



Journal of the House

State of Indiana

119th General Assembly

Second Regular Session

Twenty-seventh Day

Wednesday Morning

March 2, 2016

The invocation was offered by Reverend Robert Armao, Campus Pastor of Lutheran High School in Indianapolis, a guest of Representative Robert W. Behning.

The House convened at 10:00 a.m. with Speaker Pro Tempore William C. Friend in the Chair.

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

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

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

Torr
Truitt
VanNatter
Washburne
Wesco

Wolkins
Wright
Zent
Ziemke
Mr. Speaker

Roll Call 314: 95 present; 5 excused. The Speaker announced a quorum in attendance. [NOTE: indicates those who were excused.]

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1001, 1002, 1013, 1019, 1028, 1040 and 1046 with amendments and the same are herewith returned to the House for concurrence.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1048, 1069, 1075, 1082, 1089, 1105, 1109, 1110, 1127, 1136, 1154, 1156, 1157, 1161, 1172 and 1179 with amendments and the same are herewith returned to the House for concurrence.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1211, 1220, 1231, 1246, 1248, 1263, 1264, 1267, 1272, 1290, 1312, 1331 and 1337 with amendments and the same are herewith returned to the House for concurrence.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bill 1087 with amendments and the same is herewith returned to the House for concurrence.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bill 1164 with amendments and the same is herewith returned to the House for concurrence.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bill 1235 with amendments and the same is herewith returned to the House for concurrence.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1322, 1344, 1347, 1353, 1360, 1365, 1370, 1372, 1373, 1386 and 1394 with amendments and the same are herewith returned to the House for concurrence.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bill 1294 with amendments and the same is herewith returned to the House for concurrence.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has concurred in the House amendments to Engrossed Senate Bills 126, 238 and 362.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 24, 28, 33, 41, 52, 53, 54, 59 and 64 and the same are herewith returned to the House.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 32 and the same is herewith transmitted to the House for further action.

JENNIFER L. MERTZ
Principal Secretary of the Senate

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 66

Representatives Austin and Leonard introduced House Concurrent Resolution 66:

A CONCURRENT RESOLUTION congratulating Valley Grove Elementary School on its designation as a National Title I school.

Whereas, Valley Grove Elementary School, Anderson, was recently recognized by the National Title I Association for its positive effect on student achievement, including closing the achievement and opportunity gap;

Whereas, Valley Grove Elementary School has been recognized as an "A" or "B" school each year for the past four years, and has achieved steady student improvement across all student groups despite having a high percentage of students eligible for free and reduced cost lunches;

Whereas, Valley Grove Elementary School creatively incorporates and engages families through the innovative use of technology, including Facebook, email, and text messaging;

Whereas, After implementing the eight-step process in 2013, Valley Grove Elementary School has seen a large positive effect on student achievement, which has contributed to the school

having earned an "A" school rating since 2013;

Whereas, Abiding by the motto, "Never Settle for Less than Your Best," and working under the leadership and guidance of Principal Jan Koeniger, Valley Grove has seen its math and English ISTEP scores steadily improve over the past two years; and

Whereas, In recognition of earning the distinction of a Title I Distinguished School by the National Title I Association and being one of 58 schools nationally to receive this honor, we hereby offer our congratulations: 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 congratulates Valley Grove Elementary School on its designation as a National Title I school and urges the school to keep up the good work.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Jan Koeniger, Principal.

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

House Concurrent Resolution 67

Representatives Porter, Bartlett, C. Brown, Harris, Pryor, Shackelford, V. Smith and Summers introduced House Concurrent Resolution 67:

A CONCURRENT RESOLUTION memorializing Amos C. Brown, III.

Whereas, Amos C. Brown, III died at his family home in Chicago, Illinois, on Friday, November 6, 2015;

Whereas, Born in Chicago on December 18, 1950, Amos C. Brown, III was a longtime radio broadcaster and activist who specialized in reports advocating for minority communities and public education;

Whereas, Amos C. Brown, III graduated from Northwestern University in 1972 and moved to Indianapolis in 1975 to join WTLC-FM as an advertising sales representative;

Whereas, Amos C. Brown, III advanced to assistant station manager and, in 1981, to station manager;

Whereas, In 1994 Amos C. Brown, III became director of strategic research for station owner Hoosier Radio and TV;

Whereas, Amos C. Brown, III began his on-air career in 1976; and, in 1992, created "The Noon Show", Indianapolis' first black-oriented radio talk show, and from 1997 to 2005 hosted "The Amos Brown Show", Indianapolis's only daytime TV talk show;

Whereas, One of Indianapolis's most visible media personalities and a member of Indiana's Broadcasting Hall of Fame, Amos C. Brown, III was the Director of Strategic Research for Radio One's Indianapolis stations;

Whereas, Amos C. Brown, III also hosted "Afternoons with Amos", which debuted in 2004 and aired weekdays on WTLC-FM and was Indianapolis's third most listened to talk show and was among the most popular black-oriented talk shows nationally;

Whereas, Amos C. Brown, III and "Afternoons with Amos" were nominated four times for the Indiana Broadcasters Association Spectrum Awards for Excellence, winning twice;

Whereas, Amos C. Brown, III was a two-time finalist for a Marconi Award from the National Association of Broadcasters,

the highest award in the radio industry for stations and personalities;

Whereas, Amos C. Brown, III's career included creating many public service initiatives, including efforts on behalf of Indiana Black Expo, Circle City Classic, and United Way, and fostering voter education by encouraging voter registration and getting out the vote;

Whereas, Amos C. Brown, III served the broadcasting industry as president of Indianapolis Radio Broadcasters, a position he held two times, and as a member of the National Association of Broadcasters Committee of Local Radio Audience Measurement;

Whereas, Active in Indianapolis civic affairs, Amos C. Brown, III was a Board Member of the Indianapolis Urban League, Indianapolis United Way, Community Action Against Poverty, the Indiana Black Expo, and a member of the Stanley K. Lacy Executive Leadership Series, Class III;

Whereas, Amos C. Brown, III also served as a division co-chair for the 1987 Pan Am Games and worked on, and with, numerous civic committees and efforts;

Whereas, Amos C. Brown, III was also a columnist at large for 19 years for the Indianapolis Recorder newspaper and his "Just Tellin' It" column dealt with a wide range of topics affecting the African-American community;

Whereas, An expert on the demographics of Indianapolis, Amos C. Brown, III was responsible for massive radio campaigns encouraging cooperation with the 1980, 1990, 2000, and 2010 censuses;

Whereas, Amos C. Brown, III was a member of the National Census Advisory Committee on African-American populations and served as co-chair of the Indianapolis 2010 Census Complete Count Committee; and

Whereas, For more than 40 years Amos C. Brown, III dedicated his life to echoing the voice of the Indianapolis community and bettering the lives of his listeners: Therefore,

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

SECTION 1. That the Indiana General Assembly expresses its deepest condolences to the family of Amos C. Brown, III and to express its gratitude for his years of dedicated service to the Indianapolis community and Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the family of Amos C. Brown, III.

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

The House stood for a moment of silence in memory of Amos C. Brown, III.

The Speaker Pro Tempore yielded the gavel to the Speaker.

House Resolution 43

Representatives Bartlett and Hale introduced House Resolution 43:

A HOUSE RESOLUTION honoring Coach Jack Keefer.

Whereas, The name Jack Keefer is synonymous with basketball at Lawrence North High School in Indianapolis;

Whereas, Jack Keefer has been the head varsity basketball coach there for 40 years;

Whereas, Jack Keefer, known as the "Dean" of Marion County coaches, began his varsity coaching career with the Lawrence North Wildcats in 1976 and has been the only varsity basketball coach in the school's history;

Whereas, The member of the Indiana Basketball Hall of Fame and the holder of four state championship titles was honored on January 29, 2016, when the Wildcats' gymnasium was renamed in his honor;

Whereas, In 2006, Coach Keefer received a coaching honor that has never before been bestowed upon any Indiana high school coach—he was recognized as the National High School Coach of the Year by USA Today, Sports Illustrated, and the National High School Coaches Association;

Whereas, In addition to his national honors, Coach Keefer has previously also been named Indiana Coach of the Year, Ball State Alumnus Coach of the Year, Marion County Coach of the Year, District Coach of the Year, and Conference Coach of the Year;

Whereas, With 740 wins as of February 13, 2016, Coach Keefer ranks second in the state among active coaches with only three coaches who have achieved more wins;

Whereas, Coach Keefer has an overall coaching record of 740 wins and 301 losses;

Whereas, In addition to his coaching duties at Lawrence North, Coach Keefer has also served as coach of the Indiana All-Star team, coach of the winning East team in the 2005 McDonald's All-American Game, coach of the McDonald's Derby Classic, the Indiana East/West All Star game, the Indiana North/South All Star game, and the Jermaine O'Neal All Star Classic;

Whereas, Lawrence North High School basketball teams have achieved great success under Coach Keefer's leadership;

Whereas, Perhaps no Lawrence North team achieved more success than the 2005-2006 team that finished 29-0, winning Lawrence North's third consecutive state championship and being named National Champion (the first Indiana high school team to achieve such recognition);

Whereas, The 2005-2006 team defeated nationally ranked teams from Ohio and Illinois, won the prestigious Marion County Tournament, tied a 50-year-old state record for 45 consecutive wins, and made history by winning a third consecutive state championship;

Whereas, Coach Keefer was born in Marion, Indiana, and has his undergraduate degree from Ball State University, his master's degree from Indiana University, and his graduate degree in school administration from Ball State University; and

Whereas, Such outstanding accomplishments as these deserve special recognition: Therefore,

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

SECTION 1. That the Indiana House of Representatives recognizes the many accomplishments of Coach Keefer and his contributions to the youth of our state.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Jack Keefer and the Lawrence Township School Corporation.

