



Journal of the Senate

State of Indiana

120th General Assembly

First Regular Session

Twenty-eighth Meeting Day

Thursday Morning

March 9, 2017

The Senate convened at 10:02 a.m., with the President of the Senate, Suzanne Crouch, in the Chair.

Prayer was offered by Pastor Steve Viars of Faith Church Lafayette.

The Pledge of Allegiance to the Flag was led by Senator Brandt E. Hershman.

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

Alting	Kruse
Bassler	Lanane
Becker	Leising
Bohacek	Long <input type="checkbox"/>
Boots	Melton
Bray	Merritt
Breaux	Messmer
Brown, L.	Mishler
Buck	Mrvan
Charbonneau	Niemeyer
Crane	Niezdowski
Crider	Perfect
Delph	Raatz
Doriot	Randolph, Lonnie M.
Eckerty	Ruckelshaus
Ford	Sandlin
Freeman	Smith, J. <input type="checkbox"/>
Glick	Stoops
Grooms	Tallian
Head	Taylor, G.
Hershman	Tomes
Holdman	Walker
Houchin	Young, M.
Kenley	Zakas
Koch	Zay

Roll Call 246: present 48; excused 2. [Note: A indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Engrossed 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 2, line 29, after "the" insert "**routine**".

(Reference is to EHB 1069 as reprinted January 31, 2017.) and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

CHARBONNEAU, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Engrossed House Bill 1095, 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, line 10, after "'armor" insert "-".

Page 2, line 29, after "armor" insert "-".

Page 2, line 31, after "armor" insert "-".

Page 2, line 39, after "armor" insert "-".

Page 2, line 41, after "armor" insert "-".

Page 3, after line 1, begin a new line block indented and insert:

"(4) A law enforcement officer acting in the course of the officer's official duties."

(Reference is to EHB 1095 as printed February 3, 2017.) and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Engrossed House Bill 1101, 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 8-23-20-25, AS AMENDED BY P.L.66-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 25. (a) The department shall institute a permit system to regulate the erection and maintenance of outdoor advertising signs along:

(1) the interstate and primary system, as defined in 23 U.S.C. 131(t) on June 1, 1991; and

(2) any other highways where control of outdoor advertising signs is required under 23 U.S.C. 131.

(b) Except as provided in subsections (c) and (g) and section 25.5(c) of this chapter, a sign may not be erected, operated, used, or maintained in areas described in subsection (a) unless the owner of the sign has obtained a permit under this section.

(c) A permit is not required to erect, operate, use, or maintain the following signs:

- (1) Directional or official signs and notices.
- (2) Signs advertising the sale or lease of the property on which the sign is located.
- (3) Signs that primarily indicate:
 - (A) the name of the business, activity, or profession conducted;
 - (B) the types of goods produced or sold; or
 - (C) the services rendered;

on the property on which the sign is located.

(d) Signs in existence on July 1, 1993, and subject to this section:

- (1) must comply with the registration system described in subsection (h); and
- (2) are subject to the permit requirement after the department has made the determination described in subsection (g).

(e) The department shall adopt rules under IC 4-22-2 to carry out this section. Rules adopted under this section may be no broader than necessary to implement 23 U.S.C. 131 and 23 CFR 750.

(f) In addition to the requirements of subsection (e), rules adopted under this section must provide the following:

- (1) A list of all roadways subject to the permit requirement.
- (2) A procedure to appeal adverse determinations of the department under IC 4-21.5, including provisions for judicial review under IC 4-21.5.

(3) The fees that may be charged by the department as follows:

~~(A)~~ **(A)** A one-time fee of one hundred dollars (\$100) per structure **that** must accompany the permit application. ~~A permit fee may not be charged to a sign that is subject to and complies with the registration system described in subsection (h).~~

(B) A one-time fee of forty dollars (\$40) per structure for transfer of a sign and permit to any subsequent transferee. The fee is due to be paid not later than one hundred eighty (180) days after the effective date of the transfer. If the transfer fee is not timely paid, the department may charge a late fee of not more than four hundred dollars (\$400).

(C) A one-time fee of one hundred dollars (\$100) per structure for each request for modification of a sign and an addendum to the permit issued by the department.

