hundredths percent (29.33%) to the county treasurer of Orange County. The county treasurer shall distribute the money received under this clause as follows:

(i) Twenty-two and seventy-five hundredths percent (22.75%) to the county treasurer of Dubois County for distribution in the manner described in

subdivision (1)(A)(i)-

(ii) Twenty-two and seventy-five hundredths percent (22.75%) to the county treasurer of Crawford County for distribution in the manner described in subdivision (1)(A)(ii)-

(iii) Fifty-four and five-tenths percent (54.5%) to be retained by the county treasurer of Orange County for appropriation by the county fiscal body after receiving a recommendation from the county executive.

(B) Six and sixty-seven hundredths percent (6.67%) to the fiscal officer of the town of Orleans. At least twenty percent (20%) of the taxes received by the town under this clause must be transferred to Orleans Community Schools.

(C) Six and sixty-seven hundredths percent (6.67%) to the fiscal officer of the town of Paoli. At least twenty percent (20%) of the taxes received by the town under this clause must be transferred to the Paoli Community School Corporation.

(D) Twenty-six and sixty-seven hundredths percent (26.67%) to be paid in equal amounts to the fiscal officers of the towns of French Lick and West Baden Springs. At least twenty percent (20%) of the taxes received by a town under this clause must be transferred to the Springs Valley Community School Corporation.

(E) Thirty and sixty-six hundredths percent (30.66%) to the Indiana economic development corporation to be used the manner described in subdivision (1)(G)-

(d) (e) With respect This subsection applies to tax revenue collected from a riverboat that operates from a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); Lake County. Except as provided by IC 6-3-1-20-7, the treasurer of state shall quarterly pay the following amounts:

(1) The lesser of:

(A) eight hundred seventy-five thousand dollars (\$875,000); or

(B) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from East Chicago during the preceding calendar quarter;

to the fiscal officer of the northwest Indiana regional development authority to satisfy, in whole or in part, East Chicago's funding obligation to the authority under IC 36-7.5-4-2.

(2) The lesser of:

(A) eight hundred seventy-five thousand dollars (\$875,000); or

(B) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Gary during the preceding calendar quarter;

to the fiscal officer of the northwest Indiana regional

development authority to satisfy, in whole or in part, Gary's funding obligation to the authority under IC 36-7.5-4-2.

(3) The lesser of:

(A) eight hundred seventy-five thousand dollars (\$875,000); or

(B) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Hammond during the preceding calendar quarter;

to the fiscal officer of the northwest Indiana regional development authority to satisfy, in whole or in part, Hammond's funding obligation to the authority under IC 36-7.5-4-2.

(4) The lesser of:

(A) eight hundred seventy-five thousand dollars (\$875,000); or

(B) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Lake County during the preceding calendar quarter;

to the fiscal officer of the northwest Indiana regional development authority to satisfy, in whole or in part, Lake County's funding obligation to the authority under IC 36-7.5-4-2.

(1) (5) Except as provided in subsection (k), (j), the remainder, if any, of:

(A) one dollar (\$1) of the admissions tax collected by the licensed owner for each person

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the preceding calendar quarter; that has implemented flexible scheduling under IC 4-33-6-21; minus

(B) the amount distributed to the northwest Indiana regional development authority under subdivision (1), (2), or (3), whichever is applicable, for that the calendar quarter;

shall be paid to the city in which the riverboat is docked.

(2) (6) Except as provided in subsection (k), (j), the remainder, if any, of:

(A) one dollar (\$1) of the admissions tax collected by the licensed owner for each person

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the preceding calendar quarter; that has implemented flexible scheduling under IC 4-33-6-21; minus

(B) the amount distributed to the northwest Indiana regional development authority under subdivision (4) for that the calendar quarter;

shall be paid to the county in which the riverboat is docked.

(3) (7) Except as provided in subsection (k), (j), nine cents (\$0.09) of the admissions tax collected by the licensed

owner for each person

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the preceding calendar quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the county convention and visitors bureau or promotion fund for the county in which the riverboat is docked.

(4) (8) Except as provided in subsection (k), (j), one cent (\$0.01) of the admissions tax collected by the licensed owner for each person

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the preceding calendar quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the northwest Indiana law enforcement training center:

(5) (9) Except as provided in subsection (k), (j), fifteen cents (\$0.15) of the admissions tax collected by the licensed owner for each person

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the preceding calendar quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the state fair commission for use in any activity that the commission is authorized to carry out under IC 15-13-3.

(6) (10) Except as provided in subsection (k), (j), ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person

(A) embarking on a gambling excursion during the quarter; or

(B) admitted to a riverboat during the preceding calendar quarter that has implemented flexible scheduling under IC 4-33-6-21;

shall be paid to the division of mental health and addiction. The division shall allocate at least twenty-five percent (25%) of the funds derived from the admissions tax to the prevention and treatment of compulsive gambling.

(7) (11) Except as provided in subsection (k), Sixty-five cents (\$0.65) of the admissions tax collected by the licensed owner for each person embarking on a gambling excursion during the quarter or admitted to a riverboat during the preceding calendar quarter that has implemented flexible scheduling under IC 4-33-6-21 shall be paid to the state general fund.

(e) (d) Money paid to a unit of local government under subsection (b) or (c): or (d):

(1) must be paid to the fiscal officer of the unit and may be deposited in the unit's general fund or riverboat fund established under IC 36-1-8-9; or both;

(2) may not be used to reduce the unit's maximum levy under IC 6-1-1-18.5 but may be used at the discretion of the unit to reduce the property tax levy of the unit for a particular year;

(3) may be used for any legal or corporate purpose of the unit, including the pledge of money to bonds, leases, or other obligations under IC 5-1-14-4; and

(4) is considered miscellaneous revenue.

(f) (e) Money paid by the treasurer of state under subsection (b)(3) or (d)(3) (d)(7) (c)(7) shall be:

(1) deposited in:

(A) the county convention and visitor promotion fund; or

(B) the county's general fund if the county does not have a convention and visitor promotion fund; and

(2) used only for the tourism promotion, advertising, and economic development activities of the county and community;

(g) (f) Money received by the division of mental health and addiction under subsections (b)(5) and (d)(6): (d)(10): (e)(10):

(1) is annually appropriated to the division of mental health and addiction;

(2) shall be distributed to the division of mental health and addiction at times during each state fiscal year determined by the budget agency; and

(3) shall be used by the division of mental health and addiction for programs and facilities for the prevention and treatment of addictions to drugs, alcohol, and compulsive gambling, including the creation and maintenance of a toll free telephone line to provide the public with information about these addictions. The division shall allocate at least twenty-five percent (25%) of the money received to the prevention and treatment of compulsive gambling.

(h) (g) This subsection applies to the following:

(1) Each entity receiving money under subsection (b)(1) through (b)(5):

(2) Each entity receiving money under subsection (d)(1) (d)(5) (c)(5) through (d)(2): (d)(6): (e)(6):

(3) Each entity receiving money under subsection (d)(5) (d)(9) (c)(9) through (d)(6): (d)(10): (e)(10):

The treasurer of state shall determine the total amount of money paid by the treasurer of state to an entity subject to this subsection during the state fiscal year 2002. The amount determined under this subsection is the base year revenue for each entity subject to this subsection. The treasurer of state shall certify the base year revenue determined under this subsection to each entity subject to this subsection:

(i) (h) This subsection applies to an entity receiving money under subsection (d)(3) (d)(7) (c)(7) or (d)(4): (d)(8): (c)(8): The treasurer of state shall determine the total amount of money paid by the treasurer of state to the entity described in subsection (d)(3) (d)(7) (c)(7) during state fiscal year 2002. The amount determined under this subsection multiplied by nine-tenths (0.9) is the base year revenue for the entity described in subsection

~~(d)(3)~~. ~~(d)(7)~~. ~~(c)(7)~~. The amount determined under this subsection multiplied by one-tenth (0.1) is the base year revenue for the entity described in subsection ~~(d)(4)~~. ~~(d)(8)~~. ~~(c)(8)~~. The treasurer of state shall certify the base year revenue determined under this subsection to each entity subject to this subsection.

~~(j) (i) This subsection does not apply to an entity receiving money under subsection (e).~~ The total amount of money distributed to an entity under this section during a state fiscal year may not exceed the entity's base year revenue as determined under subsection ~~(h) (g) or (i)~~. ~~(h)~~. For purposes of this section, the treasurer of state shall treat any amounts distributed under subsection ~~(d) (c)~~ to the northwest Indiana regional development authority as amounts constructively received by East Chicago, Gary, Hammond, and Lake County, as appropriate. If the treasurer of state determines that the total amount of money:

- ~~(1) distributed to an entity; and~~
- ~~(2) constructively received by an entity;~~

under this section during a state fiscal year is less than the entity's base year revenue, the treasurer of state shall make a supplemental distribution to the entity under IC 4-33-13-5.

~~(k) (j) This subsection does not apply to an entity receiving money under subsection (e).~~ The treasurer of state shall pay that part of the riverboat admissions taxes that:

- ~~(1) exceeds a particular entity's base year revenue; and~~
- ~~(2) would otherwise be due to the entity under this section;~~

to the state general fund instead of to the entity.

SECTION 3. IC 4-33-12-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 8. (a) This section applies to tax revenue collected from a riverboat operating from Lake County.**

(b) Except as provided by IC 6-3.1-20-7, the treasurer of state shall quarterly pay the following amounts from the taxes collected during the preceding calendar quarter from the riverboat operating from East Chicago:

- (1) The lesser of:**
 - (A) eight hundred seventy-five thousand dollars (\$875,000); or**
 - (B) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter;** to the fiscal officer of the northwest Indiana regional development authority to partially satisfy East Chicago's funding obligation to the authority under IC 36-7.5-4-2.
- (2) The lesser of:**
 - (A) two hundred eighteen thousand seven hundred fifty dollars (\$218,750); or**
 - (B) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter;** to the fiscal officer of the northwest Indiana regional development authority to partially satisfy Lake County's funding obligation to the authority under IC 36-7.5-4-2.

(3) Except as provided in section 9(g) of this chapter, the remainder, if any, of:

(A) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter; minus

(B) the amount distributed to the northwest Indiana regional development authority under subdivision (1) for the calendar quarter;

must be paid to the city of East Chicago.

(4) Except as provided in section 9(g) of this chapter, the remainder, if any, of:

(A) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter; minus

(B) the amount distributed to the northwest Indiana regional development authority under subdivision (2) for the calendar quarter;

must be paid to Lake County.

(5) Except as provided in section 9(g) of this chapter, nine cents (\$0.09) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter must be paid to the county convention and visitors bureau or promotion fund for Lake County.

(6) Except as provided in section 9(g) of this chapter, one cent (\$0.01) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter must be paid to the northwest Indiana law enforcement training center.

(7) Except as provided in section 9(g) of this chapter, fifteen cents (\$0.15) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter must be paid to the state fair commission for use in any activity that the commission is authorized to carry out under IC 15-13-3.

(8) Except as provided in section 9(g) of this chapter, ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter must be paid to the division of mental health and addiction.

(9) Sixty-five cents (\$0.65) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter must be paid to the state general fund.

(c) Except as provided by IC 6-3.1-20-7, the treasurer of state shall quarterly pay the following amounts from the taxes collected during the preceding calendar quarter from each riverboat operating from Gary:

(1) The lesser of:

(A) four hundred thirty-seven thousand five hundred dollars (\$437,500); or

(B) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter; to the fiscal officer of the northwest Indiana regional development authority to partially satisfy Gary's funding obligation to the authority under IC 36-7.5-4-2.

(2) The lesser of:

(A) two hundred eighteen thousand seven hundred fifty dollars (\$218,750); or

(B) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter; to the fiscal officer of the northwest Indiana regional development authority to partially satisfy Lake County's funding obligation to the authority under IC 36-7.5-4-2.

(3) Except as provided in section 9(g) of this chapter, the remainder, if any, of:

(A) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Gary during the preceding calendar quarter; minus

(B) the amount distributed to the northwest Indiana regional development authority under subdivision (1) for the calendar quarter;

must be paid to the city of Gary.

(4) Except as provided in section 9(g) of this chapter, the remainder, if any, of:

(A) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Gary during the preceding calendar quarter; minus

(B) the amount distributed to the northwest Indiana regional development authority under subdivision (2) for the calendar quarter;

must be paid to Lake County.

(5) Except as provided in section 9(g) of this chapter, nine cents (\$0.09) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Gary during the preceding calendar quarter must be paid to the county convention and visitors bureau or promotion fund for Lake County.

(6) Except as provided in section 9(g) of this chapter, one cent (\$0.01) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Gary during the preceding calendar quarter must be paid to the northwest Indiana law enforcement training center.

(7) Except as provided in section 9(g) of this chapter, fifteen cents (\$0.15) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Gary during the preceding calendar quarter must be paid to the state fair commission for use in any activity that the commission is authorized to carry out under IC 15-13-3.

(8) Except as provided in section 9(g) of this chapter, ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Gary during the preceding calendar quarter must be paid to the division of mental health and addiction.

(9) Sixty-five cents (\$0.65) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Gary during the preceding calendar quarter must be paid to the state general fund.

(d) Except as provided by IC 6-3.1-20-7, the treasurer of state shall quarterly pay the following amounts from the taxes collected during the preceding calendar quarter from the riverboat operating from Hammond:

(1) The lesser of:

(A) eight hundred seventy-five thousand dollars (\$875,000); or

(B) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to a riverboat operating from Hammond during the preceding calendar quarter;

to the fiscal officer of the northwest Indiana regional development authority to partially satisfy Hammond's funding obligation to the authority under IC 36-7.5-4-2.

(2) The lesser of:

(A) two hundred eighteen thousand seven hundred fifty dollars (\$218,750); or

(B) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter; to the fiscal officer of the northwest Indiana regional development authority to partially satisfy Lake County's funding obligation to the authority under IC 36-7.5-4-2.

(3) Except as provided in section 9(g) of this chapter, the remainder, if any, of:

(A) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter; minus

(B) the amount distributed to the northwest Indiana regional development authority under subdivision (1) for the calendar quarter;

must be paid to the city of Hammond.

(4) Except as provided in section 9(g) of this chapter, the remainder, if any, of:

(A) one dollar (\$1) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter; minus

(B) the amount distributed to the northwest Indiana regional development authority under subdivision (2) for the calendar quarter;

must be paid to Lake County.

(5) Except as provided in section 9(g) of this chapter, nine cents (\$0.09) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter must be paid to the county convention and visitors bureau or promotion fund for Lake County.

(6) Except as provided in section 9(g) of this chapter, one cent (\$0.01) of the admissions tax collected by the licensed owner for each person admitted to a riverboat during the preceding calendar quarter must be paid to the northwest Indiana law enforcement training center.

(7) Except as provided in section 9(g) of this chapter, fifteen cents (\$0.15) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter must be paid to the state fair commission for use in any activity that the commission is authorized to carry out under IC 15-13-3.

(8) Except as provided in section 9(g) of this chapter, ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter must be paid to the division of mental health and addiction.

(9) Sixty-five cents (\$0.65) of the admissions tax collected by the licensed owner for each person admitted to the riverboat during the preceding calendar quarter must be paid to the state general fund.

SECTION 4. IC 4-33-12-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. (a) Money paid to a unit of local government under section 6 or 8 of this chapter:

(1) must be paid to the fiscal officer of the unit and may be deposited in the unit's general fund or riverboat fund established under IC 36-1-8-9, or both;

(2) may not be used to reduce the unit's maximum levy under IC 6-1.1-18.5 but may be used at the discretion of the unit to reduce the property tax levy of the unit for a particular year;

(3) may be used for any legal or corporate purpose of the unit, including the pledge of money to bonds, leases, or other obligations under IC 5-1-14-4; and

(4) is considered miscellaneous revenue.

(b) Money paid by the treasurer of state to a county convention and visitors bureau or promotion fund under section 6 or 8 of this chapter must be:

(1) deposited in:

(A) the county convention and visitor promotion fund; or

(B) the county's general fund if the county does not have a convention and visitor promotion fund; and

(2) used only for the tourism promotion, advertising, and economic development activities of the county and community.

(c) Money received by the division of mental health and addiction under section 6 or 8 of this chapter:

(1) is annually appropriated to the division of mental health and addiction;

(2) shall be distributed to the division of mental health and addiction at times during each state fiscal year determined by the budget agency; and

(3) shall be used by the division of mental health and addiction for programs and facilities for the prevention and treatment of addictions to drugs, alcohol, and compulsive gambling, including the creation and maintenance of a toll free telephone line to provide the public with information about these addictions.

The division shall allocate at least twenty-five percent (25%) of the money received to the prevention and treatment of compulsive gambling.

(d) This subsection applies to the following entities receiving money under section 6 or 8 of this chapter:

(1) A city or county.

(2) A county convention and visitors bureau or promotion fund for a county other than Lake County.

(3) The state fair commission.

(4) The division of mental health and addiction.

The treasurer of state shall determine the total amount of money paid by the treasurer of state to an entity subject to this subsection during the state fiscal year 2002. The amount determined under this subsection is the base year revenue for each entity subject to this subsection. The treasurer of state shall certify the base year revenue determined under this subsection to each entity subject to this subsection.

(e) This subsection applies to the following entities receiving money under section 8 of this chapter:

(1) A county convention and visitors bureau or promotion fund for Lake County.

(2) The northwest Indiana law enforcement training center.

The treasurer of state shall determine the total amount of money paid by the treasurer of state to the entity described in subdivision (1) during state fiscal year 2002. The amount determined under this subsection multiplied by nine-tenths (0.9) is the base year revenue for the entity described in subdivision (1). The amount determined under this subsection multiplied by one-tenth (0.1) is the base year revenue for the entity described in subdivision (2). The treasurer of state shall certify the base year revenue determined under this subsection to each entity subject to this subsection.

(f) The total amount of money distributed to an entity under section 6 or 8 of this chapter during a state fiscal year may not exceed the entity's base year revenue as determined under subsection (d) or (e). For purposes of this section, the treasurer of state shall treat any amounts distributed under section 8 of this chapter to the northwest Indiana regional development authority as amounts constructively received by East Chicago, Gary, Hammond, and Lake County, as appropriate. If the treasurer of state determines that the total amount of money:

(1) distributed to an entity; and
(2) constructively received by an entity;
under section 6 or 8 of this chapter during a state fiscal year is less than the entity's base year revenue, the treasurer of state shall make a supplemental distribution to the entity under IC 4-33-13-5.

(g) The treasurer of state shall pay that part of the riverboat admissions taxes that:

- (1) exceeds a particular entity's base year revenue; and**
- (2) would otherwise be due to the entity under this section;**

to the state general fund instead of to the entity.

SECTION 5. IC 4-33-12.5-6, AS AMENDED BY P.L.255-2015, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) ~~The county described in IC 4-33-12-6(c)~~ **Lake County** shall distribute twenty-five percent (25%) of the:

- (1) admissions tax revenue received by the county under ~~IC 4-33-12-6(c)(6)~~; **IC 4-33-12-8**; and
- (2) supplemental distributions received under IC 4-33-13-5;

to the eligible municipalities.

(b) The amount that shall be distributed by the county to each eligible municipality under subsection (a) is based on the eligible municipality's proportionate share of the total population of all eligible municipalities. The most current certified census information available shall be used to determine an eligible municipality's proportionate share under this subsection. The determination of proportionate shares under this subsection shall be modified under the following conditions:

- (1) The certification from any decennial census completed by the United States Bureau of the Census.
- (2) Submission by one (1) or more eligible municipalities of a certified special census commissioned by an eligible municipality and performed by the United States Bureau of the Census.

(c) If proportionate shares are modified under subsection (b), distribution to eligible municipalities shall change with the:

- (1) payments beginning April 1 of the year following the certification of a special census under subsection (b)(2); and
- (2) the next quarterly payment following the certification of a decennial census under subsection (b)(1).

SECTION 6. IC 4-33-12.5-7, AS AMENDED BY P.L.205-2013, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. The county shall make payments under this chapter directly to each eligible municipality. The county shall make payments to the eligible municipalities not more than thirty (30) days after the county receives the quarterly distribution of admission tax revenue under ~~IC 4-33-12-6~~ **IC 4-33-12-8** or the supplemental distributions received under IC 4-33-13-5 from the state.