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

RESOLUTIONS ELIGIBLE FOR ADOPTION

House Concurrent Resolution 57

The Speaker handed down on its passage House Concurrent Resolution 57, introduced by Representatives Arnold, Goodin and Leonard:

A CONCURRENT RESOLUTION urging the Indiana Department of Transportation to rename Interstate 65 through Clark County "Governor Jonathan Jennings Memorial Highway".

The resolution was read a second time and adopted. Roll Call 315: yeas 91, nays 0. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Smith.

House Concurrent Resolution 56

The Speaker handed down on its passage House Concurrent Resolution 56, introduced by Representatives Porter, T. Brown, Bartlett, C. Brown, Harris, Pryor, Shackelford, V. Smith, Summers, Pelath, Baird, Lehman and Leonard:

A CONCURRENT RESOLUTION urging the Indiana Department of Transportation to name the section of Interstate Highway 65 from Seymour to Johnson County as "The Tuskegee Airmen Highway".

The resolution was read a second time and adopted. Roll Call 316: yeas 93, nays 0. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Breaux.

Representatives Austin and M. Smith are excused.

House Concurrent Resolution 58

The Speaker handed down on its passage House Concurrent Resolution 58, introduced by Representative Koch:

A CONCURRENT RESOLUTION memorializing Indiana State Police Trooper Robert Gillespie and urging the Indiana Department of Transportation to name a memorial mile of State Road 37 near Mitchell "The Trooper Robert Gillespie Memorial Mile".

The resolution was read a second time and adopted. Roll Call 317: yeas 92, nays 0. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Steele.

ENGROSSED SENATE BILLS ON SECOND READING

Pursuant to House Rule 143.1, the following bills which had no amendments filed, were read a second time by title and ordered engrossed: Engrossed Senate Bills 67, 250, 253, 255 and 306.

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

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 14

Representative Eberhart called down Engrossed Senate Bill 14 for third reading:

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

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

passage. The question was, Shall the bill pass?

Roll Call 318: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Cherry, who had been excused, is now present. Representative Frizzell is excused.

Engrossed Senate Bill 41

Representative Carbaugh called down Engrossed Senate Bill 41 for third reading:

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

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

Roll Call 319: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 61

Representative Richardson called down Engrossed Senate Bill 61 for third reading:

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

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

Roll Call 320: yeas 63, nays 31. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

CONFEREES AND ADVISORS APPOINTED

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed House Bills (the Representative listed first is the Chair):

- EHB 1005 Conferees: DeVon and V. Smith
Advisors: McNamara, Cook, Behning, Austin
- EHB 1081 Conferees: Thompson and Pryor
Advisors: Ober, Huston, Porter, Stemler, Pierce
- EHB 1271 Conferees: Zent and Summers
Advisors: Olthoff, Miller, Klinker, Macer, Lawson
- EHB 1273 Conferees: Leonard and Porter
Advisors: M. Smith, Goodin, Pryor
- EHB 1395 Conferees: Behning and Austin
Advisors: T. Brown, Fine, V. Smith, Moed

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed Senate Bills:

- ESB 173 Conferees: Frizzell and Porter
Advisors: Thompson, Mayfield, Pryor, Macer
- ESB 187 Conferees: McNamara and Goodin
Advisors: Davisson, Kirchofer, C. Brown

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 1:49 p.m. with the Speaker in the Chair.

Representatives Frizzell and M. Smith, who had been excused, are now present.

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 10

Representative Cook called down Engrossed Senate Bill 10 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 10-7)

Mr. Speaker: I move that Engrossed Bill 10 be amended to read as follows:

- Page 3, delete lines 5 through 6.
- Page 3, line 7, delete "(4)" and insert "(3)".
- Page 3, line 14, delete "(5)" and insert "(4)".
- Page 3, delete lines 16 through 30.
- Page 3, line 31, delete "received".
- Page 3, line 31, delete "or an addition to a".
- Page 3, line 32, delete "teacher's base salary".
- Page 3, line 34, delete "or addition to a teacher's base salary". (Reference is to ESB 10 as printed February 29, 2016.)

DELANEY

Upon request of Representatives Pelath and DeLaney, the Speaker ordered the roll of the House to be called. Roll Call 321: yeas 28, nays 68. Motion failed.

HOUSE MOTION (Amendment 10-1)

Mr. Speaker: I move that Engrossed Senate Bill 10 be amended to read as follows:

- Page 3, delete lines 5 through 6.
- Page 3, line 7, delete "(4)" and insert "(3)".
- Page 3, line 14, delete "(5)" and insert "(4)".
- Page 3, line 22, delete "either".
- Page 3, line 22, delete "or an" and insert ".".
- Page 3, delete lines 23 through 30.
- Page 3, line 31, delete "received".
- Page 3, line 31, reset in roman "supplement".
- Page 3, line 31, delete "supplemental payment or an addition to a".
- Page 3, line 32, delete "teacher's base salary".
- Page 3, line 33, reset in roman "supplement".
- Page 3, line 33, delete "supplemental".
- Page 3, line 34, delete "payment or addition to a teacher's base salary".
- Page 3, line 34, reset in roman "Such".
- Page 3, line 35, delete "A" and insert "a".
- Page 3, line 35, reset in roman "supplement".
- Page 3, line 35, delete "supplemental payment under this subsection".

Page 5, after line 2, begin a new paragraph and insert:
"SECTION 3. IC 20-29-6-4, AS AMENDED BY P.L.213-2015, SECTION 186, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) A school employer shall bargain collectively with the exclusive representative on the following:

- (1) Salary.
- (2) Wages.
- (3) Salary and wage related fringe benefits, including accident, sickness, health, dental, vision, life, disability, retirement benefits, and paid time off as permitted to be bargained under IC 20-28-9-11.

(b) Salary and wages include the amounts of pay increases available to employees under the compensation plan adopted under IC 20-28-9-1.5, but do not include the teacher evaluation procedures and criteria, any components of the teacher evaluation plan, rubric, or tool, or any performance stipend or addition to base salary based on a performance stipend to an

individual teacher under IC 20-43-10-3.

(c) A school employer and an exclusive representative may bargain to give the school employer discretion to provide to a school employee who is newly hired in a hard to fill teaching position a supplemental payment that exceeds the salary specified in the compensation plan adopted under IC 20-28-9-1.5.

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

Renumber all SECTIONS consecutively.

(Reference is to ESB 10 as printed February 29, 2016.)

KERSEY

Upon request of Representatives Pelath and Lawson, the Speaker ordered the roll of the House to be called. Roll Call 322: yeas 28, nays 68. Motion failed.

HOUSE MOTION (Amendment 10-4)

Mr. Speaker: I move that Engrossed Senate Bill 10 be amended to read as follows:

- Page 3, line 22, delete "either".
- Page 3, line 22, delete "or an" and insert ".".
- Page 3, line 23, delete "executive session, at the discretion of the governing body".

(Reference is to ESB 10 as printed February 29, 2016.)

V. SMITH

Upon request of Representatives Pelath and Lawson, the Speaker ordered the roll of the House to be called. Roll Call 323: yeas 32, nays 64. Motion failed.

HOUSE MOTION (Amendment 10-6)

Mr. Speaker: I move that Engrossed Senate Bill 10 be amended to read as follows:

- Page 3, line 15, after "degree" insert ".".
- Page 3, line 15, strike "in math or reading and literacy".

(Reference is to ESB 10 as printed February 29, 2016.)

V. SMITH

Upon request of Representatives Pelath and Lawson, the Speaker ordered the roll of the House to be called. Roll Call 324: yeas 27, nays 68. Motion failed. The bill was ordered engrossed.

With consent of the members, the Speaker returned to resolutions on first reading.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 1

The Speaker handed down Senate Concurrent Resolution 1, sponsored by Representative Richardson:

A CONCURRENT RESOLUTION expressing appreciation for Lieutenant Governor Sue Ellspermann's service to the State of Indiana.