(D) A one-time fee of twenty-five dollars (\$25) per structure, if needed to obtain any replacement permit tag. The fee is due to be paid not later than sixty (60) days after the date that notice is sent by the department that a replacement tag is needed. The department may charge a late fee of not more than four hundred dollars (\$400) if:

- (i) the fee is not timely paid; or
- (ii) the replacement tag is not fastened to the sign within sixty (60) days after the replacement tag is received from the department.

(E) A late fee not to exceed four hundred dollars

(\$400) if written notice of the current mailing address and electronic mail address of the owner of the property on which the sign is located is not received by the department within:

- (i) one hundred eighty (180) days of the sign owner's actual knowledge of any sale of an ownership interest in the property; or**
- (ii) one hundred twenty (120) days after the sign owner's actual knowledge of other changes to any property owner's current mailing address or electronic mail address.**

(4) That a permit may not be issued for a sign erected in an adjacent area after January 1, 1968, unless:

- (A) the sign is erected in an area described in section 5 of this chapter; or
- (B) the permit is a conditional permit issued under subdivision (6).

(5) That a permit may not be issued for a sign erected after June 30, 1976, outside of urban areas, beyond six hundred sixty (660) feet of the right-of-way, visible from the traveled way, and erected with the purpose of a message being read from the traveled way, unless:

- (A) the sign is erected in an area described in section 5 of this chapter; or
- (B) the permit is a conditional permit issued under subdivision (6).

(6) For the issuance of a conditional permit for a nonconforming sign that has not been acquired under section 10 of this chapter. A conditional permit issued under this subdivision may be revoked if the department subsequently acquires the sign.

(7) That the department is granted the right to enter the real property on which a sign for which a permit under this section has been applied for or issued to perform reasonable examinations and surveys necessary to administer the permit system.

(8) The department may revoke any permit when it is found that the permittee has provided false or misleading information and that such a finding may be cause to subsequently refuse to issue a permit.

(9) Any other provisions necessary to:

- (A) administer this section; or
- (B) avoid sanctions under 23 U.S.C. 131.

(g) A sign that is subject to and complies with the registration system described in subsection (h) may not be declared unlawful until the later of the following:

- (1) The department has made a determination of permit eligibility under this section.
- (2) December 31, 1993.

(h) A separate application for registration must be submitted to the department for each structure defined in subsection (d) and must:

- (1) be on a form furnished by the department;
- (2) be signed by the applicant or an individual authorized in writing to sign for the applicant;
- (3) provide information concerning the size, shape, and nature of the advertising sign, display, or device;

- (4) provide the sign's actual location with sufficient accuracy to enable the department to locate the sign; and
 (5) include a one-time registration fee of twenty-five dollars (\$25).

(i) A sign that is not registered before January 1, 1994, is a public nuisance subject to section 26 of this chapter.

(j) Each registrant shall fasten to each advertising sign or device a label or marker provided by the department that must be plainly visible from the traveled way."

Page 1, line 14, after "federal" and insert "**or state**".

Page 2, line 3, delete "purposes." and insert "**purposes or unzoned areas used for commercial or industrial purposes.**".

Page 2, line 10, after "federal" insert "**or state**".

Page 2, after line 15, begin a new paragraph and insert:

"(e) This section does not exempt an owner or operator of a sign from submitting to the department any application or fee required by law."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1101 as printed January 13, 2017.)
 and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

BUCK, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Engrossed House Bill 1117, 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 performance, payment, and other surety bonds.

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

"SECTION 1. IC 5-16-5-2, AS AMENDED BY P.L.75-2012, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A contract awarded for a public work must provide for the payment of subcontractors, labor, suppliers of materials, and those performing service in connection with the public work. The contract must provide for the payment of subcontractors by withholding by the public body funds sufficient from the contract price to pay the subcontractors, labor, suppliers of materials, and those furnishing service in relation to or in connection with the public work. The contractor shall execute a bond to the state, approved by the public body in an amount equal to the total contract price. **However, a contractor is not required to execute a bond under this section in the case of a contract entered into by a state educational institution, if the amount to be paid under the contract is less than five hundred thousand dollars (\$500,000) and the state educational institution agrees to waive the requirement.** The bond shall be conditioned for payment by the contractor, the contractor's successors and assigns, and by the subcontractors, their successors and assigns, of all indebtedness, which may accrue to any person for any labor or service performed, materials

furnished, or service rendered in the public work. The bond by its terms shall be conditioned to directly inure to the benefit of subcontractors, laborers, suppliers of materials, and those performing service who have furnished or supplied labor, material, or service for the public work.