SECTION 7. IC 4-33-13-5, AS AMENDED BY P.L.255-2015, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) This

subsection does not apply to tax revenue remitted by an operating agent operating a riverboat in a historic hotel district. After funds are appropriated under section 4 of this chapter, each month the treasurer of state shall distribute the tax revenue deposited in the state gaming fund under this chapter to the following:

- (1) The first thirty-three million dollars (\$33,000,000) of tax revenues collected under this chapter shall be set aside for revenue sharing under subsection (e).
- (2) Subject to subsection (c), twenty-five percent (25%) of the remaining tax revenue remitted by each licensed owner shall be paid:

(A) to the city that is designated as the home dock of the riverboat from which the tax revenue was collected, in the case of:

- (i) a city described in IC 4-33-12-6(b)(1)(A); or
- (ii) a city located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or

(B) to the county that is designated as the home dock of the riverboat from which the tax revenue was collected, in the case of a riverboat whose home dock is not in a city described in clause (A).

- (3) Subject to subsection (d), the remainder of the tax revenue remitted by each licensed owner shall be paid to the state general fund. In each state fiscal year, the treasurer of state shall make the transfer required by this subdivision not later than the last business day of the month in which the tax revenue is remitted to the state for deposit in the state gaming fund. However, if tax revenue is received by the state on the last business day in a month, the treasurer of state may transfer the tax revenue to the state general fund in the immediately following month.

(b) This subsection applies only to tax revenue remitted by an operating agent operating a riverboat in a historic hotel district after June 30, 2015. After funds are appropriated under section 4 of this chapter, each month the treasurer of state shall distribute the tax revenue remitted by the operating agent under this chapter as follows:

- (1) Fifty-six and five-tenths percent (56.5%) shall be paid to the state general fund.
- (2) Forty-three and five-tenths percent (43.5%) shall be paid as follows:

(A) Twenty-two and four-tenths percent (22.4%) shall be paid as follows:

- (i) Fifty percent (50%) to the fiscal officer of the town of French Lick.
- (ii) Fifty percent (50%) to the fiscal officer of the town of West Baden Springs.

(B) Fourteen and eight-tenths percent (14.8%) shall be paid to the county treasurer of Orange County for distribution among the school corporations in the county. The governing bodies for the school corporations in the county shall provide a formula for the distribution of the money received under this clause

among the school corporations by joint resolution adopted by the governing body of each of the school corporations in the county. Money received by a school corporation under this clause must be used to improve the educational attainment of students enrolled in the school corporation receiving the money. Not later than the first regular meeting in the school year of a governing body of a school corporation receiving a distribution under this clause, the superintendent of the school corporation shall submit to the governing body a report describing the purposes for which the receipts under this clause were used and the improvements in educational attainment realized through the use of the money. The report is a public record.

(C) Thirteen and one-tenth percent (13.1%) shall be paid to the county treasurer of Orange County.

(D) Five and three-tenths percent (5.3%) shall be distributed quarterly to the county treasurer of Dubois County for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving county shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(E) Five and three-tenths percent (5.3%) shall be distributed quarterly to the county treasurer of Crawford County for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving county shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(F) Six and thirty-five hundredths percent (6.35%) shall be paid to the fiscal officer of the town of Paoli.

(G) Six and thirty-five hundredths percent (6.35%) shall be paid to the fiscal officer of the town of Orleans.

(H) Twenty-six and four-tenths percent (26.4%) shall be paid to the Indiana economic development corporation established by IC 5-28-3-1 for transfer to Radius Indiana or a successor regional entity or partnership for the development and implementation of a regional economic development strategy to assist the residents of Orange County and the counties contiguous to Orange County in improving their quality of life and to help promote successful and sustainable communities. However, an amount sufficient to meet current obligations to retire or refinance indebtedness or leases for which tax revenues under this section were pledged before January 1, 2015, by the Orange County development commission shall be paid to the Orange County development commission

before making a distribution to Radius Indiana or a successor regional entity or partnership. The amount paid to the Orange County development commission reduces the amount payable to Radius Indiana or its successor entity or partnership.

(c) For each city and county receiving money under subsection (a)(2), the treasurer of state shall determine the total amount of money paid by the treasurer of state to the city or county during the state fiscal year 2002. The amount determined is the base year revenue for the city or county. The treasurer of state shall certify the base year revenue determined under this subsection to the city or county. The total amount of money distributed to a city or county under this section during a state fiscal year may not exceed the entity's base year revenue. For each state fiscal year, the treasurer of state shall pay that part of the riverboat wagering taxes that:

- (1) exceeds a particular city's or county's base year revenue; and
- (2) would otherwise be due to the city or county under this section;

to the state general fund instead of to the city or county.

(d) Each state fiscal year the treasurer of state shall transfer from the tax revenue remitted to the state general fund under subsection (a)(3) to the build Indiana fund an amount that when added to the following may not exceed two hundred fifty million dollars (\$250,000,000):

- (1) Surplus lottery revenues under IC 4-30-17-3.
- (2) Surplus revenue from the charity gaming enforcement fund under IC 4-32.2-7-7.
- (3) Tax revenue from pari-mutuel wagering under IC 4-31-9-3.

The treasurer of state shall make transfers on a monthly basis as needed to meet the obligations of the build Indiana fund. If in any state fiscal year insufficient money is transferred to the state general fund under subsection (a)(3) to comply with this subsection, the treasurer of state shall reduce the amount transferred to the build Indiana fund to the amount available in the state general fund from the transfers under subsection (a)(3) for the state fiscal year.

(e) Before August 15 of each year, the treasurer of state shall distribute the wagering taxes set aside for revenue sharing under subsection (a)(1) to the county treasurer of each county that does not have a riverboat according to the ratio that the county's population bears to the total population of the counties that do not have a riverboat. Except as provided in subsection (h), the county auditor shall distribute the money received by the county under this subsection as follows:

- (1) To each city located in the county according to the ratio the city's population bears to the total population of the county.
- (2) To each town located in the county according to the ratio the town's population bears to the total population of the county.
- (3) After the distributions required in subdivisions (1) and

(2) are made, the remainder shall be retained by the county.

(f) Money received by a city, town, or county under subsection (e) or (h) may be used for any of the following purposes:

(1) To reduce the property tax levy of the city, town, or county for a particular year (a property tax reduction under this subdivision does not reduce the maximum levy of the city, town, or county under IC 6-1.1-18.5).

(2) For deposit in a special fund or allocation fund created under IC 8-22-3.5, IC 36-7-14, IC 36-7-14.5, IC 36-7-15.1, and IC 36-7-30 to provide funding for debt repayment.

(3) To fund sewer and water projects, including storm water management projects.

(4) For police and fire pensions.

(5) To carry out any governmental purpose for which the money is appropriated by the fiscal body of the city, town, or county. Money used under this subdivision does not reduce the property tax levy of the city, town, or county for a particular year or reduce the maximum levy of the city, town, or county under IC 6-1.1-18.5.

(g) Before ~~September~~ **July** 15 of each year, the treasurer of state shall determine the total amount of money distributed to an entity under IC 4-33-12-6 **or IC 4-33-12-8** during the preceding state fiscal year. If the treasurer of state determines that the total amount of money distributed to an entity under IC 4-33-12-6 **or IC 4-33-12-8** during the preceding state fiscal year was less than the entity's base year revenue (as determined under ~~IC 4-33-12-6~~, **IC 4-33-12-9**), the treasurer of state shall make a supplemental distribution to the entity from taxes collected under this chapter and deposited into the state general fund. Except as provided in subsection (i), the amount of an entity's supplemental distribution is equal to:

(1) the entity's base year revenue (as determined under ~~IC 4-33-12-6~~; **IC 4-33-12-9**); minus

(2) the sum of:

(A) the total amount of money distributed to the entity and constructively received by the entity during the preceding state fiscal year under IC 4-33-12-6 **or IC 4-33-12-8**; plus

(B) the amount of any admissions taxes deducted under IC 6-3.1-20-7.

(h) This subsection applies only to a county containing a consolidated city. The county auditor shall distribute the money received by the county under subsection (e) as follows:

(1) To each city, other than a consolidated city, located in the county according to the ratio that the city's population bears to the total population of the county.

(2) To each town located in the county according to the ratio that the town's population bears to the total population of the county.

(3) After the distributions required in subdivisions (1) and (2) are made, the remainder shall be paid in equal amounts to the consolidated city and the county.

(i) This subsection applies to a supplemental distribution made

after June 30, 2013. The maximum amount of money that may be distributed under subsection (g) in a state fiscal year is forty-eight million dollars (\$48,000,000). If the total amount determined under subsection (g) exceeds forty-eight million dollars (\$48,000,000), the amount distributed to an entity under subsection (g) must be reduced according to the ratio that the amount distributed to the entity under IC 4-33-12-6 **or IC 4-33-12-8** bears to the total amount distributed under IC 4-33-12-6 **and IC 4-33-12-8** to all entities receiving a supplemental distribution.

(j) This subsection applies to a supplemental distribution, if any, payable to Lake County, Hammond, Gary, or East Chicago under subsections (g) and (i). Beginning in ~~September~~ **July** 2016, the treasurer of state shall, after making any deductions from the supplemental distribution required by IC 6-3.1-20-7, deduct from the remainder of the supplemental distribution otherwise payable to the unit under this section the lesser of:

(1) the remaining amount of the supplemental distribution; or

(2) the difference, if any, between:

(A) three million five hundred thousand dollars (\$3,500,000); minus

(B) the amount of admissions taxes constructively received by the unit in the previous state fiscal year.

The treasurer of state shall distribute the amounts deducted under this subsection to the northwest Indiana redevelopment authority established under IC 36-7.5-2-1 for deposit in the development authority fund established under IC 36-7.5-4-1.

(k) Money distributed to a political subdivision under subsection (b):

(1) must be paid to the fiscal officer of the political subdivision and may be deposited in the political subdivision's general fund or riverboat fund established under IC 36-1-8-9, or both;

(2) may not be used to reduce the maximum levy under IC 6-1.1-18.5 of a county, city, or town or the maximum tax rate of a school corporation, but, except as provided in subsection (b)(2)(B), may be used at the discretion of the political subdivision to reduce the property tax levy of the county, city, or town for a particular year;

(3) except as provided in subsection (b)(2)(B), may be used for any legal or corporate purpose of the political subdivision, including the pledge of money to bonds, leases, or other obligations under IC 5-1-14-4; and

(4) is considered miscellaneous revenue.

Money distributed under subsection (b)(2)(B) must be used for the purposes specified in subsection (b)(2)(B).

SECTION 8. IC 5-13-10.5-18, AS AMENDED BY P.L.213-2015, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) As used in this section, "capital improvement board" refers to a capital improvement board established under IC 36-10-9.

(b) To qualify for an investment under this section, the capital improvement board must apply to the treasurer of state in the

form and manner required by the treasurer. As part of the application, the capital improvement board shall submit a plan for its use of the investment proceeds and for the repayment of the capital improvement board's obligation to the treasurer. Within sixty (60) days after receipt of each application, the treasurer shall consider the application and review its accuracy and completeness.

(c) If the capital improvement board makes an application under subsection (b) and the treasurer approves the accuracy and completeness of the application and determines that there is an adequate method of payment for the capital improvement board's obligations, the treasurer of state shall invest or reinvest funds that are held by the treasurer and that are available for investment in obligations issued by the capital improvement board for the purposes of the capital improvement board in calendar years 2009, 2010, and 2011. The investment may not exceed nine million dollars (\$9,000,000) per calendar year for 2009, 2010, and 2011.

(d) The treasurer of state shall determine the terms of each investment and the capital improvement board's obligation, which must include the following:

(1) Subject to subsections (f) and (g), the duration of the capital improvement board's obligation, which must be for a term of ten (10) years with an option for the capital improvement board to pay its obligation to the treasurer early without penalty.

(2) Subject to subsections (f) and (g), the repayment schedule of the capital improvement board's obligation, which must provide that no payments are due before January 1, 2013.

(3) A rate of interest to be determined by the treasurer.

(4) The amount of each investment, which may not exceed the maximum amounts established for the capital improvement board by this section.

(5) Any other conditions specified by the treasurer.

(e) The capital improvement board may issue obligations under this section by adoption of a resolution and, as set forth in IC 5-1-14, may use any source of revenue to satisfy the obligation to the treasurer of state under this section. This section constitutes complete authority for the capital improvement board to issue obligations to the treasurer. If the capital improvement board fails to make any payments on the capital improvement board's obligation to the treasurer, the amount payable shall be withheld by the auditor of state from any other money payable to the capital improvement board. The amount withheld shall be transferred to the treasurer to the credit of the capital improvement board.

(f) Subject to subsection (g), if all principal and interest on the obligations issued by the capital improvement board under this section in calendar year 2009, are paid before July 1, 2015, the term of the obligations issued by the capital improvement board to the treasurer of state in calendar year 2010 is extended until 2025. **The treasurer of state shall discharge any remaining unpaid interest on the obligation issued by the capital**

improvement board to the treasurer of state in 2009, if the capital improvement board submits payment of the principal amount to the treasurer of state before the stated final maturity of that obligation.

(g) This subsection applies if the capital improvement board before July 1, 2015, adopts a resolution:

(1) to establish a bid fund to be used to assist the capital improvement board, the Indianapolis Convention and Visitors Association (VisitIndy), or the Indiana Sports Corporation in securing conventions, sporting events, and other special events; and

(2) to designate that principal and interest payments that would otherwise be made on the obligation issued by the capital improvement board under this section in calendar year 2010 shall instead be deposited in the bid fund.

If the requirements of subdivisions (1) and (2) are satisfied and the capital improvement board deposits in the bid fund amounts equal to the principal and interests payments that would otherwise be made under the repayment schedule on the obligations issued by the capital improvement board under this section in calendar year 2010, the capital improvement board is not required to make those principal and interests payments to the treasurer of state at the time required under the repayment schedule. The amounts must be deposited in the bid fund not later than the time the principal and interest payments would otherwise be due to the treasurer of state under the repayment schedule. The state board of accounts shall annually examine the bid fund to determine the amount of deposits made to the bid fund under this subsection and to ensure that the money deposited in the bid fund is used only for purposes authorized by this subsection. To the extent that the capital improvement board does not deposit in the bid fund an amount equal to a payment of principal and interest that would otherwise be due under the repayment schedule on the obligations issued by the capital improvement board under this section in calendar year 2010, the capital improvement board must make that payment of principal and interest to the treasurer of state as provided in this section. If the capital improvement board deposits in the bid fund amounts equal to the payments of principal and interest that would otherwise be due under the repayment schedule on the obligations issued by the capital improvement board under this section in calendar year 2010, the capital improvement board is only required to repay to the treasurer of state the principal amount of the obligation.

SECTION 9. IC 5-28-15-5, AS AMENDED BY P.L.288-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 5. (a) The board has the following powers, in addition to other powers that are contained in this chapter:

(1) To review and approve or reject all applicants for enterprise zone designation, according to the criteria for designation that this chapter provides.

(2) To waive or modify rules as provided in this chapter.

(3) To provide a procedure by which enterprise zones may be monitored and evaluated on an annual basis.

(4) To adopt rules for the disqualification of a zone business from eligibility for any or all incentives available to zone businesses, if that zone business does not do one (1) of the following:

(A) If all its incentives, as contained in the summary required under section 7 of this chapter, exceed one thousand dollars (\$1,000) in any year, pay a registration fee to the board in an amount equal to one percent (1%) of all its incentives.

(B) Use all its incentives, except for the amount of the registration fee, for its property or employees in the zone.

(C) Remain open and operating as a zone business for twelve (12) months of the assessment year for which the incentive is claimed.

(5) To disqualify a zone business from eligibility for any or all incentives available to zone businesses in accordance with the procedures set forth in the board's rules.

(6) After a recommendation from a U.E.A., to modify an enterprise zone boundary if the board determines that the modification:

(A) is in the best interests of the zone; and

(B) meets the threshold criteria and factors set forth in section 9 of this chapter.

(7) To employ staff and contract for services.

(8) To receive funds from any source and expend the funds for the administration and promotion of the enterprise zone program.

(9) To ~~make determinations enter into agreements~~ under IC 6-3.1-11 ~~concerning the designation of locations as industrial recovery sites.~~ **with an applicant for a tax credit under that chapter.**

(10) To make determinations under IC 6-3.1-11 concerning the disqualification of persons from claiming credits provided by that chapter in appropriate cases.

(b) In addition to a registration fee paid under subsection (a)(4)(A), each zone business that receives an incentive described in section 3 of this chapter shall assist the zone U.E.A. in an amount determined by the legislative body of the municipality in which the zone is located. If a zone business does not assist a U.E.A., the legislative body of the municipality in which the zone is located may pass an ordinance disqualifying a zone business from eligibility for all credits or incentives available to zone businesses. If a legislative body disqualifies a zone business under this subsection, the legislative body shall notify the board, the department of local government finance, and the department of state revenue in writing not more than thirty (30) days after the passage of the ordinance disqualifying the zone business. Disqualification of a zone business under this section is effective beginning with the taxable year in which the ordinance disqualifying the zone business is adopted."

Page 2, between lines 26 and 27, begin a new paragraph and insert:

"SECTION 11. IC 6-1.1-4-43.5 IS ADDED TO THE

INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 43.5. (a) This section applies to a real property assessment for:**

(1) the 2016 assessment date and assessment dates thereafter; and

(2) real property that is:

(A) a limited market or special purpose property that would commonly be regarded as a big box retail building under standard appraisal practices and is at least fifty thousand (50,000) square feet; and

(B) occupied by the original owner or by a tenant for which the improvement was built.

(b) If a taxpayer files a notice under IC 6-1.1-15 after March 31, 2016, requesting a review of the assessment of the taxpayer's real property that is subject to this section, and the effective age of the improvements is ten (10) years or less under the rules of the department, a taxpayer must provide to the appropriate county or township assessing official information concerning the actual construction costs for the real property. Notwithstanding IC 6-1.1-15, if a taxpayer does not provide all relevant and reasonably available information concerning the actual construction costs for the real property before the hearing scheduled by the county property tax assessment board of appeals regarding the assessment of the real property, the appeal may not be reviewed until all the information is provided. If a taxpayer does provide the information concerning the actual construction costs for the real property, and the construction costs for the real property are greater than the cost values determined by using the cost tables under the rules and guidelines of the department of local government finance, then for purposes of applying the cost approach the depreciation and obsolescence shall be deducted from the construction costs rather than the cost values determined by using the cost tables under the rules and guidelines of the department of local government finance."

Page 4, line 25, delete "The value in exchange of an improved property does not" and insert "**With respect to the assessment of an improved property, a valuation does not reflect the true tax value of the improved property if the purportedly comparable sale properties supporting the valuation have a different market or submarket than the current use of the improved property, based on a market segmentation analysis.**"

Page 4, delete lines 26 through 28.

Page 4, line 29, delete "use of the improved property."

Page 4, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 15. IC 6-3.1-11-1, AS AMENDED BY P.L.288-2013, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 1. As used in this chapter, "applicable percentage" means the percentage determined as follows:

(1) If a plant that is located on an industrial recovery site was placed in service at least fifteen (15) years ago but less

than thirty (30) years ago, the applicable percentage is fifteen percent (15%).

(2) If a plant ~~that is located on an industrial recovery site~~ was placed in service at least thirty (30) years ago but less than forty (40) years ago, the applicable percentage is twenty percent (20%).

(3) If a plant ~~that is located on an industrial recovery site~~ was placed in service at least forty (40) years ago, the applicable percentage is twenty-five percent (25%).

The time that has expired since a plant was placed in service shall be determined as of the date that an application is filed with the corporation. ~~for designation of the location as an industrial recovery site under this chapter.~~

SECTION 16. IC 6-3.1-11-3 IS REPEALED [EFFECTIVE JANUARY 1, 2017]. ~~Sec. 3: As used in this chapter, "executive" has the meaning set forth in IC 36-1-2-5.~~

SECTION 17. IC 6-3.1-11-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 5. As used in this chapter, "industrial recovery site" means ~~an industrial recovery site designated under this chapter:~~ **land on which a vacant plant having at least one hundred thousand (100,000) square feet of total floor space:**

(1) exists as of the date an application is filed with the corporation under this chapter; or

(2) existed within five (5) years before the date an application is filed with the corporation under this chapter.