Whereas, Lieutenant Governor Sue Ellspermann was inaugurated as Indiana's 50th lieutenant governor on January 14, 2013;

Whereas, In faithfully discharging the duties of her office, Lieutenant Governor Ellspermann serves as President of the Indiana State Senate and as Secretary of Agriculture and Rural Development, and Lieutenant Governor Ellspermann also manages six state agencies, including the State Department of Agriculture, the Office of Community and Rural Affairs, the Office of Tourism Development, the Office of Defense Development, the Office of Business Entrepreneurship, and the Indiana Housing and Community Development Authority;

Whereas, Throughout her tenure, Lieutenant Governor Ellspermann has helped undertake several landmark initiatives, including serving as co-chair of the Blue Ribbon Panel on

Transportation Infrastructure to identify the next generation of Indiana's major transportation projects; serving as Vice Chair of the Indiana Career Council, which is leading the transformation of the state's workforce development, education, and training initiatives; and convening a historic Rural Broadband Working Group with industry leaders and various state officials to identify and solve the issues that hinder the expansion of broadband service in rural areas;

Whereas, Lieutenant Governor Ellspermann also notably led a trade mission to Japan, South Korea, and Taiwan in 2014, where she signed agreements promoting additional imports of Indiana corn, soybeans, and hardwoods;

Whereas, Lieutenant Governor Ellspermann previously served in the Indiana House of Representatives from 2011 to 2012, representing District 74, where she served as Vice Chair of the House Committee on Employment, Labor and Pensions and as a member of the House Committees on Commerce, Small Business and Economic Development and Elections and Apportionment;

Whereas, Prior to her elected service, Lieutenant Governor Ellspermann had a distinguished business career in manufacturing at General Motors, Michelin, and Frito-Lay, before starting her own consulting firm and eventually becoming the founding director of the Center for Applied Research and Economic Development at the University of Southern Indiana;

Whereas, Lieutenant Governor Ellspermann is married to her loving husband Jim Mehling, with whom she has four daughters and three grandchildren; and

Whereas, It is fitting that the Indiana General Assembly honors Lieutenant Governor Ellspermann for her honorable service and contributions to the State of Indiana in her many roles and wishes her the best in her endeavors to come: Therefore,

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

SECTION 1. That the Indiana General Assembly expresses its sincere appreciation to Lieutenant Governor Ellspermann for her service to the State of Indiana.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Lieutenant Governor Ellspermann.

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

With consent of the members, the Speaker returned to bills on second reading.

**ENGROSSED SENATE BILLS
ON SECOND READING**

Engrossed Senate Bill 28

Representative Koch called down Engrossed Senate Bill 28 for second reading. The bill was read a second time by title.

**HOUSE MOTION
(Amendment 28-4)**

Mr. Speaker: I move that Engrossed Bill 28 be amended to read as follows:

Page 3, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 3. IC 34-18-6-4, AS AMENDED BY P.L.18-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 4. (a) Claims

for payment from the patient's compensation fund must be computed and paid as follows: **not later than sixty (60) days after the issuance of a court approved settlement or final, nonappealable judgment.**

(1) Claims for payment from the patient's compensation fund that become final during the first three (3) months of the calendar year must be:

- (A) computed on March 31; and
- (B) paid not later than April 15;

of that calendar year.

(2) Claims for payment from the patient's compensation fund that become final during the second three (3) months of the calendar year must be:

- (A) computed on June 30; and
- (B) paid not later than July 15;

of that calendar year.

(3) Claims for payment from the patient's compensation fund that become final during the third three (3) months of the calendar year must be:

- (A) computed on September 30; and
- (B) paid not later than October 15;

of that calendar year.

(4) Claims for payment from the patient's compensation fund that become final during the last three (3) months of the calendar year must be:

- (A) computed on December 31 of that calendar year; and
- (B) paid not later than January 15 of the following calendar year.

(b) If the balance in the fund is insufficient to pay in full all claims that have become final during a three (3) month period, the amount paid to each claimant must be prorated. Any amount left unpaid as a result of the proration must be paid before the payment of claims that become final during the following three (3) month period.

SECTION 4. IC 34-18-6-5, AS AMENDED BY P.L.18-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 5. The auditor of state shall issue a warrant in the amount of each claim submitted to the auditor against the fund ~~on March 31, June 30, September 30, and December 31 of each year: not later than sixty (60) days after the issuance of a court approved judgment or final, nonappealable judgment.~~ The only claim against the fund shall be a voucher or other appropriate request by the commissioner after the commissioner receives:

- (1) a certified copy of a final judgment against a health care provider; or
- (2) a certified copy of a court approved settlement against a health care provider."

Page 5, delete lines 6 through 20, begin a new line block indented and insert:

"(5) One million eight hundred thousand dollars (\$1,800,000) for an act of malpractice that occurs after December 31, 2018."

Page 5, line 27, delete "fifty".

Page 5, line 27, delete "\$450,000" and insert "**(\$400,000)**".

Page 5, delete lines 31 through 42, begin a new line block indented and insert:

"(3) Five hundred thousand dollars (\$500,000) for an act of malpractice that occurs after December 31, 2018."

Page 6, delete lines 1 through 2.

Page 6, line 19, delete "fifty".

Page 6, line 19, delete "\$450,000" and insert "**(\$400,000)**".

Page 6, delete lines 23 through 36, begin a new line block indented and insert:

"(3) Five hundred thousand dollars (\$500,000) for an act of malpractice that occurs after December 31, 2018."

Page 6, delete lines 40 through 42.

Page 7, delete lines 1 through 4.
 Renumber all SECTIONS consecutively.
 (Reference is to ESB 28 as printed February 29, 2016.)
 TORR

Motion prevailed.

HOUSE MOTION
 (Amendment 28-7)

Mr. Speaker: I move that Engrossed Senate Bill 28 be amended to read as follows:

Page 4, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 4. IC 34-18-10-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 25. (a) Each health care provider member of the medical review panel is entitled to be paid:

(1) up to ~~three hundred fifty dollars (\$350)~~ **five hundred dollars (\$500)** for all work performed as a member of the panel, exclusive of time involved if called as a witness to testify in court; and

(2) reasonable travel expense.

(b) The chairman of the panel is entitled to be paid:

(1) at the rate of two hundred fifty dollars (\$250) per diem, not to exceed two thousand **five hundred dollars (\$2,000); (\$2,500);** and

(2) reasonable travel expenses.

(c) The chairman shall keep an accurate record of the time and expenses of all the members of the panel. The record shall be submitted to the parties for payment with the panel's report.

(d) Fees of the panel, including travel expenses and other expenses of the review, shall be paid by the side in whose favor the majority opinion is written. If there is no majority opinion, each side shall pay fifty percent (50%) of the cost."

Renumber all SECTIONS consecutively.
 (Reference is to ESB 28 as printed February 29, 2016.)

TORR

Motion prevailed.

HOUSE MOTION
 (Amendment 28-8)

Mr. Speaker: I move that Engrossed Senate Bill 28 be amended to read as follows:

Replace the effective dates in SECTIONS 1 through 7 with "[EFFECTIVE JULY 1, 2017]".

Page 1, after line 17, begin a new paragraph and insert:

"SECTION 2. IC 34-18-2-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4.5. "Anesthesiologist assistant" has the meaning set forth in IC 25-3.7-1-1.**

SECTION 3. IC 34-18-2-14, AS AMENDED BY P.L.117-2015, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. "Health care provider" means any of the following:

(1) An individual, a partnership, a limited liability company, a corporation, a professional corporation, a facility, or an institution licensed or legally authorized by this state to provide health care or professional services as a physician, psychiatric hospital, hospital, health facility, emergency ambulance service (IC 16-18-2-107), dentist, registered or licensed practical nurse, physician assistant, certified nurse midwife, **anesthesiologist assistant**, optometrist, podiatrist, chiropractor, physical therapist, respiratory care practitioner, occupational therapist, psychologist, paramedic, advanced emergency medical technician, or emergency medical technician, or a person who is an officer, employee, or agent of the individual, partnership, corporation, professional corporation, facility, or institution acting in the course and scope of the person's employment.

(2) A college, university, or junior college that provides health care to a student, faculty member, or employee, and the governing board or a person who is an officer, employee, or agent of the college, university, or junior college acting in the course and scope of the person's employment.

(3) A blood bank, community mental health center, community intellectual disability center, community health center, or migrant health center.

(4) A home health agency (as defined in IC 16-27-1-2).

(5) A health maintenance organization (as defined in IC 27-13-1-19).

(6) A health care organization whose members, shareholders, or partners are health care providers under subdivision (1).

(7) A corporation, limited liability company, partnership, or professional corporation not otherwise qualified under this section that:

(A) as one (1) of its functions, provides health care;

(B) is organized or registered under state law; and

(C) is determined to be eligible for coverage as a health care provider under this article for its health care function.

Coverage for a health care provider qualified under this subdivision is limited to its health care functions and does not extend to other causes of action."

Page 4, line 28, strike "state health".

Page 5, line 1, delete "January 1, 2017." and insert "**July 1, 2017.**"

Page 5, line 4, delete "December 31, 2016;" and insert "**June 30, 2017;**".

Page 5, line 5, delete "January 1, 2019." and insert "**July 1, 2019.**"

Page 5, line 8, delete "December 31, 2018;" and insert "**June 30, 2019;**".

Page 5, line 9, delete "January 1, 2023." and insert "**July 1, 2023.**"

Page 5, line 12, delete "December 31, 2022;" and insert "**June 30, 2023;**".

Page 5, line 13, delete "January 1, 2027." and insert "**July 1, 2027.**"

Page 5, line 16, delete "December 31, 2026;" and insert "**June 30, 2027;**".

Page 5, line 17, delete "January 1, 2031." and insert "**July 1, 2031.**"

Page 5, delete line 20 and insert "**June 30, 2031.**"

Page 5, line 26, delete "January 1, 2017." and insert "**July 1, 2017.**"

Page 5, line 29, delete "December 31, 2016;" and insert "**June 30, 2017;**".