(b) The bond required under subsection (a) shall be deposited with the public body for the benefit of a person interested in and entitled to the bond. The bond shall be conditioned that:

(1) a change, modification, omission, or addition in and to the terms or conditions of the contract, plans, specifications, drawings, or profile; or

(2) any irregularity or defect in the contract or in the proceedings preliminary to the letting and awarding of the contract;

does not affect or operate to release or discharge the surety.

(c) The provisions of this chapter become a part of the terms of a contract awarded under this chapter. A bond for a public work is subject to this chapter.

(d) A person to whom money is due for having performed labor or having furnished material or service for a public work under this chapter must, not later than sixty (60) days after that person completed the labor or service or after that person furnished the last item of material:

(1) file with the public body duplicate verified statements of the amount due to the person; and

(2) deliver a copy of the statement to the contractor.

The public body shall deliver to the surety on the bond one (1) of the duplicate statements. The failure to deliver a duplicate statement by the public body does not affect or invalidate the rights of the person to whom money is due, nor does the failure to deliver a duplicate statement operate as a defense for the surety.

(e) A suit may not be brought against a surety on a bond under this section before thirty (30) days after both of the following have occurred:

(1) The filing of the verified duplicate statement.

(2) A copy of the notice has been delivered to the contractor.

If the indebtedness is not paid in full after thirty (30) days, the person, may bring an action in a court of competent jurisdiction upon the bond. The action must be brought not later than sixty (60) days after the date of the final completion and acceptance of the public work. An action on the bond against a surety is barred if not brought within this time.

(f) IC 8-23-9, and not this chapter, applies to bonds and claims on state highway road and bridge contracts.

SECTION 2. IC 5-16-5.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. **(a) This section does not apply to a contract entered into by a state educational institution if:**

(1) the amount to be paid under the contract is less than five hundred thousand dollars (\$500,000); and

(2) the state educational institution agrees to waive the requirement.

(b) At the time of entering into any contract covered by the provisions of this chapter, the contractor shall furnish a valid performance bond which is acceptable to the state agency involved in an amount equal to ~~his~~ **the contractor's** total

contract price. If it is acceptable to the state agency involved, this performance bond may provide for incremental bonding in the form of multiple or chronological bonds which, when taken as a whole, equal the total contract price.

(c) The surety on the bond shall not be released for a period of one (1) year after final settlement with the contractor. No change, modification, omission or addition in and to the terms or conditions of said contract, plans, specifications, drawings or profile or any irregularity or defect in said contract or in the proceedings preliminary to the letting and awarding thereof shall in any way affect or operate to release or discharge the surety."

Page 3, after line 42, begin a new paragraph and insert:

"SECTION 4. **An emergency is declared for this act.**"

Renumber all SECTIONS consecutively.

(Reference is to EHB 1117 as printed February 3, 2017.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

BUCK, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Engrossed House Bill 1145, 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 16-31-2-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 9.5. (a) Before July 1, 2018, the commission shall do the following:**

(1) Adopt rules under IC 4-22-2 concerning protocols for the identification, transport, and treatment of stroke patients by personnel providing emergency medical services. The rules must include standards for stroke triage and transport protocols to be implemented by regional and local emergency medical services entities and programs to promote the efficiency and quality of care for stroke patients based on evidence based science and nationally recognized guidelines.

(2) Adopt and distribute a nationally recognized stroke assessment tool to personnel providing emergency medical services."

(Reference is to EHB 1145 as printed February 20, 2017.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

CHARBONNEAU, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Engrossed 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 be amended as follows:

Page 8, delete lines 33 through 42.

Delete pages 9 through 11.

Page 12, delete lines 1 through 26, begin a new paragraph and insert:

"SECTION 11. IC 5-14-3-2, AS AMENDED BY P.L.58-2016, SECTION 1, AND AS AMENDED BY P.L.198-2016, SECTION 12, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The definitions set forth in this section apply throughout this chapter.

(b) "Copy" includes transcribing by handwriting, photocopying, xerography, duplicating machine, duplicating electronically stored data onto a disk, tape, drum, or any other medium of electronic data storage, and reproducing by any other means.

(c) "Criminal intelligence information" means data that has been evaluated to determine that the data is relevant to:

(1) the identification of; and

(2) the criminal activity engaged in by;

an individual who or organization that is reasonably suspected of involvement in criminal activity.