SECTION 18. IC 6-3.1-11-6 IS REPEALED [EFFECTIVE JANUARY 1, 2017]. ~~Sec. 6: As used in this chapter, "legislative body" has the meaning set forth in IC 36-1-2-9.~~

SECTION 19. IC 6-3.1-11-7 IS REPEALED [EFFECTIVE JANUARY 1, 2017]. ~~Sec. 7: As used in this chapter, "municipality" has the meaning set forth in IC 36-1-2-11.~~

SECTION 20. IC 6-3.1-11-15 IS REPEALED [EFFECTIVE JANUARY 1, 2017]. ~~Sec. 15: As used in this chapter, "vacant industrial facility" means a tract of land on which there is located a plant that:~~

~~(1) has:~~

~~(A) for taxable years beginning after December 31, 2010, and beginning before January 1, 2015, at least fifty thousand (50,000) square feet of floor space; or~~

~~(B) for taxable years beginning after December 31, 2014, at least one hundred thousand (100,000) square feet of floor space; and~~

~~(2) was placed in service at least fifteen (15) years ago.~~

SECTION 21. IC 6-3.1-11-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 16. (a) **Subject to entering into an agreement with the corporation under section 19.5 of this chapter and subject to section 21 of this chapter, a taxpayer is entitled to a credit against the taxpayer's state tax liability for a taxable year if the taxpayer makes a qualified investment in that year.**

(b) The amount of the credit to which a taxpayer is entitled is the qualified investment made by the taxpayer during the taxable year multiplied by the applicable percentage.

(c) A taxpayer may assign any part of the credit to which the taxpayer is entitled under this chapter to a lessee of the industrial recovery site. A credit that is assigned under this subsection remains subject to this chapter.

(d) An assignment under subsection (c) must be in writing and both the taxpayer and the lessee must report the assignment on their state tax return for the year in which the assignment is made, in the manner prescribed by the department of state revenue. The taxpayer shall not receive value in connection with the assignment under subsection (c) that exceeds the value of the part of the credit assigned.

SECTION 22. IC 6-3.1-11-18.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 18.5. (a) A taxpayer that proposes to make qualified investments on an industrial recovery site as provided under this chapter may apply to the corporation to enter into an agreement for a tax credit under this chapter.**

(b) The corporation shall prescribe the form of the application.

SECTION 23. IC 6-3.1-11-19, AS AMENDED BY P.L.288-2013, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 19. (a) The corporation shall consider the following factors in evaluating applications filed under this chapter:

(1) The level of distress in the surrounding community caused by the loss of jobs at the ~~vacant industrial facility:~~ **recovery site.**

(2) Evidence of support for the designation by residents, businesses, and private organizations in the surrounding community.

(3) Evidence of a commitment by private or governmental entities to assist in the financing of improvements or redevelopment activities benefiting the ~~vacant industrial facility:~~ **recovery site.**

(4) Whether the industrial recovery site is within an economic revitalization area designated under IC 6-1.1-12.1.

(b) The corporation may not approve an application to receive tax credits under this chapter for qualified investments made on an industrial recovery site described in section 5(2) of this chapter unless the applicant can demonstrate that the plant was not maintained and was removed from the site in an effort to protect the health, safety, and welfare of the community.

SECTION 24. IC 6-3.1-11-19.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 19.5. If the corporation approves an application under this chapter, the corporation shall require the applicant to enter into an agreement with the corporation as a condition of receiving a tax credit under this chapter.**

SECTION 25. IC 6-3.1-20-7, AS AMENDED BY P.L.255-2015, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) The

department shall before July 1 of each year determine **the following:**

(1) The greater of:

(+) **(A)** eight million five hundred thousand dollars (\$8,500,000); or

(-) **(B)** the amount of credits allowed under this chapter for taxable years ending before January 1 of the year.

(2) **The quotient of:**

(A) the amount determined under subdivision (1); divided by

(B) four (4).

(b) Except as provided in subsection (d), one-half (1/2) of the amount determined by the department under subsection ~~(a)~~ **(a)(2)** shall be:

(1) deducted ~~during the year each quarter~~ from the riverboat admissions tax revenue otherwise payable to the county under ~~IC 4-33-12-6(c)(6)~~ **IC 4-33-12-8** and the supplemental distribution otherwise payable to the county under IC 4-33-13-5(g); and

(2) paid instead to the state general fund.

(c) Except as provided in subsection (d), one-sixth (1/6) of the amount determined by the department under subsection ~~(a)~~ **(a)(2)** shall be:

(1) deducted ~~during the year each quarter~~ from the riverboat admissions tax revenue otherwise payable under ~~IC 4-33-12-6(c)(5)~~ **IC 4-33-12-8** and the supplemental distribution otherwise payable under IC 4-33-13-5(g) to each of the following:

(A) The largest city by population located in the county.

(B) The second largest city by population located in the county.

(C) The third largest city by population located in the county; and

(2) paid instead to the state general fund.

(d) If the amount determined by the department under subsection ~~(a)(2)~~ **(a)(1)(B)** is less than eight million five hundred thousand dollars (\$8,500,000), the difference of:

(1) eight million five hundred thousand dollars (\$8,500,000); minus

(2) the amount determined by the department under subsection ~~(a)(2)~~; **(a)(1)(B)**;

shall be paid **in four (4) equal quarterly payments** to the northwest Indiana regional development authority established by IC 36-7.5-2-1 instead of the state general fund. Any amounts paid under this subsection shall be used by the northwest Indiana regional development authority only to establish or improve public mass rail transportation systems in Lake County.

SECTION 26. IC 6-6-1.1-103, AS AMENDED BY P.L.122-2006, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 103. As used in this chapter:

(a) "Administrator" means the administrative head of the department of state revenue or the administrator's designee.

(b) "Dealer" means a person, except a distributor, engaged

in the business of selling gasoline in Indiana.

(c) "Department" means the department of state revenue.

(d) "Distributor" means a person who first receives gasoline in Indiana. However, "distributor" does not include the United States or any of its agencies unless their inclusion is permitted under the Constitution and laws of the United States.

(e) "Licensed distributor" means a person holding a valid distributor's license issued by the administrator.

(f) "Marine facility" means a marina or boat livery.

(g) "Gasoline" means:

(1) all products commonly or commercially known or sold as gasoline, including casinghead and absorption or natural gasoline, regardless of their classifications or uses; and

(2) any liquid, which when subjected to distillation of gasoline, naphtha, kerosene, and similar petroleum products with American Society for Testing Materials Designation D-86, shows not less than ten percent (10%) distilled (recovered) below three hundred forty-seven degrees Fahrenheit (347 degrees F) or one hundred seventy-five degrees Centigrade (175 degrees C), and not less than ninety-five percent (95%) distilled (recovered) below four hundred sixty-four degrees Fahrenheit (464 degrees F) or two hundred forty degrees Centigrade (240 degrees C).

However, the term "gasoline" does not include liquefied gases which would not exist as liquids at a temperature of sixty degrees Fahrenheit (60 degrees F) or sixteen degrees Centigrade (16 degrees C), and a pressure of fourteen and seven-tenths (14.7) pounds per square inch absolute, or denatured, wood, or ethyl alcohol, ether, turpentine, or acetates, unless such product is used as an additive in the manufacture, compounding, or blending of a liquid within subdivision (2) or is otherwise blended with a liquid described in subdivision (2) (including ethanol used in E85), in which event only the quantity so used is considered gasoline. In addition, "gasoline" does not include those liquids which meet the specifications of subdivision (2) but which are especially designated for use other than as a fuel for internal combustion engines. **The term "gasoline" does not include a fuel blend nominally consisting of more than eighty-seven percent (87%) ethanol and less than thirteen percent (13%) gasoline.**

(h) "Motor vehicle" means a vehicle, except a vehicle operated on rails, which is propelled by an internal combustion engine or motor and is designed to permit its mobile use on public highways.

(i) "Person" means a natural person, partnership, firm, association, corporation, limited liability company, representative appointed by a court, or the state or its political subdivisions.

(j) "Public highway" means the entire width between boundary lines of every publicly maintained way in Indiana

including streets and alleys in cities and towns when any part of the way is open to public use for vehicle travel.

(k) "Taxable marine facility" means a marine facility located on an Indiana lake.

(l) "Taxicab" means a motor vehicle which is:

- (1) designed to carry not more than seven (7) individuals, including the driver;
- (2) held out to the public for hire at a fare regulated by municipal ordinance and based upon length of trips or time consumed;
- (3) not operated over a definite route; and
- (4) a part of a commercial enterprise in the business of providing taxicab service.

(m) "Terminal" means a marine or pipeline gasoline facility.

(n) "Metered pump" means a stationary pump having a meter that is capable of measuring the amount of gasoline dispensed through it.

(o) "Billed gallons" means the gallons indicated on an invoice for payment to a supplier.

(p) "Export" for gasoline and fuels taxed in the same manner as gasoline under the origin state's statutes means the sale for export and delivery out of a state by or for the seller that is:

- (1) an export by the seller in the origin state; and
- (2) an import by the seller in the destination state.

(q) "Import" for gasoline and fuels taxed in the same manner as gasoline under the origin state's statutes means the purchase for export and transportation out of a state by or for the purchaser that is:

- (1) an export by the purchaser in the origin state; and
- (2) an import by the purchaser in the destination state.

(r) "Rack" means a dock, platform, or open bay:

- (1) located at a refinery or terminal; and
- (2) having a system of metered pipes and hoses to load fuel into a tank wagon or tank transport.

(s) "E85" means a fuel blend nominally consisting of eighty-five percent (85%) ethanol and fifteen percent (15%) gasoline (as described in subsection (g)(2)) that meets American Society for Testing and Materials standard specification 5798-99 for fuel ethanol for automotive spark-ignition engines (Ed75Ed85).

SECTION 27. IC 6-6-1.1-301 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 301. The following transactions are exempt from the gasoline tax:

- (1) Gasoline exported from Indiana to another state, territory, or foreign country, **including gasoline sold to another person for export from Indiana to another state, territory, or foreign country.**
- (2) Gasoline sold to the United States or an agency or instrumentality thereof.
- (3) Gasoline sold to a post exchange or other concessionaire on a federal reservation within Indiana; however, the post exchange or concessionaire shall collect,

report, and pay to the administrator any tax permitted by federal law on gasoline sold.

(4) Gasoline used by a licensed distributor for any purpose other than the generation of power for the propulsion of motor vehicles upon the public highways.

(5) Gasoline received by a licensed distributor and thereafter lost or destroyed, except by evaporation, shrinkage, or unknown cause, while the distributor is still the owner.

SECTION 28. IC 36-7-14-8, AS AMENDED BY P.L.87-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) The redevelopment commissioners shall hold a meeting for the purpose of organization not later than thirty (30) days after they are appointed and, after that, each year on a day that is not a Saturday, a Sunday, or a legal holiday and that is their first meeting day of the year. They shall choose one (1) of their members as president, another as vice president, and another as secretary. These officers shall perform the duties usually pertaining to their offices and shall serve from the date of their election until their successors are elected and qualified.

(b) The fiscal officer of the unit establishing a redevelopment commission is the treasurer of the redevelopment commission. Notwithstanding any other provision of this chapter, but subject to subsection (c), the treasurer has charge over and is responsible for the administration, investment, and disbursement of all funds and accounts of the redevelopment commission in accordance with the requirements of state laws that apply to other funds and accounts administered by the fiscal officer. The treasurer shall report annually to the redevelopment commission before April 1.

(c) The treasurer of the redevelopment commission may disburse funds of the redevelopment commission only after the redevelopment commission allows and approves the disbursement. However, the redevelopment commission may, by rule or resolution, authorize the treasurer to make certain types of disbursements before the redevelopment commission's allowance and approval at its next regular meeting.

(d) The following apply to funds of the redevelopment commission:

(1) The funds must be maintained and accounted for separately and may not be commingled with any assets or funds of the unit that established the redevelopment commission or of any other political subdivision.

(2) The funds:

(A) may not be transferred to any accounts or funds established by or for the unit that established the redevelopment commission or any other political subdivision; and

(B) except in the case of reimbursements specifically authorized by law, may not be used to pay for expenses of the unit that established the redevelopment commission or for expenses of any other political subdivision.

~~(e)~~ (e) The redevelopment commissioners may adopt the rules and bylaws they consider necessary for the proper conduct of

their proceedings, the carrying out of their duties, and the safeguarding of the money and property placed in their custody by this chapter. In addition to the annual meeting, the commissioners may, by resolution or in accordance with their rules and bylaws, prescribe the date and manner of notice of other regular or special meetings.

(e) (f) This subsection does not apply to a county redevelopment commission that consists of seven (7) members. Three (3) of the redevelopment commissioners constitute a quorum, and the concurrence of three (3) commissioners is necessary to authorize any action.

(f) (g) This subsection applies only to a county redevelopment commission that consists of seven (7) members. Four (4) of the redevelopment commissioners constitute a quorum, and the concurrence of four (4) commissioners is necessary to authorize any action.

SECTION 29. IC 36-7-14-13, AS AMENDED BY P.L.87-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. (a) Not later than April 15 of each year, the redevelopment commissioners or their designees shall file with the unit's executive and fiscal body a report setting out their activities during the preceding calendar year.

(b) The report of the commissioners of a municipal redevelopment commission must show the names of the then qualified and acting commissioners, the names of the officers of that body, the number of regular employees and their fixed salaries or compensation, the amount of the expenditures made during the preceding year and their general purpose, an accounting of the tax increment revenues expended by any entity receiving the tax increment revenues as a grant or loan from the commission, the amount of funds on hand at the close of the calendar year, and other information necessary to disclose the activities of the commissioners and the results obtained.

(c) The report of the commissioners of a county redevelopment commission must show all the information required by subsection (b), plus the names of any commissioners appointed to or removed from office during the preceding calendar year.

(d) A copy of each report filed under this section must be submitted to the department of local government finance in an electronic format.

(e) The report required under subsection (a) must also include the following information set forth for each tax increment financing district regarding the previous year:

- (1) Revenues received.
- (2) Expenses paid.
- (3) Fund balances.
- (4) The amount and maturity date for all outstanding obligations.
- (5) The amount paid on outstanding obligations.
- (6) A list of all the parcels included in each tax increment financing district allocation area and the base assessed value and incremental assessed value for each parcel in the

list.

(7) To the extent that the following information has not previously been provided to the department of local government finance:

(A) The year in which the tax increment financing district was established.

(B) The section of the Indiana Code under which the tax increment financing district was established.

(C) Whether the tax increment financing district is part of an area needing redevelopment, an economic development area, a redevelopment project area, or an urban renewal project area.

(D) If applicable, the year in which the boundaries of the tax increment financing district were changed and a description of those changes.

(E) The date on which the tax increment financing district will expire.

(F) A copy of each resolution adopted by the redevelopment commission that establishes or alters the tax increment financing district.

(f) A redevelopment commission and a department of redevelopment are subject to the same laws, rules, and ordinances of a general nature that apply to all other commissions or departments of the unit.

SECTION 30. IC 36-7-15.1-3.5, AS AMENDED BY P.L.87-2015, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3.5. (a) The controller of the consolidated city is the fiscal officer of a commission subject to this chapter.

(b) The controller may obtain financial services on a contractual basis for purposes of carrying out the powers and duties of the commission and protecting the public interests related to the operations and funding of the commission. Subject to subsection (c), the controller has charge over and is responsible for the administration, investment, and disbursement of all funds and accounts of the commission in accordance with the requirements of state law that apply to other funds and accounts administered by the controller.

(c) The controller may disburse funds of the commission only after the commission allows and approves the disbursement. However, the commission may, by rule or resolution, authorize the controller to make certain types of disbursements before the commission's allowance and approval at its next regular meeting.

(d) The following apply to funds of the redevelopment commission:

(1) The funds must be maintained and accounted for separately and may not be commingled with any assets or funds of the unit that established the redevelopment commission or of any other political subdivision.

(2) The funds:

(A) may not be transferred to any accounts or funds established by or for the unit that established the redevelopment commission or any other political subdivision; and

(B) except in the case of reimbursements specifically

authorized by law, may not be used to pay for expenses of the unit that established the redevelopment commission or of any other political subdivision.

SECTION 31. IC 36-7-15.1-36.3, AS AMENDED BY P.L.87-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 36.3. (a) Not later than April 15 of each year, the commission or its designee shall file with the mayor and the fiscal body a report setting out the commission's activities during the preceding calendar year.

(b) The report required by subsection (a) must show the names of the then qualified and acting commissioners, the names of the officers of that body, the number of regular employees and their fixed salaries or compensation, the amount of the expenditures made during the preceding year and their general purpose, an accounting of the tax increment revenues expended by any entity receiving the tax increment revenues as a grant or loan from the commission, the amount of funds on hand at the close of the calendar year, and other information necessary to disclose the activities of the commission and the results obtained.

(c) A copy of each report filed under this section must be submitted to the department of local government finance in an electronic format.

(d) The report required under subsection (a) must also include the following information set forth for each tax increment financing district regarding the previous year:

- (1) Revenues received.
- (2) Expenses paid.
- (3) Fund balances.
- (4) The amount and maturity date for all outstanding obligations.
- (5) The amount paid on outstanding obligations.
- (6) A list of all the parcels included in each tax increment financing district allocation area and the base assessed value and incremental assessed value for each parcel in the list.
- (7) **To the extent that the following information has not previously been provided to the department of local government finance:**

(A) The year in which the tax increment financing district was established.

(B) The section of the Indiana Code under which the tax increment financing district was established.

(C) Whether the tax increment financing district is part of an area needing redevelopment, an economic development area, a redevelopment project area, or an urban renewal project area.

(D) If applicable, the year in which the boundaries of the tax increment financing district were changed and a description of those changes.

(E) The date on which the tax increment financing district will expire.

(F) A copy of each resolution adopted by the redevelopment commission that establishes or alters the tax increment financing district.

SECTION 32. IC 36-7.5-1-10, AS AMENDED BY P.L.192-2015, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. "Economic development project" means the following:

(1) An economic development project described in any of the following:

- (A) IC 36-7.5-2-1(2), ~~or~~ IC 36-7.5-2-1(3), **or IC 36-7.5-2-1(4).**
- (B) IC 36-7.5-3-1(2) or IC 36-7.5-3-1(4).
- (C) The Marquette Plan.

(2) A dredging, sediment removal, or channel improvement project.

SECTION 33. IC 36-7.5-2-1, AS AMENDED BY P.L.192-2015, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. The northwest Indiana regional development authority is established as a separate body corporate and politic to carry out the purposes of this article by:

(1) acquiring, constructing, equipping, owning, leasing, and financing projects and facilities for lease to or for the benefit of eligible political subdivisions under this article in accordance with IC 36-7.5-3-1.5;

(2) funding and developing the Gary/Chicago International Airport expansion and other airport authority projects, commuter transportation district and other rail projects and services, regional bus authority projects and services, regional transportation authority projects and services, Lake Michigan marina and shoreline development projects and activities, and economic development projects in northwestern Indiana; ~~and~~

(3) assisting with the funding of infrastructure needed to sustain development of an intermodal facility in northwestern Indiana; ~~and~~

(4) funding and carrying out destination based economic development projects that:

(A) fill a market opportunity in the greater Chicago area, as determined by a credible market study approved by the Indiana finance authority;

(B) derive significant capital investment from nongovernmental sources;

(C) derive significant investment or incentives from a host municipality, if the project is in a municipality;

(D) have a significant and quantifiable impact on the regional economy; and

(E) generate:

(i) substantial job creation in the region;

(ii) substantial new investment in the region; or

(iii) both substantial job creation in the region and substantial new investment in the region.

SECTION 34. IC 36-7.5-3-2, AS AMENDED BY P.L.197-2011, SECTION 152, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) The development authority may do any of the following:

- (1) Finance, improve, construct, reconstruct, renovate, purchase, lease, acquire, and equip land and projects located in an eligible county or eligible municipality.
- (2) Lease land or a project to an eligible political subdivision.
- (3) Finance and construct additional improvements to projects or other capital improvements owned by the development authority and lease them to or for the benefit of an eligible political subdivision.
- (4) Acquire land or all or a portion of one (1) or more projects from an eligible political subdivision by purchase or lease and lease the land or projects back to the eligible political subdivision, with any additional improvements that may be made to the land or projects.
- (5) Acquire all or a portion of one (1) or more projects from an eligible political subdivision by purchase or lease to fund or refund indebtedness incurred on account of the projects to enable the eligible political subdivision to make a savings in debt service obligations or lease rental obligations or to obtain relief from covenants that the eligible political subdivision considers to be unduly burdensome.
- (6) Make loans, loan guarantees, and grants or provide other financial assistance to or on behalf of the following:
 - (A) A commuter transportation district.
 - (B) An airport authority or airport development authority.
 - (C) The Lake Michigan marina and shoreline development commission.
 - (D) A regional bus authority. A loan, loan guarantee, grant, or other financial assistance under this clause may be used by a regional bus authority for acquiring, improving, operating, maintaining, financing, and supporting the following:
 - (i) Bus services (including fixed route services and flexible or demand-responsive services) that are a component of a public transportation system.
 - (ii) Bus terminals, stations, or facilities or other regional bus authority projects.
 - (E) A regional transportation authority.
 - (F) A member municipality that is eligible to make an appointment to the development board under IC 36-7.5-2-3(b)(2) and is compliant with the revenue transfer requirements specified in IC 36-7.5-4-2. However, a loan made to such a member municipality before June 30, 2016, under this clause must have a term of not more than ten (10) years and must have a market based interest rate.**
- (7) Provide funding to assist a railroad that is providing commuter transportation services in an eligible county or eligible municipality.
- (8) Provide funding to assist an airport authority located in an eligible county or eligible municipality in the construction, reconstruction, renovation, purchase, lease, acquisition, and equipping of an airport facility or airport

project.