Page 5, line 30, delete "January 1, 2019." and insert "**July 1, 2019.**"

Page 5, line 33, delete "December 31, 2018;" and insert "**June 30, 2019;**".

Page 5, line 34, delete "January 1, 2023." and insert "**July 1, 2023.**"

Page 5, line 37, delete "December 31, 2022;" and insert "**June 30, 2023;**".

Page 5, line 38, delete "January 1, 2027." and insert "**July 1, 2027.**"

Page 5, line 41, delete "December 31, 2026;" and insert "**June 30, 2027;**".

Page 5, line 42, delete "January 1, 2031." and insert "**July 1, 2031.**"

Page 6, line 2, delete "December 31, 2030." and insert "**June 30, 2031.**"

Page 6, line 18, delete "January 1, 2017." and insert "**July 1, 2017.**"

Page 6, line 21, delete "December 31, 2016;" and insert "**June 30, 2017;**".

Page 6, line 22, delete "January 1, 2019." and insert "**July 1, 2019.**"

Page 6, line 25, delete "December 31, 2018;" and insert "**June 30, 2019;**"

Page 6, line 26, delete "January 1, 2023." and insert "**July 1, 2023.**"

Page 6, line 29, delete "December 31, 2022;" and insert "**June 30, 2023;**"

Page 6, line 30, delete "January 1, 2027." and insert "**July 1, 2027.**"

Page 6, line 33, delete "December 31, 2026;" and insert "**June 30, 2027;**"

Page 6, line 34, delete "January 1, 2031." and insert "**July 1, 2031.**"

Page 6, line 36, delete "December 31, 2030." and insert "**June 30, 2031.**"

Page 7, line 30, delete "January 1, 2017;" and insert "**July 1, 2017;**"

Page 7, delete line 34 and insert "**June 30, 2017.**"

Page 9, line 24, delete "January 1, 2017," and insert "**July 1, 2017,**"

Page 9, line 26, delete "December 31, 2016," and insert "**June 30, 2017,**"

Page 9, after line 27, begin a new paragraph and insert:

"SECTION 10. **An emergency is declared for this act.**"

Renumber all SECTIONS consecutively.

(Reference is to ESB 28 as printed February 29, 2016.)

LEHMAN

Motion prevailed.

HOUSE MOTION
(Amendment 28-2)

Mr. Speaker: I move that Engrossed Senate Bill 28 be amended to read as follows:

Page 3, delete lines 20 through 42.

Page 4, delete lines 1 through 29.

Renumber all SECTIONS consecutively.

(Reference is to ESB 28 as printed February 29, 2016.)

BACON

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 30

Representative T. Brown called down Engrossed Senate Bill 30 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 30-1)

Mr. Speaker: I move that Engrossed Senate Bill 30 be amended to read as follows:

Page 1, line 15, delete "insured or" and insert "**insured,**"

Page 1, line 15, after "individual" insert "**, or legal representative of the insured or covered individual,**"

Page 2, line 1, delete "and" and insert ","

Page 2, line 1, after "individual" insert "**, or legal representative,**"

Page 4, line 34, after "enrollee" insert ","

Page 4, line 35, delete "or subscriber" and insert "**subscriber, or legal representative of the enrollee or subscriber,**"

Page 4, line 37, after "enrollee" insert ","

Page 4, line 37, strike "or".

Page 4, line 37, after "subscriber" insert "**, or legal representative,**"

(Reference is to ESB 30 as printed February 26, 2016.)

T. BROWN

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 146

Representative Friend called down Engrossed Senate Bill 146 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 146-2)

Mr. Speaker: I move that Engrossed Bill 146 be amended to read as follows:

Page 2, line 12, after "IC 21-7-13-6(a)(1)" insert "**, or an association acting on behalf of an approved postsecondary educational institution,**"

(Reference is to ESB 146 as printed February 29, 2016.)

FRIEND

Motion prevailed.

HOUSE MOTION
(Amendment 146-3)

Mr. Speaker: I move that Engrossed Senate Bill 146 be amended to read as follows:

Page 1, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 2. IC 4-24-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. The ~~superintendent~~ **warden** of any state penal or correctional institution or ~~the superintendent or warden~~ of any state institution (as defined by IC 12-7-2-184) may compensate any employee of the institution for damages to the personal property of the employee which damages occurred in the ordinary course of the employees' employment and which damages were in no way caused by the negligence of the employee.

SECTION 3. IC 4-24-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. For all claims that the Putnamville Correctional Facility may have against any county for any money advanced by such institution for transportation allowance to a discharged inmate of such institution which inmate was admitted to such institution from such county, the ~~superintendent~~ **warden** of such institution shall make out an account therefor against such county, in a manner as hereinafter provided.

SECTION 4. IC 11-8-2-5, AS AMENDED BY P.L.23-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) The commissioner shall do the following:

- (1) Organize the department and employ personnel necessary to discharge the duties and powers of the department.
- (2) Administer and supervise the department, including all state owned or operated correctional facilities.
- (3) Except for employees of the parole board, be the appointing authority for all positions in the department.
- (4) Define the duties of a deputy commissioner and a ~~superintendent~~ **warden.**
- (5) Accept committed persons for study, evaluation, classification, custody, care, training, and reintegration.
- (6) Determine the capacity of all state owned or operated correctional facilities and programs and keep all Indiana courts having criminal or juvenile jurisdiction informed, on a quarterly basis, of the populations of those facilities and programs.
- (7) Utilize state owned or operated correctional facilities and programs to accomplish the purposes of the department and acquire or establish, according to law, additional facilities and programs whenever necessary to accomplish those purposes.
- (8) Develop policies, programs, and services for committed persons, for administration of facilities, and for conduct of employees of the department.
- (9) Administer, according to law, the money or other property of the department and the money or other property retained by the department for committed persons.
- (10) Keep an accurate and complete record of all department proceedings, which includes the responsibility for the custody and preservation of all papers and

documents of the department.

(11) Make an annual report to the governor according to subsection (c).

(12) Develop, collect, and maintain information concerning offenders, sentencing practices, and correctional treatment as the commissioner considers useful in penological research or in developing programs.

(13) Cooperate with and encourage public and private agencies and other persons in the development and improvement of correctional facilities, programs, and services.

(14) Explain correctional programs and services to the public.

(15) As required under 42 U.S.C. 15483, after January 1, 2006, provide information to the election division to coordinate the computerized list of voters maintained under IC 3-7-26.3 with department records concerning individuals disfranchised under IC 3-7-46.

(b) The commissioner may:

(1) when authorized by law, adopt departmental rules under IC 4-22-2;

(2) delegate powers and duties conferred on the commissioner by law to a deputy commissioner or commissioners and other employees of the department;

(3) issue warrants for the return of escaped committed persons (an employee of the department or any person authorized to execute warrants may execute a warrant issued for the return of an escaped person);

(4) appoint personnel to be sworn in as correctional police officers; and

(5) exercise any other power reasonably necessary in discharging the commissioner's duties and powers.

(c) The annual report of the department shall be transmitted to the governor by September 1 of each year and must contain:

(1) a description of the operation of the department for the fiscal year ending June 30;

(2) a description of the facilities and programs of the department;

(3) an evaluation of the adequacy and effectiveness of those facilities and programs considering the number and needs of committed persons or other persons receiving services; and

(4) any other information required by law.

Recommendations for alteration, expansion, or discontinuance of facilities or programs, for funding, or for statutory changes may be included in the annual report.

SECTION 5. IC 11-8-2-7, AS AMENDED BY P.L.100-2012, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) The commissioner shall determine which state owned or operated correctional facilities are to be maintained for criminal offenders and which are to be maintained for delinquent offenders.

(b) The commissioner shall determine which state owned or operated correctional facilities need, for effective management, administration by a **superintendent warden**. The commissioner shall appoint a **superintendent warden** for each correctional facility. However, the commissioner may appoint a person as **superintendent warden** of two (2) or more facilities if the commissioner finds that it would be economical to do so and would not adversely effect the management of the facilities.

(c) Except as provided in subsection (d), a **superintendent warden** must hold at least a bachelor's degree from an accredited college or university.

(d) If a **superintendent warden** does not hold at least a bachelor's degree from an accredited college or university, the **superintendent warden** must have at least ten (10) years of experience in public safety work.

(e) In addition to the requirements described in subsections (c) and (d), a **superintendent warden** must have held a management position in correctional or related work for a

minimum of five (5) years. A **superintendent warden** is entitled to a salary to be determined by the budget agency with the approval of the governor.

(f) If a **superintendent warden** position becomes vacant, the commissioner may appoint an acting **superintendent warden** to discharge the duties and powers of a **superintendent warden** on a temporary basis.

SECTION 6. IC 11-10-14-4, AS ADDED BY P.L.213-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) The department shall select a person to be the director of each transitional dormitory. The department may select a person to be a director who is employed by a faith based organization.

(b) The director's responsibilities include the following:

(1) Implement each program component.

(2) Recruit volunteers to provide instruction and training in the transitional dormitory with an emphasis on recruiting volunteers for religious programs.

(3) Oversee the day to day operations of the transitional dormitory.