(d) "Direct cost" means one hundred five percent (105%) of the sum of the cost of:

(1) the initial development of a program, if any;

(2) the labor required to retrieve electronically stored data; and

(3) any medium used for electronic output;

for providing a duplicate of electronically stored data onto a disk, tape, drum, or other medium of electronic data retrieval under section 8(g) of this chapter, or for reprogramming a computer system under section 6(c) of this chapter.

(e) "Electronic map" means copyrighted data provided by a public agency from an electronic geographic information system.

(f) "Enhanced access" means the inspection of a public record by a person other than a governmental entity and that:

(1) is by means of an electronic device other than an electronic device provided by a public agency in the office of the public agency; or

(2) requires the compilation or creation of a list or report that does not result in the permanent electronic storage of the information.

(g) "Facsimile machine" means a machine that electronically transmits exact images through connection with a telephone network.

(h) "Inspect" includes the right to do the following:

(1) Manually transcribe and make notes, abstracts, or memoranda.

(2) In the case of tape recordings or other aural public records, to listen and manually transcribe or duplicate, or make notes, abstracts, or other memoranda from them.

(3) In the case of public records available:

(A) by enhanced access under section 3.5 of this chapter; or

(B) to a governmental entity under section 3(c)(2) of this chapter;

to examine and copy the public records by use of an electronic device.

(4) In the case of electronically stored data, to manually transcribe and make notes, abstracts, or memoranda or to duplicate the data onto a disk, tape, drum, or any other medium of electronic storage.

(i) "Investigatory record" means information compiled in the course of the investigation of a crime.

(j) "Law enforcement activity" means:

- (1) a traffic stop;
- (2) a pedestrian stop;
- (3) an arrest;
- (4) a search;
- (5) an investigation;
- (6) a pursuit;
- (7) crowd control;
- (8) traffic control; or
- (9) any other instance in which a law enforcement officer is enforcing the law.

The term does not include an administrative activity, including the completion of paperwork related to a law enforcement 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.

(k) "Law enforcement recording" means an audio, visual, or audiovisual recording of a law enforcement activity captured by a camera or other device that is:

- (1) provided to or used by a law enforcement officer in the scope of the officer's duties; and
- (2) designed to be worn by a law enforcement officer or attached to the vehicle or transportation of a law enforcement officer.

~~(j)~~ (l) "Offender" means a person confined in a penal institution as the result of the conviction for a crime.

~~(k)~~ (m) "Patient" has the meaning set out in IC 16-18-2-272(d).

~~(l)~~ (n) "Person" means an individual, a corporation, a limited liability company, a partnership, an unincorporated association, or a governmental entity.

~~(m)~~ ~~(o)~~ "Private university police department" means the police officers appointed by the governing board of a private university under IC 21-17-5.

~~(n)~~ ~~(p)~~ (o) "Provider" has the meaning set out in IC 16-18-2-295(b) and includes employees of the state department of health or local boards of health who create patient records at the request of another provider or who are social workers and create records concerning the family background of children who may need assistance.

~~(o)~~ ~~(q)~~ (p) "Public agency", except as provided in section 2.1 of this chapter, means the following:

- (1) Any board, commission, department, division, bureau, committee, agency, office, instrumentality, or authority, by whatever name designated, exercising any part of the executive, administrative, judicial, or legislative power of the state.
- (2) Any:
 - (A) county, township, school corporation, city, or town, or any board, commission, department, division, bureau,

committee, office, instrumentality, or authority of any county, township, school corporation, city, or town;

(B) political subdivision (as defined by IC 36-1-2-13); or

(C) other entity, or any office thereof, by whatever name designated, exercising in a limited geographical area the executive, administrative, judicial, or legislative power of the state or a delegated local governmental power.

(3) Any entity or office that is subject to:

(A) budget review by either the department of local government finance or the governing body of a county, city, town, township, or school corporation; or

(B) an audit by the state board of accounts that is required by statute, rule, or regulation.

(4) Any building corporation of a political subdivision that issues bonds for the purpose of constructing public facilities.

(5) Any advisory commission, committee, or body created by statute, ordinance, or executive order to advise the governing body of a public agency, except medical staffs or the committees of any such staff.