- (9) Provide funding to assist in the development of an intermodal facility to facilitate the interchange and movement of freight.
- (10) Provide funding to assist the Lake Michigan marina and shoreline development commission in carrying out the purposes of IC 36-7-13.5.
- (11) Provide funding for economic development projects in an eligible county or eligible municipality.
- (12) Hold, use, lease, rent, purchase, acquire, and dispose of by purchase, exchange, gift, bequest, grant, condemnation, lease, or sublease, on the terms and conditions determined by the development authority, any real or personal property located in an eligible county or eligible municipality.
- (13) After giving notice, enter upon any lots or lands for the purpose of surveying or examining them to determine the location of a project.
- (14) Make or enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this article.
- (15) Sue, be sued, plead, and be impleaded.
- (16) Design, order, contract for, and construct, reconstruct, and renovate a project or improvements to a project.
- (17) Appoint an executive director and employ appraisers, real estate experts, engineers, architects, surveyors, attorneys, accountants, auditors, clerks, construction managers, and any consultants or employees that are necessary or desired by the development authority in exercising its powers or carrying out its duties under this article.
- (18) Accept loans, grants, and other forms of financial assistance from the federal government, the state government, a political subdivision, or any other public or private source.
- (19) Use the development authority's funds to match federal grants or make loans, loan guarantees, or grants to carry out the development authority's powers and duties under this article.
- (20) Except as prohibited by law, take any action necessary to carry out this article.
 - (b) If the development authority is unable to agree with the owners, lessees, or occupants of any real property selected for the purposes of this article, the development authority may proceed under IC 32-24-1 to procure the condemnation of the property. The development authority may not institute a proceeding until it has adopted a resolution that:
 - (1) describes the real property sought to be acquired and the purpose for which the real property is to be used;
 - (2) declares that the public interest and necessity require the acquisition by the development authority of the property involved; and
 - (3) sets out any other facts that the development authority considers necessary or pertinent.

The resolution is conclusive evidence of the public necessity of the proposed acquisition.

SECTION 35. IC 36-7.5-3-1.5, AS ADDED BY P.L.192-2015, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.5. (a) This section applies to revenue received by the authority to the extent that the revenue has not been pledged or otherwise obligated to pay bonds or leases entered into before July 1, 2015.

(b) The authority may expend money received under this article to fund economic development projects only to the extent that:

(1) the development board finds that the economic development project is **a destination based economic development project described in IC 36-7.5-2-1(4) or is consistent with:**

(A) a duty imposed upon the development authority under section 1(2) or 1(4) of this chapter; or
(B) the Marquette Plan; and

(2) funding the project is reviewed by the state budget committee under subsection (c).

(c) The development board shall submit to the state budget committee for review and comment any proposal to fund an economic development project **(including any destination based economic development project)** under this article. The state budget committee shall review any proposal received under this subsection and may request that the authority appear at a public meeting of the state budget committee concerning the funding proposal.

SECTION 36. [EFFECTIVE UPON PASSAGE] (a) **As used in this SECTION, "legislative council" refers to the legislative council created by IC 2-5-1.1-1.**

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

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

(2) **An interim study committee.**

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

(1) **Whether a heavy equipment vehicle excise tax, instead of the property tax, should be imposed on certain heavy equipment vehicles.**

(2) **The appropriate amount of the fee that should be charged for the registration of a logging vehicle that:**

(A) **is used to harvest logs or timber;**

(B) **is used to process or load harvested logs or timber; or**

(C) **is transported to a logging site specifically for the purpose of building or maintaining a road at the logging site.**

(d) **If a topic described in subsection (c) is assigned to a study committee, the study committee shall issue a final report on the topic to the legislative council in an electronic format under IC 5-14-6 not later than November 1, 2016.**

(e) **This SECTION expires December 31, 2016."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1290 as reprinted February 3, 2016.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred House Bill 1322, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 96, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 153. IC 33-40-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. ~~The division of state court administration of the supreme court commission shall provide general hire staff to support to the commission. The division of state court administration commission may enter into contracts for any additional staff support that the division commission determines is necessary to implement this section.~~"

Renumber all SECTIONS consecutively.

(Reference is to HB 1322 as reprinted January 26, 2016.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education & Career Development, to which was referred House Bill 1330, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health & Provider Services, to which was referred House Bill 1337, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 2. IC 16-18-2-18.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 18.5. "Any other disability", for purposes of IC 16-34, has the meaning set forth in IC 16-34-4-1.**

SECTION 3. IC 16-18-2-100.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 100.5. "Down syndrome", for purposes of IC 16-34, has the meaning set forth in IC 16-34-4-2."**

Page 2, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 5. IC 16-18-2-201.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 201.5. "Lethal fetal anomaly", for purposes of IC 16-25-4.5 and IC 16-34, has the meaning set forth in IC 16-25-4.5-2."**

Page 2, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 7. IC 16-18-2-273.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 273.5. "Perinatal hospice", for purposes of IC 16-25-4.5 and IC 16-34, has the meaning set forth in IC 16-25-4.5-3.**

SECTION 8. IC 16-18-2-287.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 287.9. "Potential diagnosis", for purposes of IC 16-34, has the meaning set forth in IC 16-34-4-3.**

SECTION 9. IC 16-18-2-328.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 328.6. "Sex selective abortion", for purposes of IC 16-34-4, has the meaning set forth in IC 16-34-4-4."**

Page 3, line 2, after "The" insert "burial transit permit".

Page 3, line 4, delete "However," and insert "However:

(1) a person is not required to designate a name for the miscarried fetus on the burial transit permit and the space for a name may remain blank; and

(2)".

Page 3, between lines 7 and 8, begin a new line blocked left and insert:

"Miscarried fetuses may be cremated by simultaneous cremation."

Page 3, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 12. IC 16-25-4.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 4.5. Perinatal Hospice

Sec. 1. The purpose of this chapter is to ensure that:

- (1) women considering abortion after receiving a diagnosis of a lethal fetal anomaly are informed of the availability of perinatal hospice care; and**
- (2) women choosing abortion after receiving a diagnosis of a lethal fetal anomaly are making a fully informed decision.**

Sec. 2. As used in this chapter, "lethal fetal anomaly" means a fetal condition diagnosed before birth that, if the pregnancy results in a live birth, will with reasonable certainty result in the death of the child not more than three (3) months after the child's birth.

Sec. 3. As used in this chapter, "perinatal hospice" means the provision of comprehensive, supportive care to a pregnant woman and her family beginning with the diagnosis of a lethal fetal anomaly and continuing through the live birth and death of the woman's child as a result of the lethal fetal anomaly. The term includes counseling and medical care provided by maternal-fetal medical specialists, obstetricians, neonatologists, anesthesia specialists, specialty nurses, clergy, social workers, and others that are focused on alleviating fear and ensuring that the woman and her family experience the life and death of the child in a comfortable and supportive environment.

Sec. 4. (a) The state department shall develop a perinatal hospice brochure and post the perinatal hospice brochure on the state department's Internet web site.

(b) The perinatal brochure developed under this section must include the following:

- (1) A description of the health care and other services available from perinatal hospice.**
- (2) Information that medical assistance benefits may be available for prenatal care, childbirth, and perinatal hospice.**
- (3) Information regarding telephone 211 dialing code services for accessing grief counseling and other human services as described in IC 8-1-19.5, and the types of services that are available through this service.**

Sec. 5. The state department shall develop and regularly update a list of all perinatal hospice providers and programs in Indiana. The state department may include on the list perinatal hospice providers and programs in other states that provide care to Indiana residents. The state department shall post the list of perinatal hospice providers and programs on the state department's Internet web site.

Sec. 6. (a) The state department shall develop a form on which a pregnant woman certifies, at the time of receiving a diagnosis that the pregnant woman's unborn child has a lethal fetal anomaly, that the pregnant woman has received the following:

- (1) A copy of the perinatal hospice brochure developed under this chapter.**
- (2) A list of the perinatal hospice providers and programs developed under section 5 of this chapter.**

(b) The provider diagnosing the pregnant woman's unborn child with the lethal fetal anomaly shall, at the time of diagnosis:

- (1) provide the pregnant woman with a written copy of:**
 - (A) the perinatal brochure developed under this chapter; and**
 - (B) the certification form developed by the state department under subsection (a); and**
- (2) have the pregnant woman complete the certification form.**

Sec. 7. This chapter is severable as specified in IC 1-1-1-8. SECTION 13. IC 16-34-2-1, AS AMENDED BY P.L.136-2013, SECTION 5, IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) Abortion shall in all instances be a criminal act, except when performed under the following circumstances:

(1) **Except as prohibited in IC 16-34-4**, during the first trimester of pregnancy for reasons based upon the professional, medical judgment of the pregnant woman's physician if:

(A) the abortion is performed by the physician;

(B) the woman submitting to the abortion has filed her consent with her physician. However, if in the judgment of the physician the abortion is necessary to preserve the life of the woman, her consent is not required; and

(C) the woman submitting to the abortion has filed with her physician the written consent of her parent or legal guardian if required under section 4 of this chapter.

However, an abortion inducing drug may not be dispensed, prescribed, administered, or otherwise given to a pregnant woman after nine (9) weeks of postfertilization age unless the Food and Drug Administration has approved the abortion inducing drug to be used for abortions later than nine (9) weeks of postfertilization age. A physician shall examine a pregnant woman in person before prescribing or dispensing an abortion inducing drug. As used in this subdivision, "in person" does not include the use of telehealth or telemedicine services.

(2) **Except as prohibited by IC 16-34-4**, for an abortion performed by a surgical procedure, after the first trimester of pregnancy and before the earlier of viability of the fetus or twenty (20) weeks of postfertilization age, for reasons based upon the professional, medical judgment of the pregnant woman's physician if:

(A) all the circumstances and provisions required for legal abortion during the first trimester are present and adhered to; and

(B) the abortion is performed in a hospital or ambulatory outpatient surgical center (as defined in IC 16-18-2-14).

(3) Except as provided in subsection (b) **or as prohibited by IC 16-34-4**, and for an abortion performed by a surgical procedure, at the earlier of viability of the fetus or twenty (20) weeks of postfertilization age and any time after, for reasons based upon the professional, medical judgment of the pregnant woman's physician if:

(A) all the circumstances and provisions required for legal abortion before the earlier of viability of the fetus or twenty (20) weeks of postfertilization age are present and adhered to;

(B) the abortion is performed in compliance with section 3 of this chapter; and

(C) before the abortion the attending physician shall certify in writing to the hospital in which the abortion is to be performed, that in the attending physician's professional, medical judgment, after proper examination and review of the woman's history, the abortion is necessary to prevent a substantial permanent

impairment of the life or physical health of the pregnant woman. All facts and reasons supporting the certification shall be set forth by the physician in writing and attached to the certificate.

(b) A person may not knowingly or intentionally perform a partial birth abortion unless a physician reasonably believes that:

(1) performing the partial birth abortion is necessary to save the mother's life; and

(2) no other medical procedure is sufficient to save the mother's life."

Page 3, line 23, reset in roman "(a)".

Page 4, between lines 34 and 35, begin a new line double block indented and insert:

"(K) That Indiana does not allow a fetus to be aborted solely because of the fetus's race, color, national origin, ancestry, sex, or diagnosis or potential diagnosis of the fetus having Down syndrome or any other disability."

Page 6, between lines 35 and 36, begin a new paragraph and insert:

"(b) This subsection applies to a pregnant woman whose unborn child has been diagnosed with a lethal fetal anomaly. The requirements of this subsection are in addition to the other requirements of this section. At least eighteen (18) hours before an abortion is performed on the pregnant woman, the physician who will perform the abortion shall:

(1) orally and in person, inform the pregnant woman of the availability of perinatal hospice services; and

(2) provide the pregnant woman copies of the perinatal hospice brochure developed by the state department under IC 16-25-4.5-4 and the list of perinatal hospice providers and programs developed under IC 16-25-4.5-5, by printing the perinatal hospice brochure and list of perinatal hospice providers from the state department's Internet web site.

(c) If a pregnant woman described in subsection (b) chooses to have an abortion rather than continuing the pregnancy in perinatal hospice care, the pregnant woman shall certify in writing, on a form developed by the state department under IC 16-25-4.5-6, at least eighteen (18) hours before the abortion is performed, that the pregnant woman has been provided the information described in subsection (b) in the manner required by subsection (b)."

Page 7, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 15. IC 16-34-2-5, AS AMENDED BY P.L.92-2015, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) Every health care provider who performs a surgical abortion or provides, prescribes, administers, or dispenses an abortion inducing drug for the purposes of inducing an abortion shall report the performance of the abortion or the provision, prescribing, administration, or dispensing of an abortion inducing drug on a form drafted by the state department, the purpose and function of which shall be the improvement of maternal health

and life through the compilation of relevant maternal life and health factors and data, and a further purpose and function shall be to monitor all abortions performed in Indiana to assure the abortions are done only under the authorized provisions of the law. For each abortion performed and abortion inducing drug provided, prescribed, administered, or dispensed, the report shall include, among other things, the following:

- (1) The age of the patient.
- (2) The date and location the abortion was performed or the abortion inducing drug was provided, prescribed, administered, or dispensed.
- (3) The health care provider's full name and address, including the name of the physicians performing the abortion or providing, prescribing, administering, or dispensing the abortion inducing drug.
- (4) The name of the father if known.
- (5) The age of the father, or the approximate age of the father if the father's age is unknown.
- (6) **The following information concerning the abortion or the provision, prescribing, administration, or dispensing of the abortion inducing drug:**
 - (A) **The postfertilization age of the fetus.**
 - (B) **The manner in which the postfertilization age was determined. and;**
 - (C) **The gender of the fetus, if detectable.**
 - (D) **Whether the fetus has been diagnosed with or has a potential diagnosis of having Down syndrome or any other disability.**
 - (E) **If after the earlier of the time the fetus obtains viability or the time the postfertilization age of the fetus is at least twenty (20) weeks, the medical reason for the performance of the abortion or the provision, prescribing, administration, or dispensing of the abortion inducing drug.**
- (7) For a surgical abortion, the medical procedure used for the abortion and, if the fetus was viable or had a postfertilization age of at least twenty (20) weeks:
 - (A) whether the procedure, in the reasonable judgment of the health care provider, gave the fetus the best opportunity to survive; and
 - (B) the basis for the determination that the pregnant woman had a condition described in this chapter that required the abortion to avert the death of or serious impairment to the pregnant woman.
- (8) For a nonsurgical abortion, the precise drugs provided, prescribed, administered, or dispensed, and the means of delivery of the drugs to the patient.
- (9) **For an early pre-viability termination, the medical indication by diagnosis code for the fetus and the mother.**
- ~~(9)~~ (10) The mother's obstetrical history, including dates of other abortions, if any.
- ~~(10)~~ (11) The results of pathological examinations if performed.

~~(11)~~ (12) For a surgical abortion, whether the fetus was delivered alive, and if so, how long the fetus lived.

~~(12)~~ (13) Records of all maternal deaths occurring at the location where the abortion was performed or the abortion inducing drug was provided, prescribed, administered, or dispensed.

~~(13)~~ (14) The date the form was transmitted to the state department and, if applicable, separately to the department of child services.

(b) The health care provider shall complete the form provided for in subsection (a) and shall transmit the completed form to the state department, in the manner specified on the form, not later than July 30 for each abortion occurring in the first six (6) months of that year and not later than January 30 for each abortion occurring in the last six (6) months of the preceding year. However, if an abortion is for a female who is less than fourteen (14) years of age, the health care provider shall transmit the form to the state department of health and separately to the department of child services within three (3) days after the abortion is performed.

(c) The dates supplied on the form may not be redacted for any reason before the form is transmitted as provided in this section.

(d) Each failure to complete or timely transmit a form, as required under this section, for each abortion performed or abortion inducing drug that was provided, prescribed, administered, or dispensed, is a Class B misdemeanor.

(e) Not later than June 30 of each year, the state department shall compile a public report providing the following:

(1) Statistics for the previous calendar year from the information submitted under this section.

(2) Statistics for previous calendar years compiled by the state department under this subsection, with updated information for the calendar year that was submitted to the state department after the compilation of the statistics.

The state department shall ensure that no identifying information of a pregnant woman is contained in the report."

Page 9, line 8, after "The" insert "**burial transit permit**".

Page 9, line 11, delete "However," and insert "**However:**

(1) a person is not required to designate a name for the aborted fetus on the burial transit permit and the space for a name may remain blank; and

(2)".

Page 9, between lines 14 and 15, begin a new line blocked left and insert:

"Aborted fetuses may be cremated by simultaneous cremation."

Page 9, between lines 24 and 25, begin a new paragraph and insert:

"SECTION 20. IC 16-34-4 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 4. Sex Selective and Disability Abortion Ban
Sec. 1. (a) As used in this chapter, "any other disability"

means any disease, defect, or disorder that is genetically inherited. The term includes the following:

- (1) A physical disability.
- (2) A mental or intellectual disability.
- (3) A physical disfigurement.
- (4) Scoliosis.
- (5) Dwarfism.
- (6) Down syndrome.
- (7) Albinism.
- (8) Amelia.
- (9) A physical or mental disease.

(b) The term does not include a lethal fetal anomaly.

Sec. 2. As used in this chapter, "Down syndrome" means a chromosomal disorder associated with an extra chromosome 21 or an effective trisomy for chromosome 21.

Sec. 3. As used in this chapter, "potential diagnosis" refers to the presence of some risk factors that indicate that a health problem may occur.

Sec. 4. As used in this chapter, "sex selective abortion" means an abortion that is performed solely because of the sex of the fetus.

Sec. 5. (a) A person may not intentionally perform or attempt to perform an abortion before the earlier of viability of the fetus or twenty (20) weeks of postfertilization age if the person knows that the pregnant woman is seeking a sex selective abortion.

(b) A person may not intentionally perform or attempt to perform an abortion after viability of the fetus or twenty (20) weeks of postfertilization age if the person knows that the pregnant woman is seeking a sex selective abortion.

(c) This section is severable as specified in IC 1-1-1-8.

Sec. 6. (a) A person may not intentionally perform or attempt to perform an abortion before the earlier of viability of the fetus or twenty (20) weeks of postfertilization age if the person knows that the pregnant woman is seeking the abortion solely because the fetus has been diagnosed with Down syndrome or has a potential diagnosis of Down syndrome.

(b) A person may not intentionally perform or attempt to perform an abortion after viability of the fetus or twenty (20) weeks of postfertilization age if the person knows that the pregnant woman is seeking the abortion solely because the fetus has been diagnosed with Down syndrome or has a potential diagnosis of Down syndrome.

(c) This section is severable as specified in IC 1-1-1-8.

Sec. 7. (a) A person may not intentionally perform or attempt to perform an abortion before the earlier of viability of the fetus or twenty (20) weeks of postfertilization age if the person knows that the pregnant woman is seeking the abortion solely because the fetus has been diagnosed with any other disability or has a potential diagnosis of any other disability.

(b) A person may not intentionally perform or attempt to perform an abortion after viability of the fetus or twenty (20) weeks of postfertilization age if the person knows that the

pregnant woman is seeking the abortion solely because the fetus has been diagnosed with any other disability or has a potential diagnosis of any other disability.

(c) This section is severable as specified in IC 1-1-1-8.

Sec. 8. (a) A person may not intentionally perform or attempt to perform an abortion before the earlier of viability of the fetus or twenty (20) weeks of postfertilization age if the person knows that the pregnant woman is seeking the abortion solely because of the race, color, national origin, or ancestry of the fetus.

(b) A person may not intentionally perform or attempt to perform an abortion after viability of the fetus or twenty (20) weeks of postfertilization age if the person knows that the pregnant woman is seeking the abortion solely because of the race, color, national origin, or ancestry of the fetus.

(c) This section is severable as specified in IC 1-1-1-8.

Sec. 9. (a) A person who knowingly or intentionally performs an abortion in violation of this chapter may be subject to:

- (1) disciplinary sanctions under IC 25-1-9; and
- (2) civil liability for wrongful death.

(b) A pregnant woman upon whom an abortion is performed in violation of this chapter may not be prosecuted for violating or conspiring to violate this chapter."