(4) Provide information requested by the **superintendent warden** regarding an offender or a program.

(5) Remove an offender from the transitional dormitory for:

(A) population management concerns;

(B) misconduct;

(C) security or safety concerns;

(D) mental health concerns; or

(E) lack of meaningful participation in the programs and training.

SECTION 7. IC 11-10-16-3, AS ADDED BY P.L.73-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) The **superintendent warden** may appoint a person to direct the specialized vocational program. Each facility that has a specialized vocational program must have a facility manager to direct the program.

(b) The director shall do the following:

(1) Establish and oversee the day to day operations of the specialized vocational program.

(2) Recruit volunteers and businesses to provide instruction and training in:

(A) the specialized vocational program; and

(B) any related certification program.

(3) Provide information requested by the **superintendent warden** regarding an inmate or a specialized vocational program.

(4) Determine the appropriate number of inmates in each specialized vocational program, considering the availability of:

(A) qualified staff; and

(B) appropriate facilities and equipment.

The director may remove one (1) or more inmates from a program if necessary to comply with this subdivision.

(5) Remove an inmate from a specialized vocational program at any time due to:

(A) misconduct;

(B) security issues;

(C) safety issues;

(D) health concerns; or

(E) lack of meaningful participation in the program.

(6) Carry out other duties concerning the specialized vocational program as directed by the **superintendent warden**.

SECTION 8. IC 11-11-3-6, AS AMENDED BY P.L.2-2007, SECTION 152, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) A confined person may acquire and possess printed matter on any subject, from any source. However, unless a confined person or the sender receives prior approval from the **superintendent warden** for the

confined person to receive a book, magazine, newspaper, or other periodical from another source, a confined person may receive a book, magazine, newspaper, or other periodical only if it is mailed to the confined person directly from the publisher, the distributor, or an accredited postsecondary educational institution. The department may inspect all printed matter and exclude any material that is contraband or prohibited property. However, in the case of a confined adult, the department may not exclude printed matter on the grounds it is obscene or pornographic unless it is obscene under Indiana law. A periodical may be excluded only on an issue by issue basis. Printed matter obtained at cost to the confined person must be prepaid.

(b) If the department withholds printed matter, it must promptly notify the confined person. The notice must be in writing and include the title of the matter, the date the matter was received at the facility or program, the name of the person who made the decision, whether the matter is objectionable in whole or in part, the reason for the decision, and the fact that the department's action may be challenged through the grievance procedure.

SECTION 9. IC 12-26-8-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) Within thirty (30) days after a child is first committed to a facility by a juvenile court, the child's advocate shall do all of the following:

- (1) Visit the facility.
- (2) Evaluate the services delivered to the child.
- (3) Evaluate whether the commitment continues to be appropriate for the child.

(b) The child's advocate shall conduct a review similar to that required under subsection (a):

- (1) sixty (60) days after the child is first committed;
- (2) six (6) months after the child is first committed; and
- (3) every six (6) months after the review required by subdivision (2).

(c) The ~~superintendent~~ **warden** of the facility shall provide necessary assistance to carry out the reviews required by this section.

SECTION 10. IC 12-26-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. The child's advocate shall submit a report of each review required by section 4 of this chapter to all of the following:

- (1) The committing juvenile court.
- (2) The ~~superintendent~~ **warden** of the facility.
- (3) A county office that has wardship of the child.
- (4) Each party to the commitment proceeding.

SECTION 11. IC 16-41-15-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15. Whenever a person with a venereal disease is admitted to a benevolent, charitable, or penal institution or correctional facility of Indiana, the ~~superintendent~~ **warden** or official in charge of the institution or correctional facility shall institute and provide the proper treatment for the person and shall carry out laboratory tests necessary to determine the nature, course, duration, and results of the treatment."

Page 2, between lines 24 and 25, begin a new paragraph and insert:

"SECTION 14. IC 35-38-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) The punishment of death shall be inflicted by intravenous injection of a lethal substance or substances into the convicted person:

- (1) in a quantity sufficient to cause the death of the convicted person; and
- (2) until the convicted person is dead.

(b) The death penalty shall be inflicted before the hour of sunrise on a date fixed by the sentencing court. However, the execution must not occur until at least one hundred (100) days after the conviction.

(c) The ~~superintendent~~ **warden** of the state prison, or persons designated by the ~~superintendent~~ **warden**, shall designate the

person who is to serve as the executioner.

(d) The department of correction may adopt rules under IC 4-22-2 necessary to implement subsection (a).

SECTION 15. IC 35-38-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. The court in which a death sentence is ordered shall issue a warrant to the sheriff within fourteen (14) days of the sentence:

- (1) that is under the seal of the court;
- (2) that contains notice of the conviction and the sentence;
- (3) that is directed to the ~~superintendent~~ **warden** of the state prison; and
- (4) that orders the ~~superintendent~~ **warden** to execute the convicted person at a specified time and date in the state prison.

SECTION 16. IC 35-38-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. A sheriff who receives a warrant under section 2 ~~or section~~ 7 of this chapter shall immediately:

- (1) transport the person to the state prison;
- (2) deliver the person and the warrant to the ~~superintendent~~ **warden** of the prison;
- (3) obtain a receipt for the delivery of the person; and
- (4) deliver the receipt to the clerk of the sentencing court.

SECTION 17. IC 35-38-6-6, AS AMENDED BY P.L.56-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) Only the following persons may be present at the execution:

- (1) The ~~superintendent~~ **warden** of the state prison.
- (2) The person designated by the ~~superintendent~~ **warden** of the state prison and any assistants who are necessary to assist in the execution.
- (3) The prison physician.
- (4) One (1) other physician.
- (5) The spiritual advisor of the convicted person.
- (6) The prison chaplain.
- (7) Not more than five (5) friends or relatives of the convicted person who are invited by the convicted person to attend.
- (8) Except as provided in subsection (b), not more than eight (8) of the following members of the victim's immediate family who are at least eighteen (18) years of age:

- (A) The victim's spouse.
- (B) One (1) or more of the victim's children.
- (C) One (1) or more of the victim's parents.
- (D) One (1) or more of the victim's grandparents.
- (E) One (1) or more of the victim's siblings.

(b) If there is more than one (1) victim, not more than eight (8) persons who are members of the victims' immediate families may be present at the execution. The department shall determine which persons may be present in accordance with procedures adopted under subsection (c).

(c) The department shall develop procedures to determine which family members of a victim may be present at the execution if more than eight (8) family members of a victim desire to be present or if there is more than one (1) victim. Upon the request of a family member of a victim, the department shall establish a support room for the use of:

- (1) an immediate family member of the victim described in subsection (a)(8) who is not selected to be present at the execution; and
- (2) a person invited by an immediate family member of the victim described in subsection (a)(8) to offer support to the immediate family member.

(d) The ~~superintendent~~ **warden** of the state prison may exclude a person from viewing the execution if the ~~superintendent~~ **warden** determines that the presence of the person would threaten the safety or security of the state prison and sets forth this determination in writing.

(e) The department of correction:

(1) shall keep confidential the identities of persons who assist the ~~superintendent~~ **warden** of the state prison in an execution; and

(2) may:

(A) classify as confidential; and

(B) withhold from the public;

any part of a document relating to an execution that would reveal the identity of a person who assists the ~~superintendent~~ **warden** in the execution.

SECTION 18. IC 35-38-6-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) If the convicted person:

(1) escapes from custody before the date set for execution; and

(2) is recaptured before the date set for execution;

the convicted person shall be confined and executed according to the terms of the warrant.

(b) If the convicted person:

(1) escapes from custody before delivery to the ~~superintendent~~ **warden** of the state prison; and

(2) is recaptured after the date set for execution;

any person may arrest and commit the convicted person to the jail of the county in which the convicted person was sentenced. The sheriff shall notify the sentencing court of the recapture, and the court shall fix a new date for the execution. The new execution date must not be less than thirty (30) nor more than sixty (60) days after the recapture of the person. The court shall issue a new warrant in the form prescribed by section 2 of this chapter.

(c) If the convicted person:

(1) escapes from confinement; and

(2) is recaptured after the date set for execution;

any person may arrest and commit the convicted person to the department of correction. When the convicted person is returned to the department of correction or a facility or place designated by the department of correction, the department shall notify the sentencing court, and the court shall fix a new date for the execution. The new execution date must not be less than thirty (30) nor more than sixty (60) days after the recapture of the person. The court shall issue a warrant to the department of correction directing the ~~superintendent~~ **warden** of the state prison to execute the convicted person at a specified time and date in the state prison.

SECTION 19. IC 35-38-6-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. If the physician of the state prison and one (1) other physician certify in writing to the ~~superintendent~~ **warden** of the state prison and the sentencing court that a condemned woman is pregnant, the ~~superintendent~~ **warden** shall suspend the execution of the sentence. When the state prison physician and one (1) other physician certify in writing to the ~~superintendent~~ **warden** of the state prison and the sentencing court that the woman is no longer pregnant, the sentencing court shall immediately fix a new execution date."

Page 4, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 22. IC 36-8-10-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) Each sheriff ~~shall~~ **may** appoint a prison matron for the county. The sheriff shall set the qualifications for that position. Except as provided in subsection (b), the sheriff has complete hiring authority over the position of prison matron.