(6) Any law enforcement agency, which means an agency or a department of any level of government that engages in the investigation, apprehension, arrest, or prosecution of alleged criminal offenders, such as the state police department, the police or sheriff's department of a political subdivision, prosecuting attorneys, members of the excise police division of the alcohol and tobacco commission, conservation officers of the department of natural resources, gaming agents of the Indiana gaming commission, gaming control officers of the Indiana gaming commission, and the security division of the state lottery commission.

(7) Any license branch ~~staffed by employees of the bureau of motor vehicles eommission~~ operated under ~~IC 9-16-IC 9-14.1~~.

(8) The state lottery commission established by IC 4-30-3-1, including any department, division, or office of the commission.

(9) The Indiana gaming commission established under IC 4-33, including any department, division, or office of the commission.

(10) The Indiana horse racing commission established by IC 4-31, including any department, division, or office of the commission.

~~(H) A private university police department. The term does not include the governing board of a private university or any other department, division, board, entity, or office of a private university.~~

~~(p)~~ ~~(r)~~ (q) "Public record" means any writing, paper, report, study, map, photograph, book, card, tape recording, or other material that is created, received, retained, maintained, or filed by or with a public agency and which is generated on paper, paper substitutes, photographic media, chemically based media, magnetic or machine readable media, electronically stored data, or any other material, regardless of form or characteristics.

~~(r)~~ ~~(s)~~ (r) "Standard-sized documents" includes all documents that can be mechanically reproduced (without mechanical reduction) on paper sized eight and one-half (8 1/2) inches by eleven (11) inches or eight and one-half (8 1/2) inches by fourteen (14) inches.

~~(s)~~ ~~(t)~~ (s) "Trade secret" has the meaning set forth in IC 24-2-3-2.

~~(t)~~ ~~(u)~~ (t) "Work product of an attorney" means information compiled by an attorney in reasonable anticipation of litigation. The term includes the attorney's:

- (1) notes and statements taken during interviews of prospective witnesses; and
- (2) legal research or records, correspondence, reports, or memoranda to the extent that each contains the attorney's opinions, theories, or conclusions.

This definition does not restrict the application of any exception under section 4 of this chapter.

SECTION 12. IC 5-14-3-2, AS AMENDED BY P.L.58-2016, SECTION 1, AS AMENDED BY P.L.198-2016, SECTION 12, AND AS AMENDED BY P.L.217-2016, SECTION 1, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. (a) The definitions set forth in this section apply throughout this chapter.

(b) "Copy" includes transcribing by handwriting, photocopying, xerography, duplicating machine, duplicating electronically stored data onto a disk, tape, drum, or any other medium of electronic data storage, and reproducing by any other means.

(c) "Criminal intelligence information" means data that has been evaluated to determine that the data is relevant to:

- (1) the identification of; and
- (2) the criminal activity engaged in by;

an individual who or organization that is reasonably suspected of involvement in criminal activity.

(d) "Direct cost" means one hundred five percent (105%) of the sum of the cost of:

- (1) the initial development of a program, if any;
- (2) the labor required to retrieve electronically stored data; and
- (3) any medium used for electronic output;

for providing a duplicate of electronically stored data onto a disk, tape, drum, or other medium of electronic data retrieval under section 8(g) of this chapter, or for reprogramming a computer system under section 6(c) of this chapter.

(e) "Electronic map" means copyrighted data provided by a public agency from an electronic geographic information system.

(f) "Enhanced access" means the inspection of a public record by a person other than a governmental entity and that:

- (1) is by means of an electronic device other than an electronic device provided by a public agency in the office of the public agency; or
- (2) requires the compilation or creation of a list or report that does not result in the permanent electronic storage of the information.

(g) "Facsimile machine" means a machine that electronically transmits exact images through connection with a telephone network.

(h) "Inspect" includes the right to do the following:

(1) Manually transcribe and make notes, abstracts, or memoranda.

(2) In the case of tape recordings or other aural public records, to listen and manually transcribe or duplicate, or make notes, abstracts, or other memoranda from them.

(3) In the case of public records available:

(A) by enhanced access under section 3.5 of this chapter; or

(B) to a governmental entity under section 3(c)(2) of this chapter;

to examine and copy the public records by use of an electronic device.

(4) In the case of electronically stored data, to manually transcribe and make notes, abstracts, or memoranda or to duplicate the data onto a disk, tape, drum, or any other medium of electronic storage.