Page 10, line 25, after "include" delete "a" and insert "an aborted".

Page 10, line 34, after "include" delete "a" and insert "an aborted".

Page 11, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 25. IC 22-9-1-3, AS AMENDED BY P.L.136-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. As used in this chapter:

(a) "Person" means one (1) or more individuals, partnerships, associations, organizations, limited liability companies, corporations, labor organizations, cooperatives, legal representatives, trustees, trustees in bankruptcy, receivers, and other organized groups of persons.

(b) "Commission" means the civil rights commission created under section 4 of this chapter.

(c) "Director" means the director of the civil rights commission.

(d) "Deputy director" means the deputy director of the civil rights commission.

(e) "Commission attorney" means the deputy attorney general, such assistants of the attorney general as may be assigned to the commission, or such other attorney as may be engaged by the commission.

(f) "Consent agreement" means a formal agreement entered into in lieu of adjudication.

(g) "Affirmative action" means those acts that the commission determines necessary to assure compliance with the Indiana civil rights law.

(h) "Employer" means the state or any political or civil subdivision thereof and any person employing six (6) or more persons within the state, except that the term "employer" does not include:

- (1) any nonprofit corporation or association organized exclusively for fraternal or religious purposes;
- (2) any school, educational, or charitable religious institution owned or conducted by or affiliated with a church or religious institution; or
- (3) any exclusively social club, corporation, or association that is not organized for profit.

(i) "Employee" means any person employed by another for wages or salary. However, the term does not include any individual employed:

- (1) by the individual's parents, spouse, or child; or
- (2) in the domestic service of any person.

(j) "Labor organization" means any organization that exists for the purpose in whole or in part of collective bargaining or of dealing with employers concerning grievances, terms, or conditions of employment or for other mutual aid or protection in relation to employment.

(k) "Employment agency" means any person undertaking with or without compensation to procure, recruit, refer, or place employees.

(l) "Discriminatory practice" means:

- (1) the exclusion of a person from equal opportunities because of race, religion, color, sex, disability, national origin, ancestry, or status as a veteran;
- (2) a system that excludes persons from equal opportunities because of race, religion, color, sex, disability, national origin, ancestry, or status as a veteran;
- (3) the promotion of racial segregation or separation in any manner, including but not limited to the inducing of or the attempting to induce for profit any person to sell or rent any dwelling by representations regarding the entry or prospective entry in the neighborhood of a person or persons of a particular race, religion, color, sex, disability, national origin, or ancestry; ~~or~~
- (4) a violation of IC 22-9-5 that occurs after July 25, 1992, and is committed by a covered entity (as defined in IC 22-9-5-4);

(5) the performance of an abortion solely because of the race, color, sex, disability, national origin, or ancestry of the fetus; or

(6) a violation of any of the following statutes protecting the right of conscience regarding abortion:

- (A) IC 16-34-1-4.
- (B) IC 16-34-1-5.
- (C) IC 16-34-1-6.

Every discriminatory practice relating to the acquisition or sale of real estate, education, public accommodations, employment, or the extending of credit (as defined in IC 24-4.5-1-301.5) shall be considered unlawful unless it is specifically exempted by this chapter.

(m) "Public accommodation" means any establishment that

caters or offers its services or facilities or goods to the general public.

(n) "Complainant" means:

- (1) any individual charging on the individual's own behalf to have been personally aggrieved by a discriminatory practice; or
- (2) the director or deputy director of the commission charging that a discriminatory practice was committed against a person (other than the director or deputy director) or a class of people, in order to vindicate the public policy of the state (as defined in section 2 of this chapter).

(o) "Complaint" means any written grievance that is:

- (1) sufficiently complete and filed by a complainant with the commission; or
- (2) filed by a complainant as a civil action in the circuit or superior court having jurisdiction in the county in which the alleged discriminatory practice occurred.

The original of any complaint filed under subdivision (1) shall be signed and verified by the complainant.

(p) "Sufficiently complete" refers to a complaint that includes:

- (1) the full name and address of the complainant;
- (2) the name and address of the respondent against whom the complaint is made;
- (3) the alleged discriminatory practice and a statement of particulars thereof;
- (4) the date or dates and places of the alleged discriminatory practice and if the alleged discriminatory practice is of a continuing nature the dates between which continuing acts of discrimination are alleged to have occurred; and
- (5) a statement as to any other action, civil or criminal, instituted in any other form based upon the same grievance alleged in the complaint, together with a statement as to the status or disposition of the other action.

No complaint shall be valid unless filed within one hundred eighty (180) days from the date of the occurrence of the alleged discriminatory practice.

(q) "Sex" as it applies to segregation or separation in this chapter applies to all types of employment, education, public accommodations, and housing. However:

- (1) it shall not be a discriminatory practice to maintain separate restrooms;
- (2) it shall not be an unlawful employment practice for an employer to hire and employ employees, for an employment agency to classify or refer for employment any individual, for a labor organization to classify its membership or to classify or refer for employment any individual, or for an employer, labor organization, or joint labor management committee controlling apprenticeship or other training or retraining programs to admit or employ any other individual in any program on the basis of sex in those certain instances where sex is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise;

and

(3) it shall not be a discriminatory practice for a private or religious educational institution to continue to maintain and enforce a policy of admitting students of one (1) sex only.

(r) "Disabled" or "disability" means the physical or mental condition of a person that constitutes a substantial disability. In reference to employment under this chapter, "disabled or disability" also means the physical or mental condition of a person that constitutes a substantial disability unrelated to the person's ability to engage in a particular occupation.

(s) "Veteran" means:

- (1) a veteran of the armed forces of the United States;
- (2) a member of the Indiana National Guard; or
- (3) a member of a reserve component.

SECTION 26. IC 23-14-31-39 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 39. (a) **Except as provided in IC 16-21-11-6 and IC 16-34-3-4**, a crematory authority shall not perform the simultaneous cremation of the human remains of more than one (1) individual within the same cremation chamber unless it has obtained the prior written consent of the authorizing agents.

(b) Subsection (a) does not prevent the simultaneous cremation within the same cremation chamber of body parts delivered to the crematory authority from multiple sources, or the use of cremation equipment that contains more than one (1) cremation chamber.

SECTION 27. IC 35-46-5-1, AS AMENDED BY P.L.158-2013, SECTION 570, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. ~~(a) As used in this section, "fetal tissue" means tissue from an infant or a fetus who is stillborn or aborted.~~

~~(b)~~ (a) As used in this section, "human organ" means the kidney, liver, heart, lung, cornea, eye, bone marrow, bone, pancreas, or skin of a human body.

~~(c)~~ (b) As used in this section, "item of value" means money, real estate, funeral related services, and personal property. "Item of value" does not include:

- (1) the reasonable payments associated with the removal, transportation, implantation, processing, preservation, quality control, and storage of a human organ; or
- (2) the reimbursement of travel, housing, lost wages, and other expenses incurred by the donor of a human organ related to the donation of the human organ.

~~(d)~~ (c) A person who intentionally acquires, receives, sells, or transfers, in exchange for an item of value,

- ~~(1)~~ a human organ for use in human organ transplantation
or
- ~~(2)~~ fetal tissue;

commits unlawful transfer of human ~~tissue~~; **organs**, a Level 5 felony.

SECTION 28. IC 35-46-5-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.5. (a) **As used in this section, "aborted" means the termination of human**

pregnancy with an intention other than to produce a live birth or to remove a dead fetus. The term includes abortions by surgical procedures and by abortion inducing drugs.

(b) **As used in this section, "fetal tissue" includes tissue, organs, or any other part of an aborted fetus.**

(c) **This section does not apply to the proper medical disposal of fetal tissue.**

(d) **A person who intentionally acquires, receives, sells, or transfers fetal tissue commits unlawful transfer of fetal tissue, a Level 5 felony.**

(e) **A person may not alter the timing, method, or procedure used to terminate a pregnancy for the purpose of obtaining or collecting fetal tissue. A person who violates this subsection commits the unlawful collection of fetal tissue, a Level 5 felony.**

SECTION 29. IC 35-46-5-3, AS AMENDED BY P.L.158-2013, SECTION 572, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) **As used in this section, "lethal fetal anomaly" means a fetal condition diagnosed before birth that, if the pregnancy results in a live birth, will with reasonable certainty result in the death of the child not more than three (3) months after the child's birth.**

~~(b)~~ (b) As used in this section, "qualified third party" means a fertility clinic or similar medical facility that:

- (1) is accredited by an entity approved by the medical licensing board;
- (2) is registered under 21 CFR 1271 with the United States Food and Drug Administration; and
- (3) employs a physician licensed under IC 25-22.5 who:
 - (A) is board certified in obstetrics and gynecology; and
 - (B) performs oocyte cryopreservation at the facility.

~~(c)~~ (c) A person who knowingly or intentionally purchases or sells a human ovum, zygote, embryo, or fetus commits unlawful transfer of a human organism, a Level 5 felony.

~~(d)~~ (d) This section does not apply to the following:

- (1) The transfer to or receipt by either a woman donor of an ovum or a qualified third party of an amount for:
 - (A) earnings lost due to absence from employment;
 - (B) travel expenses;
 - (C) hospital expenses;
 - (D) medical expenses; and
 - (E) recovery time in an amount not to exceed four thousand dollars (\$4,000);

concerning a treatment or procedure to enhance human reproductive capability through in vitro fertilization, gamete intrafallopian transfer, or zygote intrafallopian transfer.

(2) The following types of stem cell research:

- (A) Adult stem cell.
- (B) Fetal stem cell (as defined in IC 16-18-2-128.5), as long as the biological parent has given written consent for the use of the fetal stem cells.

(3) **The transfer or receipt of a fetus if:**

- (A) **the fetus was diagnosed with a lethal fetal anomaly and written medical documentation verifies**

**the diagnosis; and
(B) a biological parent has requested, in writing, the transfer of the fetus for purposes of an autopsy.**

(d)(e) Any person who recklessly, knowingly, or intentionally uses a human embryo created with an ovum provided to a qualified third party under this section for purposes of embryonic stem cell research commits unlawful use of an embryo, a Level 5 felony."

Renumber all SECTIONS consecutively.

(Reference is to HB 1337 as reprinted February 2, 2016.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 3.

PATRICIA MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Insurance & Financial Institutions, to which was referred House Bill 1340, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

HOLDMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred House Bill 1369, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education & Career Development, to which was referred House Bill 1370, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning education.

Page 1, line 1, delete "IC 21-41-13 IS ADDED TO THE INDIANA CODE".

Page 1, line 2, delete "AS A NEW CHAPTER TO READ AS FOLLOWS".

Page 1, line 3, delete "PASSAGE]" and insert "PASSAGE]

(a) The commission for higher education or, if directed to do so by the commission for higher education, the dual credit advisory council shall study methods to ensure opportunities for secondary school students to earn college credits while enrolled in high school and to provide incentives for a high

school teacher to obtain a master's degree with at least eighteen (18) hours of graduate course work in the subject matter the teacher is teaching or wishes to teach as part of a dual credit course, including:

(1) requiring a state educational institution to develop a teacher education plan to ensure that teachers who currently teach high school dual credit courses on behalf of or under an agreement with the state educational institution meet accreditation requirements established by the state educational institution's regional accrediting agency or an association recognized by the United States Department of Education;

(2) a way to facilitate agreements between a state educational institution and a school corporation or between state educational institutions that may provide for a waiver of tuition in whole or in part as a part of the dual credit plan;

(3) providing graduate programs that combine summer, evening, online, and weekend classes;

(4) having a teacher complete a supervised practicum while teaching;

(5) encouraging primary and secondary schools to establish programs to mentor new teachers;

(6) offering scholarships for returning dual credit teachers;

(7) providing flexibility to school corporations to establish pay scales that reflect the value of teachers with master's degrees; and

(8) determining the potential fiscal impact to the state of programs established under subdivisions (6) and (7).

(b) This SECTION expires June 30, 2017."

Page 1, delete lines 4 through 17.

Page 2, delete lines 1 through 12.

(Reference is to HB 1370 as reprinted January 29, 2016.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions & Labor, to which was referred House Bill 1373, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

BOOTS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce & Technology, to which was referred House Bill 1378, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

BUCK, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education & Career Development, to which was referred House Bill 1382, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Public Policy, to which was referred House Bill 1386, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 3, line 10, delete "including" and insert "**holders of artisan distiller's permits, holders of farm winery permits, or any combination of holders described in this item;**";

Page 3, delete lines 11 through 12.

Page 4, delete lines 6 through 40, begin a new paragraph and insert:

"SECTION 3. IC 7.1-3-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) As used in this section, "**proprietor of a package liquor store**" means the person that:

(1) holds the financial investment in; and

(2) exercises the financial and operational oversight of; a package liquor store.

(~~a~~) (b) The commission may issue a beer dealer's permit only to an applicant who is the proprietor of a drug store, grocery store, or package liquor store.

(~~b~~) (c) Subject to subsection (d), the commission may issue a beer dealer's permit to an applicant that is a foreign corporation if:

(1) the applicant is duly admitted to do business in Indiana;

(2) the sale of beer is within the applicant's corporate powers; and

(3) the applicant is otherwise qualified under this title.

(d) Except as provided under IC 7.1-3-21-5.6, the commission may issue a beer dealer's permit under subsection (c) for the premises of a package liquor store only if the proprietor of the package liquor store satisfies the Indiana resident ownership requirements described in IC 7.1-3-21-5(b), IC 7.1-3-21-5.2(b), or IC 7.1-3-21-5.4(b).

(~~e~~) (e) The commission shall not issue a beer dealer's permit to a person who is disqualified under the special disqualifications. However, the special disqualification listed in

IC 7.1-3-4-2(a)(13) shall not apply to an applicant for a beer dealer's permit.

(~~d~~) (f) Notwithstanding subsection (~~a~~); (b), the commission may renew a beer dealer's permit for an applicant who:

(1) held a permit before July 1, 1997; and

(2) is the proprietor of a confectionery or a store that:

(A) is not a drug store, grocery store, or package liquor store;

(B) is in good repute; and

(C) in the judgment of the commission, deals in merchandise that is not incompatible with the sale of beer."

Page 6, delete lines 32 through 42, begin a new paragraph and insert:

"SECTION 7. IC 7.1-3-9-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) This section applies to the holder of a three-way permit that is issued for a premises described in IC 7.1-3-1-14(c)(2).

(b) Notwithstanding any other provision of this title or rule adopted by the commission and subject to subsections (c) and (d), the holder of a three-way permit may sell sealed bottles of liquor or wine for consumption off the licensed premises:

(1) from one (1) or more locations on a premises described in IC 7.1-3-1-14(c)(2); and

(2) on the date of the Indianapolis 500 Race in the 2016 calendar year from 7 a.m., prevailing local time, to 7 p.m., prevailing local time.

(c) The holder of a three-way permit described under subsection (b) must disclose to the commission, at least fourteen (14) days before the date of the Indianapolis 500 Race, that the holder intends to sell bottles of liquor or wine under this section.

(d) The bottles of liquor or wine described in subsection (b) must be decorative bottles commemorating the one hundredth anniversary of the Indianapolis 500 Race.

(e) This section expires January 1, 2017."

Delete pages 7 through 9.

Page 10, delete lines 1 through 39, begin a new paragraph and insert:

"SECTION 8. IC 7.1-3-12-5, AS AMENDED BY P.L.186-2011, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) The holder of a farm winery permit:

(1) is entitled to manufacture wine and to bottle wine produced by the permit holder's farm winery;

(2) is entitled to serve complimentary samples of the winery's wine on the licensed premises or an outside area that is contiguous to the licensed premises as approved by the commission if each employee who serves wine on the licensed premises:

(A) holds an employee permit under IC 7.1-3-18-9; and

(B) completes a server training program approved by the commission;

(3) is entitled to sell the winery's wine on the licensed premises to consumers either by the glass, or by the bottle, or both;

(4) is entitled to sell the winery's wine to consumers by the bottle at a farmers' market that is operated on a nonprofit basis;

(5) is entitled to sell wine by the bottle or by the case to a person who is the holder of a permit to sell wine at wholesale;

(6) is exempt from the provisions of IC 7.1-3-14;

(7) is entitled to advertise the name and address of any retailer or dealer who sells wine produced by the permit holder's winery;

(8) for wine described in IC 7.1-1-2-3(a)(4):

(A) may allow transportation to and consumption of the wine on the licensed premises; and

(B) may not sell, offer to sell, or allow the sale of the wine on the licensed premises;

(9) is entitled to purchase and sell bulk wine as set forth in this chapter;

(10) is entitled to sell wine as authorized by this section for carryout on Sunday; and

(11) is entitled to sell and ship the farm winery's wine to a person located in another state in accordance with the laws of the other state.

(b) With the approval of the commission, a holder of a permit under this chapter may conduct business at not more than three (3) additional locations that are separate from the winery. At the additional locations, the holder of a permit may conduct any business that is authorized at the first location, except for the manufacturing or bottling of wine.

(c) With the approval of the commission, a holder of a permit under this chapter may:

(1) individually; or

(2) with other permit holders under this chapter, **holders of artisan distiller's permits, holders of a brewer's permits issued under IC 7.1-3-2-2(b), or any combination of holders described in this subdivision;**

participate in a trade show or an exposition at which products of each permit holder participant are displayed, promoted, and sold. The commission may not grant approval under this subsection to a holder of a permit under this chapter for more than forty-five (45) days in a calendar year."

Page 11, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 10. IC 7.1-3-17.8 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 17.8. State Park Liquor Permits

Sec. 1. The department of natural resources may apply for a three-way permit for one (1) or more state parks. A three-way permit for a state park may be a single permit, even though more than one (1) area within the state park constitutes the licensed premises of the permit.

Sec. 2. A permit issued under this chapter is not subject to:

(1) IC 7.1-3-21-1; and

(2) 905 IAC 1-27-4.

Sec. 3. Separate areas within a state park are not subject to IC 7.1-5-5-7.

Sec. 4. Upon application, the commission shall issue a permit to the department of natural resources for a state park without:

(1) publication of notice or investigation before a local board; and

(2) regard to the quota provisions of IC 7.1-3-22.

Sec. 5. Except as provided in sections 2 and 3 of this chapter, an entity that operates on state park property under a permit issued by the commission to:

(1) the department of natural resources under this chapter; or

(2) the entity under this article;

shall operate within the park property in accordance with the provisions of this title that regulate the sale and use of alcoholic beverages, e-liquid (as defined in IC 7.1-7-2-10), and tobacco products (as defined in (IC 7.1-6-1-3))."

Page 12, between lines 41 and 42, begin a new paragraph and insert:

"SECTION 15. IC 7.1-3-19-17, AS ADDED BY P.L.121-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) This section applies to a permit issued under IC 7.1-3-20-16(d), IC 7.1-3-20-16(g), IC 7.1-3-20-16(k), ~~or~~ IC 7.1-3-20-16(l), **or IC 7.1-3-20-16.8** if a ~~local unit~~ **municipality** has adopted an ordinance requiring a formal written commitment as a condition of eligibility for a permit, as described in subsection (b).

(b) As a condition of eligibility for a permit, the applicant must enter into a formal written commitment with the municipal legislative body regarding the character or type of business that will be conducted on the permit premises. The municipal legislative body must adopt an ordinance approving the formal written commitment. A formal written commitment is binding on the permit holder and on any lessee or proprietor of the permit premises. When an application for renewal of a permit is filed, the applicant shall forward a copy of the application to the municipal legislative body. The municipal legislative body shall receive notice of any filings, hearings, or other proceedings on the application for renewal from the applicant.

(c) A formal written commitment may be modified by the municipal legislative body with the agreement of the permit holder.

(d) Except as provided in subsection (f), the amount of time that a formal written commitment is valid may not be limited or restricted.

(e) A formal written commitment is terminated at the time a permit is lost, revoked, or not renewed.

(f) If the character or type of business violates the formal written commitments, the municipality may adopt a recommendation to the local board and the commission to:

(1) deny the permit holder's application to renew the permit; or

(2) revoke the permit holder's permit.

(g) The commission shall consider evidence at the hearing on the issue of whether the business violated the formal written commitments. If the commission determines there is sufficient evidence that the commitments have been violated by the permittee, the commission may:

- (1) deny the application to renew the permit; or
- (2) revoke the permit;

as applicable.

SECTION 16. IC 7.1-3-20-8.6, AS AMENDED BY P.L.196-2015, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8.6. The holder of a club permit may do the following:

- (1) Designate one (1) ~~day each calendar week or more days each calendar month~~ as a guest ~~day~~ **days, not to exceed a total of four (4) guest days in any calendar month.**
- (2) Keep a record of all designated guest days.
- (3) Invite guests who are not members of the club to attend the club on a guest day.
- (4) Sell or give alcoholic beverages to guests for consumption on the permit premises on a guest day.
- (5) Keep a guest book listing members and their nonmember guests, except on a designated guest day.