(b) A prison matron who was a county police officer appointed under section 10(b) of this chapter immediately before being hired as prison matron is entitled to the discipline and removal procedures under section 11 of this chapter before:

(1) being reduced in grade to a rank below the rank that the person held before being hired as prison matron; or
(2) removal from the department.

(c) The sheriff may employ assistant prison matrons if

necessary.

(d) The prison matron or the prison matron's assistants shall receive, search, and care for all female prisoners and all boys under fourteen (14) years of age who are committed to or detained in the county jail, municipal lockup, or other detention center in the county.

(e) The prison matron and assistant matrons:

(1) are members of the department;

(2) have the powers and duties of members of the department; and

(3) are entitled to the same salary that other members of the department of the same rank, grade, or position are paid."

Renumber all SECTIONS consecutively.

(Reference is to ESB 146 as printed February 29, 2016.)

ARNOLD

Motion prevailed.

HOUSE MOTION (Amendment 146-1)

Mr. Speaker: I move that Engrossed Senate Bill 146 be amended to read as follows:

Page 2, line 42, delete "has a "disability"" and insert "**is unable to serve**".

Page 3, line 2, delete ""disability"".

Page 3, line 10, delete "with a disability" and insert "**who is unable to serve**".

Page 3, line 11, delete "with a disability" and insert "**who is unable to serve**".

Page 3, line 20, delete "disability" and insert "**inability to serve**".

Page 3, line 20, after "of the" insert "**member's inability to serve**".

Page 3, delete line 21.

Page 3, line 24, delete "has a disability" and insert "**is unable to serve**".

Page 3, line 25, delete "has a disability" and insert "**is unable to serve**".

Page 3, line 27, delete "has a disability" and insert "**is unable to serve**".

Page 3, line 37, delete "with a disability" and insert "**is unable to serve**".

Page 3, line 39, delete "with a disability" and insert "**who is unable to serve**".

Page 3, line 41, delete "disability" and insert "**inability to serve**".

Page 3, line 42, delete "disability" and insert "**inability to serve**".

Page 4, line 2, delete "with a disability" and insert "**who is unable to serve**".

Page 4, line 3, delete "with a disability" and insert "**who is unable to serve**".

Page 4, line 7, delete "disability" and insert "**inability to serve**".

Page 4, line 18, delete "disability" and insert "**inability to serve**".

Page 4, line 19, delete "disability" and insert "**inability to serve**".

Page 4, line 24, delete "disability" and insert "**inability to serve**".

Page 4, line 26, delete "disability" and insert "**inability to serve**".

(Reference is to ESB 146 as printed February 29, 2016.)

LAWSON

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 213

Representative Karickhoff called down Engrossed Senate Bill 213 for second reading. The bill was read a second time by

title.

HOUSE MOTION
(Amendment 213-1)

Mr. Speaker: I move that Engrossed Senate Bill 213 be amended to read as follows:

Page 7, line 3, after "thereafter," insert "**a provider described in subsection (f) shall pay to the board**".

(Reference is to ESB 213 as printed February 29, 2016.)
T. BROWN

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 234

Representative Behning called down Engrossed Senate Bill 234 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 234-1)

Mr. Speaker: I move that Engrossed Senate Bill 234 be amended to read as follows:

Page 1, line 11, delete "or intramural sport," and insert "**sport or any intramural sport that voluntarily meets the requirements of this chapter**".

Page 1, line 16, after "interscholastic" insert "**sport**".

Page 1, line 16, after "or" insert "**an**".

Page 1, line 16, delete "," and insert "**that voluntarily meets the requirements of this chapter**".

Page 2, line 39, delete "comply with this" insert "**comply or as part of the coach's coaching certification requirements must comply with this chapter**".

Page 2, delete line 40.
(Reference is to ESB 234 as printed February 29, 2016.)
BEHNING

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 309

Representative T. Brown called down Engrossed Senate Bill 309 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 309-9)

Mr. Speaker: I move that Engrossed Bill 309 be amended to read as follows:

Page 13, delete lines 8 through 32.

Page 38, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 29. IC 8-15-3-23, AS AMENDED BY P.L.47-2006, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]: Sec. 23. (a) The exercise of the powers granted by this chapter to the department or the authority must be in all respects for:

- (1) the benefit of the people of Indiana;
- (2) the increase of the commerce and prosperity of Indiana; and
- (3) the improvement of the health and living conditions of the people of Indiana.

(b) Since the operation and maintenance of a tollway by the department or the authority constitutes the performance of essential governmental functions, neither the department nor the authority is required to pay any taxes or assessments upon a tollway or any property acquired or used by the department under this chapter or IC 8-15.7 or upon the income from a tollway.

(c) The operator under a public-private agreement is not required to pay taxes or assessments upon a tollway, any property or property interest acquired by the operator under a public-private agreement, or any possessory interest in the tollway or in property granted or created by the public-private

agreement under this chapter or IC 8-15.7.

(d) An operator or any other person purchasing tangible personal property for incorporation into or improvement of a structure or facility constituting or becoming part of the land included in:

- (1) a tollway; or
- (2) property granted or created by the public-private agreement;

is entitled to the exemption from gross retail tax and use tax provided under ~~IC 6-2.5-4-9(b)~~ **IC 6-2.5-4-9(c)** and IC 6-2.5-3-2(c), respectively, with respect to that tangible personal property."

Page 41, between lines 37 and 38, begin a new paragraph and insert:

"SECTION 33. IC 8-15.7-7-2, AS ADDED BY P.L.47-2006, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]: Sec. 2. An operator or any other person purchasing tangible personal property for incorporation into or improvement of a structure or facility constituting or becoming part of the land included in a project is entitled to the exemption from gross retail tax and use tax provided under ~~IC 6-2.5-4-9(b)~~ **IC 6-2.5-4-9(c)** and IC 6-2.5-3-2(c), respectively, with respect to that tangible personal property."

Renumber all SECTIONS consecutively.
(Reference is to ESB 309 as printed February 29, 2016.)
T. BROWN

Motion prevailed.

HOUSE MOTION
(Amendment 309-6)

Mr. Speaker: I move that Engrossed Senate Bill 309 be amended to read as follows:

Page 28, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 24. IC 6-3-3-14.6, AS ADDED BY P.L.213-2015, SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14.6. (a) This section applies only to taxable years beginning after December 31, 2015.

(b) As used in this section, "hospital" means an acute care hospital that:

- (1) is licensed under IC 16-21-2;
- (2) is operated on a for-profit basis;
- (3) is subject to the adjusted gross income tax at the rate specified in IC 6-3-2-1(b);
- (4) provides health care, accommodations, facilities, and equipment, in connection with the services of a physician, to individuals who may need medical or surgical services; and
- (5) is not primarily providing care and treatment of patients:

- (A) with a cardiac condition;
- (B) with an orthopedic condition; or
- (C) receiving a surgical procedure.

(c) Each taxable year, a hospital is entitled to a credit against the hospital's adjusted gross income tax liability for the taxable year equal to ten percent (10%) of the property taxes paid in Indiana for the taxable year on property used as a hospital.

(d) The credit provided by this section may not exceed the amount of the taxpayer's adjusted gross income tax liability for the taxable year, reduced by the sum of all credits for the taxable year that are applied before the application of the credit provided by this section. The amount of any unused credit under this section for a taxable year may ~~not~~ be carried forward to a succeeding taxable year. ~~carried back to a preceding taxable year, or refunded.~~"

Renumber all SECTIONS consecutively.
(Reference is to ESB 309 as printed February 29, 2016.)
T. BROWN

Motion prevailed.

HOUSE MOTION
(Amendment 309-12)

Mr. Speaker: I move that Engrossed Senate Bill 309 be amended to read as follows:

Page 41, between lines 37 and 38, begin a new paragraph and insert:

"SECTION 32. IC 16-46-14-2, AS ADDED BY P.L.125-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) The safety PIN (protecting Indiana's newborns) grant fund is established for the ~~purposes~~ **purpose** of distributing money for the reducing infant mortality grant program. The fund shall be administered by the state department.

(b) The fund consists of:

- (1) money appropriated to the fund by the general assembly;
- (2) money received from state or federal grants or programs; and
- (3) gifts, money, and donations received from any other source, including transfers from other funds or accounts.

(c) The expenses of administering the fund shall be paid from money in the fund.

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

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

SECTION 33. IC 16-46-14-3, AS ADDED BY P.L.125-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) A person seeking a grant under this chapter must submit a proposal to the state department.

(b) A proposal for a grant under this chapter must include the following:

- (1) The targeted area.
- (2) Measurable behavioral or secondary outcomes within the target area.
- (3) A proposed specific reduction in the rate of infant mortality among the targeted area that is measurable based on available information to the state department.
- (4) The time frame in which to achieve the reduction described in subdivision (3).

(c) The state department shall determine whether to approve a grant proposal. If the state department approves a proposal, the initial award amount shall not exceed ~~fifty percent (50%)~~ **sixty percent (60%)** of the total grant amount approved for the proposal. The state department shall distribute the remaining amount of the approved grant to the grantee when the state department determines that the reduction in the infant mortality rate among the proposal's targeted area has been achieved within the time frame specified in the grant proposal."

Re-number all SECTIONS consecutively.