(i) "Investigatory record" means information compiled in the course of the investigation of a crime.

(j) "Law enforcement activity" means:

(1) a traffic stop;

(2) a pedestrian stop;

(3) an arrest;

(4) a search;

(5) an investigation;

(6) a pursuit;

(7) crowd control;

(8) traffic control; or

(9) any other instance in which a law enforcement officer is enforcing the law.

The term does not include an administrative activity, including the completion of paperwork related to a law enforcement 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.

(k) "Law enforcement recording" means an audio, visual, or audiovisual recording of a law enforcement activity captured by a camera or other device that is:

(1) provided to or used by a law enforcement officer in the scope of the officer's duties; and

(2) designed to be worn by a law enforcement officer or attached to the vehicle or transportation of a law enforcement officer.

~~(l)~~ (l) "Offender" means a person confined in a penal institution as the result of the conviction for a crime.

~~(m)~~ (m) "Patient" has the meaning set out in IC 16-18-2-272(d).

~~(n)~~ (n) "Person" means an individual, a corporation, a limited liability company, a partnership, an unincorporated association, or a governmental entity.

~~(o)~~ ~~(p)~~ (o) "Private university police department" means the police officers appointed by the governing board of a private university under IC 21-17-5.

~~(p)~~ ~~(q)~~ ~~(r)~~ ~~(s)~~ (p) "Provider" has the meaning set out in IC 16-18-2-295(b) and includes employees of the state department of health or local boards of health who create patient

records at the request of another provider or who are social workers and create records concerning the family background of children who may need assistance.

~~(p)~~ ~~(q)~~ ~~(r)~~ ~~(s)~~ ~~(t)~~ **(q)** "Public agency", except as provided in section 2.1 of this chapter, means the following:

(1) Any board, commission, department, division, bureau, committee, agency, office, instrumentality, or authority, by whatever name designated, exercising any part of the executive, administrative, judicial, or legislative power of the state.

(2) Any:

(A) county, township, school corporation, city, or town, or any board, commission, department, division, bureau, committee, office, instrumentality, or authority of any county, township, school corporation, city, or town;

(B) political subdivision (as defined by IC 36-1-2-13); or

(C) other entity, or any office thereof, by whatever name designated, exercising in a limited geographical area the executive, administrative, judicial, or legislative power of the state or a delegated local governmental power.

(3) Any entity or office that is subject to:

(A) budget review by either the department of local government finance or the governing body of a county, city, town, township, or school corporation; or

(B) an audit by the state board of accounts that is required by statute, rule, or regulation.

(4) Any building corporation of a political subdivision that issues bonds for the purpose of constructing public facilities.

(5) Any advisory commission, committee, or body created by statute, ordinance, or executive order to advise the governing body of a public agency, except medical staffs or the committees of any such staff.

(6) Any law enforcement agency, which means an agency or a department of any level of government that engages in the investigation, apprehension, arrest, or prosecution of alleged criminal offenders, such as the state police department, the police or sheriff's department of a political subdivision, prosecuting attorneys, members of the excise police division of the alcohol and tobacco commission, conservation officers of the department of natural resources, gaming agents of the Indiana gaming commission, gaming control officers of the Indiana gaming commission, and the security division of the state lottery commission.

(7) Any license branch *staffed by employees of the bureau of motor vehicles commission operated under IC 9-16-IC 9-14.1.*

(8) The state lottery commission established by IC 4-30-3-1, including any department, division, or office of the commission.

(9) The Indiana gaming commission established under IC 4-33, including any department, division, or office of the commission.

(10) The Indiana horse racing commission established by IC 4-31, including any department, division, or office of

the commission.

~~(11)~~ *A private university police department. The term does not include the governing board of a private university or any other department, division, board, entity, or office of a private university.*

~~(r)~~ ~~(s)~~ ~~(t)~~ ~~(u)~~ ~~(v)~~ **(r)** "Public record" means any writing, paper, report, study, map, photograph, book, card, tape recording, or other material that is created, received, retained, maintained, or filed by or with a public agency and which is generated on paper, paper substitutes, photographic media, chemically based media, magnetic or machine readable media, electronically stored data, or any other material, regardless of form or characteristics.