SECTION 17. IC 7.1-3-20-16, AS AMENDED BY P.L.121-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 16. (a) A permit that is authorized by this section may be issued without regard to the quota provisions of IC 7.1-3-22.

(b) The commission may issue a three-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant facility in the passenger terminal complex of a publicly owned airport. A permit issued under this subsection shall not be transferred to a location off the airport premises.

(c) **Except as provided in section 16.3 of this chapter**, the commission may issue a three-way, two-way, or one-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant within a redevelopment project consisting of a building or group of buildings that:

- (1) was formerly used as part of a union railway station;
- (2) has been listed in or is within a district that has been listed in the federal National Register of Historic Places maintained pursuant to the National Historic Preservation Act of 1966, as amended; and
- (3) has been redeveloped or renovated, with the redevelopment or renovation being funded in part with grants from the federal, state, or local government.

A permit issued under this subsection shall not be transferred to a location outside of the redevelopment project.

(d) Subject to section 16.1 of this chapter **and except as provided in section 16.3 of this chapter**, the commission may issue a three-way, two-way, or one-way permit to sell alcoholic

beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant:

- (1) on land; or
- (2) in a historic river vessel;

within a municipal riverfront development project funded in part with state and city money. The ownership of a permit issued under this subsection and the location for which the permit was issued may not be transferred. The legislative body of the municipality in which the municipal riverfront development project is located shall recommend to the commission sites that are eligible to be permit premises. The commission shall consider, but is not required to follow, the municipal legislative body's recommendation in issuing a permit under this subsection. A permit holder and any lessee or proprietor of the permit premises are subject to the formal written commitment required under IC 7.1-3-19-17. Notwithstanding IC 7.1-3-1-3.5, if business operations cease at the permit premises for more than six (6) months, the permit shall revert to the commission. The permit holder is not entitled to any refund or other compensation.

(e) **Except as provided in section 16.3 of this chapter**, the commission may issue a three-way, two-way, or one-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant within a renovation project consisting of a building that:

- (1) was formerly used as part of a passenger and freight railway station; and
- (2) was built before 1900.

The permit authorized by this subsection may be issued without regard to the proximity provisions of IC 7.1-3-21-11.

(f) **Except as provided in section 16.3 of this chapter**, the commission may issue a three-way permit for the sale of alcoholic beverages for on-premises consumption at a cultural center for the visual and performing arts to the following:

- (1) A town that:
 - (A) is located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); and
 - (B) has a population of more than twenty thousand (20,000) but less than twenty-three thousand seven hundred (23,700).
- (2) A city that has an indoor theater as described in section 26 of this chapter.

(g) **Except as provided in section 16.3 of this chapter**, the commission may issue not more than ten (10) new three-way, two-way, or one-way permits to sell alcoholic beverages for on-premises consumption to applicants, each of whom must be the proprietor, as owner or lessee, or both, of a restaurant located within a district, or not more than seven hundred (700) feet from a district, that meets the following requirements:

- (1) The district has been listed in the National Register of Historic Places maintained under the National Historic Preservation Act of 1966, as amended.
- (2) A county courthouse is located within the district.

(3) A historic opera house listed on the National Register of Historic Places is located within the district.

(4) A historic jail and sheriff's house listed on the National Register of Historic Places is located within the district.

The legislative body of the municipality in which the district is located shall recommend to the commission sites that are eligible to be permit premises. The commission shall consider, but is not required to follow, the municipal legislative body's recommendation in issuing a permit under this subsection. An applicant is not eligible for a permit if, less than two (2) years before the date of the application, the applicant sold a retailer's permit that was subject to IC 7.1-3-22 and that was for premises located within the district described in this section or within seven hundred (700) feet of the district. The ownership of a permit issued under this subsection and the location for which the permit was issued shall not be transferred. A permit holder and any lessee or proprietor of the permit premises is subject to the formal written commitment required under IC 7.1-3-19-17. Notwithstanding IC 7.1-3-1-3.5, if business operations cease at the permit premises for more than six (6) months, the permit shall revert to the commission. The permit holder is not entitled to any refund or other compensation. The total number of active permits issued under this subsection may not exceed ten (10) at any time. The cost of an initial permit issued under this subsection is six thousand dollars (\$6,000).

(h) **Except as provided in section 16.3 of this chapter**, the commission may issue a three-way permit for the sale of alcoholic beverages for on-premises consumption to an applicant who will locate as the proprietor, as owner or lessee, or both, of a restaurant within an economic development area under IC 36-7-14 in:

(1) a town with a population of more than twenty thousand (20,000); or

(2) a city with a population of more than forty-four thousand five hundred (44,500) but less than forty-five thousand (45,000);

located in a county having a population of more than one hundred ten thousand (110,000) but less than one hundred eleven thousand (111,000). The commission may issue not more than five (5) licenses under this section to premises within a municipality described in subdivision (1) and not more than five (5) licenses to premises within a municipality described in subdivision (2). The commission shall conduct an auction of the permits under IC 7.1-3-22-9, except that the auction may be conducted at any time as determined by the commission. Notwithstanding any other law, the minimum bid for an initial license under this subsection is thirty-five thousand dollars (\$35,000), and the renewal fee for a license under this subsection is one thousand three hundred fifty dollars (\$1,350). Before the district expires, a permit issued under this subsection may not be transferred. After the district expires, a permit issued under this subsection may be renewed, and the ownership of the permit may be transferred, but the permit may not be transferred from the permit premises.

(i) After June 30, 2006, **and except as provided in section 16.3 of this chapter**, the commission may issue not more than five (5) new three-way, two-way, or one-way permits to sell alcoholic beverages for on-premises consumption to applicants, each of whom must be the proprietor, as owner or lessee, or both, of a restaurant located within a district, or not more than five hundred (500) feet from a district, that meets all of the following requirements:

(1) The district is within an economic development area, an area needing redevelopment, or a redevelopment district as established under IC 36-7-14.

(2) A unit of the National Park Service is partially located within the district.

(3) An international deep water seaport is located within the district.

An applicant is not eligible for a permit under this subsection if, less than two (2) years before the date of the application, the applicant sold a retailers' permit that was subject to IC 7.1-3-22 and that was for premises located within the district described in this subsection or within five hundred (500) feet of the district. A permit issued under this subsection may not be transferred. If the commission issues five (5) new permits under this subsection, and a permit issued under this subsection is later revoked or is not renewed, the commission may issue another new permit, as long as the total number of active permits issued under this subsection does not exceed five (5) at any time. The commission shall conduct an auction of the permits under IC 7.1-3-22-9, except that the auction may be conducted at any time as determined by the commission.

(j) Subject to section 16.2 of this chapter **and except as provided in section 16.3 of this chapter**, the commission may issue not more than six (6) new three-way, two-way, or one-way permits to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant on land within a municipal lakefront development project funded in part with state, local, and federal money. A permit issued under this subsection may not be transferred. If the commission issues six (6) new permits under this subsection, and a permit issued under this subsection is later revoked or is not renewed, the commission may issue another new permit, as long as the total number of active permits issued under this subsection does not exceed six (6) at any time. The commission shall conduct an auction of the permits under IC 7.1-3-22-9, except that the auction may be conducted at any time as determined by the commission. Notwithstanding any other law, the minimum bid for an initial permit under this subsection is ten thousand dollars (\$10,000).

(k) **Except as provided in section 16.3 of this chapter**, the commission may issue not more than ~~eight (8)~~ **nine (9)** new three-way permits to sell alcoholic beverages for on-premises consumption to applicants, each of whom must be a proprietor, as owner or lessee, or both, of a restaurant located:

(1) within a motorsports investment district (as defined in IC 5-1-17.5-11); or

(2) not more than one thousand five hundred (1,500) feet from a motorsports investment district.

The ownership of a permit issued under this subsection and the location for which the permit was issued shall not be transferred. If the commission issues ~~eight (8)~~ **nine (9)** new permits under this subsection, and a permit issued under this subsection is later revoked or is not renewed, the commission may issue another new permit, as long as the total number of active permits issued under this subsection does not exceed ~~eight (8)~~ **nine (9)** at any time. A permit holder and any lessee or proprietor of the permit premises are subject to the formal written commitment required under IC 7.1-3-19-17. Notwithstanding IC 7.1-3-1-3.5, if business operations cease at the permit premises for more than six (6) months, the permit shall revert to the commission. The permit holder is not entitled to any refund or other compensation.

(l) **Except as provided in section 16.3 of this chapter**, the commission may issue not more than two (2) new three-way permits to sell alcoholic beverages for on-premises consumption for premises located within a qualified motorsports facility (as defined in IC 5-1-17.5-14). The ownership of a permit issued under this subsection and the location for which the permit was issued shall not be transferred. If the commission issues two (2) new permits under this subsection, and a permit issued under this subsection is later revoked or is not renewed, the commission may issue another new permit, as long as the total number of active permits issued under this subsection does not exceed two (2) at any time. A permit holder and any lessee or proprietor of the permit premises are subject to the formal written commitment required under IC 7.1-3-19-17. Notwithstanding IC 7.1-3-1-3.5, if business operations cease at the permit premises for more than six (6) months, the permit shall revert to the commission. The permit holder is not entitled to any refund or other compensation.

SECTION 18. IC 7.1-3-20-16.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 16.3. If the holder of a permit holds a:**

- (1) permit issued under section 16(c) through 16(l) of this chapter to sell beer for on-premises consumption; and
- (2) permit for a brewery described in IC 7.1-3-2-7(5) that is located on or adjacent to the premises for which the permit holder holds a permit described in subdivision (1);

the permit holder may sell for carryout, at the premises for which the permit holder holds a permit described in subdivision (1), beer manufactured at the brewery.

SECTION 19. IC 7.1-3-20-16.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 16.8. (a) A permit that is authorized by this section may be issued without regard to the quota provisions of IC 7.1-3-22.**

(b) **The commission may issue not more than four (4) new three-way permits to sell alcoholic beverages for on-premises consumption to applicants in each of the following municipalities:**

- (1) **Whitestown.**
- (2) **Lebanon.**
- (3) **Zionsville.**
- (4) **Westfield.**
- (5) **Carmel.**
- (6) **Fishers.**

(c) **The following apply to permits issued under this section:**

(1) **An applicant for a permit under this section must be a proprietor, as owner or lessee, or both, of a restaurant located within an economic development area, an area needing redevelopment, or a redevelopment district as established under IC 36-7-14 in a municipality's:**

- (A) **downtown redevelopment district; or**
- (B) **downtown economic revitalization area.**

(2) **The cost of an initial permit is forty thousand dollars (\$40,000).**

(3) **The total number of active permits issued under this section may not exceed twenty-four (24) permits at any time. If any of the permits issued under this section are revoked or not renewed, the commission may issue only enough new permits to bring the total number of permits to twenty-four (24) active permits, with not more than four (4) in each municipality listed in subsection (b)(1) through (b)(6).**

(4) **The municipality may adopt an ordinance under IC 7.1-3-19-17 requiring a permit holder to enter into a formal written commitment as a condition of eligibility for a permit. As set forth in IC 7.1-3-19-17(b), a formal written commitment is binding on the permit holder and on any lessee or proprietor of the permit premises.**

(5) **Notwithstanding IC 7.1-3-1-3.5, if business operations cease at the permit premises for more than six (6) months, the permit shall revert to the commission and the permit holder is not entitled to any refund or other compensation.**

(6) **Except as provided in subdivision (8), the ownership of a permit may not be transferred.**

(7) **A permit may not be transferred from the premises for which the permit was issued.**

(8) **If the area in which the permit premises is located is no longer designated an economic development area, an area needing redevelopment, or a redevelopment district, a permit issued under this section may be renewed, and the ownership of the permit may be transferred, but the permit may not be transferred from the permit premises.**

SECTION 20. IC 7.1-3-20-17.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 17.5. (a) As used in this section, "banquet or gathering space" means a room or space in which social events are hosted that is located on the licensed premises of a hotel or restaurant.**

(b) As used in this section, "social event" means a party, banquet, wedding or other reception, or any other social event.

(c) Subject to subsection (d), the holder of a retailer's permit issued for the premises of a hotel or restaurant that has a banquet or gathering space without a permanent bar over which alcoholic beverages may be sold or dispensed may temporarily amend the floor plans of the licensed premises to use the banquet or gathering space to sell or dispense alcoholic beverages from a temporary bar or service bar in the banquet or gathering space.

(d) The holder of a retailer's permit shall notify and submit the amended floor plans described in subsection (c) to the commission not later than twenty-four (24) hours before the date the holder intends to sell or dispense alcoholic beverages from a temporary bar or service bar.

(e) A holder of a retailer's permit who intends to sell or dispense alcoholic beverages from a temporary bar or service bar as described in this section remains subject to laws and rules requiring that the area in which minors are allowed be separate from the room or area in which the bar is located."

Page 13, line 10, delete "(A)" and insert "(A)".

Page 13, line 31, delete "IC 7.1-3-20-18.5" and insert "IC 7.1-3-20-18.6".

Page 13, line 33, delete "18.5." and insert "18.6".

Page 14, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 24. IC 7.1-3-21-5, AS AMENDED BY P.L.107-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The commission shall not issue an alcoholic beverage retailer's ~~or dealer's~~ permit of any type to a corporation unless sixty percent (60%) of the outstanding common stock is owned by persons who have been continuous and bona fide residents of Indiana for five (5) years.

(b) The commission shall not issue an alcoholic beverage dealer's permit of any type for the premises of a package liquor store to a corporation unless:

- (1) sixty percent (60%) of the outstanding stock in the corporation is owned by persons who have been continuous and bona fide residents of Indiana for five (5) years; and
- (2) the stock described in subdivision (1) constitutes a controlling interest in the corporation.

(~~b~~) (c) Each officer and stockholder of a corporation shall possess all other qualifications required of an individual applicant for that particular type of permit.

SECTION 25. IC 7.1-3-21-5.2, AS AMENDED BY P.L.107-2015, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.2. (a) The commission shall not issue an alcoholic beverage retailer's ~~or dealer's~~ permit of any type to a limited partnership unless at least sixty percent (60%) of the partnership interest is owned by persons who have been continuous and bona fide residents of Indiana for five (5) years.

(b) The commission shall not issue an alcoholic beverage dealer's permit of any type for the premises of a package liquor store to a limited partnership unless:

- (1) at least sixty percent (60%) of the partnership interest is owned by persons who have been continuous and bona fide residents of Indiana for five (5) years; and
- (2) the partnership interest described in subdivision (1) constitutes a controlling interest in the limited partnership.

(~~b~~) (c) Each general partner and limited partner of a limited partnership must possess all other qualifications required of an individual applicant for that particular type of permit.

SECTION 26. IC 7.1-3-21-5.4, AS AMENDED BY P.L.107-2015, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.4. (a) The commission shall not issue an alcoholic beverage retailer's ~~or dealer's~~ permit of any type to a limited liability company unless at least sixty percent (60%) of the membership interest is owned by persons who have been continuous and bona fide residents of Indiana for five (5) years.

(b) The commission shall not issue an alcoholic beverage dealer's permit of any type for the premises of a package liquor store to a limited liability company unless:

- (1) at least sixty percent (60%) of the outstanding membership interest in the limited liability company is owned by persons who have been continuous and bona fide residents of Indiana for five (5) years; and
- (2) the membership interest described in subdivision (1) constitutes a controlling interest in the limited partnership.

(~~b~~) (c) Each manager and member of a limited liability company must possess all other qualifications required of an individual applicant for that particular type of permit.

SECTION 27. IC 7.1-3-21-5.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.6. (a) Notwithstanding section 5, 5.2, or 5.4 of this chapter, the commission may renew or transfer ownership of a dealer's permit of any type for the holder of a dealer's permit who:

- (1) held the permit for the premises of a package liquor store before January 1, 2016; and
- (2) does not qualify for the permit under section 5(b), 5.2(b), or 5.4(b) of this chapter.

(b) The commission may transfer ownership of a dealer's permit under this section only to an applicant who satisfies the Indiana resident ownership requirements under this chapter."

Page 15, between lines 7 and 8, begin a new line block indented and insert:

"(7) Sell liquor as authorized by this section for carryout on Sunday in a quantity at any one (1) time of not more than four and five-tenths (4.5) liters."

Page 15, line 8, delete "(7)" and insert "(8)".

Page 15, line 10, delete "including" and insert "**holders of farm winery permits, holders of brewer's permits issued under IC 7.1-3-2-2(b), or any combination of holders described in this clause;**";

Page 15, delete lines 11 through 15.

Page 15, delete line 32.

Page 16, delete lines 5 through 42, begin a new paragraph and insert:

"SECTION 30. IC 7.1-4-4.1-9, AS AMENDED BY P.L.224-2005, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. (a) This section applies to the following biennial permits:

- (1) Beer retailer's permit.
- (2) Liquor retailer's permit.
- (3) Wine retailer's permit.
- (4) One-way permit.
- (5) Two-way permit.
- (6) Three-way permit.
- (7) Airplane beer permit.
- (8) Airplane liquor permit.
- (9) Airplane wine permit.
- (10) Boat beer permit.
- (11) Boat liquor permit.
- (12) Boat wine permit.
- (13) Dining car beer permit.
- (14) Dining car liquor permit.
- (15) Dining car wine permit.
- (16) Hotel seasonal permit.

(b) The commission shall charge a single fee for the issuance of any combination of retailer's permits issued for the same location or conveyance.

(c) **Except as provided in subsection (d),** an annual permit fee in the following amount is imposed on a retailer:

- (1) Five hundred dollars (\$500), if the retailer serves only beer or only wine.
- (2) Seven hundred fifty dollars (\$750), if the retailer serves both beer and wine but no liquor.
- (3) One thousand dollars (\$1,000), if the retailer serves beer, wine, and liquor.

(d) An annual permit fee for a three-way permit issued to a state park under IC 7.1-3-17.8-1 is two hundred fifty dollars (\$250).

SECTION 31. IC 7.1-5-3-4, AS AMENDED BY P.L.79-2015, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) This section does not apply to the following:

- (1) The necessary refilling of a container by a person holding a permit that authorizes the person to manufacture, rectify, or bottle liquor.
- (2) An establishment where alcoholic beverages are sold that is owned, in whole or part, by an entity that holds a brewer's permit issued under IC 7.1-3-2-2(b).
- (3) An establishment where alcoholic beverages are sold that is owned, in whole or part, by a statewide trade

organization consisting of members, each of whom holds a brewer's permit issued under ~~IC 7.1-3-2-2(b)~~. **for a brewery described in IC 7.1-3-2-7(5).**

(4) The refilling of a bottle or container or possession of a refilled bottle or container if the refilling or possession is not for resale or another commercial purpose.

(5) The refilling of a bottle or container with a product from a farm winery in an establishment in which alcoholic beverages are sold that is owned, in whole or in part, by the holder of a farm winery permit.

(b) Except as provided in section 6 of this chapter, it is unlawful for a person to:

- (1) refill a bottle or container, in whole or in part, with an alcoholic beverage; or
- (2) knowingly possess a bottle or container that has been refilled, in whole or in part, with an alcoholic beverage; after the container of liquor has been emptied in whole or in part.

(c) A person who knowingly or intentionally violates subsection (a) or (b) commits a Class B misdemeanor."

Page 17, delete lines 1 through 3.

Page 17, line 6, delete "(a)" and insert "**(a)**".

Page 18, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 33. IC 7.1-7-4-1, AS AMENDED BY P.L.231-2015, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) A manufacturer of e-liquid shall obtain a permit from the commission before mixing, bottling, packaging, or selling e-liquid to retailers or distributors in Indiana.

(b) The commission shall accept initial applications and issue manufacturing permits until June 30, 2016.

(c) A manufacturing permit issued by the commission is valid for five (5) years.

(d) An initial application for a manufacturing permit must include the following:

(1) Plans for the construction and operation of the manufacturing facility that demonstrate that the facility design is:

- (A) designed to include a clean room space where all mixing and bottling activities will occur; and
- (B) capable of meeting all of the security requirements contained in this article.

(2) A service agreement that:

- (A) the applicant has entered into with a security firm;
- (B) is valid for a period of five (5) years after the date of the permit application;
- (C) provides for the security firm to provide service and support to meet the security requirements established by this article;
- (D) requires the security firm to certify that the manufacturer meets all requirements set forth in IC 7.1-7-4-6(10) through IC 7.1-7-4-6(15);
- (E) prohibits the security firm from withholding its certification as described in clause (D) because the

security equipment of the applicant is not sold by or proprietary to the security firm; and

(F) is renewable for the entire length of time that the applicant holds a permit issued by the commission.