(Reference is to ESB 309 as printed February 29, 2016.)

SULLIVAN

Motion prevailed.

HOUSE MOTION
(Amendment 309-7)

Mr. Speaker: I move that Engrossed Senate Bill 309 be amended to read as follows:

Page 41, between lines 37 and 38, begin a new paragraph and insert:

"SECTION 32. IC 25-2.1-5-8, AS AMENDED BY P.L.197-2011, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) The board shall adopt rules that require as a condition to renew a permit under this chapter, that an applicant undergo, not more

than once every three (3) years, a quality review (before July 1, 2012) or peer review (after June 30, 2012) conducted in a manner the board specifies.

(b) The rules adopted under subsection (a) must:

(1) be adopted reasonably in advance of the time when a quality review (before July 1, 2012) or peer review (after June 30, 2012) first becomes effective;

(2) include reasonable provision for compliance by an applicant showing that the applicant has in the preceding three (3) years undergone a quality review (before July 1, 2012) or peer review (after June 30, 2012) that is a satisfactory equivalent to the quality review (before July 1, 2012) or peer review (after June 30, 2012) required under this section;

(3) require the firm to submit a copy of the results of its most recently accepted peer review to the board either directly or through the administering entity;

~~(4)~~ **(4)** require, with respect to quality reviews (before July 1, 2012) or peer reviews (after June 30, 2012) under subdivision (2), that the quality review (before July 1, 2012) or peer review (after June 30, 2012) be subject to review by an oversight body established or sanctioned by the board that shall:

(A) comply with IC 25-2.1-9-4; and

(B) periodically report to the board on the effectiveness of the review program and provide to the board a listing of firms that have participated in a quality review (before July 1, 2012) or peer review (after June 30, 2012) program; and

~~(5)~~ **(5)** subject to section 9 of this chapter and IC 25-2.1-9-4, require, with respect to quality reviews (before July 1, 2012) or peer reviews (after June 30, 2012) under subdivision (2), that:

(A) the proceedings, records, and work papers of a review committee are privileged and are not subject to discovery, subpoena, or other means of legal process or introduction into evidence in a civil action, arbitration, administrative proceeding, or Indiana board of accountancy proceeding; and

(B) a member of the review committee or individual who was involved in the quality review (before July 1, 2012) or peer review (after June 30, 2012) process is not permitted or required to testify in a civil action, arbitration, administrative proceeding, or board proceeding to matters:

(i) produced, presented, disclosed or discussed during, or in connection with, the quality review (before July 1, 2012) or peer review (after June 30, 2012) process; or

(ii) that involve findings, recommendations, evaluations, opinions, or other actions of the committee or a committee member.

(c) Before December 1, 2016, the board shall submit a report to the legislative council, in an electronic format under IC 5-14-6, with any statutory changes recommended by the board. This subsection expires July 1, 2017.

SECTION 33. IC 25-2.1-5-9, AS AMENDED BY P.L.197-2011, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. (a) Notwithstanding section ~~8(b)(4)(B)~~ **8(b)(5)(B)** of this chapter, information, documents, or records that are publicly available are not immune from discovery or use in any civil action, arbitration, administrative proceeding, or board proceeding merely because they were presented or considered in connection with the quality review (before July 1, 2012) or peer review (after June 30, 2012) process.

(b) Any:

(1) materials prepared in connection with a particular engagement merely because they happen to subsequently be presented or considered as part of the quality review

(before July 1, 2012) or peer review (after June 30, 2012) process; or
(2) dispute between review committees and individuals or firms subject to a quality review (before July 1, 2012) or peer review (after June 30, 2012) arising from the performance of the quality review (before July 1, 2012) or peer review (after June 30, 2012);

are not privileged."

Renumber all SECTIONS consecutively.
(Reference is to ESB 309 as printed February 29, 2016.)
T. BROWN

Motion prevailed.

HOUSE MOTION
(Amendment 309-10)

Mr. Speaker: I move that Engrossed Senate Bill 309 be amended to read as follows:

Page 27, line 15, after "service;" insert "or".
Page 27, line 18, delete "transfer; or" and insert "transfer."
Page 27, delete lines 19 through 22.
(Reference is to ESB 309 as printed February 29, 2016.)
CULVER

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 330

Representative T. Brown called down Engrossed Senate Bill 330 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 333

Representative T. Brown called down Engrossed Senate Bill 333 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Representative Cherry is excused.

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

Engrossed Senate Bill 334

Representative Behning called down Engrossed Senate Bill 334 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 334-2)

Mr. Speaker: I move that Engrossed Senate Bill 334 be amended to read as follows:

Page 7, between lines 26 and 27, begin a new paragraph and insert:

"SECTION 7. IC 20-43-15 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]:

Chapter 15. Dual Credit Teacher Stipend Matching Grant Fund

Sec. 1. The following definitions apply throughout this chapter:

- (1) "Eligible teacher" refers to a teacher who:
 - (A) teaches a dual credit class; and
 - (B) either:
 - (i) holds; or
 - (ii) is in the process of obtaining; a master's degree that includes at least eighteen (18) credit hours in the subject area of the dual credit class the teacher teaches.
- (2) "Fund" refers to the dual credit teacher stipend matching grant fund established by section 2 of this chapter.

Sec. 2. (a) The dual credit teacher stipend matching grant fund is established to provide matching grants to school corporations to provide stipends for eligible teachers.

(b) The department shall administer the fund.

(c) The fund consists of the following:

- (1) Appropriations by the general assembly.**
- (2) Interest deposited in the fund under subsection (d).**
- (3) Money deposited in or transferred to the fund from any other source.**

(d) The treasurer of state shall invest money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

Sec. 3. A school corporation may apply to the department for a grant from the fund for stipends for eligible teachers. The application must be in the form and manner prescribed by the department, and submitted by the date set by the state board.

Sec. 4. A school corporation's application for a grant from the fund must specify the amount of money that the school corporation is committing to contribute to the stipends, with a maximum commitment of two thousand dollars (\$2,000) for each teacher stipend.

Sec. 5. (a) Except as provided in subsection (b), if the department approves a grant to a school corporation under this chapter, the amount of the grant from the fund is equal to the amount that the school corporation commits to contribute to the stipends.

(b) If the number of requests for grants from the fund exceeds the amount of money in the fund, the department shall proportionately reduce the amount of each grant from the fund.

(c) The department shall annually distribute grants to school corporations by a date determined by the state board.

Sec. 6. The state board and department may adopt guidelines to implement this chapter."

Page 11, line 17, delete "state" and insert "State".

Page 15, line 22, delete "January" and insert "July".

Page 15, line 23, delete "December 31," and insert "June 30,".

Renumber all SECTIONS consecutively.
(Reference is to ESB 334 as printed February 29, 2016.)
BEHNING

Upon request of Representatives Pelath and Porter, the Speaker ordered the roll of the House to be called. Roll Call 325: yeas 87, nays 3. Motion prevailed.

HOUSE MOTION

Mr. Speaker: We move that Engrossed Senate Bill 334 be recommitted to the Committee on Ways and Means pursuant to House Rule 84. Amendment 2 (334-2) added a new fund in the second reading amendment. The fiscal impact of the establishment of a new fund in a second reading amendment should be reviewed by the Committee on Ways and Means.

PELATH
PIERCE

Upon request of Representatives Pelath and Lawson, the Speaker ordered the roll of the House to be called. Roll Call 326: yeas 28, nays 65. Motion failed.

HOUSE MOTION
(Amendment 334-1)

Mr. Speaker: I move that Engrossed Senate Bill 334 be amended to read as follows:

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

"SECTION 1. IC 6-3.1-35 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS

[EFFECTIVE JANUARY 1, 2016 (RETROACTIVE)]:

Chapter 35. Tax Credit for Elementary and Secondary Education Expenditures

Sec. 1. As used in this chapter, "dependent" means an individual who:

- (1) is eligible to receive a free elementary or high school education in an Indiana school corporation;
- (2) qualifies as a dependent (as defined in Section 152 of the Internal Revenue Code) of the taxpayer; and
- (3) is the natural or adopted child of the taxpayer or, if custody of the child has been awarded in a court proceeding to someone other than the mother or father, the court appointed guardian or custodian of the child.

If the parents of a child are divorced, the term refers to the parent who is eligible to take the exemption for the child under Section 151 of the Internal Revenue Code.

Sec. 2. As used in this chapter, "eligible dependent" means a dependent who is enrolled in any grade from kindergarten through grade 12 in a public school.

Sec. 3. As used in this chapter, "qualified education expenditure" refers to any unreimbursed mandatory expenditures made in connection with enrollment, attendance, or participation of the taxpayer's dependent child in a public elementary or high school education program. The term includes computer software, textbooks, workbooks, curricula, school supplies (other than personal computers), and other written materials used primarily for academic instruction or for academic tutoring, or both.

Sec. 4. Each taxable year beginning after December 31, 2015, a taxpayer who incurs a qualified education expense during the taxable year is entitled to a credit against adjusted gross income tax imposed on the taxpayer under IC 6-3 for the taxable year. The amount of the credit is the lesser of the following:

- (1) The amount of the qualified expense.
- (2) One hundred dollars (\$100).