~~(s)~~ ~~(t)~~ ~~(u)~~ ~~(v)~~ ~~(w)~~ **(s)** "Standard-sized documents" includes all documents that can be mechanically reproduced (without mechanical reduction) on paper sized eight and one-half (8 1/2) inches by eleven (11) inches or eight and one-half (8 1/2) inches by fourteen (14) inches.

~~(t)~~ ~~(u)~~ ~~(v)~~ ~~(w)~~ ~~(x)~~ **(t)** "Trade secret" has the meaning set forth in IC 24-2-3-2.

~~(u)~~ ~~(v)~~ ~~(w)~~ ~~(x)~~ ~~(y)~~ **(u)** "Work product of an attorney" means information compiled by an attorney in reasonable anticipation of litigation. The term includes the attorney's:

(1) notes and statements taken during interviews of prospective witnesses; and

(2) legal research or records, correspondence, reports, or memoranda to the extent that each contains the attorney's opinions, theories, or conclusions.

This definition does not restrict the application of any exception under section 4 of this chapter."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1181 as reprinted February 17, 2017.) and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Engrossed House Bill 1250, 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.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Engrossed House Bill 1272, 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 5 and 6, begin a new paragraph and insert:

"SECTION 2. IC 36-7-4-207, AS AMENDED BY P.L.266-2013, SECTION 13, IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 207. (a) ADVISORY. In a city having a park board and a city civil engineer, the city plan commission consists of nine (9) members, as follows:

- (1) One (1) member appointed by the city legislative body from its membership.
- (2) One (1) member appointed by the park board. ~~from its membership.~~
- (3) One (1) member or designated representative appointed by the city works board.
- (4) The city civil engineer or a qualified assistant appointed by the city civil engineer.
- (5) Five (5) citizen members, of whom no more than three (3) may be of the same political party, appointed by the city executive.

(b) ADVISORY. If a city lacks either a park board or a city civil engineer, or both, subsection (a) does not apply. In such a city or in any town, the municipal plan commission consists of seven (7) members, as follows:

- (1) The municipal legislative body shall appoint three (3) persons, who must be elected or appointed municipal officials or employees in the municipal government, as members.
- (2) The municipal executive shall appoint four (4) citizen members, of whom no more than two (2) may be of the same political party.

(c) AREA. To provide equitable representation of rural and urban populations, representation on the area plan commission is determined as follows:

- (1) Seven (7) representatives from each city having a population of more than one hundred five thousand (105,000).
- (2) Six (6) representatives from each city having a population of not less than seventy thousand (70,000) nor more than one hundred five thousand (105,000).
- (3) Five (5) representatives from each city having a population of not less than thirty-five thousand (35,000) but less than seventy thousand (70,000).
- (4) Four (4) representatives from each city having a population of not less than twenty thousand (20,000) but less than thirty-five thousand (35,000).
- (5) Three (3) representatives from each city having a population of not less than ten thousand (10,000) but less than twenty thousand (20,000).
- (6) Two (2) representatives from each city having a population of less than ten thousand (10,000).
- (7) One (1) representative from each town having a population of more than two thousand one hundred (2,100), and one (1) representative from each town having a population of two thousand one hundred (2,100) or less that had a representative before January 1, 1979.
- (8) Such representatives from towns having a population of not more than two thousand one hundred (2,100) as are provided for in section 210 of this chapter.
- (9) Six (6) county representatives if the total number of municipal representatives in the county is an odd number, or five (5) county representatives if the total number of

municipal representatives is an even number.

(d) METRO. The metropolitan development commission consists of nine (9) citizen members, as follows:

- (1) Five (5) members, of whom no more than three (3) may be of the same political party, appointed by the executive of the consolidated city.
- (2) Four (4) members, of whom no more than two (2) may be of the same political party, appointed by the legislative body of the consolidated city.

(e) METRO. The legislative body of the consolidated city shall appoint an individual to serve as a nonvoting adviser to the metropolitan development commission when the commission is acting as the redevelopment commission of the consolidated city under IC 36-7-15.1. If the duties of the metropolitan development commission under IC 36-7-15.1 are transferred to another entity under IC 36-3-4-23, the individual appointed under this subsection shall serve as a nonvoting adviser to that entity. A nonvoting adviser appointed under this subsection:

- (1) must also be a member of the school board of a school corporation that includes all or part of the territory of the consolidated city;
- (2) is not considered a member of the metropolitan development commission for purposes of IC 36-7-15.1 but is entitled to attend and participate in the proceedings of all meetings of the metropolitan development commission (or any successor entity designated under IC 36-3-4-23) when it is acting as a redevelopment commission under IC 36-7-15.1;
- (3) is not entitled to a salary, per diem, or reimbursement of expenses;
- (4) serves for a term of two (2) years and until a successor is appointed; and
- (5) serves at the pleasure of the legislative body of the consolidated city."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1272 as printed January 31, 2017.) and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 1.

BUCK, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Engrossed House Bill 1421, 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 36-7-2-9.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 9.5. This section applies to any inspection of a building, structure, improvement, or other project that is required as part of the issuance of a building permit or improvement location permit. If a building code official or inspector finds that a building, structure, improvement, or other project violates an**

applicable law, order, or interpretation under section 9 of this chapter, the official or inspector shall:

(1) identify the specific:

(A) feature of the building, structure, improvement, or project that is noncompliant; and

(B) law, order, or interpretation upon which the finding of noncompliance is based, specifying the edition, chapter, and section of any applicable building or fire code; and

(2) provide the information to the permit applicant."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1421 as reprinted February 22, 2017.) and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

BUCK, Chair

Report adopted.

SENATE MOTION

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

HCR 35 Senator Merritt

Honoring the Gold Star Volunteers of the Indiana State Archives.

LONG

Motion prevailed.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 35

House Concurrent Resolution 35, sponsored by Senator Merritt:

A CONCURRENT RESOLUTION honoring the Gold Star Volunteers of the Indiana State Archives.

Whereas, Since 1991, dedicated volunteers have processed and indexed thousands of cubic feet of historical Indiana documents, including land records, naturalization records, institutional records, photographs, and original House and Senate bills;

Whereas, As of the end of 2016, eight volunteers earned Gold Star status by contributing more than 2,500 hours of their time to the Indiana State Archives;

Whereas, Dale Armstrong, Ann January, Boyd Obermeyer, Anne Rodick, and Tom York have accumulated more than 2,500 hours of volunteer time;

Whereas, Mary Etta Boren has volunteered more than 5,000 hours;

Whereas, Sandy Ricketts and Barbara Wood have given more than 10,000 hours of their time to the Indiana State Archives; and

Whereas, These Gold Star Volunteers and many others who contributed their time to the Indiana State Archives made it possible to search more than 1.5 million names online, allowing researchers from around the world to explore Indiana's history: Therefore,

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

SECTION 1. That the Indiana General Assembly thanks these Gold Star Volunteers for their many hours of dedicated service to the Indiana State Archives, work that has preserved Indiana's history and made it accessible to all Hoosiers.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the Indiana State Archives, Dale Armstrong, Ann January, Boyd Obermeyer, Anne Rodick, Tom York, Mary Etta Boren, Sandy Ricketts, and Barbara Wood.

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.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolutions 17 and 29 and the same are herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

ENGROSSED HOUSE BILLS ON SECOND READING

Engrossed House Bill 1023

Senator Crider called up Engrossed House Bill 1023 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1039

Senator Crider called up Engrossed House Bill 1039 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1080

Senator Grooms called up Engrossed House Bill 1080 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1084

Senator Crider called up Engrossed House Bill 1084 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

March 9, 2017

Senate 479

Engrossed House Bill 1102

Senator Grooms called up Engrossed House Bill 1102 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1287

Senator Becker called up Engrossed House Bill 1287 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

SENATE MOTION

Madam President: I move that Senators Alting, Bassler, Becker, Bohacek, Boots, Bray, Breaux, L. Brown, Buck, Charbonneau, Crane, Crider, Delph, Doriot, Eckerty, Ford, Freeman, Glick, Grooms, Head, Hershman, Holdman, Houchin, Koch, Kruse, Lanane, Leising, Long, Melton, Merritt, Messmer, Mishler, Mrvan, Niemeyer, Niezgodski, Perfect, Raatz, Lonnie M. Randolph, Ruckelshaus, J. Smith, Stoops, Tallian, G. Taylor, Tomes, Walker, M. Young, Zakas and Zay be added as coauthors of Senate Concurrent Resolution 17.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Monday, March 13, 2017.

HERSHMAN

Motion prevailed.

The Senate adjourned at 10:19 a.m.

JENNIFER L. MERTZ
Secretary of the Senate

SUZANNE CROUCH
President of the Senate