(3) Verified documents satisfactory to the commission from the security firm demonstrating that the security firm meets the following requirements:

(A) The security firm has continuously employed, ~~not less than one (1) employee~~ for not less than the previous one (1) year period, ~~who is accredited or certified by both:~~ **both of the following:**

(i) **At least one (1) employee who is accredited or certified by the Door and Hardware Institute as an Architectural Hardware Consultant. and**

(ii) **At least one (1) employee who is accredited or certified the International Door Association as a certified Rolling Steel Fire Door Technician by the International Door Association or the Institute of Door Dealer Education and Accreditation.**

However, the security firm meets the requirements of this clause if the security firm continuously employed, for not less than the previous one (1) year period, one (1) employee who is accredited or certified under both item (i) and item (ii).

(B) The security firm has at least one (1) year of commercial experience, in the preceding year, with the following:

(i) Video surveillance system design and installation with remote viewing capability from a secure facility.

(ii) Owning and operating a security monitoring station with ownership control and use of a redundant offsite backup security monitoring station.

(iii) Operating a facility that modifies commercial hollow metal doors, frames, and borrowed lights with authorization to apply the Underwriters Laboratories label.

(4) The name, telephone number, and address of the applicant.

(5) The name, telephone number, and address of the manufacturing facility.

(6) The projected output in liters per year of e-liquid of the manufacturing facility.

(7) The name, telephone number, title, and address of the person responsible for the manufacturing facility.

(8) Verification that the facility will comply with proper manufacturing processes.

(9) Written consent allowing the state police department to conduct a state or national criminal history background check on any person listed on the application.

(10) Written consent allowing the commission, after a permit is issued to the applicant, to enter during normal business hours the premises where the e-liquid is manufactured to conduct physical inspections, sample the

product to ensure the e-liquid meets the requirements for e-liquid set forth in this article, and perform an audit.

(11) A nonrefundable initial application fee of one thousand dollars (\$1,000).

(12) Any other information required by the commission for purposes of administering this article."

Renumber all SECTIONS consecutively.

(Reference is to HB 1386 as printed January 29, 2016.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 2.

ALTING, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education & Career Development, to which was referred Engrossed House Bill 1394, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 5, line 40, delete ":".

Page 5, delete line 41.

Page 5, line 42, delete "(B)".

Page 5, line 42, delete "its" and insert "**the state board's**".

Page 5, run in lines 40 through 42.

Page 6, line 1, delete "its" and insert "**the innovation network school's**".

Page 7, line 2, after "network" insert "**charter**".

Page 7, line 3, delete ":".

Page 7, delete line 4.

Page 7, line 5, delete "(B)".

Page 7, line 5, delete "its" and insert "**the state board's**".

Page 7, run in lines 3 through 5.

Page 7, line 6, delete "its" and insert "**the innovation network charter school's**".

Page 9, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 9. IC 20-40-8-23 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 23. If a person, organization, or other entity:**

(1) enters into a contract or an agreement with a school corporation to conduct a feasibility or cost study to assist the school corporation in determining the cost of a controlled project as described in IC 6-1.1-20-3.1(a)(2) or IC 6-1.1-20-3.5(a); and

(2) enters into a contract or agreement with the school corporation to complete a controlled project as described in IC 6-1.1-20-3.1(a)(2) or IC 6-1.1-20-3.5(a);

the costs described in subdivision (1) may not be paid from the fund. This section does not prohibit any person, organization, or other entity from providing a school corporation a free feasibility or cost study to assist the school corporation in determining the cost of a controlled project.

SECTION 10. IC 20-40-9-12 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2016]: **Sec. 12. If a person, organization, or other entity:**

(1) enters into a contract or an agreement with a school corporation to conduct a feasibility or cost study to assist the school corporation in determining the cost of a controlled project as described in IC 6-1.1-20-3.1(a)(2) or IC 6-1.1-20-3.5(a); and
(2) enters into a contract or agreement with the school corporation to complete a controlled project as described in IC 6-1.1-20-3.1(a)(2) or IC 6-1.1-20-3.5(a); the costs described in subdivision (1) may not be paid from the fund. This section does not prohibit any person, organization, or other entity from providing a school corporation a free feasibility or cost study to assist the school corporation in determining the cost of a controlled project."

Renumber all SECTIONS consecutively.

(Reference is to HB 1394 as reprinted January 29, 2016.)
 and when so amended that said bill do pass.
 Committee Vote: Yeas 6, Nays 0.

KRUSE, Chair

Report adopted.

MESSAGE FROM THE PRESIDENT PRO TEMPORE

Madam President and Members of the Senate: I have on Wednesday, February 24, 2016, signed Senate Enrolled Act: 91.

DAVID C. LONG
 President Pro Tempore

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed, without amendment, Engrossed Senate Bills 57, 141, 148, 163, 242, 290, and 325 and the same are herewith returned to the Senate.

M. CAROLINE SPOTTS
 Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has concurred in the Senate amendments to Engrossed House Bill 1032.

M. CAROLINE SPOTTS
 Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed, with amendments, Engrossed Senate Bill 192 and the same is herewith returned to the Senate for concurrence.

M. CAROLINE SPOTTS
 Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed, with amendments, Engrossed Senate Bills 221, 257, 297, 324, and 372 and the same are herewith returned to the Senate for concurrence.

M. CAROLINE SPOTTS
 Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed, with amendments, Engrossed Senate Bill 352 and the same is herewith returned to the Senate for concurrence.

M. CAROLINE SPOTTS
 Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolutions 31 and 34 and the same are herewith returned to the Senate.

M. CAROLINE SPOTTS
 Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 51 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
 Principal Clerk of the House

RESOLUTIONS ON SECOND READING

Senate Resolution 12

Senator Niemeyer called up Senate Resolution 12 for second reading. The resolution was read a second time and adopted by voice vote.

Senate Resolution 28

Senator Merritt called up Senate Resolution 28 for second reading. The resolution was read a second time and adopted by voice vote.

Senate Concurrent Resolution 14

Senator Bassler called up Senate Concurrent Resolution 14 for second reading. The resolution was read a second time and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Braun.

Senate Concurrent Resolution 36

Senator Bassler called up Senate Concurrent Resolution 36 for second reading. The resolution was read a second time and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Heaton.

House Concurrent Resolution 15

Senator Buck called up House Concurrent Resolution 15 for second reading. The resolution was read a second time and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 16

Senator Boots called up House Concurrent Resolution 16 for second reading. The resolution was read a second time and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 19

Senator Boots called up House Concurrent Resolution 19 for second reading. The resolution was read a second time and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 14

Senator Steele called up House Concurrent Resolution 14 for second reading. The resolution was read a second time and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

ENGROSSED HOUSE BILLS ON SECOND READING

Engrossed House Bill 1013

Senator Head called up Engrossed House Bill 1013 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1013-1)

Madam President: I move that Engrossed House Bill 1013 be amended to read as follows:

Page 2, line 32, after "information" insert "**in its possession**".

Page 3, delete lines 17 through 24, begin a new paragraph and insert:

"(d) A provider of electronic communications services or an officer, an employee, or an agent of a provider of electronic communications services that provides geolocation information to a law enforcement agency while responding to a request for geolocation information made under this section is not liable for civil damages arising from:

(1) the provision of the geolocation information if the provision of the information is done in compliance with this section; or

(2) any loss, damage, or other injury to person or property resulting from a disruption or loss of communications services during an emergency situation."

(Reference is to EHB 1013 as printed February 17, 2016.)

HEAD

Motion prevailed.

SENATE MOTION
(Amendment 1013-2)

Madam President: I move that Engrossed House Bill 1013 be amended to read as follows:

Page 4, line 2, delete "shall" and insert "**may**".

Page 4, delete lines 4 through 5.

(Reference is to EHB 1013 as printed February 17, 2016.)

HEAD

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1040

Senator Kruse called up Engrossed House Bill 1040 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1046

Senator Hershman called up Engrossed House Bill 1046 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1046-2)

Madam President: I move that Engrossed House Bill 1046 be amended to read as follows:

Page 1, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 2. IC 6-2.5-5-48 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 48. Sales of tangible personal property are exempt from the state gross retail tax if the property is used for feminine hygiene."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1046 as printed February 24, 2016.)

BREAUX

Upon the request of Senator Breaux the President ordered the roll of the Senate to be called. Roll Call 217: yeas 9, nays 36. Motion failed.

SENATE MOTION
(Amendment 1046-1)

Madam President: I move that Engrossed House Bill 1046 be amended to read as follows:

Page 1, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 2. IC 6-2.5-5-51 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2016]: **Sec. 51. Sales of baby diapers and products worn by children and adults to manage incontinence are exempt from the state gross retail tax.**"

Renumber all SECTIONS consecutively.

(Reference is to EHB 1046 as printed February 24, 2016.)

BREAUX

Upon the request of Senator Breaux the President ordered the roll of the Senate to be called. Roll Call 218: yeas 9, nays 36. Motion failed. The bill was ordered engrossed.

Engrossed House Bill 1082

Senator Charbonneau called up Engrossed House Bill 1082 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1082-1)

Madam President: I move that Engrossed House Bill 1082 be amended to read as follows:

Page 2, after line 2, begin a new paragraph and insert:

"SECTION 2. IC 13-14-9-4, AS AMENDED BY P.L.100-2006, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) The department shall provide notice in the Indiana Register of the second public comment period required by section 2 of this chapter. A notice provided under this section must do the following:

- (1) Contain the full text of the proposed rule, to the extent required under IC 4-22-2-24(c).
- (2) Contain a summary of the response of the department to written comments submitted under section 3 of this chapter during the first public comment period.
- (3) Request the submission of comments, including suggestions of specific amendments to the language contained in the proposed rule.
- (4) Contain the full text of the commissioner's written findings under section 7 of this chapter, if applicable.
- (5) Identify each element of the proposed rule that imposes a restriction or requirement on persons to whom the proposed rule applies that:
 - (A) is more stringent than a restriction or requirement imposed under federal law; or
 - (B) applies in a subject area in which federal law does not impose a restriction or requirement.
- (6) With respect to each element identified under subdivision (5), identify:
 - (A) the environmental circumstance or hazard that dictates the imposition of the proposed restriction or requirement to protect human health and the environment;
 - (B) examples in which federal law is inadequate to provide the protection referred to in clause (A); and
 - (C) the:

- (i) estimated fiscal impact; and
- (ii) expected benefits;

based on the extent to which the proposed rule is more stringent than the restrictions or requirements of federal law, or on the creation of restrictions or requirements in a subject area in which federal law does not impose restrictions or requirements.

(7) For any element of the proposed rule that imposes a restriction or requirement that is more stringent than a restriction or requirement imposed under federal law or that applies in a subject area in which federal law does not impose restrictions or requirements, describe the availability for public inspection of all materials relied upon by the department in the development of the proposed rule, including, if applicable:

- (A) health criteria;
- (B) analytical methods;
- (C) treatment technology;
- (D) economic impact data;
- (E) environmental assessment data;
- (F) analyses of methods to effectively implement the proposed rule; and
- (G) other background data.

(b) The notice required under subsection (a):

- (1) shall be published electronically in the Indiana Register under procedures established by the publisher; **and**
- (2) **if any element of the proposed rule to which the notice relates imposes a restriction or requirement that is more stringent than a restriction or requirement imposed under federal law, shall be submitted in an electronic format under IC 5-14-6 to the executive director of the legislative services agency, who shall present the notice to the legislative council established by IC 2-5-1.1-1.**

(c) **If the notice provided by the department concerning a proposed rule identifies, under subsection (a)(5), an element of the proposed rule that imposes a restriction or requirement more stringent than a restriction or requirement imposed under federal law, the proposed rule shall not become effective under this chapter until the adjournment sine die of the regular session of the general assembly that begins after the department provides the notice.**

(d) **Subsections (b)(2) and (c) do not prohibit or restrict the commissioner, the department, or the board from:**

- (1) **adopting emergency rules under IC 4-22-2-37.1;**
 - (2) **taking emergency action under IC 13-14-10; or**
 - (3) **temporarily:**
 - (A) **altering ordinary operating policies or procedures; or**
 - (B) **implementing new policies or procedures;**
- in response to an emergency situation."**

(Reference is to EHB 1082 as printed February 24, 2016.)

CHARBONNEAU

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1089

Senator Banks called up Engrossed House Bill 1089 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1112

Senator Zakas called up Engrossed House Bill 1112 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1127

Senator Head called up Engrossed House Bill 1127 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1127-1)

Madam President: I move that Engrossed House Bill 1127 be amended to read as follows:

Page 13, delete lines 15 through 28, begin a new line block indented and insert:

"(i) Notwithstanding section 110(3) of this chapter, this subdivision applies to a CPAP transaction offered or entered into after June 30, 2016. With respect to a CPAP transaction, a CPAP provider may impose the following charges and fees:

(i) This clause applies only to a CPAP transaction for an amount less than two thousand five hundred dollars (\$2,500). Not more than one (1) time with respect to any one (1) CPAP transaction, a charge that does not exceed two hundred fifty dollars (\$250) for obtaining and preparing documents.

(ii) This clause applies only to a CPAP transaction for an amount that is at least two thousand five hundred dollars (\$2,500). Not more than one (1) time with respect to any one (1) CPAP transaction, a charge that does not exceed five hundred dollars (\$500) for obtaining and preparing documents.

(iii) A fee calculated at an annual rate that does not exceed thirty-eight percent (38%) of the funded amount.

(iv) A deferral charge as set forth in section 204 of this chapter that is calculated at an annual amount that does not exceed thirty-eight percent (38%) of the deferred amount.

A CPAP provider may not assess, or collect from the consumer claimant, any other fee or charge in connection with a CPAP transaction."

Page 16, between lines 34 and 35, begin a new line block indented and insert:

"(4) If the consumer claimant is represented by an attorney in the civil proceeding on which a CPAP transaction is based, the CPAP contract must contain

a written acknowledgment by the attorney that attests to the following:

(A) That to the best of the attorney's knowledge, all costs and charges relating to the CPAP transaction have been disclosed to the consumer claimant.

(B) That the attorney is being paid by the consumer claimant on a contingency basis under a written fee agreement.

(C) That all proceeds of the civil proceeding will be disbursed through a trust account of the attorney, or through a settlement fund established to receive the proceeds of the civil proceeding on behalf of the consumer claimant.

(D) That the attorney is following the instructions of the consumer claimant with respect to the CPAP transaction.

(E) That the attorney has not received a referral fee or other consideration from the CPAP provider, and agrees not to receive a referral fee or other consideration from the CPAP provider at any time, in connection with the CPAP transaction.

If the attorney retained by the consumer claimant in the consumer claimant's civil proceeding does not complete the acknowledgment required by this subdivision, the contract, and the CPAP transaction to which it pertains, are void. However, the contract, and the CPAP transaction to which it pertains, remain valid and enforceable if the consumer claimant or the attorney terminates the representation."

Page 19, delete lines 39 through 42.

(Reference is to EHB 1127 as printed February 24, 2016.)

HEAD

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1154

Senator Mishler called up Engrossed House Bill 1154 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1154-1)

Madam President: I move that Engrossed House Bill 1154 be amended to read as follows:

Page 5, after line 3, begin a new paragraph and insert:

"SECTION 4. IC 8-22-3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. A member of the board is ineligible to hold an appointive office or employment for the authority. A member of the board may not become personally interested have a pecuniary interest (as defined in IC 35-44.1-1-4(a)(3)) in any contract with or claim against the authority."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1154 as printed February 24, 2016.)

STEELE

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1164

Senator Crider called up Engrossed House Bill 1164 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1199

Senator Head called up Engrossed House Bill 1199 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1220

Senator Bassler called up Engrossed House Bill 1220 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1222

Senator Buck called up Engrossed House Bill 1222 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1246

Senator Glick called up Engrossed House Bill 1246 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1246-1)

Madam President: I move that Engrossed House Bill 1246 be amended to read as follows:

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

"SECTION 7. IC 14-8-2-278 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 278. "Take" has the following meaning:

(1) For purposes of IC 14-22, except as provided in ~~subdivision~~ **subdivisions (2) and (3):**

(A) to kill, shoot, spear, gig, catch, trap, harm, harass, or pursue a wild animal; or

(B) to attempt to engage in such conduct.

(2) For purposes of IC 14-22-6-16, the meaning set forth in IC 14-22-6-16(b).

~~(2)~~ **(3) For purposes of IC 14-22-34, the meaning set forth in IC 14-22-34-5."**

Page 7, between lines 41 and 42, begin a new paragraph and insert:

"SECTION 16. IC 14-22-6-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 16. (a) This section does not apply to the following:**

(1) The department or the department's designee.

(2) Employees or agents of a governmental entity while performing official duties.

(3) Employees or agents of an educational or research institution acting for bona fide educational or scientific purposes.

(4) Use of an unmanned aerial vehicle to assist, provide care for, or provide veterinary treatment to a specific wild animal.

(5) Use of an unmanned aerial vehicle to monitor areas of agricultural production or to monitor nuisance wild animals.

(b) As used in this section, "take" means to:

(1) kill, shoot, spear, harm, catch for the purpose of killing, trap for the purpose of killing, or pursue for the purpose of killing a wild animal; or

(2) attempt to engage in conduct under subdivision (1).

(c) During the period:

(1) beginning fourteen (14) days before the hunting season for a particular wild animal species; and

(2) ending upon the expiration of legal hunting hours on the last day of the hunting season;

a person may not knowingly use an unmanned aerial vehicle (as defined by IC 35-33-5-0.5(7)) to search for, scout, locate, or detect a wild animal to which the hunting season applies as an aid to take the wild animal."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1246 as printed February 24, 2016.)

MESSMER

Motion prevailed.

SENATE MOTION
(Amendment 1246-3)

Madam President: I move that Engrossed House Bill 1246 be amended to read as follows:

Page 3, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 2. IC 4-9.1-1-7, AS AMENDED BY P.L.84-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) The board may transfer money between state funds, and the board may transfer money between appropriations for any board, department, commission, office, or benevolent or penal institution of the state. After the transfer is made, the money of the fund or appropriation transferred is not available to the fund or the board, department, commission, office, or benevolent or penal institution from which it was transferred.

(b) In addition to a transfer under subsection (a), the board may transfer money from an appropriation for any board, department, commission, office, or benevolent or penal institution of the state to the Indiana economic development corporation.

(c) In addition to a transfer under subsection (a) or (b), the board shall transfer money from an appropriation for the Indiana state museum and historic sites corporation to the first state capitol commission established by IC 4-38-2-1. The board may not transfer an amount under this subsection that exceeds the amount determined by the budget agency under IC 4-38-6-1.

(c) (d) An order by the board to make a transfer under this section is sufficient authority for the making of appropriate entries showing the transfer on the books of the auditor of state and treasurer of state.

(d) (e) The authority given the board under this section to make transfers does not apply to trust funds. For the purposes of this section, "trust fund" means a fund which by the constitution or by statute has been designated as a trust fund or a fund which has been determined by the board to be a trust fund.

(e) (f) Whenever the board takes action to transfer money out of a dedicated fund that is attributable to fees credited to the fund, the budget agency shall notify the budget committee within thirty (30) days and state the reason for the transfer.

(f) (g) Within thirty (30) days after approving a transfer, the board shall post on the Indiana transparency Internet web site:

- (1) a narrative description of each approved transfer under this section; and
- (2) the reason for the transfer.

SECTION 3. IC 4-38 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

ARTICLE 38. FIRST STATE CAPITOL COMMISSION
Chapter 1. Definitions

Sec. 1. Except as otherwise provided, the definitions in this chapter apply throughout this article.

Sec. 2. "Commission" refers to the first state capitol commission established by IC 4-38-2-1.

Sec. 3. "Corporation" refers to the Indiana state museum and historic sites corporation established by IC 4-37-2-1.

Sec. 4. "Corydon capitol state historic site" refers to the following properties within the Town of Corydon, including but not limited to, the properties maintained by the corporation:

- (1) The First State Capitol.
- (2) The First Governor's House.
- (3) The First State Office Building.
- (4) The artifacts or memorials to the Constitutional Elm.

Sec. 5. "Director" refers to the director of the first state capitol commission appointed under IC 4-38-5-1.

Chapter 2. First State Capitol Commission

Sec. 1. The first state capitol commission is established.

Sec. 2. The commission is a state agency.

Sec. 3. The commission may:

- (1) sue and be sued; and
- (2) plead and be impleaded.

Sec. 4. The commission is subject to compliance audits by the state board of accounts.

Sec. 5. The commission is subject to IC 5-13-6-1.

Sec. 6. The records of the commission are subject to IC 5-14-3.

Sec. 7. (a) After June 30, 2016, all powers, duties, agreements, and liabilities of the corporation concerning a Corydon capitol state historic site are transferred to the commission, as the successor agency.

(b) All rules or policies adopted by the corporation concerning a Corydon capitol state historic site before July 1, 2016, shall be treated as though the rules were adopted by the commission until the commission adopts new rules or policies.

(c) On July 1, 2016, all records and property of the corporation, including appropriations and other funds under the control or supervision of the corporation concerning historic sites, are transferred to the commission, as the successor agency.

(d) After June 30, 2016, any amounts owed to the corporation concerning a Corydon capitol state historic site before July 1, 2016, are considered to be owed to the commission, as the successor agency.

(e) After June 30, 2016, a reference to the corporation concerning a Corydon capitol state historic site in a statute, rule, or other document is considered a reference to the commission, as the successor agency.

Sec. 8. Employees of the corporation who are employed by a Corydon capitol state historic site on June 30, 2016, and who become employees of the commission are entitled to have their service under the corporation included for purposes of computing:

- (1) retention in the event of a layoff; and
- (2) all other applicable employment and retirement benefits.

Chapter 3. Commission Membership and Organization

Sec. 1. (a) The commission consists of the following five (5) members:

- (1) Three (3) members appointed by the governor.
- (2) One (1) member appointed by the Harrison County executive body.
- (3) One (1) member appointed by the Harrison County parks board.

(b) No more than two (2) members appointed under subdivision (a)(1) may be of the same political party.

Sec. 2. (a) The members first appointed under section 1 of this chapter shall serve an initial term from July 1, 2016, to January 1, 2017, with subsequent appointments for four (4) year terms. A member whose term expires may be reappointed to serve another term. If a vacancy occurs, the appointing authority shall appoint a qualified person to serve for the remainder of the term.

(b) Commission members serve without compensation. However, each member is entitled to the minimum salary per diem as provided in IC 4-10-11-2.1(b).

(c) Membership in the commission is not considered to be a lucrative office.

(d) A majority of the members constitutes a quorum for doing business.

Chapter 4. General Powers, Duties, and Exemptions

Sec. 1. The title to the following shall be held in the name of the state of Indiana:

- (1) Property constituting a Corydon capitol state historic site, except to the extent that the property is

subject to a use and occupancy agreement between the Indiana finance authority and the Indiana department of administration.

(2) Property acquired by the commission.

Sec. 2. (a) The commission shall do the following:

(1) Operate and administer a Corydon capitol state historic site.

(2) Maintain accreditation of a Corydon capitol state historic site, if applicable.

(3) Collect, preserve, display, and interpret artifacts and materials reflecting the cultural and natural history of Indiana to the extent the artifacts and materials relate to a Corydon capitol state historic site.

(4) Prepare and maintain a statewide inventory of the artifacts and materials described in subdivision (3).

(5) Uphold the highest professional and ethical standards, as adopted by the American Association of Museums.

(b) In order to comply with this section, the commission shall ensure that any original artifacts and materials relating to a Corydon capitol state historic site:

(1) remain in the Town of Corydon; or

(2) be recovered and returned to the Town of Corydon.

Sec. 3. The commission may do the following:

(1) Do any and all acts and things necessary, proper, or convenient to carry out this article.

(2) Hold meetings under IC 5-14-1.5 at the times and places in Indiana that are prescribed by the commission's bylaws.

(3) Adopt an official seal.

(4) Adopt bylaws.

(5) Make and execute contracts and other instruments necessary or convenient to the exercise of the commission's powers.

(6) Acquire by grant, purchase, gift, devise, or lease or otherwise and hold, use, sell, lease, manage, operate, clear, improve, encumber, transfer, convey, exchange, or dispose of the following:

(A) Real and personal property and any interest in real or personal property.

(B) Facilities.

(C) Money.

(D) Any right or interest necessary or useful for carrying out the commission's powers and duties under this article.

(7) Procure insurance against any loss in connection with the commission's operations.

(8) Enter into contractual or other arrangements with the Indiana department of administration in connection with the financing of a Corydon capitol state historic site under IC 4-13.5.

(9) Fix and collect rents, admission charges, fees, and other user charges for a Corydon capitol state historic site.

(10) Maintain shops and restaurants on property that the commission manages and employ or contract with persons to manage the shops and restaurants.

(11) Make or sell the following:

(A) Pictures, models, books, and other representations of the historic sites and its artifacts and exhibits.

(B) Souvenirs, crafts, art, videotapes, digital video discs, and other merchandise.

(12) Pay royalties, license fees, or charges for exhibits, artifacts, artwork, or materials.

(13) Own copyrights, trademarks, and service marks and enforce the commission's rights with respect to ownership.

(14) Conduct market research concerning the historic sites.

(15) Adopt rules under IC 4-22-2 to carry out the purposes of this article.

Sec. 4. (a) The commission may accept or refuse to accept an offered gift of historic property to be administered by the commission.

(b) Notwithstanding IC 4-20.5-7 and IC 5-22-22, the commission may improve, encumber, sell, lease, transfer, convey, or exchange historic property administered by the commission.

(c) The commission may, in accordance with IC 4-20.5, sell, donate, or exchange artifacts in the commission's collections to or with other public or nonprofit museums or historical societies.

(d) The commission may by rule establish a procedure for evaluating the merits of proposals to:

(1) accept gifts of;

(2) sell;

(3) encumber;

(4) transfer;

(5) convey; or

(6) exchange;

artifacts or historic property to the extent the artifacts or historic property relates to historic sites.

Sec. 5. The commission is not required to pay any taxes or assessments upon any property acquired or used by the commission under this article, or upon the income from the property.

Sec. 6. The commission is exempt under IC 6-2.5-5-16 from the state gross retail tax for transactions involving tangible personal property, public utility commodities, and public utility service.

Sec. 7. The commission must comply with the procurement requirements under IC 5-22.

Sec. 8. (a) The commission shall annually evaluate the performance of the director.

(b) Subject to approval by the governor, the commission may dismiss the director.

Chapter 5. Personnel Matters

Sec. 1. (a) The commission may employ a director of the commission.

(b) The director shall give a bond in an amount and with surety to be approved by the commission.

(c) The director's duties and compensation shall be prescribed by the commission.

(d) The director may appoint employees and fix their compensation, subject to the approval of the budget agency under IC 4-12-1-13.

(e) The director may delegate the director's authority to the appropriate commission staff.

Sec. 2. Employees of the commission are employees of the state and are subject to the state personnel system under IC 4-15-2.2.

Sec. 3. Employees of the commission are eligible to participate in the public employees' retirement fund established by IC 5-10.3-2-1.

Sec. 4. The director may hire, review the performance of, and dismiss employees of a Corydon capitol state historic site.

Sec. 5. The commission and the employees of the commission are:

- (1) under the jurisdiction of and rules adopted by the state ethics commission; and**
- (2) subject to ethics rules and requirements that apply to the executive branch of state government.**

Sec. 6. The commission may assist in the professional development of the staff of a Corydon capitol state historic site.

Chapter 6. Budget, Finance, and Planning

Sec. 1. The budget agency shall:

- (1) determine the amount appropriated for the corporation that has been budgeted for the operation and administration of the Corydon capitol state historic site for the state fiscal year beginning July 1, 2016; and**
- (2) notify the state board of finance of the amount determined under subdivision (1).**

Sec. 2. The amount budgeted for the state fiscal year beginning July 1, 2016, by the corporation for the operation and administration of the Corydon capitol state historic site is the budget of the commission for that state fiscal year.

Sec. 3. For the state fiscal year beginning July 1, 2016, the employees of the commission must be paid the salaries established for that state fiscal year by the corporation for the employees working at the Corydon capitol state historic site.

Sec. 4. The commission may qualify a Corydon capitol state historic site for federal aid and other aid to preserve historical property, materials, items, and memorials.

Sec. 5. The commission may apply for grants."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1246 as printed February 24, 2016.)

WALTZ

Upon the request of Senator Waltz the President ordered the roll of the Senate to be called. Roll Call 219: yeas 1, nays 44. Motion failed. The bill was ordered engrossed.

Engrossed House Bill 1259

Senator Ford called up Engrossed House Bill 1259 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1264

Senator Patricia Miller called up Engrossed House Bill 1264 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 1264-2)

Madam President: I move that Engrossed House Bill 1264 be amended to read as follows:

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

"SECTION 1. IC 16-31-3-26 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 26. (a) Each provider organization shall conduct an audit and review at least quarterly to assess, monitor, and evaluate the quality of patient care as follows:**

- (1) The audit must evaluate patient care and personnel performance.**
- (2) The results of the audit must be reviewed with the emergency medical service personnel.**
- (3) Documentation for the audit and review must include the following:**
 - (A) The criteria used to select audited runs.**
 - (B) Problem identification and resolution.**
 - (C) Date of review.**
 - (D) Attendance at the review.**
 - (E) A summary of the discussion at the review.**
- (4) The audit and review must be conducted under the direction of one (1) of the following:**
 - (A) The provider organization medical director.**
 - (B) An emergency department committee that is supervised by a medical director with a provider organization representative serving as a member of the committee.**
 - (C) A committee established by the provider organization and under the direction of the medical director or medical director's designee. If the medical director selects a designee, the designee must:**
 - (i) be a physician licensed under IC 25-22.5;**
 - (ii) have an active role in the delivery of emergency care; and**
 - (iii) be designated in writing by the medical director as the medical director's designee.**

(5) The audit must provide a method for identifying the need for staff development programs, basic training, in-service training, and orientation.

(6) The audit must evaluate all levels of care by emergency medical service personnel.

(b) An audit and review proceeding under this section is confidential, and any communication at the audit and review proceeding is a privileged communication.

(c) This section does not prevent participation by a provider organization in a peer review committee proceeding under IC 34-30-15.

(d) The commission may adopt rules under IC 4-22-2 to implement this section."

Page 2, line 30, strike "or".

Page 2, line 33, delete "." and insert ";".

Page 2, line 34, delete "." and insert ";".

Page 2, between lines 34 and 35, begin a new line block indented and insert:

"(27) a paramedic licensed under IC 16-31;

(28) an emergency medical technician certified under IC 16-31;

(29) an emergency medical responder certified under IC 16-31; or

(30) an advanced emergency medical technician certified under IC 16-31."

Page 3, line 8, delete "provider's" and insert "provider".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1264 as printed February 19, 2016.)

PATRICIA MILLER

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1294

Senator Head called up Engrossed House Bill 1294 for second reading. The bill was re-read a second time by title.

SENATE MOTION
(Amendment 1294-1)

Madam President: I move that Engrossed House Bill 1294 be amended to read as follows:

Page 1, line 7, after "used" insert "**by a private person**".

Page 1, line 17, delete "carrying out the covered project or".

(Reference is to EHB 1294 as printed February 19, 2016.)

HEAD

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1300

Senator Bassler called up Engrossed House Bill 1300 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1312

Senator Boots called up Engrossed House Bill 1312 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1313

Senator Banks called up Engrossed House Bill 1313 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1331

Senator Head called up Engrossed House Bill 1331 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1331-1)

Madam President: I move that Engrossed House Bill 1331 be amended to read as follows:

Page 1, delete lines 5 through 17, begin a new paragraph and insert:

"SECTION 2. IC 30-2-12-13, AS AMENDED BY P.L.226-2007, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. (a) With the consent of the donor in a record, an institution may modify or release, in whole or in part, a restriction in a gift instrument on the management, investment, and purpose of an institutional fund. **A donor may give prior consent to an institution for release or modification of a restriction or a charitable purpose in a gift instrument that also includes a restriction or stated charitable purpose subject to this section.**

(b) A release under this section may not allow an institutional fund to be used for purposes other than the charitable purposes of the institution affected.

(c) An institution may petition a court to modify, in a manner consistent with the donor's intentions to the extent practicable, a restriction in a gift instrument concerning the management or investment of an institutional fund if:

(1) the restriction is impracticable or wasteful;

(2) the restriction impairs the management or investment of the fund; or

(3) due to unanticipated circumstances, the modification will further the purposes of the institutional fund.

An institution shall notify the attorney general of a petition under this subsection. A court shall provide the attorney general an opportunity to be heard on the petition.

(d) An institution may petition a court to modify, in a manner consistent with the gift instrument, the charitable purpose of a fund or a restriction on the use of a fund if the charitable purpose or use becomes unlawful, impracticable, impossible, or wasteful. An institution shall notify the attorney general of a petition under this subsection. A court shall provide the attorney general an opportunity to be heard on the petition.

(e) If an institution determines that a restriction in a gift instrument on the management, investment, or purpose of an institutional fund is unlawful, impracticable, impossible, or wasteful, **the following apply:**

(1) The institution shall ~~notify~~ **send written notice of the determination to** the attorney general.

(2) ~~If, not more than sixty (60) days after providing notice under this subsection, receiving written notice of the determination under subdivision (1), the attorney general sends a written objection to a release or modification of the restriction, the institution may not release or modify the restriction unless one (1) of the following occurs:~~

(A) ~~The attorney general sends written notice to the institution that the attorney general withdraws the objection.~~

(B) ~~A court, in a court petition filed under this section, approves the release or modification.~~

A release or modification of a restriction under clause (A) or (B) is subject to subdivision (4).

(3) **If:**

(A) ~~the attorney general has not, within sixty-three (63) days after the institution sends written notice under subdivision (1), sent a written objection to a release or modification of the restriction; or~~

(B) ~~the institution is permitted to release or modify the restriction as provided in subdivision (2)(A) or (2)(B);~~

the institution, subject to subdivision (4), may release or modify the restriction.

(4) **Not less than sixty (60) days after sending the written notice required by subdivision (1),** the institution may release or modify all or part of the restriction if:

(+) (A) ~~the value of the institutional fund subject to the restriction is less than twenty-five thousand dollars (\$25,000);~~ **two hundred fifty thousand dollars (\$250,000);**

(-) (B) ~~the institutional fund was established more than twenty (20) years earlier; and~~

(-) (C) ~~the institution uses the institutional fund in a manner consistent with the charitable purposes expressed in the gift instrument.~~

However, the institution may release or modify all or part of the restriction as provided in this subdivision within the sixty (60) day period described in this section if the attorney general sends to the institution written notice that the attorney general does not object to a release or modification of the restriction.

(f) **If:**

(1) **an institution makes a determination described in subsection (e); and**

(2) **the institutional fund does not meet the criteria for release or modification of a restriction described in subsection (e)(4)(A) through (e)(4)(C);**

the institution may file a court petition under subsection (c) or (d), whichever is applicable, to seek approval of a release

or modification. The attorney general may, after receiving notice of the petition, notify the court that the attorney general does not object to the release or modification and waives any interest or hearing on the petition."

Delete page 2.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1331 as printed February 19, 2016.)

HEAD

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1336

Senator Bray called up Engrossed House Bill 1336 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1344

Senator Boots called up Engrossed House Bill 1344 for second reading. The bill was read a second time by title.

SENATE MOTION

(Amendment 1344-1)

Madam President: I move that Engrossed House Bill 1344 be amended to read as follows:

Page 19, line 25, after "must" insert "**be scheduled to**".

Page 19, line 27, after "IC 22-4.1-1-5)." insert "**The individual must appear when scheduled, but in any event, the individual's orientation must be completed not later than the sixth week after the week the individual begins receiving benefits.**".

Page 19, line 35, delete "validly negotiated".

(Reference is to EHB 1344 as printed February 19, 2016.)

BOOTS

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1353

Senator Crider called up Engrossed House Bill 1353 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1360

Senator Brown called up Engrossed House Bill 1360 for second reading. The bill was read a second time by title.

SENATE MOTION

(Amendment 1360-1)

Madam President: I move that Engrossed House Bill 1360 be amended to read as follows:

Page 2, line 8, after "the" insert "**agency in consultation with the**".

(Reference is to EHB 1360 as printed February 23, 2016.)

BROWN

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1365

Senator Crider called up Engrossed House Bill 1365 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1365-1)

Madam President: I move that Engrossed House Bill 1365 be amended to read as follows:

Page 65, delete lines 33 through 42.

Page 66, delete lines 1 through 24.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1365 as printed February 23, 2016.)

HEAD

Motion prevailed.

SENATE MOTION
(Amendment 1365-2)

Madam President: I move that Engrossed House Bill 1365 be amended to read as follows:

Page 65, line 4, after "IC 10-13-3-12)" insert "**or expanded criminal history check (as defined in IC 20-26-2-1.5)**".

Page 65, between lines 8 and 9, begin a new line blocked left and insert:

"The secretary shall make the determination whether an individual must submit to a national criminal history background check or an expanded criminal history check under this subsection."

Page 65, line 9, after "check" insert "**or expanded criminal history check**".

Page 65, delete lines 33 through 42.

Page 66, delete lines 1 through 24.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1365 as printed February 23, 2016.)

HEAD

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1372

Senator Charbonneau called up Engrossed House Bill 1372 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1372-1)

Madam President: I move that Engrossed House Bill 1372 be amended to read as follows:

Page 6, line 30, delete "four (4)" and insert "**six (6)**".

Page 6, line 38, delete "three" and insert "**five (5)**".

Page 6, line 39, delete "(3)".

(Reference is to EHB 1372 as printed February 23, 2016.)

CHARBONNEAU

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1374

Senator Hershman called up Engrossed House Bill 1374 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1110

Senator Hershman called up Engrossed House Bill 1110 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

The President of the Senate yielded the gavel to Senator Long.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1025

Senator Yoder called up Engrossed House Bill 1025 for third reading:

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

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

Roll Call 220: yeas 41, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1081

Senator Hershman called up Engrossed House Bill 1081 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 221: yeas 41, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1130

Senator Kruse called up Engrossed House Bill 1130 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 222: yeas 42, 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 Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1180

Senator Kruse called up Engrossed House Bill 1180 for third reading:

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

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

Roll Call 223: yeas 37, nays 8. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1215

Senator Crider called up Engrossed House Bill 1215 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 224: yeas 43, 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 Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1273

Senator Mishler called up Engrossed House Bill 1273 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 225: yeas 45, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1298

Senator Bray called up Engrossed House Bill 1298 for third reading:

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

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

Roll Call 226: yeas 39, nays 6. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1088

Senator Becker called up Engrossed House Bill 1088 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 227: yeas 45, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

MOTIONS TO CONCUR IN HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate concur with the House amendments to Engrossed Senate Bill 27.

STEELE

Roll Call 228: yeas 33, nays 12. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate concur with the House amendments to Engrossed Senate Bill 192.

CRIDER

Roll Call 229: yeas 44, nays 1. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate concur with the House amendments to Engrossed Senate Bill 251.

KRUSE

Roll Call 230: yeas 41, nays 4. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate concur with the House amendments to Engrossed Senate Bill 257.

CHARBONNEAU

Roll Call 231: yeas 45, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate concur with the House amendments to Engrossed Senate Bill 327.

BASSLER

Roll Call 232: yeas 45, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Yoder be added as second sponsor and Senator Stoops be added as cosponsor of Engrossed House Bill 1112.

ZAKAS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Steele be added as second sponsor and Senators Zakas, Head, Crider, M. Young, Bray, Delph, Glick, Broden, and Taylor be added as cosponsors of Engrossed House Bill 1064.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Patricia Miller and Tomes be added as cosponsors of Engrossed House Bill 1378.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Delph be added as coauthor of Senate Concurrent Resolution 43.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Head be added as second sponsor of Engrossed House Bill 1272.

BROWN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Bassler be added as second sponsor of Engrossed House Bill 1259.

FORD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Ford be added as second sponsor of Engrossed House Bill 1156.

LEISING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Walker be added as second sponsor of Engrossed House Bill 1222.

BUCK

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Merritt be added as second sponsor and Senators Delph and Houchin be added as cosponsors of Engrossed House Bill 1378.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kenley be added as second sponsor of Engrossed House Bill 1109.

MISHLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be added as cosponsor of Engrossed House Bill 1322.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be added as cosponsor of Engrossed House Bill 1378.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be added as cosponsor of Engrossed House Bill 1069.

GLICK

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Charbonneau be added as cosponsor of Engrossed House Bill 1105.

CRIDER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Charbonneau be added as second sponsor of Engrossed House Bill 1365.

CRIDER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Delph and Kruse be added as cosponsors of House Concurrent Resolution 19.

BOOTS

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Monday, February 29, 2016.

HERSHMAN

Motion prevailed.

The Senate adjourned at 3:33 p.m.

JENNIFER L. MERTZ
Secretary of the Senate

SUE ELLSPERMANN
President of the Senate