Sec. 5. If the amount of the credit provided by this chapter to a taxpayer for a taxable year exceeds the sum of the taxes imposed on the qualifying taxpayer under IC 6-3 for the taxable year after the application of all credits that under IC 6-3.1-1-2 are to be applied before the credit provided by this chapter, the excess shall be returned to the qualifying taxpayer as a refund.

Sec. 6. (a) A qualifying taxpayer claiming a credit under this chapter must claim the credit on the qualifying taxpayer's annual state tax return or returns in the manner prescribed by the department.

(b) The qualifying taxpayer shall submit to the department all information that the department determines is necessary for the calculation of the credit provided by this chapter and the determination of whether the credit was properly claimed.

Sec. 7. The department shall adopt rules under IC 4-22-2 to carry out this chapter."

Renumber all SECTIONS consecutively.

(Reference is to ESB 334 as printed February 29, 2016.)

PORTER

Upon request of Representatives Pelath and Goodin, the Speaker ordered the roll of the House to be called. Roll Call 327: yeas 27, nays 65. Motion failed.

HOUSE MOTION
(Amendment 334-3)

Mr. Speaker: I move that Engrossed Senate Bill 334 be amended to read as follows:

Page 5, delete lines 37 through 42.

Delete page 6.

Page 7, delete lines 1 through 26.

Page 10, delete lines 41 through 42.

Delete pages 11 through 14.

Page 15, delete lines 1 through 40.

Renumber all SECTIONS consecutively.

(Reference is to ESB 334 as printed February 29, 2016.)

V. SMITH

After discussion, Representative V. Smith withdrew the motion.

There being no further amendments, the bill was ordered engrossed.

The Speaker Pro Tempore yielded the gavel to the Speaker.

Engrossed Senate Bill 335

Representative Bacon called down Engrossed Senate Bill 335 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 335-1)

Mr. Speaker: I move that Engrossed Senate Bill 335 be amended to read as follows:

Page 2, line 9, delete "A" and insert "**Except as provided in IC 5-10-8-6.7(b), a**".

(Reference is to ESB 335 as printed February 29, 2016.)

BEHNING

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 339

Representative Morrison called down Engrossed Senate Bill 339 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 339-6)

Mr. Speaker: I move that Engrossed Senate Bill 339 be amended to read as follows:

Page 9, line 6, after "advertise" insert "**a paid fantasy sports contest**".

Page 9, line 8, after "advertise" insert "**a paid fantasy sports contest**".

Page 9, line 8, after "activities" insert "**concerning a paid fantasy sports contest**".

Page 9, line 9, delete "or".

Page 9, line 10, after "(B)" insert "**high schools, as defined by IC 20-18-2-7; or**

(C)".

Page 9, line 10, delete "for student" and insert "**for:**

(i) elementary school, as defined by IC 20-18-2-4;

or

(ii) high school, as defined by IC 20-18-2-7;

student".

(Reference is to ESB 339 Printer's Error as printed February 29, 2016.)

MORRISON

Motion prevailed.

HOUSE MOTION
(Amendment 339-5)

Mr. Speaker: I move that Engrossed Senate Bill 339 be amended to read as follows:

Page 10, line 1, delete "topic of the imposition and collection of" and insert: "**topics of:**

(1) the regulation of paid fantasy sports;

(2) the taxation of paid fantasy sports; and

(3) the interception of past due taxes and child support owed by paid fantasy sports game players."

Page 10, delete line 2.

Page 10, line 3, delete "topic described in subsection (c) is" and insert "**topics described in subsection (c) are**".

Page 10, line 5, delete "topic" and insert "**topics**".

(Reference is to ESB 339 Printer's Error as printed February 29, 2016.)

AUSTIN

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 381

Representative T. Brown called down Engrossed Senate Bill 381 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Representatives Moseley and Ober are excused.

With consent of the members, the Speaker returned to bills on third reading.

**ENGROSSED SENATE BILLS
ON THIRD READING**

Engrossed Senate Bill 256

Representative Wolkins called down Engrossed Senate Bill 256 for third reading:

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

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

Roll Call 328: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Ober, who had been excused, is now present. Representative Lyness is excused.

Engrossed Senate Bill 301

Representative Huston called down Engrossed Senate Bill 301 for third reading:

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

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

Roll Call 329: yeas 92, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 308

Representative T. Brown called down Engrossed Senate Bill 308 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 330: yeas 92, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

With consent of the members, the Speaker returned to bills on second reading.

**ENGROSSED SENATE BILLS
ON SECOND READING**

Engrossed Senate Bill 357

Representative Morris called down Engrossed Senate Bill 357 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 357-1)

Mr. Speaker: I move that Engrossed Senate Bill 357 be amended to read as follows:

Page 1, line 1, delete "IC 10-13-9" and insert "IC 5-2-22".

Page 1, line 4, delete "9." and insert "22".

Page 2, between lines 8 and 9, begin a new line block indented and insert:

"(2) "Division" refers to the division of state court administration created under IC 33-24-6-1(b)(2)."

Page 2, line 9, delete "(2)" and insert "(3)".

Page 2, line 11, delete "January" and insert "July".

Page 2, line 11, delete "department" and insert "division".

Page 2, line 20, delete "department;" and insert "division";

Page 2, line 22, delete "department" and insert "division".

Page 2, line 24, after "the" insert "state police".

Page 2, line 27, delete "to the department" and insert "to the division".

Page 2, line 29, delete "department" and insert "division".

Page 2, line 30, delete "department," and insert "division".

Page 2, line 32, delete "department" and insert "division".

Page 2, line 33, delete "department's" and insert "division's".

Page 2, line 35, delete "department" and insert "division".

Page 2, line 37, delete "department" and insert "division".

Page 3, line 1, delete "department" and insert "division".

Page 3, line 1, delete "under IC 4-22-2".

Page 3, line 3, delete "department" and insert "division".

Page 3, line 3, delete "under IC 4-22-2".

(Reference is to ESB 357 as printed February 29, 2016.)

OBER

Motion prevailed. The bill was ordered engrossed.

**MOTIONS TO DISSENT
FROM SENATE AMENDMENTS**

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1001 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

SOLIDAY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1002 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

BOSMA

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1019 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

MAHAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1028 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

TRUITT

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1069 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

ZENT

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1087 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

SOLIDAY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1089 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

FRYE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1110 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

HUSTON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1127 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

LEHMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1136 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

LEHMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1161 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

GUTWEIN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1211 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

CARBAUGH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1231 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

ARNOLD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1272 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

ZENT

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1290 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

T. BROWN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1344 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

LEONARD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1353 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

KARICKHOFF

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1372 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

LEHMAN

Motion prevailed.

ENROLLED ACTS SIGNED

The Speaker announced that he had signed House Enrolled Acts 1025, 1088, 1102, 1169 and 1359 and Senate Enrolled Acts 1, 26, 27, 57, 141, 145, 154, 163, 186, 192, 219, 242, 251, 257, 271, 272, 290, 315, 325, 327, 336 and 371 on March 2.

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Thursday, March 3, 2016, at 9:00 a.m.

LEHMAN

The motion was adopted by a constitutional majority.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House

that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1005:

Conferees: Kruse and Rogers
Advisors: Yoder, Stoops, Raatz

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1081:

Conferees: Hershman and Broden
Advisors: Pete Miller and Mrvan

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1271:

Conferees: Banks and Breaux
Advisors: Yoder, Rogers, Holdman

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1273:

Conferees: Mishler and Randolph
Advisors: Hershman, Broden, Kenley

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1395:

Conferees: Kruse and Rogers
Advisors: Kenley, Mrvan, Yoder

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore has appointed the following Senators a conference committee to confer on Engrossed Senate Bill 279

Conferees: Kruse, Chairman; and Stoops
Advisors: Walker, Randolph, Buck

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore has appointed the following Senators a conference committee to confer on Engrossed Senate Bill 295

Conferees: Banks, Chairman; and Arnold
Advisors: Hershman, Lanane, Buck

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 1 and the same is herewith transmitted to the House for further action.

JENNIFER L. MERTZ
Principal Secretary of the Senate

HOUSE MOTION

Mr. Speaker: I move that Representatives M. Smith and Riecken be added as cosponsors of Engrossed Senate Bill 67.

T. BROWN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Frye be added as cosponsor of Engrossed Senate Bill 213.

KARICKHOFF

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Davisson, Lehman, Saunders and Pierce be added as coauthors of House Concurrent Resolution 55.

STEMLER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Soliday, Smaltz, Sullivan, Frye, Morris, Forestal, Stemler and Lucas be added as coauthors of House Concurrent Resolution 56.

PORTER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives McNamara, Riecken, Sullivan, Bacon, Rhoads, Stemler, Clere, Frye, Lyness and Davisson be added as coauthors of House Concurrent Resolution 57.

ARNOLD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Pelath, Forestal, Hale and Klinker be added as coauthors of House Concurrent Resolution 67.

PORTER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative DeLaney be added as coauthor of House Resolution 30.

EBERHART

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Klinker and Truitt be added as coauthors of House Resolution 41.

WRIGHT

Motion prevailed.

On the motion of Representative C. Brown, the House adjourned at 4:31 p.m., this second day of March, 2016, until Thursday, March 3, 2016, at 9:00 a.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives