



Journal of the House

State of Indiana

119th General Assembly

First Regular Session

Forty-first Day

Thursday Morning

April 9, 2015

The invocation was offered by Father James Bromwich of Sons of St. Phillip Mary in Ft. Wayne, a guest of Representative Robert D. Morris.

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

The Pledge of Allegiance to the Flag was led by Representative Robert D. Morris.

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

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

Torr	Wolkins
Truitt	Wright
Ubelhor	Zent
VanNatter	Ziemke
Washburne	Mr. Speaker
Wesco	

Roll Call 383: 96 present; 3 excused. The Speaker announced a quorum in attendance. [NOTE: indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, April 13, 2015, at 1:30 p.m.

FRIEND

The motion was adopted by a constitutional majority.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 73

Representatives Klinker and Truitt introduced House Concurrent Resolution 73:

A CONCURRENT RESOLUTION congratulating the Lafayette Central Catholic High School girls basketball team.

Whereas, Lafayette Central Catholic High School girls basketball team became the 2014-2015 Class A state champions with a 52-44 victory over previously unbeaten and number-one ranked Barr-Reeve High School;

Whereas, Ranked second in the ICGSA poll, the Knights secured the victory at the free throw line, hitting 6 of 8 in the final minute;

Whereas, The Lafayette Central Catholic Knights were making their second state finals appearance and their first since winning the 2006 title;

Whereas, The Knights were led in scoring by Emily Burks with 17 points, Cameron Onken contributing 16 points and eight rebounds, and Maggie Bobillo scoring 10;

Whereas, On their way to the championship, the Knights finished with a 24-6 record and won 15 of their last 16 games;

Whereas, The Knights were inspired by former coach Jeff Dienhart, who instilled in them the desire to "never give up";

Whereas, Coach Dienhart passed away on February 25, 2015, after years of battling cystic fibrosis; and

Whereas, Outstanding accomplishments such as this deserve special recognition: 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 the Lafayette Central Catholic High School girls basketball team on its Class A state girls basketball championship and wishes the team members continued success in all their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to each team member; Assistant Coaches Dave Crandall, Jeff Dienhart, Drake Barrett, Katie Huber, and Sarah Burks; Head Coach Craig DeVault; Athletic Director Tim Bordenet; Principal Neil Wagner; and Superintendent Dr. Marie Williams.

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 sponsors: Senators Alting and Hershman.

House Resolution 47

Representatives Olthoff, Fine, Slager and Lawson introduced House Resolution 47:

A HOUSE RESOLUTION commending Mackenzie Williams on her generosity and kindness.

Whereas, Mackenzie Williams, Crown Point, is an amazing young girl;

Whereas, Mackenzie's 10th birthday wish was "to help people and make them happy";

Whereas, Instead of birthday presents, Mackenzie wanted to receive items to donate to the Haven House in Hammond;

Whereas, The Haven House is a 24-hour emergency shelter for domestic violence victims and their families;

Whereas, In 2014 Mackenzie collected and donated \$500 worth of items to the shelter;

Whereas, In 2015 Mackenzie did even better by collecting and donating \$1,100 and a truckload of items to the shelter;

Whereas, A fourth grader at Lake Street Elementary School, Mackenzie was inspired to help others through a TV commercial she saw about a little girl giving her shoes to someone and making them happy;

Whereas, Mackenzie collected donations by placing marked bins at locations throughout the area, including Chick-Fil-A and Eclipse Salon in Merrillville, Top Fuel Crossfit in Highland and Merrillville, Crossfit in Munster, Lake Street Elementary School, and County Seat Liquors in Crown Point; and

Whereas, It is through the spirit and dedication of truly remarkable people like Mackenzie Williams that the world becomes a better place for everyone: 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 acknowledges the good work performed by Mackenzie Williams and encourages her to continue helping the less fortunate people of northwest Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives transmit copies of this resolution to Mackenzie Williams and her family.

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

House Resolution 48

Representatives Frye and Goodin introduced House Resolution 48:

A HOUSE RESOLUTION recognizing the Decatur County Family YMCA.

Whereas, Since 1914 the Decatur County Family YMCA in Greensburg has strengthened the foundation of its local communities by fostering youth development, healthy living, and social responsibility;

Whereas, More than 8,300 people of all ages, faiths, abilities, and economic backgrounds are nurtured through the programming and facilities of the Decatur County Family YMCA;

Whereas, More than 5,300 children are uniquely affected by the YMCA's after school enrichment program, the 21st Century after school programming, preschool, summer camp, youth sports and leagues, swim lessons, child watch, and special events;

Whereas, The YMCA partners with the Decatur County United Fund to offer classes and programming as well as building enhancements;

Whereas, Funding is provided in excess of \$70,000 in direct financial assistance by numerous local organizations to families and individuals so that no one is turned away due to the inability to pay;

Whereas, As a leading nonprofit organization, every year the Decatur County Family YMCA has more than 235 volunteers to assist in every facet of its business as a volunteer-driven organization;

Whereas, The Decatur County Family YMCA is governed by a local board of directors who generously give of their time and talents to strengthen the community by addressing the local needs through the YMCA; and

Whereas, The Decatur County Family YMCA has continually offered programs, classes, education, and other opportunities that encourage a healthy mind, body, and spirit for Decatur County and surrounding communities for 100 years: 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 Decatur County Family YMCA on its 100th anniversary and the many contributions it has made to a prosperous community.

SECTION 2. That the Principal Clerk of the House of Representatives transmit copies of this resolution to the Decatur County Family YMCA.

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

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Senate Bill 27, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 27 as printed February 4, 2015.)

Committee Vote: Yeas 9, Nays 2.

SOLIDAY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 65, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 26, after "if" insert ":",

Page 2, line 26, strike "more than:".

Page 2, line 27, strike "nine (9) months" and insert "the

claimant did not file a notice to preserve claim under IC 29-1-7-16.5 and more than nine (9) months".

Page 2, line 28, delete "or".

Page 2, delete lines 29 through 30, begin a new line block indented and insert:

"(2) the claimant filed a notice to preserve claim under IC 29-1-7-16.5, the claimant was served with a notice of administration before nine (9) months after the death of the decedent, and more than nine (9) months have elapsed since the death of the decedent; or (3) the claimant filed a notice to preserve claim under IC 29-1-7-16.5, the claimant was not served with a notice of administration before nine (9) months after the death of the decedent, and more than eighteen (18) months have elapsed since the death of the decedent."

Page 2, line 31, delete "whichever is later."

Page 3, line 8, after "within" insert ":

Page 3, between lines 8 and 9, begin a new paragraph and insert:

"(The personal representative or his or her agent shall select one (1) and only one (1) appropriate choice on any notice that is served on a creditor.)"

Page 3, line 9, strike "three", begin a new line block indented and insert **" (1) Three"**.

Page 3, line 10, reset in roman "earlier,".

Page 3 line 11, delete "later,".

Page 3, between lines 11 and 12, begin a new line block indented and insert:

"(2) Two (2) months after the date this notice was served, or within nine (9) months after the decedent's death, whichever is earlier, or the claims will be forever barred.

(3) Eighteen (18) months after the decedent's death if a notice to preserve claim was filed or the claims will be forever barred."

Page 3, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 2. IC 29-1-7-16.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 16.5. (a) At any time:

- (1) after the death of the decedent;**
- (2) before a petition for the appointment of a personal representative is filed under IC 29-1-7; and**
- (3) not later than nine (9) months after the death of a decedent;**

a person having a claim against the decedent's estate may file a notice to preserve claim with the clerk of the court having probate jurisdiction in the county in which the decedent resided.

(b) The clerk shall collect a fee of twenty-five dollars (\$25) for the filing of a notice to preserve claim. The clerk shall deposit the fee in the clerk's record perpetuation fund under IC 33-37-5-2.

(c) A notice to preserve claim shall include the following information:

- (1) The name and address of the person having the claim.**
- (2) A brief description of the claim.**
- (3) The amount of each claim.**
- (4) If the claim has been assigned, the name of the original creditor.**

(d) A notice to preserve claim may include one (1) or more claims owed to the person filing the notice.

(e) A claim described in a notice to preserve claim may be assigned to another person at any time after the filing of the notice. A claim included in a notice to preserve a claim that is assigned to another person is preserved by the notice as if it had not been assigned.

(f) A notice to preserve claim expires eighteen (18)

months after the death of the decedent."

Page 4, line 1, delete "the later of:" and insert **"the earlier of:"**.

Page 4, line 2, strike "nine (9) months".

Page 4, line 2, delete "from" and insert **"if the claimant did not file a notice to preserve claim under IC 29-1-7-16.5:**

(A) three (3) months after the:

(i) date of the first published notice to creditors; or

(ii) court has revoked probate of a will, in accordance with IC 29-1-7-21, if the claimant was named as a beneficiary in that revoked will;

(B) two (2) months after notice of administration was served if notice of administration was served more than one (1) month after first publication of notice; or

(C) nine (9) months after the death of the decedent;

(2) the deadlines provided in subsection (d)(1) if the claimant filed a notice to preserve claim under IC 29-1-7-16.5 and the claimant was served with a notice of administration before nine (9) months after the death of the decedent; or

(3) eighteen (18) months after the death of the decedent if the claimant filed a notice to preserve claim under IC 29-1-7-16.5 and the claimant was not served with a notice of administration."

Page 4, delete lines 3 through 8.

Renumber all SECTIONS consecutively.

(Reference is to SB 65 as printed February 18, 2015.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

STEUERWALD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 166, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to ES0166 as printed March 31, 2015.)

Committee Vote: Yeas 24, Nays 0.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 168, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 12-23-18-5.5, AS AMENDED BY P.L.116-2008, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5.5. (a) The division may not grant specific approval to be a new opioid treatment program. This section does not apply to the following:

(1) Applications for new opioid treatment programs pending prior to March 1, 2007.

(2) Applications for new opioid treatment programs that are operated by a hospital licensed under IC 16-21 or a certified community mental health center:

(A) within the licensed hospital or the center; or

(B) in a separate office that meets federal opioid treatment program requirements.

(3) Applications for new opioid treatment programs, other than a hospital or certified community mental

health center, that meet the requirements under subsection (c).

(4) Applications for a new opioid treatment program that is operated in a geographical area that has been declared by the governor to be a public health emergency due to heroin use in the area.

(b) A hospital licensed under IC 16-21 or a certified community mental health center may apply to the division to operate an opioid treatment program. Upon approval, the hospital or community mental health center may operate an opioid treatment program in compliance with this chapter and federal law.

(c) Before June 30, 2018, the division may approve the operation of additional opioid treatment programs described in subsection (a)(2) only if the division determines as described in subsection (h) that there is a need for a new opioid treatment program in the proposed location and the requirements of this chapter are met. However, if the division determines, as described in subsection (h), that:

- (1) there is a need for a new opioid treatment program in a proposed program location's geographic area; and
- (2) before June 30, 2016, a hospital or community mental health center has not applied to the division to operate an opioid treatment program in the proposed program location's geographic area;

the division may approve an application for an opioid treatment program that is in compliance with this chapter and federal law to operate a new opioid treatment program in the geographical area. The total number of new opioid treatment programs described in subsection (a)(2) and (a)(3) the division may approve under this subsection may not exceed five (5) opioid treatment programs.

(d) The division may not approve the operation of a new opioid treatment program described in subsection (a)(2) or (a)(3) after June 30, 2018.

(e) An opioid treatment program that is described in subsection (a)(4) may apply to the division to operate an opioid treatment program. Upon approval, an opioid treatment program may operate in an area that has been declared a public health emergency in compliance with this chapter and federal law.

(f) An opioid treatment program described in subsection (a)(2) through (a)(4) must meet the following requirements:

- (1) Be enrolled as a Medicaid provider.
- (2) Provide medication assisted treatments to patients, including Food and Drug Administration approved long acting nonaddictive medication assisted treatments.
- (3) Meet the requirements of this section.

(g) Not later than June 30, 2018, the division shall report to the general assembly in an electronic format under IC 5-14-6 concerning whether any new opioid treatment programs have been approved under subsection (c). The report must include the following:

- (1) The impact on access to opioid treatment programs.
- (2) The number of individuals served in the opioid treatment programs approved under subsection (c).
- (3) Treatment outcomes for individuals receiving services in the opioid treatment programs approved under subsection (c).
- (4) Any recommendations the division has concerning future treatment programs.

(h) The division shall adopt rules under IC 4-22-2 setting forth the manner in which the division will determine whether there is a need for a new opioid treatment program in a proposed program location's geographic area."

Renumber all SECTIONS consecutively.

(Reference is to SB 168 as printed January 15, 2015.) and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

CLERE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 207, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 207 as printed January 15, 2015.)

Committee Vote: Yeas 10, Nays 0.

CLERE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 217, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 9, after "fee" insert "**of twenty-five dollars (\$25) per case**".

(Reference is to ESB 217 as printed March 24, 2015.) and when so amended that said bill do pass.

Committee Vote: yeas 24, nays 0.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 251, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 7, line 7, delete "final" and insert "**preliminary**".

Page 9, line 40, delete "final" and insert "**preliminary**".

(Reference is to SB 251 as printed January 28, 2015.) and when so amended that said bill do pass.

Committee Vote: yeas 14, nays 7.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 267, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

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

Page 5, line 2, delete "appropriated" and insert "**transferred**".

Page 5, line 4, delete "from the state general fund".

Page 5, line 6, after "act." insert "**To provide the money to the program fund the following amounts from the appropriations set forth in the 2015 budget act shall be transferred:**

(1) Two hundred fifty thousand dollars (\$250,000) shall be transferred from the appropriation for the gifted and talented education program.

(2) Two hundred fifty thousand dollars (\$250,000) shall be transferred from the appropriation for the distribution for summer school."

(Reference is to ESB 267 as printed April 3, 2015.) and when so amended that said bill do pass.

Committee Vote: yeas 20, nays 0.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 307, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 16.

Delete pages 2 through 7.

Page 8, delete lines 1 through 7.

Page 9, delete lines 33 through 42, begin a new paragraph and insert:

"SECTION 15. IC 27-1-12-46 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 46. (a) This section applies to a life insurance policy or certificate:**

- (1) that is issued after June 30, 2015;**
- (2) the proceeds of which may be designated for use in the purchase of funeral services or merchandise upon the death of the insured; and**
- (3) the ownership of which is not irrevocably assigned to a trustee and used to fund a contract under IC 30-2-13.**

(b) An issuer of a life insurance policy or certificate described in subsection (a) may not represent to a policyholder or certificate holder, a prospective policyholder or certificate holder, an insured, a beneficiary, or any other person that the life insurance policy or certificate is:

- (1) a contract for prepaid services or merchandise under IC 30-2-13; or**
- (2) a funeral policy or a policy with any similar designation.**

(c) A life insurance policy or certificate described in subsection (a) may not be delivered or issued for delivery in Indiana, or issued by a company organized under the laws of this state, unless the life insurance policy or certificate either contains or includes in an attached disclaimer the following provisions, or corresponding provisions that the department determines are at least as favorable to policyholders or certificate holders:

- (1) A statement that the life insurance policy or certificate is not a contract for prepaid services or merchandise under IC 30-2-13.**
- (2) A statement that the life insurance policy or certificate does not entitle the policyholder, the certificate holder, or any other person to:**
 - (A) prepaid funeral services or merchandise, or any services or merchandise described in IC 30-2-13-8; or**
 - (B) the right to file a complaint with the state board of funeral and cemetery service established by IC 25-15-9-1 for restitution from the preneed consumer protection fund under IC 30-2-13-29; unless ownership of the policy is irrevocably assigned to a trustee to fund a contract entered into with a seller (as defined under IC 30-2-13-10) under IC 30-2-13.**
- (3) A statement that:**
 - (A) the life insurance policy or certificate:**
 - (i) is not guaranteed to be exempt as a resource in determining eligibility for Medicaid under IC 12-15-2-17; and**
 - (ii) does not guarantee Medicaid eligibility; and**
 - (B) Medicaid eligibility determinations are made in accordance with applicable Medicaid laws and policies.**
- (d) A person that willfully violates this section commits an**

unfair and deceptive act or practice in the business of insurance under IC 27-4-1-4 and is subject to the penalties and procedures set forth in IC 27-4-1.

SECTION 16. IC 27-4-1-4, AS AMENDED BY P.L.90-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 4. (a) The following are hereby defined as unfair methods of competition and unfair and deceptive acts and practices in the business of insurance:**

- (1) Making, issuing, circulating, or causing to be made, issued, or circulated, any estimate, illustration, circular, or statement:**
 - (A) misrepresenting the terms of any policy issued or to be issued or the benefits or advantages promised thereby or the dividends or share of the surplus to be received thereon;**
 - (B) making any false or misleading statement as to the dividends or share of surplus previously paid on similar policies;**
 - (C) making any misleading representation or any misrepresentation as to the financial condition of any insurer, or as to the legal reserve system upon which any life insurer operates;**
 - (D) using any name or title of any policy or class of policies misrepresenting the true nature thereof; or**
 - (E) making any misrepresentation to any policyholder insured in any company for the purpose of inducing or tending to induce such policyholder to lapse, forfeit, or surrender the policyholder's insurance.**
- (2) Making, publishing, disseminating, circulating, or placing before the public, or causing, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public, in a newspaper, magazine, or other publication, or in the form of a notice, circular, pamphlet, letter, or poster, or over any radio or television station, or in any other way, an advertisement, announcement, or statement containing any assertion, representation, or statement with respect to any person in the conduct of the person's insurance business, which is untrue, deceptive, or misleading.**
- (3) Making, publishing, disseminating, or circulating, directly or indirectly, or aiding, abetting, or encouraging the making, publishing, disseminating, or circulating of any oral or written statement or any pamphlet, circular, article, or literature which is false, or maliciously critical of or derogatory to the financial condition of an insurer, and which is calculated to injure any person engaged in the business of insurance.**
- (4) Entering into any agreement to commit, or individually or by a concerted action committing any act of boycott, coercion, or intimidation resulting or tending to result in unreasonable restraint of, or a monopoly in, the business of insurance.**
- (5) Filing with any supervisory or other public official, or making, publishing, disseminating, circulating, or delivering to any person, or placing before the public, or causing directly or indirectly, to be made, published, disseminated, circulated, delivered to any person, or placed before the public, any false statement of financial condition of an insurer with intent to deceive. Making any false entry in any book, report, or statement of any insurer with intent to deceive any agent or examiner lawfully appointed to examine into its condition or into any of its affairs, or any public official to which such insurer is required by law to report, or which has authority by law to examine into its condition or into any of its affairs, or, with like intent, willfully omitting to make a true entry of any material fact pertaining to the business of such insurer in any book, report, or statement of such insurer.**
- (6) Issuing or delivering or permitting agents, officers, or**

employees to issue or deliver, agency company stock or other capital stock, or benefit certificates or shares in any common law corporation, or securities or any special or advisory board contracts or other contracts of any kind promising returns and profits as an inducement to insurance.

(7) Making or permitting any of the following:

(A) Unfair discrimination between individuals of the same class and equal expectation of life in the rates or assessments charged for any contract of life insurance or of life annuity or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of such contract. However, in determining the class, consideration may be given to the nature of the risk, plan of insurance, the actual or expected expense of conducting the business, or any other relevant factor.

(B) Unfair discrimination between individuals of the same class involving essentially the same hazards in the amount of premium, policy fees, assessments, or rates charged or made for any policy or contract of accident or health insurance or in the benefits payable thereunder, or in any of the terms or conditions of such contract, or in any other manner whatever. However, in determining the class, consideration may be given to the nature of the risk, the plan of insurance, the actual or expected expense of conducting the business, or any other relevant factor.

(C) Excessive or inadequate charges for premiums, policy fees, assessments, or rates, or making or permitting any unfair discrimination between persons of the same class involving essentially the same hazards, in the amount of premiums, policy fees, assessments, or rates charged or made for:

(i) policies or contracts of reinsurance or joint reinsurance, or abstract and title insurance;

(ii) policies or contracts of insurance against loss or damage to aircraft, or against liability arising out of the ownership, maintenance, or use of any aircraft, or of vessels or craft, their cargoes, marine builders' risks, marine protection and indemnity, or other risks commonly insured under marine, as distinguished from inland marine, insurance; or

(iii) policies or contracts of any other kind or kinds of insurance whatsoever.

However, nothing contained in clause (C) shall be construed to apply to any of the kinds of insurance referred to in clauses (A) and (B) nor to reinsurance in relation to such kinds of insurance. Nothing in clause (A), (B), or (C) shall be construed as making or permitting any excessive, inadequate, or unfairly discriminatory charge or rate or any charge or rate determined by the department or commissioner to meet the requirements of any other insurance rate regulatory law of this state.

(8) Except as otherwise expressly provided by law, knowingly permitting or offering to make or making any contract or policy of insurance of any kind or kinds whatsoever, including but not in limitation, life annuities, or agreement as to such contract or policy other than as plainly expressed in such contract or policy issued thereon, or paying or allowing, or giving or offering to pay, allow, or give, directly or indirectly, as inducement to such insurance, or annuity, any rebate of premiums payable on the contract, or any special favor or advantage in the dividends, savings, or other benefits thereon, or any valuable consideration or inducement whatever not specified in the contract or policy; or giving, or selling, or purchasing or offering to give, sell, or purchase as inducement to such insurance or annuity or in connection therewith, any stocks, bonds, or other securities of any

insurance company or other corporation, association, limited liability company, or partnership, or any dividends, savings, or profits accrued thereon, or anything of value whatsoever not specified in the contract. Nothing in this subdivision and subdivision (7) shall be construed as including within the definition of discrimination or rebates any of the following practices:

(A) Paying bonuses to policyholders or otherwise abating their premiums in whole or in part out of surplus accumulated from nonparticipating insurance, so long as any such bonuses or abatement of premiums are fair and equitable to policyholders and for the best interests of the company and its policyholders.

(B) In the case of life insurance policies issued on the industrial debit plan, making allowance to policyholders who have continuously for a specified period made premium payments directly to an office of the insurer in an amount which fairly represents the saving in collection expense.

(C) Readjustment of the rate of premium for a group insurance policy based on the loss or expense experience thereunder, at the end of the first year or of any subsequent year of insurance thereunder, which may be made retroactive only for such policy year.

(D) Paying by an insurer or insurance producer thereof duly licensed as such under the laws of this state of money, commission, or brokerage, or giving or allowing by an insurer or such licensed insurance producer thereof anything of value, for or on account of the solicitation or negotiation of policies or other contracts of any kind or kinds, to a broker, an insurance producer, or a solicitor duly licensed under the laws of this state, but such broker, insurance producer, or solicitor receiving such consideration shall not pay, give, or allow credit for such consideration as received in whole or in part, directly or indirectly, to the insured by way of rebate.

(9) Requiring, as a condition precedent to loaning money upon the security of a mortgage upon real property, that the owner of the property to whom the money is to be loaned negotiate any policy of insurance covering such real property through a particular insurance producer or broker or brokers. However, this subdivision shall not prevent the exercise by any lender of the lender's right to approve or disapprove of the insurance company selected by the borrower to underwrite the insurance.

(10) Entering into any contract, combination in the form of a trust or otherwise, or conspiracy in restraint of commerce in the business of insurance.

(11) Monopolizing or attempting to monopolize or combining or conspiring with any other person or persons to monopolize any part of commerce in the business of insurance. However, participation as a member, director, or officer in the activities of any nonprofit organization of insurance producers or other workers in the insurance business shall not be interpreted, in itself, to constitute a combination in restraint of trade or as combining to create a monopoly as provided in this subdivision and subdivision (10). The enumeration in this chapter of specific unfair methods of competition and unfair or deceptive acts and practices in the business of insurance is not exclusive or restrictive or intended to limit the powers of the commissioner or department or of any court of review under section 8 of this chapter.

(12) Requiring as a condition precedent to the sale of real or personal property under any contract of sale, conditional sales contract, or other similar instrument or upon the security of a chattel mortgage, that the buyer of such property negotiate any policy of insurance covering such property through a particular insurance company,

insurance producer, or broker or brokers. However, this subdivision shall not prevent the exercise by any seller of such property or the one making a loan thereon of the right to approve or disapprove of the insurance company selected by the buyer to underwrite the insurance.

(13) Issuing, offering, or participating in a plan to issue or offer, any policy or certificate of insurance of any kind or character as an inducement to the purchase of any property, real, personal, or mixed, or services of any kind, where a charge to the insured is not made for and on account of such policy or certificate of insurance. However, this subdivision shall not apply to any of the following:

(A) Insurance issued to credit unions or members of credit unions in connection with the purchase of shares in such credit unions.

(B) Insurance employed as a means of guaranteeing the performance of goods and designed to benefit the purchasers or users of such goods.

(C) Title insurance.

(D) Insurance written in connection with an indebtedness and intended as a means of repaying such indebtedness in the event of the death or disability of the insured.

(E) Insurance provided by or through motorists service clubs or associations.

(F) Insurance that is provided to the purchaser or holder of an air transportation ticket and that:

(i) insures against death or nonfatal injury that occurs during the flight to which the ticket relates;

(ii) insures against personal injury or property damage that occurs during travel to or from the airport in a common carrier immediately before or after the flight;

(iii) insures against baggage loss during the flight to which the ticket relates; or

(iv) insures against a flight cancellation to which the ticket relates.

(14) Refusing, because of the for-profit status of a hospital or medical facility, to make payments otherwise required to be made under a contract or policy of insurance for charges incurred by an insured in such a for-profit hospital or other for-profit medical facility licensed by the state department of health.

(15) Refusing to insure an individual, refusing to continue to issue insurance to an individual, limiting the amount, extent, or kind of coverage available to an individual, or charging an individual a different rate for the same coverage, solely because of that individual's blindness or partial blindness, except where the refusal, limitation, or rate differential is based on sound actuarial principles or is related to actual or reasonably anticipated experience.

(16) Committing or performing, with such frequency as to indicate a general practice, unfair claim settlement practices (as defined in section 4.5 of this chapter).

(17) Between policy renewal dates, unilaterally canceling an individual's coverage under an individual or group health insurance policy solely because of the individual's medical or physical condition.

(18) Using a policy form or rider that would permit a cancellation of coverage as described in subdivision (17).

(19) Violating IC 27-1-22-25, IC 27-1-22-26, or IC 27-1-22-26.1 concerning motor vehicle insurance rates.

(20) Violating IC 27-8-21-2 concerning advertisements referring to interest rate guarantees.

(21) Violating IC 27-8-24.3 concerning insurance and health plan coverage for victims of abuse.

(22) Violating IC 27-8-26 concerning genetic screening or testing.

(23) Violating IC 27-1-15.6-3(b) concerning licensure of

insurance producers.

(24) Violating IC 27-1-38 concerning depository institutions.

(25) Violating IC 27-8-28-17(c) or IC 27-13-10-8(c) concerning the resolution of an appealed grievance decision.

(26) Violating IC 27-8-5-2.5(e) through IC 27-8-5-2.5(j) (expired July 1, 2007, and removed) or IC 27-8-5-19.2 (expired July 1, 2007, and repealed).

(27) Violating IC 27-2-21 concerning use of credit information.

(28) Violating IC 27-4-9-3 concerning recommendations to consumers.

(29) Engaging in dishonest or predatory insurance practices in marketing or sales of insurance to members of the United States Armed Forces as:

(A) described in the federal Military Personnel Financial Services Protection Act, P.L. 109-290; or

(B) defined in rules adopted under subsection (b).

(30) Violating IC 27-8-19.8-20.1 concerning stranger originated life insurance.

(31) Violating IC 27-2-22 concerning retained asset accounts.

(32) Violating IC 27-8-5-29 concerning health plans offered through a health benefit exchange (as defined in IC 27-19-2-8).

(33) Violating a requirement of the federal Patient Protection and Affordable Care Act (P.L. 111-148), as amended by the federal Health Care and Education Reconciliation Act of 2010 (P.L. 111-152), that is enforceable by the state.

(34) After June 30, 2015, violating IC 27-2-23 concerning unclaimed life insurance, annuity, or retained asset account benefits.

(35) Willfully violating IC 27-1-12-46 concerning a life insurance policy or certificate described in IC 27-1-12-46(a).

(b) Except with respect to federal insurance programs under Subchapter III of Chapter 19 of Title 38 of the United States Code, the commissioner may, consistent with the federal Military Personnel Financial Services Protection Act (P.L. 109-290), adopt rules under IC 4-22-2 to:

(1) define; and

(2) while the members are on a United States military installation or elsewhere in Indiana, protect members of the United States Armed Forces from;

dishonest or predatory insurance practices."

Delete pages 10 through 16.

Renumber all SECTIONS consecutively.

(Reference is to SB 307 as printed January 21, 2015.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 3.

STEUERWALD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred Senate Bill 312, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 3. IC 13-11-2-55 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 55. "Discharge", for purposes of IC 13-24-2 and IC 13-18-5.5, means any emission or spill, other than natural seepage, that is intentional or unintentional. The term includes any of the following:

- (1) Spilling.
- (2) Leaking.
- (3) Pumping.
- (4) Pouring.
- (5) Emitting.
- (6) Emptying.
- (7) Dumping."

Page 2, delete lines 36 through 42.

Delete page 3.

Page 4, delete lines 1 through 38.

Page 5, line 18, after "ground;" insert "**and**

(2) that is designed to contain more than six hundred sixty (660) gallons above ground of a matter that is a liquid."

Page 5, delete lines 19 through 25.

Page 6, between lines 22 and 23, begin a new line block indented and insert:

"(5) Any other areas established by the board in rules adopted by the board under section 9 of this chapter.

Sec. 3. As used in this chapter, "discharge" has the meaning set forth in IC 13-11-2-55."

Page 6, line 23, delete "3." and insert "4."

Page 6, delete lines 27 through 34, begin a new paragraph and insert:

"Sec. 5. As used in this chapter, "hazardous material" means a liquid that:

- (1) contains a hazardous material (as defined in IC 13-11-2-96(a)); and**
- (2) is capable of causing a disruption if discharged from an above ground storage tank."**

Page 6, line 35, delete "5." and insert "6."

Page 6, line 42, delete "6." and insert "7."

Page 7, delete lines 2 through 3.

Page 7, line 37, delete "Internet-based" and insert "**Internet based"**.

Page 7, line 39, delete "according to the" and insert "**until"**.

Page 7, line 39, after "rules" insert "**concerning reporting are"**.

Page 8, line 5, delete "release" and insert "**discharge"**.

Page 8, line 12, delete "or" and insert "**and"**.

Page 8, line 17, delete "release" and insert "**discharge"**.

Page 8, between lines 25 and 26, begin a new paragraph and insert:

"(d) Notwithstanding subsection (a), the board may adopt emergency rules under IC 4-22-2-37.1 to create a temporary reporting form for use under this chapter."

Page 8, line 28, after "only" insert "**uncontaminated"**.

Page 8, line 28, delete "surface".

Page 8, line 29, delete "water, raw groundwater,".

Page 9, line 22, delete "an impermeable floor" and insert "**a floor of the building;"**

Page 9, delete line 23.

Page 9, line 24, delete "release" and insert "**discharge"**.

Page 9, line 24, delete "entirely".

Page 9, line 26, delete "escaping." and insert "**escaping in a manner that could cause a disruption."**

Page 9, line 27, delete "A tank, rail car, or truck:" and insert "**An AST that:**

(A) is regulated by the United States Department of Transportation; and

(B) is located on a particular site for less than one hundred eighty (180) consecutive calendar days."

Page 9, delete lines 28 through 33.

Page 9, line 37, delete "site-specific" and insert "**site specific"**.

Page 10, line 2, delete "oil-filled tank" and insert "**AST"**.

Page 10, line 6, after "flow-through" insert "**or"**.

Page 10, line 6, delete "tank," and insert "**AST,"**

Page 10, delete lines 18 through 33, begin a new line block indented and insert:

"(17) An AST used in a process operation:

- (A) in which liquids are altered through biological, chemical, or physical means; or**
- (B) that is used strictly to regulate liquid volumes in a process operation.**

(18) An AST containing pesticides or fertilizers regulated by the state chemist under 355 IAC.

(19) An emergency spill or overflow containment AST that is maintained to preserve its capacity.

(20) An AST that contains a de minimis concentration of hazardous material.

(21) An AST that is used for the storage of products that are regulated under the federal Food, Drug, and Cosmetic Act, 21 U.S.C. 301 et seq.

(22) A device that is subject to IC 13-23 or other laws, rules, or regulations concerning underground storage tanks (as defined in IC 13-11-2-241).

(23) Any other AST exempted by a rule adopted by the board under section 9(b)(3) of this chapter."

Page 10, line 35, delete "is declared" and insert "**may be considered"**.

Page 10, line 36, delete "IC 5-14-3-4(a)(1)" and insert "**IC 5-14-3-4(b)(19)"**.

Page 10, line 37, delete "disclosure, but it" and insert "**disclosure. However, the information"**.

Page 11, line 12, after "water" insert "**quality"**.

Page 11, line 29, delete "following:" and insert "**following or ensure that the following are done:"**

Page 12, line 4, delete "IC 5-14-3-4." and insert "**IC 5-14-3-4(b)(19)."**

Page 12, line 31, after "ground;" insert "**and**

(2) that is designed to contain more than six hundred sixty (660) gallons of a matter that is a liquid above ground."

Page 12, delete lines 32 through 38.

Renumber all SECTIONS consecutively.

(Reference is to SB 312 as reprinted February 24, 2015.) and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

WOLKINS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 317, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 317 as printed February 20, 2015.)

Committee Vote: Yeas 24, Nays 0.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred Senate Bill 327, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 327 as reprinted February 6, 2015.)

Committee Vote: Yeas 9, Nays 3.

DERMODY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Small Business and Economic Development, to which was referred Senate Bill 408, has had the same under consideration and begs leave to report the same back to the House with the recommendation that

said bill be amended as follows:

- Page 4, line 5, delete ":".
- Page 4, strike lines 6 through 9.
- Page 4, line 10, strike "(B)".
- Page 4, line 29, delete ":".
- Page 4, strike lines 30 through 33.
- Page 4, line 34, strike "(B)".

Page 10, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 16. IC 25-34.1-6-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 4. (a) The mere transporting, transmitting, or delivering of a document related to a real estate transaction does not impose any liability for the content of the document or any statement within the document.**

(b) A licensee is not liable for a report or statement made by a person who has made a report concerning the real estate, including inspection reports and surveys, unless:

- (1) the report or statement was made by a person employed by either the licensee or a broker with whom the licensee is associated;**
- (2) the report or statement was made by a person selected and hired by the licensee; however, ordering a report from a person does not constitute selecting or hiring a person; or**
- (3) the licensee knew before closing occurred that the report or statement was false or the licensee acted in reckless disregard as to whether the report or statement was true or false.**

(c) A licensee is not liable for the information contained in a seller's real estate disclosure form prepared under IC 32-21-5, unless:

- (1) the licensee signed the disclosure form; or**
- (2) the licensee knew before closing occurred that the information was false or the licensee acted in reckless disregard as to whether the information was true or false.**

(d) A licensee is not liable for the information that was obtained from:

- (1) the licensee's client;**
- (2) a governmental entity;**
- (3) a person who obtained the information from a governmental entity; or**
- (4) a person who is licensed, certified, or registered to provide professional services on which the licensee relies;**

unless the licensee knew before closing occurred that the information was false or the licensee acted in reckless disregard as to whether the information was true or false."

- Page 10, line 40, reset in roman "twelve (12)".
- Page 10, line 40, delete "eight (8)".
- Page 11, line 27, reset in roman "twelve (12)".
- Page 11, line 27, delete "eight (8)".

Page 26, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 37. IC 34-30-2-60.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 60.7. IC 25-34.1-6-4 (Concerning licensed brokers for certain reports, statements, and information)."**

Renumber all SECTIONS consecutively.
(Reference is to SB 408 as reprinted February 4, 2015.)
and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

SMALTZ, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 436, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

- Page 2, line 7, strike "township" and insert "**county**".
- Page 2, line 7, after "resides" insert ".".
- Page 2, line 7, strike "or to".
- Page 2, strike line 8.
- Page 2, line 10, strike "township or".
- Page 2, line 14, strike "township or".

Page 3, delete lines 30 through 42, begin a new paragraph and insert:

"SECTION 3. IC 6-1.1-3-7.2, AS ADDED BY P.L.80-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 7.2. (a) This section applies in a county in which an exemption ordinance adopted under this section is in effect in the county for those assessment dates occurring:**

- (1) after the later of:**
 - (A) December 31, 2015; or**
 - (B) the date on which the ordinance is adopted; and**
- (2) before the ordinance is rescinded.**

(b) As used in this section, "affiliate" means an entity that effectively controls or is controlled by a taxpayer or is associated with a taxpayer under common ownership or control, whether by shareholdings or other means.

(c) As used in this section, "business personal property" means personal property that:

- (1) is otherwise subject to assessment and taxation under this article;**
- (2) is used in a trade or business or otherwise held, used, or consumed in connection with the production of income; and**
- (3) was:**

- (A) acquired by the taxpayer in an arms length transaction from an entity that is not an affiliate of the taxpayer, if the personal property has been previously used in Indiana before being placed in service in the county; or**
- (B) acquired in any manner, if the personal property has never been previously used in Indiana before being placed in service in the county.**

The term does not include mobile homes assessed under IC 6-1.1-7, personal property held as an investment, or personal property that is assessed under IC 6-1.1-8 and is owned by a public utility subject to regulation by the Indiana utility regulatory commission. However, the term does include the personal property of a telephone company or a communications service provider if that personal property meets the requirements of subdivisions (1) through (3), regardless of whether that personal property is assessed under IC 6-1.1-8 and regardless of whether the telephone company or communications service provider is subject to regulation by the Indiana utility regulatory commission.

(d) As used in this section, "county income tax council" refers to the county income tax council established by IC 6-3.5-6-2 for a county.

(e) As used in this section, "exemption ordinance" refers to an ordinance adopted under subsection (f) by a county income tax council.

(f) The county income tax council may by a majority vote of the total votes allocated to the county income tax council adopt an ordinance to have the exemption under this section apply throughout the county.

(g) For purposes of adopting an exemption ordinance under this section, a county income tax council is comprised of the

same members as the county income tax council that is established by IC 6-3.5-6-2 for the county, regardless of whether a county income tax is in effect in the county and regardless of which county income tax is in effect in the county. Except as otherwise provided in this section, the county income tax council shall use the same procedures that apply under IC 6-3.5-6 when acting under this section.

(h) Before adopting an exemption ordinance under this section, a county income tax council must conduct a public hearing on the proposed exemption ordinance. The county income tax council must publish notice of the public hearing in accordance with IC 5-3-1.

(i) The county income tax council shall provide a certified copy of an adopted exemption ordinance to the department of local government finance and the county auditor.

(j) Notwithstanding section 7 of this chapter, if:

(1) a county income tax council has adopted an exemption ordinance and this section applies to a county for a particular assessment date; and

(2) the acquisition cost of a taxpayer's business personal property in a county is less than twenty thousand dollars (\$20,000) for that assessment date;

the taxpayer's business personal property in the county for that assessment date is exempt from taxation.

(k) A taxpayer that is eligible for the exemption under this section is not required to file a personal property return for the taxpayer's business personal property in the county for that assessment date. However, the taxpayer must, before May 15 of the calendar year in which the assessment date occurs, file with the county assessor an annual **notarized** certification **signed under penalties for perjury** stating that the taxpayer's business personal property in the county is exempt from taxation under this section for that assessment date."

Delete page 4.

Page 5, delete lines 1 through 22.

Page 5, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 5. IC 6-1.1-3-24, AS AMENDED BY P.L.257-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 24. (a) In determining the assessed value of various sizes of outdoor advertising signs for the 2011 through ~~2016~~ **2018** assessment dates, a taxpayer and assessing official shall use the following table without any adjustments:

Single Pole Structure	
Type of Sign	Value Per Structure
At least 48 feet, illuminated	\$5,000
At least 48 feet, non-illuminated	\$4,000
At least 26 feet and under 48 feet, illuminated	\$4,000
At least 26 feet and under 48 feet, non-illuminated	\$3,300
Under 26 feet, illuminated	\$3,200
Under 26 feet, non-illuminated	\$2,600
Other Types of Outdoor Signs	
At least 50 feet, illuminated	\$2,500
At least 50 feet, non-illuminated	\$1,500
At least 40 feet and under 50 feet, illuminated	\$2,000
At least 40 feet and under 50 feet, non-illuminated	\$1,300
At least 30 feet and under 40 feet, illuminated	\$2,000
At least 30 feet and under 40 feet, non-illuminated	\$1,300
At least 20 feet and under 30 feet, illuminated	\$1,600
At least 20 feet and under 30 feet, non-illuminated	\$1,000
Under 20 feet, illuminated	\$1,600
Under 20 feet, non-illuminated	\$1,000

(b) This section expires July 1, ~~2017~~ **2019**."

Page 6, line 25, after "native" insert "**timber**".

Page 7, line 19, delete "March 1, 2015, assessment date,"

and insert "**2015 and 2016 assessment dates**".

Page 7, line 21, delete "two thousand fifty" and insert "**the lesser of:**

(1) the base rate value included in the Real Property Assessment Guidelines; or

(2) the product of:

(A) the base rate value for the immediately preceding assessment date; multiplied by

(B) the assessed value growth quotient determined under IC 6-1.1-18.5-2."

Page 7, line 22, delete "dollars (\$2,050), and this", begin a new line blocked left and insert:

"**This**".

Page 7, line 26, delete "January 1, 2017." and insert "**December 31, 2017**".

Page 7, delete lines 27 through 42, begin a new paragraph and insert:

"SECTION 7. IC 6-1.1-4-43 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE MARCH 1, 2014 (RETROACTIVE)]: **Sec. 43. (a) This section applies to a real property assessment:**

(1) for the 2014 assessment date and assessment dates thereafter; and

(2) that includes a building that is:

(A) a limited market or special purpose property that is considered a big box retail building using the Uniform Standards of Professional Appraisal Practice, as published by the Appraisal Standards Board of the Appraisal Foundation; and

(B) at least fifty thousand (50,000) square feet.

(b) In determining the true tax value of real property, consideration shall be given to the cost, sales comparison, and income capitalization approaches to value. The validity of an assessment shall be evaluated on the basis of all reasonable and relevant evidence presented. The three (3) approaches to value and the reconciliation of these approaches shall be applied using generally accepted appraisal principles. For purposes of this subsection, the following apply:

(1) Except for income producing properties, preference shall be given to the value conclusion indicated by applying the cost approach using guidelines established by the department of local government finance for the assessment of land and improvements.

(2) The determination of whether properties are comparable shall be made using generally accepted appraisal principles.

(3) The sales price for any sale of a property being analyzed as a comparable sale under the sales comparison approach to value, including a previous sale of the property being valued, may not be used if the property being analyzed as a comparable sale was vacant on the date of sale and had not been occupied for the twenty-four (24) months preceding the comparable property's date of sale.

SECTION 8. IC 6-1.1-4-44 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE MARCH 1, 2015 (RETROACTIVE)]: **Sec. 44.**

(a) **This section applies to a real property assessment:**

(1) for the 2015 assessment date and assessment dates thereafter; and

(2) that includes land classified as residential excess land.

(b) A county assessor may apply throughout the county an influence factor to recognize the reduced acreage value of residential excess land. The influence factor may be applied on a per acre basis or based on acreage categories."

Delete page 8.

Page 9, delete lines 1 through 25.

Page 23, line 23, delete "IC 6-1.1-18.5-23" and insert "IC 6-1.1-18.5-23.2".

Page 23, line 25, delete "23." and insert "23.2".

Page 24, between lines 27 and 28, begin a new paragraph and insert:

"SECTION 14. IC 6-1.1-36-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 18. (a)** As used in this section, "local agency" has the meaning set forth in IC 4-6-3-1.

(b) As used in this section, "tax liability" includes liability for special assessments and refers to liability for property taxes after the application of all allowed deductions and credits. The term does not include any property taxes that a person is not required to pay under IC 6-1.1-15-10 with respect to a pending review of an assessment or an increase in assessment under IC 6-1.1-15.

(c) The fiscal body of a county may adopt an ordinance to allow the county, political subdivisions within the county, and local agencies within the county to:

(1) apply section 19 of this chapter to the consideration of an application for a property tax exemption, a property tax deduction, a zoning change or zoning variance, a building permit, or any other locally issued license or permit; and

(2) use a uniform property tax disclosure form for purposes of section 19 of this chapter.

(d) If the fiscal body of a county adopts an ordinance under this section, the fiscal body shall prescribe the uniform property tax disclosure form used within the county. The state board of accounts and the department of local government finance shall provide assistance to a fiscal body in prescribing the form upon the request of the fiscal body. The form must require the disclosure of the following information from a person applying for a property tax exemption, a property tax deduction, a zoning change or zoning variance, a building permit, or any other locally issued license or permit:

(1) A description of each parcel of real property located in the county that is owned by the person.

(2) A verified statement, made under penalties of perjury, listing the following concerning each parcel of real property disclosed under subdivision (1):

(A) The parcels for which the person is current on the tax liability, if any.

(B) The parcels for which the person has a delinquent tax liability, if any.

(3) Any other information necessary for the county, a political subdivision within the county, or a local agency within the county to determine whether the person has a delinquent tax liability on real property located in the county.

SECTION 15. IC 6-1.1-36-19 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 19. (a)** This section applies to the following:

(1) A county in which the county fiscal body adopts an ordinance under section 18 of this chapter.

(2) A political subdivision or local agency located in a county described in subdivision (1).

(b) As used in this section, "local agency" has the meaning set forth in IC 4-6-3-1.

(c) As used in this section, "tax liability" includes liability for special assessments and refers to liability for property taxes after the application of all allowed deductions and credits. The term does not include any property taxes that a person is not required to pay under IC 6-1.1-15-10 with respect to a pending review of an assessment or an increase in assessment under IC 6-1.1-15.

(d) A county, a political subdivision within the county, or

a local agency within the county may require a person applying for a property tax exemption, a property tax deduction, a zoning change or zoning variance, a building permit, or any other locally issued license or permit to submit a uniform property tax disclosure form prescribed under section 18 of this chapter with the person's application for the property tax exemption, property tax deduction, zoning change or zoning variance, building permit, or any other locally issued license or permit.

(e) A county, a political subdivision within the county, or a local agency within the county may include any of the following policies in the process of approving a person's application for a property tax exemption, a property tax deduction, a zoning change or zoning variance, a building permit, or any other locally issued license or permit:

(1) A policy of requiring for each parcel of real property owned by the person and located in the county proof that the person is current on the parcel's tax liability before approving the application.

(2) A policy of requiring a person who has disclosed a delinquent property tax liability on real property located in the county to enter an agreement with the county treasurer establishing a payment schedule to pay in full the delinquent tax liability as a condition of approving the application.

(3) A policy of refusing to approve an application until a person has paid in full any delinquent tax liability on real property located in the county that has been:

(A) disclosed under subsection (d) on the person's uniform property tax disclosure form; or

(B) otherwise identified by the county, a political subdivision within the county, or a local agency within the county.

(f) For purposes of subsection (e), a person may submit copies of the person's property tax receipts or other documentation approved by the county, a political subdivision within the county, or local agency within the county as proof that the person is current on the tax liability for each parcel of real property owned by the person in the county."

Page 25, line 26, reset in roman "IC 6-1.1-3-7.2(k)".

Page 25, line 26, delete "IC 6-1.1-3-7.2(e)".

Page 25, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 15. IC 6-1.5-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 1. (a)** A state agency to be known as the Indiana board of tax review is established. The Indiana board is composed of three (3) lay members. **An individual must hold the certification of a level two assessor-appraiser under IC 6-1.1-35.5 to be a member of the Indiana board after December 31, 2016.** The governor shall appoint the members of the Indiana board. The members of the Indiana board shall elect the chairperson of the board.

(b) Two (2) members of the Indiana board must be members of one (1) major political party, and one (1) member of the board must be a member of the other major political party.

(c) Except as provided in subsections subsection (d), and ~~(e)~~, the term of office of an Indiana board member is four (4) years.

(d) The initial terms of office of the Indiana board are as follows:

~~(1)~~ For one (1) board member, one (1) year.

~~(2)~~ For one (1) board member, two (2) years.

~~(3)~~ For one (1) board member, three (3) years.

~~(e)~~ **(d)** An Indiana board member appointed to fill a vacancy shall serve for the unexpired term of the member's predecessor.

~~(f)~~ **(e)** Any two (2) members of the Indiana board constitute a quorum for the transaction of business. Action may be taken by the Indiana board only upon the vote of a majority of the whole board.

SECTION 16. IC 6-1.5-2-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 1.5. (a)** This section applies to an individual who is a member of the Indiana board on December 31, 2016.

(b) If the individual has not obtained the certification of a level two assessor-appraiser under IC 6-1.1-35.5, on January 1, 2017, the individual forfeits membership on the Indiana board and the position shall be treated as a vacancy.

(c) This section expires June 30, 2017.

SECTION 17. IC 6-1.1-37-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 14. (a)** This section applies to any refund for a property resulting from a real property tax assessment appeal for the property for the 2014 assessment date or any prior assessment date. This section does not apply if any refund for a property under appeal has been paid before May 1, 2015. Except as modified by this section, all other provisions of IC 6-1.1 apply regarding the payment of refunds and application of credits.

(b) If upon the conclusion of a real property tax assessment appeal, the total amount of property taxes owed to the taxpayer as a result of the appeal is one hundred thousand dollars (\$100,000) or more for the assessment dates under appeal, the auditor of the county in which the property is located may, instead of a refund, elect to apply credits in equal installments to future property tax installments for the property over a period of not more than five (5) years following the date of the conclusion of the assessment appeal. The auditor may elect to accelerate credits or to provide a full or partial refund within the five (5) year period.

(c) This section expires December 31, 2019."

Page 25, line 40, strike "subsection" and insert "subsections".

Page 25, line 40, after "(c)" delete "," and insert "and (e)".

Page 26, between lines 13 and 14, begin a new line block indented and insert:

"(3) The amount, if any, determined by the Indiana economic development corporation under subsection (e) at the time of the recertification of the certified technology park."

Page 26, line 14, delete "subsection (d)," and insert "subsections (d) and (e)".

Page 26, line 26, delete "and".

Page 26, line 33, delete "." and insert "; and

(3) the state adjusted gross income tax revenue that would be deposited in a redevelopment commission's incremental tax financing fund if the deposits to the fund had not reached the maximum amount allowed under this section shall instead be deposited in equal amounts in the incremental tax financing funds of the other redevelopment commissions that operate the certified technology park."

Page 26, between lines 33 and 34, begin a new paragraph and insert:

"(e) If the criteria set forth in subsection (f) are satisfied, as determined by the Indiana economic development corporation, deposits in the incremental tax financing fund shall continue. However, the amount of additional deposits in the fund may not exceed one million dollars (\$1,000,000) during any four (4) year period following the certified technology park's most recent recertification.

(f) Before revenue may be deposited in the incremental tax financing fund under subsection (e), the certified technology park must demonstrate the following at the time of its recertification:

(1) That the certified technology park has received at

least five million dollars (\$5,000,000) from deposits in the incremental tax financing fund under subsection (b)(1) and (b)(2).

(2) That the certified technology park demonstrates success over the four (4) year period immediately preceding the recertification in at least five (5) of the following categories:

(A) That the certified technology park has made significant successes in research and technology commercialization activity as demonstrated by extramural funding awards, invention disclosures, patent applications and awards, or intellectual property licenses.

(B) That the certified technology park employs a professional technology commercialization or dedicated business incubator staff with proven success with start up companies as demonstrated by continued growth and development of these start up companies.

(C) That the local option income tax revenue deposited in the certified technology park incremental tax financing fund during the most recent certification period was at least the amount of the local option income tax revenue deposited in the fund during the certification period preceding the most recent certification period.

(D) That the certified technology park maintains a system of record keeping and data driven best practices.

(E) That clients using the services of the certified technology park pay wage rates averaging at least ten percent (10%) more than the average per capita wage rates in the county in which the certified technology park is located.

(F) That the certified technology park contracts with fifteen (15) or more client companies that are located in the park and each of these companies is involved in at least one (1) high technology activity.

(G) That the certified technology park can demonstrate growth in the number of full-time employees within the certified technology park over the four (4) year period.

(H) That the certified technology park can demonstrate growth in the number of incubated companies that increase full-time employment by at least thirty percent (30%) during the period of incubation.

(I) That the certified technology park can demonstrate growth in early stage client revenue while located within the certified technology park."

Page 26, line 34, delete "(e)" and insert "(g)".

Page 27, line 12, delete "a part of the maximum amount that may" and insert "deposits covered by section 22(d)(3) of this chapter in a different amount than required by section 22(d)(3) of this chapter."

Page 27, delete lines 13 through 14.

Page 27, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 17. IC 36-8-19-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 16. (a)** The department of local government finance shall review the tax rates and levies for each fire protection territory that has a uniform tax rate throughout the territory. The department shall complete its review of all territories before July 1, 2017.

(b) The department of local government finance shall consider adjusting the tax levies for the participating units and whether different tax rates for fire protection services should be applied for the participating units included within the territory. In conducting its review, the department of

local government finance shall consider the following factors and discuss the factors with each participating unit in the territory:

- (1) The population and change in population of each unit in the territory.
- (2) The assessed valuation and change of assessed valuation of real property in each unit in the territory.
- (3) The cost of providing fire service to each unit in the territory.
- (4) Comparisons to other jurisdictions providing similar fire service.
- (5) Previous tax rates and levies for fire protection.
- (6) Future needs and planned or expected expenses for fire service.
- (7) Other factors as determined by the department.

(c) Adjustments, if any, made under this section shall be applied to levies and rates beginning in 2017."

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

"SECTION 18. [EFFECTIVE UPON PASSAGE] (a) The legislative council is urged to request the appropriate study committee to study during the 2015 legislative interim the methods used to determine the true tax value for nonincome producing commercial property.

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

Re-number all SECTIONS consecutively.

(Reference is to SB 436 as printed February 20, 2015.)

and when so amended that said bill do pass.

Committee Vote: yeas 20, nays 0.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 438, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 15.

Delete pages 2 through 8.

Page 9, delete lines 1 through 9, begin a new paragraph and insert:

"SECTION 1. IC 5-28-15-10, AS AMENDED BY P.L.1-2010, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Subject to subsection (b), an enterprise zone expires ten (10) years after the day on which it is designated by the board.

(b) ~~In the period beginning December 1, 2008, and ending December 31, 2014;~~ An enterprise zone does not expire under this section if the fiscal body of the municipality in which the enterprise zone is located adopts a resolution renewing the enterprise zone for an additional five (5) years. An enterprise zone may be renewed under this subsection regardless of the number of times the enterprise zone has been renewed under subsections (c) and (d). A municipal fiscal body may adopt a renewal resolution and submit a copy of the resolution to the board

~~(1) before August 1, 2009, in the case of an enterprise zone that expired after November 30, 2008, or is scheduled to expire before September 1, 2009; or~~

~~(2) at least thirty (30) days before the expiration date of the enterprise zone. in the case of an enterprise zone scheduled to expire after August 31, 2009.~~

If an enterprise zone is renewed under this subsection after having been renewed under subsection (d), the enterprise zone may not be renewed after the expiration of this final five (5) year period:

(c) The two (2) year period immediately before the day on which the enterprise zone expires is the phaseout period. During

the phaseout period, the board may review the success of the enterprise zone based on the following criteria and may, with the consent of the budget committee, renew the enterprise zone, including all provisions of this chapter, for five (5) years:

- (1) Increases in capital investment in the zone.
- (2) Retention of jobs and creation of jobs in the zone.
- (3) Increases in employment opportunities for residents of the zone.

(d) If an enterprise zone is renewed under subsection (c), the two (2) year period immediately before the day on which the enterprise zone expires is another phaseout period. During the phaseout period, the board may review the success of the enterprise zone based on the criteria set forth in subsection (c) and, with the consent of the budget committee, may again renew the enterprise zone, including all provisions of this chapter, for a final period of five (5) years. The zone may not be renewed after the expiration of this final five (5) year period.

(e) Notwithstanding any other provision of this section, an enterprise zone may not be renewed for a period that extends past December 31, 2020. Notwithstanding any other provision of this section, all phaseout periods shall be completed by December 31, 2020.

SECTION 2. IC 6-2.5-5-3, AS AMENDED BY P.L.211-2007, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) For purposes of this section:

- (1) the:
 - (A) retreading of tires; and
 - (B) cutting of steel bars into billets;
 shall be treated as the processing of tangible personal property; and
- (2) commercial printing shall be treated as the production and manufacture of tangible personal property.

(b) Except as provided in subsection (c), transactions involving manufacturing machinery, tools, and equipment are exempt from the state gross retail tax if the person acquiring that property acquires it for direct use in the direct production, manufacture, fabrication, assembly, extraction, mining, processing, refining, or finishing of other tangible personal property.

(c) The exemption provided in subsection (b) does not apply to transactions involving distribution equipment or transmission equipment acquired by a public utility engaged in generating electricity."

Page 9, line 39, delete "means" and insert "means:".

Page 9, line 40, reset in roman "(A)".

Page 9, line 40, reset in roman "receiving".

Page 9, reset in roman line 41.

Page 9, line 42, reset in roman "(B)".

Page 10, line 7, delete "process recycling materials" and insert "engage in recycling".

Page 10, line 8, delete "processing such materials" and insert "doing so".

Page 10, between lines 8 and 9, begin a new line block indented and insert:

"(5) "Recycling cart" means a manually propelled container with a capacity of not more than one hundred (100) gallons of recycling materials."

Page 10, strike lines 9 through 10.

Page 10, line 11, strike "(1) the person acquiring that property acquires it for".

Page 10, delete "the person's".

Page 10, line 12, strike "direct use".

Page 10, line 12, delete "or consumption".

Page 10, line 12, strike "in the".

Page 10, line 12, strike "processing of recycling".

Page 10, strike lines 13 through 14.

Page 10, line 15, strike "in".

Page 10, line 15, delete "the business of".

Page 10, line 15, strike "recycling".

Page 10, line 16, strike "(c)" and insert "(b)".

Page 10, line 17, strike "to be".

Page 10, line 17, delete "used or".

Page 10, line 17, strike "consumed in the processing of".

Page 10, strike line 18.

Page 10, line 19, strike "processing of recycling materials".

Page 10, line 22, delete "or consumption".

Page 10, between lines 25 and 26, begin a new paragraph and insert:

"(c) Notwithstanding subsection (a)(1)(C), transactions involving a recycling cart are exempt from the state gross retail tax if the person acquiring the recycling cart is occupationally engaged in the business of recycling."

Page 10, delete lines 26 through 42.

Delete pages 11 through 12.

Page 13, delete lines 1 through 24, begin a new paragraph and insert:

"SECTION 11. IC 6-2.5-8-8, AS AMENDED BY P.L.145-2007, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) A person, authorized under subsection (b), who makes a purchase in a transaction which is exempt from the state gross retail and use taxes, may issue an exemption certificate to the seller instead of paying the tax. The person shall issue the certificate on forms and in the manner prescribed by the department. A seller accepting a proper exemption certificate under this section has no duty to collect or remit the state gross retail or use tax on that purchase.

(b) The following are the only persons authorized to issue exemption certificates:

(1) Retail merchants, wholesalers, and manufacturers, who are registered with the department under this chapter.

(2) Organizations which are exempt from the state gross retail tax under IC 6-2.5-5-21, IC 6-2.5-5-25, or IC 6-2.5-5-26 and which are registered with the department under this chapter. ~~and~~

(3) Persons who are exempt from the state gross retail tax under IC 6-2.5-4-5 and who receive an exemption certificate from the department.

~~(3)~~ (4) Other persons who are exempt from the state gross retail tax with respect to any part of their purchases.

(c) The department may also allow a person to issue a blanket exemption certificate to cover exempt purchases over a stated period of time. The department may impose conditions on the use of the blanket exemption certificate and restrictions on the kind or category of purchases that are exempt.

(d) A seller that accepts an incomplete exemption certificate under subsection (a) is not relieved of the duty to collect gross retail or use tax on the sale unless the seller obtains:

(1) a fully completed exemption certificate; or

(2) the relevant data to complete the exemption certificate;

within ninety (90) days after the sale.

(e) If a seller has accepted an incomplete exemption certificate under subsection (a) and the department requests that the seller substantiate the exemption, within one hundred twenty (120) days after the department makes the request the seller shall:

(1) obtain a fully completed exemption certificate; or

(2) prove by other means that the transaction was not subject to state gross retail or use tax.

(f) A power subsidiary (as defined in IC 6-2.5-4-5) or a person selling the services or commodities listed in IC 6-2.5-4-5(b) who accepts an exemption certificate issued by the department to a person who is exempt from the state gross retail tax under IC 6-2.5-4-5 is relieved from the duty to collect state gross retail or use tax on the sale of the services or commodities listed in IC 6-2.5-4-5(b) until notified by the department that the exemption certificate has expired or has been revoked. If the department notifies a power subsidiary or a person selling the services or

commodities listed in IC 6-2.5-4-5(b) that a person's exemption certificate has expired or has been revoked, the power subsidiary or person selling the services or commodities listed in IC 6-2.5-4-5(b) shall begin collecting state gross retail tax on the sale of the services or commodities listed in IC 6-2.5-4-5(b) to the person whose exemption certificate has expired or been revoked not later than thirty (30) days after the date of the department's notice. An exemption certificate issued by the department to a person who is exempt from the state gross retail tax under IC 6-2.5-4-5 remains valid for that person regardless of any subsequent one (1) for one (1) meter number changes with respect to that person that are required, made, or initiated by a power subsidiary or a person selling the services or commodities listed in IC 6-2.5-4-5(b). Within thirty (30) days after the final day of each calendar year quarter, a power subsidiary or a person selling the services or commodities listed in IC 6-2.5-4-5(b) shall report to the department any meter number changes made during the immediately preceding calendar year quarter and distinguish between the one (1) for one (1) meter changes and the one (1) for multiple meter changes made during the calendar year quarter. Except for a person to whom a blanket utility exemption applies, any meter number changes not involving a one (1) to one (1) relationship will no longer be exempt and will require the person to submit a new utility exemption application for the new meters. Until an application for a new meter is approved, the new meter is subject to the state gross retail tax and the power subsidiary or the person selling the services or commodities listed in IC 6-2.5-4-5(b) is required to collect the state gross retail tax from the date of the meter change."

Page 15, delete lines 4 through 42.

Delete pages 16 through 17.

Page 18, delete lines 1 through 9, begin a new paragraph and insert:

"SECTION 13. IC 6-3-4-12, AS AMENDED BY P.L.293-2013(ts), SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 12. (a) Every partnership shall, at the time that the partnership pays or credits amounts to any of its nonresident partners on account of their distributive shares of partnership income, for a taxable year of the partnership, deduct and retain therefrom the amount prescribed in the withholding instructions referred to in section 8 of this chapter. Such partnership so paying or crediting any nonresident partner:

(1) shall be liable to the state of Indiana for the payment of the tax required to be deducted and retained under this section and shall not be liable to such partner for the amount deducted from such payment or credit and paid over in compliance or intended compliance with this section; and

(2) shall make return of and payment to the department monthly whenever the amount of tax due under IC 6-3 and IC 6-3.5 exceeds an aggregate amount of fifty dollars (\$50) per month with such payment due on the thirtieth day of the following month, unless an earlier date is specified by section 8.1 of this chapter.

Where the aggregate amount due under IC 6-3 and IC 6-3.5 does not exceed fifty dollars (\$50) per month, then such partnership shall make return and payment to the department quarterly, on such dates and in such manner as the department shall prescribe, of the amount of tax which, under IC 6-3 and IC 6-3.5, is required to withhold.

(b) Every partnership shall, at the time of each payment made by it to the department pursuant to this section, deliver to the department a return upon such form as shall be prescribed by the department showing the total amounts paid or credited to its nonresident partners, the amount deducted therefrom in accordance with the provisions of this section, and such other

information as the department may require. Every partnership making the deduction and retention provided in this section shall furnish to its nonresident partners annually, but not later than the fifteenth day of the third month after the end of its taxable year, a record of the amount of tax deducted and retained from such partners on forms to be prescribed by the department.

(c) All money deducted and retained by the partnership, as provided in this section, shall immediately upon such deduction be the money of the state of Indiana and every partnership which deducts and retains any amount of money under the provisions of IC 6-3 shall hold the same in trust for the state of Indiana and for payment thereof to the department in the manner and at the times provided in IC 6-3. Any partnership may be required to post a surety bond in such sum as the department shall determine to be appropriate to protect the state of Indiana with respect to money deducted and retained pursuant to this section.

(d) The provisions of IC 6-8.1 relating to additions to tax in case of delinquency and penalties shall apply to partnerships subject to the provisions of this section, and for these purposes any amount deducted, or required to be deducted and remitted to the department under this section, shall be considered to be the tax of the partnership, and with respect to such amount it shall be considered the taxpayer.

(e) Amounts deducted from payments or credits to a nonresident partner during any taxable year of the partnership in accordance with the provisions of this section shall be considered to be in part payment of the tax imposed on such nonresident partner for the nonresident partner's taxable year within or with which the partnership's taxable year ends. A return made by the partnership under subsection (b) shall be accepted by the department as evidence in favor of the nonresident partner of the amount so deducted for the nonresident partner's distributive share.

(f) This section shall in no way relieve any nonresident partner from the nonresident partner's obligations of filing a return or returns at the time required under IC 6-3 or IC 6-3.5, and any unpaid tax shall be paid at the time prescribed by section 5 of this chapter.

(g) Instead of the reporting periods required under subsection (a), the department may permit a partnership to file one (1) return and payment each year if the partnership pays or credits amounts to its nonresident partners only one (1) time each year. The return and payment are due on or before the fifteenth day of the fourth month after the end of the year. **However, if a partnership is permitted an extension to file its income tax return under IC 6-8.1-6-1, the return and payment due under this subsection shall be allowed the same treatment as an extended income tax return with respect to due dates, interest, and penalties under IC 6-8.1-6-1.**

(h) A partnership shall file a composite adjusted gross income tax return on behalf of all nonresident ~~individual~~ partners. The composite return must include each nonresident ~~individual~~ partner regardless of whether or not the nonresident ~~individual~~ partner has other Indiana source income.

(i) If a partnership does not include all nonresident partners in the composite return, the partnership is subject to the penalty imposed under IC 6-8.1-10-2.1(j).

(j) For taxable years beginning after December 31, 2013, the department may not impose a late payment penalty on a partnership for the failure to file a return, pay the full amount of the tax shown on the partnership's return, or pay the deficiency of the withholding taxes due under this section if the partnership pays the department **before the fifteenth day of the fourth month after the end of the partnership's taxable year** at least:

- (1) eighty percent (80%) of the withholding tax due for the current year; or
- (2) one hundred percent (100%) of the withholding tax due for the preceding year. ~~before the fifteenth day of the~~

fourth month after the end of the partnership's taxable year:

(k) Notwithstanding subsection (a) or (h), a pass through entity is not required to withhold tax or file a composite adjusted gross income tax return for a nonresident member if the entity:

- (1) is a publicly traded partnership as defined by Section 7704(b) of the Internal Revenue Code;**
- (2) meets the exception for partnerships under Section 7704(c) of the Internal Revenue Code; and**
- (3) has agreed to file an annual information return reporting the name, address, taxpayer identification number, and other information requested by the department of each unit holder.**

The department may issue written guidance explaining circumstances under which limited partnerships or limited liability companies owned by a publicly traded partnership may be excluded from the withholding requirements of this section.

(l) Notwithstanding subsection (k), a partnership is subject to a late payment penalty for the failure to file a return, pay the full amount of the tax shown on the partnership's return, or pay the deficiency of the withholding taxes due under this section for any amounts of withholding tax, including any interest under IC 6-8.1-10-1, reported or paid after the due date of the return, as adjusted by any extension under IC 6-8.1-6-1.

(m) For purposes of this section, a "nonresident partner" is:

- (1) an individual who does not reside in Indiana;**
- (2) a trust that does not reside in Indiana;**
- (3) an estate that does not reside in Indiana;**
- (4) a partnership not domiciled in Indiana;**
- (5) a C corporation not domiciled in Indiana; or**
- (6) an S corporation not domiciled in Indiana.**

SECTION 14. IC 6-3-4-13, AS AMENDED BY P.L.293-2013(ts), SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 13. (a) Every corporation which is exempt from tax under IC 6-3 pursuant to IC 6-3-2-2.8(2) shall, at the time that it pays or credits amounts to any of its nonresident shareholders as dividends or as their share of the corporation's undistributed taxable income, withhold the amount prescribed by the department. Such corporation so paying or crediting any nonresident shareholder:

(1) shall be liable to the state of Indiana for the payment of the tax required to be withheld under this section and shall not be liable to such shareholder for the amount withheld and paid over in compliance or intended compliance with this section; and

(2) when the aggregate amount due under IC 6-3 and IC 6-3.5 exceeds one hundred fifty dollars (\$150) per quarter, then such corporation shall make return and payment to the department quarterly, on such dates and in such manner as the department shall prescribe, of the amount of tax which, under IC 6-3 and IC 6-3.5, it is required to withhold.

(b) Every corporation shall, at the time of each payment made by it to the department pursuant to this section, deliver to the department a return upon such form as shall be prescribed by the department showing the total amounts paid or credited to its nonresident shareholders, the amount withheld in accordance with the provisions of this section, and such other information as the department may require. Every corporation withholding as provided in this section shall furnish to its nonresident shareholders annually, but not later than the fifteenth day of the third month after the end of its taxable year, a record of the amount of tax withheld on behalf of such shareholders on forms to be prescribed by the department.

(c) All money withheld by a corporation, pursuant to this section, shall immediately upon being withheld be the money of

the state of Indiana and every corporation which withholds any amount of money under the provisions of this section shall hold the same in trust for the state of Indiana and for payment thereof to the department in the manner and at the times provided in IC 6-3. Any corporation may be required to post a surety bond in such sum as the department shall determine to be appropriate to protect the state of Indiana with respect to money withheld pursuant to this section.

(d) The provisions of IC 6-8.1 relating to additions to tax in case of delinquency and penalties shall apply to corporations subject to the provisions of this section, and for these purposes any amount withheld, or required to be withheld and remitted to the department under this section, shall be considered to be the tax of the corporation, and with respect to such amount it shall be considered the taxpayer.

(e) Amounts withheld from payments or credits to a nonresident shareholder during any taxable year of the corporation in accordance with the provisions of this section shall be considered to be a part payment of the tax imposed on such nonresident shareholder for the shareholder's taxable year within or with which the corporation's taxable year ends. A return made by the corporation under subsection (b) shall be accepted by the department as evidence in favor of the nonresident shareholder of the amount so withheld from the shareholder's distributive share.

(f) This section shall in no way relieve any nonresident shareholder from the shareholder's obligation of filing a return or returns at the time required under IC 6-3 or IC 6-3.5, and any unpaid tax shall be paid at the time prescribed by section 5 of this chapter.

(g) Instead of the reporting periods required under subsection (a), the department may permit a corporation to file one (1) return and payment each year if the corporation pays or credits amounts to its nonresident shareholders only one (1) time each year. The withholding return and payment are due on or before the fifteenth day of the fourth month after the end of the taxable year of the corporation. **However, if a corporation is permitted an extension to file its income tax return under IC 6-8.1-6-1, the return and payment due under this subsection shall be allowed the same treatment as the extended income tax return with respect to the due dates, interest, and penalties under IC 6-8.1-6-1.**

(h) If a distribution will be made with property other than money or a gain is realized without the payment of money, the corporation shall not release the property or credit the gain until it has funds sufficient to enable it to pay the tax required to be withheld under this section. If necessary, the corporation shall obtain such funds from the shareholders.

(i) If a corporation fails to withhold and pay any amount of tax required to be withheld under this section and thereafter the tax is paid by the shareholders, such amount of tax as paid by the shareholders shall not be collected from the corporation but it shall not be relieved from liability for interest or penalty otherwise due in respect to such failure to withhold under IC 6-8.1-10.

(j) A corporation described in subsection (a) shall file a composite adjusted gross income tax return on behalf of all nonresident shareholders. The composite return must include each nonresident ~~individual~~ shareholder regardless of whether or not the nonresident ~~individual~~ shareholder has other Indiana source income.

(k) If a corporation described in subsection (a) does not include all nonresident shareholders in the composite return, the corporation is subject to the penalty imposed under IC 6-8.1-10-2.1(j).

(l) For taxable years beginning after December 31, 2013, the department may not impose a late payment penalty on a corporation for the failure to file a return, pay the full amount of the tax shown on the corporation's return, or pay the deficiency of the withholding taxes due under this section if the corporation

pays the department **before the fifteenth day of the fourth month after the end of the partnership's taxable year** at least:

- (1) eighty percent (80%) of the withholding tax due for the current year; or
- (2) one hundred percent (100%) of the withholding tax due for the preceding year. ~~before the fifteenth day of the fourth month after the end of the corporation's taxable year.~~

(m) Notwithstanding subsection (l), a corporation is subject to a late payment penalty for the failure to file a return, pay the full amount of the tax shown on the corporation's return, or pay the deficiency of the withholding taxes due under this section for any amounts of withholding tax, including any interest under IC 6-8.1-10-1, reported or paid after the due date of the return, as adjusted by any extension under IC 6-8.1-6-1.

(n) For purposes of this section, a "nonresident shareholder" is:

- (1) an individual who does not reside in Indiana;**
- (2) a trust that does not reside in Indiana; or**
- (3) an estate that does not reside in Indiana.**

SECTION 15. IC 6-3-4-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 15. (a) A trust or estate shall, at the time that it distributes income (except income attributable to interest or dividends) to a nonresident beneficiary, deduct and retain therefrom the amount prescribed in the withholding instructions referred to in section 8 of this chapter. The trust or estate so distributing income to a nonresident beneficiary:

- (1) is liable to this state for the tax which it is required to deduct and retain under this section and is not liable to the beneficiary for the amount deducted from the distribution and paid to the department in compliance, or intended compliance, with this section; and
- (2) shall pay the amount deducted to the department before the thirtieth day of the month following the distribution, unless an earlier date is specified by section 8.1 of this chapter.

(b) A trust or estate shall, at the time that it makes a payment to the department under this section, deliver to the department a return which shows the total amounts distributed to the trust's or estate's nonresident beneficiaries, the amount deducted from the distributions under this section, and any other information required by the department. The trust or estate shall file the return on the form prescribed by the department. A trust or estate which makes the deduction and retention required by this section shall furnish to its nonresident beneficiaries annually, but not later than thirty (30) days after the end of the trust's or estate's taxable year, a record of the amount of tax deducted and retained from the beneficiaries. The trust or estate shall furnish the information on the form prescribed by the department.

(c) The money deducted and retained by a trust or estate under this section is money of this state. Every trust or estate which deducts and retains any money under this section shall hold the money in trust for this state until it pays the money to the department in the manner and at the time provided in this section. The department may require a trust or estate to post a surety bond to protect this state with respect to money deducted and retained by the trust or estate under this section. The department shall determine the amount of the surety bond.

(d) The provisions of IC 6-8.1 relating to penalties or to additions to tax in case of a delinquency apply to trusts and estates which are subject to this section. For purposes of this subsection, any amount deducted, or required to be deducted and remitted to the department, under this section is considered the tax of the trust or estate, and with respect to that amount, it is considered the taxpayer.

(e) Amounts deducted from distributions to nonresident beneficiaries under this section during a taxable year of the trust

or estate are considered a partial payment of the tax imposed on the nonresident beneficiary for his taxable year within or with which the trust's or estate's taxable year ends. The department shall accept a return made by the trust or estate under subsection (b) as evidence of the amount of tax deducted from the income distributed to a nonresident beneficiary.

(f) This section does not relieve a nonresident beneficiary of his duty to file a return at the time required under IC 6-3. The nonresident beneficiary shall pay any unpaid tax at the time prescribed by section 5 of this chapter.

(g) A trust or estate shall file a composite adjusted gross income tax return on behalf of all nonresident beneficiaries. The composite return must include each nonresident beneficiary regardless of whether the nonresident beneficiary has other Indiana source income.

(h) For purposes of this section, a "nonresident beneficiary" is:

- (1) an individual who does not reside in Indiana;
- (2) a trust that does not reside in Indiana;
- (3) an estate that does not reside in Indiana;
- (4) a partnership that is not domiciled in Indiana;
- (5) a C corporation that is not domiciled in Indiana; or
- (6) an S corporation that is not domiciled in Indiana.

(i) If a trust or estate is permitted an extension to file its income tax return under IC 6-8.1-6-1, then the return and payment due under this subsection shall be allowed the same treatment as the extended income tax return with respect to due dates, interest, and penalties under IC 6-8.1-6-1."

Page 19, delete lines 2 through 33, begin a new paragraph and insert:

"SECTION 17. IC 6-3.5-1.1-3.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.7. (a) This section applies to Rush County.

(b) The county council may, by ordinance, determine that additional county adjusted gross income tax revenue is needed in the county to do the following:

- (1) Finance, construct, acquire, improve, renovate, equip, operate, or maintain the county jail and related buildings and parking facilities, including costs related to the demolition of existing buildings, the acquisition of land, and any other reasonably related costs.
- (2) Repay bonds issued or leases entered into for the purposes described in subdivision (1).
- (3) Operate and maintain the facilities described in subdivision (1).

(c) If the county council makes the determination set forth in subsection (b), the county council may adopt an ordinance to impose the county adjusted gross income tax at a rate of:

- (1) fifteen-hundredths percent (0.15%);
- (2) two-tenths percent (0.2%);
- (3) twenty-five hundredths percent (0.25%);
- (4) three-tenths percent (0.3%);
- (5) thirty-five hundredths percent (0.35%);
- (6) four-tenths percent (0.4%);
- (7) forty-five hundredths percent (0.45%);
- (8) five-tenths percent (0.5%);
- (9) fifty-five hundredths percent (0.55%); or
- (10) six-tenths percent (0.6%);

on the adjusted gross income of county taxpayers that is in addition to the rates permitted by section 2 of this chapter. The tax rate may not be greater than the rate necessary to pay for the purposes described in subsection (b).

(d) The tax rate used to pay for the purposes described in subsection (b)(1) and (b)(2) may be imposed only until the latest of the following dates:

- (1) The date on which the financing, construction, acquisition, improvement, and equipping of the facilities as described in subsection (b) are completed.
- (2) The date on which the last of any bonds issued

(including refunding bonds) or leases entered into to finance the construction, acquisition, improvement, renovation, and equipping of the facilities described in subsection (b) are fully paid.

(3) The date on which an ordinance adopted under subsection (c) is rescinded.

(e) If the county council imposes a tax under this section to pay for the purposes described in subsection (b)(1) and (b)(2), when:

- (1) the financing, construction, acquisition, improvement, and equipping of the facilities as described in subsection (b) are completed; and
- (2) all bonds issued (including refunding bonds) or leases entered into to finance the construction, acquisition, improvement, renovation, and equipping of the facilities described in subsection (b) are fully paid;

the county council shall by ordinance establish a tax rate at a rate permitted under subsection (c) so that the revenue from the tax does not exceed the costs of operating and maintaining the facilities described in subsection (b). The tax rate under this subsection may be imposed until the date on which an ordinance adopted under this subsection is rescinded.

(f) The term of a bond issued (including any refunding bond) or a lease entered into under subsection (b) may not exceed twenty-five (25) years.

(g) The county treasurer shall establish a county jail revenue fund to be used only for the purposes described in this section. County adjusted gross income tax revenues derived from the tax rate imposed under this section shall be deposited in the county jail revenue fund before making a certified distribution under section 11 of this chapter.

(h) County adjusted gross income tax revenues derived from the tax rate imposed under this section:

- (1) may be used only for the purposes described in this section;
- (2) may not be considered by the department of local government finance in determining the county's maximum permissible property tax levy limit under IC 6-1.1-18.5; and
- (3) may be pledged to the repayment of bonds issued or leases entered into for the purposes described in subsection (b).

(i) Rush County possesses unique governmental and economic development challenges due to the following:

- (1) Deficiencies in the current county jail, including the following:
 - (A) Aging facilities that have not been significantly improved or renovated since the original construction.
 - (B) Lack of recreation and medical facilities.
 - (C) Inadequate line of sight supervision of inmates due to the configuration of the aging jail.
 - (D) Lack of adequate housing for an increasing female inmate population and for inmates with special needs.
 - (E) Lack of adequate administrative space.
 - (F) Increasing maintenance demands and costs resulting from having aging facilities.
- (2) A limited industrial and commercial assessed valuation in the county.

The use of county adjusted gross income tax revenues as provided in this chapter is necessary for the county to provide adequate jail capacity in the county and to maintain low property tax rates essential to economic development. The use of county adjusted gross income tax revenues as provided in this chapter to pay any bonds issued or leases entered into to finance the construction, acquisition, improvement, renovation, and equipping of the facilities described in subsection (b), rather than the use of property

taxes, promotes those purposes.

(j) Notwithstanding any other law, funds accumulated from the county adjusted gross income tax imposed under this section after the termination of the tax under this section shall be transferred to the county rainy day fund under IC 36-1-8-5.1."

Page 21, delete lines 9 through 42.

Page 22, delete lines 1 through 2.

Page 22, delete lines 41 through 42.

Delete pages 23 through 25.

Page 26, delete lines 1 through 12.

Page 31, delete lines 23 through 25, begin a new paragraph and insert:

"(s) Information concerning state gross retail tax exemption certificates that relate to a person who is exempt from the state gross retail tax under IC 6-2.5-4-5 may be disclosed to a power subsidiary (as defined in IC 6-2.5-4-5) or a person selling the services or commodities listed in IC 6-2.5-4-5(b) for the purpose of enforcing and collecting the state gross retail and use taxes under IC 6-2.5."

Page 31, delete lines 26 through 42.

Delete pages 32 through 37.

Page 38, delete lines 1 through 2.

Page 42, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 30. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding the effective date of the modification to IC 6-2.5-5-3, as amended by this act, the modification shall be applied beginning January 1, 2011, for any taxpayer who is predominantly engaged in the business of cutting steel bars owned by others into billets. However, a taxpayer is not entitled to a refund of gross retail or use taxes paid before the effective date of this SECTION based on a claim that applies the modification to IC 6-2.5-5-3 made by this act.

(b) This SECTION expires January 1, 2018."

Re-number all SECTIONS consecutively.

(Reference is to SB 438 as printed February 13, 2015.)

and when so amended that said bill do pass.

Committee Vote: yeas 24, nays 0.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 450, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 450 as printed February 20, 2015.)

Committee Vote: Yeas 21, Nays 0.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 465, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 16, begin a new paragraph and insert:

"SECTION 1. IC 4-13-2-20, AS AMENDED BY P.L.234-2007, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 20. (a) Except as otherwise provided in this section ~~IC 12-17-19-19~~, or IC 12-8-10-7, payment for any services, supplies, materials, or equipment shall not be paid from any fund or state money in advance of receipt of such services, supplies, materials, or

equipment by the state.

(b) With the prior approval of the budget agency, payment may be made in advance for any of the following:

(1) War surplus property.

(2) Property purchased or leased from the United States government or its agencies.

(3) Dues and subscriptions.

(4) License fees.

(5) Insurance premiums.

(6) Utility connection charges.

(7) Federal grant programs where advance funding is not prohibited and, except as provided in subsection (i), the contracting party posts sufficient security to cover the amount advanced.

(8) Grants of state funds authorized by statute.

(9) Employee expense vouchers.

(10) Beneficiary payments to the administrator of a program of self-insurance.

(11) Services, supplies, materials, or equipment to be received from an agency or from a body corporate and politic.

(12) Expenses for the operation of offices that represent the state under contracts with the Indiana economic development corporation and that are located outside Indiana.

(13) Services, supplies, materials, or equipment to be used for more than one (1) year under a discounted contractual arrangement funded through a designated leasing entity.

(14) Maintenance of equipment and maintenance of software if there are appropriate contractual safeguards for refunds as determined by the budget agency.

(15) Exhibits, artifacts, specimens, or other unique items of cultural or historical value or interest purchased by the state museum.

(c) Any agency and any state educational institution may make advance payments to its employees for duly accountable expenses exceeding ten dollars (\$10) incurred through travel approved by:

(1) the employee's respective agency director, in the case of an agency; and

(2) a duly authorized person, in the case of any state educational institution.

(d) The auditor of state may, with the approval of the budget agency and of the commissioner of the Indiana department of administration:

(1) appoint a special disbursing officer for any agency or group of agencies whenever it is necessary or expedient that a special record be kept of a particular class of disbursements or when disbursements are made from a special fund; and

(2) approve advances to the special disbursing officer or officers from any available appropriation for the purpose.

(e) The auditor of state shall issue the auditor's warrant to the special disbursing officer to be disbursed by the disbursing officer as provided in this section. Special disbursing officers shall in no event make disbursements or payments for supplies or current operating expenses of any agency or for contractual services or equipment not purchased or contracted for in accordance with this chapter and IC 5-22. No special disbursing officer shall be appointed and no money shall be advanced until procedures covering the operations of special disbursing officers have been adopted by the Indiana department of administration and approved by the budget agency. These procedures must include the following provisions:

(1) Provisions establishing the authorized levels of special disbursing officer accounts and establishing the maximum amount which may be expended on a single purchase from special disbursing officer funds without prior approval.

(2) Provisions requiring that each time a special disbursing officer makes an accounting to the auditor of state of the

expenditure of the advanced funds, the auditor of state shall request that the Indiana department of administration review the accounting for compliance with IC 5-22.

(3) A provision that, unless otherwise approved by the commissioner of the Indiana department of administration, the special disbursing officer must be the same individual as the procurements agent under IC 4-13-1.3-5.

(4) A provision that each disbursing officer be trained by the Indiana department of administration in the proper handling of money advanced to the officer under this section.

(f) The commissioner of the Indiana department of administration shall cite in a letter to the special disbursing officer the exact purpose or purposes for which the money advanced may be expended.

(g) A special disbursing officer may issue a check to a person without requiring a certification under IC 5-11-10-1 if the officer:

- (1) is authorized to make the disbursement; and
- (2) complies with procedures adopted by the state board of accounts to govern the issuance of checks under this subsection.

(h) A special disbursing officer is not personally liable for a check issued under subsection (g) if:

- (1) the officer complies with the procedures described in subsection (g); and
- (2) funds are appropriated and available to pay the warrant.

(i) For contracts entered into between the department of workforce development or the Indiana commission for career and technical education and:

- (1) a school corporation (as defined in IC 20-18-2-16); or
- (2) a state educational institution;

the contracting parties are not required to post security to cover the amount advanced.

SECTION 2. IC 11-10-3-6, AS AMENDED BY P.L.205-2013, SECTION 169, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) This section:

- (1) does not apply in the case of a person who is subject to lawful detention by a county sheriff and is:
 - (A) covered under private health coverage for health care services; or
 - (B) willing to pay for the person's own health care services; and
- (2) does not apply to an inmate receiving inpatient services under section 7 of this chapter; and**
- ~~(3) does not affect copayments required under section 5 of this chapter.~~

(b) The following definitions apply throughout this section:

- (1) "Charge description master" means a listing of the amount charged by a hospital for each service, item, and procedure:
 - (A) provided by the hospital; and
 - (B) for which a separate charge exists.
- (2) "Health care service" means the following:
 - (A) Medical care.
 - (B) Dental care.
 - (C) Eye care.
 - (D) Any other health care related service.

The term includes health care items and procedures.

(c) Except as provided in subsection (d), when the department or a county is responsible for payment for health care services provided to a person who is committed to the department, the department shall reimburse:

- (1) a physician licensed under IC 25-22.5;
- (2) a hospital licensed under IC 16-21-2; or
- (3) another health care provider;

for the cost of a health care service at the federal Medicare reimbursement rate for the health care service provided plus

four percent (4%).

(d) If there is no federal Medicare reimbursement rate for a health care service described in subsection (c), the department shall do the following:

(1) If the health care service is provided by a hospital, the department shall reimburse the hospital an amount equal to sixty-five percent (65%) of the amount charged by the hospital according to the hospital's charge description master.

(2) If the health care service is provided by a physician or another health care provider, the department shall reimburse the physician or health care provider an amount equal to sixty-five percent (65%) of the amount charged by the physician or health care provider.

SECTION 3. IC 11-10-3-7, AS ADDED BY P.L.205-2013, SECTION 170, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) If the department or a county incurs medical care expenses in providing medical care to an inmate who is committed to the department and the medical care expenses are not reimbursed, the department or the county shall attempt to determine the amount, if any, of the medical care expenses that may be paid:

- (1) by a policy of insurance that is maintained by the inmate and that covers medical care, dental care, eye care, or any other health care related service; or
- (2) by Medicaid.

(b) For an inmate who:

- (1) is committed to the department and resides in a department facility or jail;**
- (2) incurs or will incur medical care expenses that are not otherwise reimbursable;**
- (3) is unwilling or unable to pay for the inmate's own health care services; and**
- (4) is potentially eligible for Medicaid (IC 12-15);**

the department is the inmate's Medicaid authorized representative and may apply for Medicaid on behalf of the inmate.

(c) The department and the office of the secretary of family and social services shall enter into a written memorandum of understanding providing that the department shall reimburse the office of the secretary for administrative costs and the state share of the Medicaid costs incurred for an inmate.

(d) Reimbursement under this section for reimbursable health care services provided by a health care provider, including a hospital, to an inmate as an inpatient in a hospital must be as follows:

- (1) For inmates eligible and participating in the Indiana check-up plan (IC 12-15-44.2), the reimbursement rates described in IC 12-15-44.2-14.**
- (2) For inmates other than those described in subdivision (1) who are eligible under the Medicaid program, the reimbursement rates provided under the Medicaid program, except that reimbursement for inpatient hospital services shall be reimbursed at rates equal to the fee-for-service rates described in IC 16-21-10-8(a)(1).**

Hospital assessment fee funds collected under IC 16-21-10 or the Indiana check-up plan trust fund (IC 12-15-44.2-17) may not be used as the state share of Medicaid costs for the reimbursement of health care services provided to the inmate as an inpatient in the hospital.

SECTION 4. IC 11-12-5-5.5, AS AMENDED BY P.L.205-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5.5. (a) As used in this section, "charge description master" means a listing of the amount charged by a hospital for each service, item, and procedure:

- (1) provided by the hospital; and
- (2) for which a separate charge exists.

(b) As used in this section, "health care services" includes health care items and procedures.

(c) As used in this section, "lawful detention" means the following:

- (1) Arrest.
- (2) Custody following surrender in lieu of arrest.
- (3) Detention in a penal facility.
- (4) Detention for extradition or deportation.
- (5) Custody for purposes incident to any of the above, including transportation, medical diagnosis or treatment, court appearances, work, or recreation.

The term does not include supervision of a person on probation or parole or constraint incidental to release with or without bail.

(d) This section:

(1) does not apply in the case of a person who is subject to lawful detention by a county sheriff and is:

- (A) covered under private health coverage for health care services; or
- (B) willing to pay for the person's own health care services; ~~and~~

(2) does not apply to an inmate receiving inpatient services under IC 36-2-13-19; and

~~(3)~~ **(3) does not affect copayments required under section 5 of this chapter.**

(e) Except as provided in subsections (f) and (g), a county that is responsible for payment for health care services provided to a person who is subject to lawful detention by the county's sheriff shall reimburse:

- (1) a physician licensed under IC 25-22.5;
- (2) a hospital licensed under IC 16-21-2; or
- (3) another health care provider;

for the cost of a health care service at the federal Medicare reimbursement rate for the health care service provided plus four percent (4%).

(f) Except as provided in subsection (g), if there is no federal Medicare reimbursement rate for a health care service described in subsection (e), the county shall do the following:

- (1) If the health care service is provided by a hospital, the county shall reimburse the hospital an amount equal to sixty-five percent (65%) of the amount charged by the hospital according to the hospital's charge description master.
- (2) If the health care service is provided by a physician or another health care provider, the county shall reimburse the physician or health care provider an amount equal to sixty-five percent (65%) of the amount charged by the physician or health care provider.

(g) A county described in subsection (e) or (f) may reimburse a health care provider described in subsection (e)(1), (e)(2), or (e)(3) at a lower reimbursement rate than the rate required by subsection (e) or (f) if the county enters into an agreement with a health care provider described in subsection (e)(1), (e)(2), or (e)(3) to reimburse the health care provider for a health care service at the lower reimbursement rate."

Delete pages 2 through 8.

Page 9, delete lines 1 through 6.

Page 9, delete lines 10 through 42, begin a new paragraph and insert:

"SECTION 6. IC 12-7-2-19, AS AMENDED BY P.L.188-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 19. (a) "Autism", for purposes of IC 12-11-8, has the meaning set forth in IC 12-11-8-1.

(b) "Autism", for purposes of IC 12-11-1.1-6 and IC 12-28-4-13, refers to ~~the characteristics of a neurological disorder; an autism spectrum disorder~~ that is described in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association."

Page 10, delete lines 1 through 4.

Page 10, delete lines 22 through 42.

Page 11, delete lines 1 through 40.

Page 12, delete lines 3 through 20.

Page 12, delete lines 32 through 42, begin a new paragraph and insert:

"SECTION 10. IC 12-8-1.5-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 16. The office of the secretary may, through agreement with the federal government, operate a disability determination bureau that adjudicates claims for Social Security Disability Insurance and Supplemental Security Income.**

SECTION 11. IC 12-8-1.5-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 17. The office of the secretary may, through agreement with the federal government, operate a disability determination bureau that enters into an interim assistance agreement with the Social Security Administration under 42 U.S.C. 1302 and 42 U.S.C. 1383.**

SECTION 12. IC 12-8-10-7, AS AMENDED BY P.L.1-2005, SECTION 127, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) When a state agency selects a grantee agency under section 6 of this chapter, the state agency shall determine whether the purchase of service format can be used as the procedure for reimbursing the grantee agency. The state agency has exclusive authority to make this determination, but the state agency shall seek to use the purchase of service format whenever possible.

(b) If a state agency determines that the purchase of service format can be used with a particular grantee agency, the state agency shall notify the group of the state agency's decision. The group shall then follow the procedure described in section 8 of this chapter.

(c) If a state agency determines that the purchase of service format cannot be used with a particular grantee agency, the state agency shall select the contract format that is to be used. If a state agency selects a contract format under this subsection, the state agency shall notify the group of the state agency's decision. The group shall then follow the procedure described in section 8 of this chapter.

(d) Notwithstanding IC 4-13-2-20 ~~IC 12-17-19-19~~, or any other law, a contract format selected under subsection (b) or (c) may include provisions for advance funding as follows:

- (1) For not more than one-sixth (1/6) of the contract amount if the annual contract amount is at least fifty thousand dollars (\$50,000).
- (2) For not more than one-half (1/2) of the contract amount if the annual contract amount is less than fifty thousand dollars (\$50,000).
- (3) For interim payments, with subsequent reconciliation of the amounts paid under the contract and the cost of the services actually provided.

SECTION 13. IC 12-9-1-3, AS AMENDED BY P.L.1-2007, SECTION 114, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. The division consists of the following bureaus:

~~(1) Disability determination bureaus required or permitted under IC 12-9-6.~~

~~(2) (1) The rehabilitation services bureau established by IC 12-12-1-1.~~

~~(3) (2) The bureau of developmental disabilities services established by IC 12-11-1.1-1.~~

~~(4) (3) The bureau of quality improvement services established by IC 12-12.5-1-1.~~

~~(5) (4) The bureau of child development services established by IC 12-12.7-1-1.~~

SECTION 14. IC 12-9-5-1, AS AMENDED BY P.L.1-2007, SECTION 115, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. The division shall administer money appropriated or allocated to the division by

the state, including money appropriated or allocated from the following:

- (1) The federal Vocational Rehabilitation Act (29 U.S.C. 701).
- (2) The federal Social Services Block Grant in-home services for the elderly and disabled (42 U.S.C. 1397 et seq.).
- (3) The federal Randolph Sheppard Act (20 U.S.C. 107 et seq.).
- (4) Medicaid waiver in-home services for the elderly and disabled (42 U.S.C. 1396 et seq.) for treatment of developmental disabilities.
- (5) ~~Office of Disability Determination (42 U.S.C. 1302 and 42 U.S.C. 1383).~~
- (6) ~~(5) Improving Access to Assistive Technology for Individuals with Disabilities Act (29 U.S.C. 3001 et seq.).~~
- (7) ~~(6) The federal Social Security Act Payments for Vocational Rehabilitation Services (42 U.S.C. 422).~~
- (8) ~~(7) Part C of the federal Individuals with Disabilities Education Act, Subchapter III (20 U.S.C. 1431 et seq.).~~
- (9) ~~(8) Money appropriated or allocated to the division to administer a program under this title.~~
- (10) ~~(9) Other funding sources that are designated by the general assembly or that are available from the federal government under grants that are consistent with the duties of the division.~~

SECTION 15. IC 12-9-6 IS REPEALED [EFFECTIVE JULY 1, 2015]. (Disability Determination Bureaus)."

Delete pages 13 through 15.

Page 16, delete lines 1 through 6, begin a new paragraph and insert:

"SECTION 16. IC 12-10-11-2, AS AMENDED BY P.L.145-2006, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) The board consists of the following fifteen (15) members:

- (1) The director of the division of ~~family resources aging~~ or the director's designee.
- (2) The chairman of the Indiana state commission on aging or the chairman's designee.
- (3) Three (3) citizens ~~at least sixty (60) years of age~~; nominated by two (2) or more organizations that:
 - (A) represent senior citizens ~~or individuals with dementia~~; and
 - (B) have statewide membership.
- (4) One (1) citizen ~~less than sixty (60) years of age~~ nominated by one (1) or more organizations that:
 - (A) represent individuals with disabilities, ~~including individuals who are less than eighteen (18) years of age~~; and
 - (B) have statewide membership.
- (5) One (1) citizen ~~less than sixty (60) years of age~~ nominated by one (1) or more organizations that:
 - (A) represent individuals with mental illness; and
 - (B) have statewide membership.
- (6) One (1) provider who provides services under IC 12-10-10.
- (7) One (1) licensed physician, ~~physician assistant, or nurse or nurse practitioner~~ who specializes either in the field of gerontology or in the field of disabilities.
- (8) Two (2) home care services advocates or policy specialists nominated by two (2) or more:
 - (A) organizations;
 - (B) associations; or
 - (C) nongovernmental agencies;
 that advocate on behalf of home care consumers, including an organization listed in subdivision (3) that represents senior citizens or persons with disabilities.
- (9) Two (2) members of the senate, who may not be members of the same political party, appointed by the president pro tempore of the senate with the advice of the

minority leader of the senate.

(10) Two (2) members of the house of representatives, who may not be members of the same political party, appointed by the speaker of the house of representatives with the advice of the minority leader of the house of representatives.

The members of the board listed in subdivisions (9) and (10) are nonvoting members.

(b) The members of the board designated by subsection (a)(3) through (a)(8) shall be appointed by the governor for terms of ~~two (2)~~ **four (4)** years. **The term of a member of the board expires July 1, but a member may continue to serve until a successor is appointed.** In case of a vacancy, the governor shall appoint an individual to serve for the remainder of the unexpired term.

(c) The division shall establish notice and selection procedures to notify the public of the board's nomination process described in this chapter. Information must be distributed through:

- (1) the area agencies on aging; and
- (2) all organizations, associations, and nongovernmental agencies that work with the division on home care issues and programs.

(d) Notwithstanding subsection (b):

- (1) the terms of all the board members designated by subsection (a)(3) through (a)(8) expire July 1, 2015;**
- (2) the governor shall reappoint each board member who on June 30, 2015, had at least one (1) full year remaining on the member's term as a member of the board; and**
- (3) the initial appointments beginning July 1, 2015, must be staggered as follows:**

- (A) One (1) year for one (1) member appointed under subsection (a)(3) and (a)(5).**
- (B) Two (2) years for one (1) member appointed under subsection (a)(3), (a)(6), and (a)(8).**
- (C) Three (3) years for one (1) member appointed under subsection (a)(3) and (a)(7).**
- (D) Four (4) years for one (1) member appointed under subsection (a)(4) and (a)(8).**

This subsection expires July 1, 2019."

Page 19, delete lines 26 through 40, begin a new paragraph and insert:

"SECTION 27. IC 12-11-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. As used in this chapter, "autism" means a ~~neurological disorder~~, **an autism spectrum disorder** that is described in the **most recent edition** of the Diagnostic and Statistical Manual of Mental Disorders ~~Fourth Edition, Washington, D.C., of the American Psychiatric Association. 1994, pages 70 and 71."~~

Page 20, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 29. IC 12-12-1-4.1, AS AMENDED BY P.L.160-2012, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4.1. (a) The bureau may do the following:

- (1) Establish vocational rehabilitation centers separately or in conjunction with community rehabilitation centers.
- (2) Contract with governmental units and other public or private organizations to provide any of the vocational rehabilitation services permitted or required by this article, IC 12-8-1.5-10, ~~IC 12-9-6~~, and IC 12-11-6.
- (3) Provide or contract for the provision of other services that are consistent with the purposes of this article, IC 12-8-1.5-10, ~~IC 12-9-6~~, and IC 12-11-6.

(b) When entering into contracts for job development, placement, or retention services, the bureau shall contract with governmental units and other public or private organizations or individuals that are accredited by one (1) of the following organizations:

- (1) The Commission on Accreditation of Rehabilitation Facilities (CARF), or its successor.
- (2) The Council on Quality and Leadership in Supports for People with Disabilities, or its successor.
- (3) The Joint Commission on Accreditation of Healthcare Organizations (JCAHO), or its successor.
- (4) The National Commission on Quality Assurance, or its successor.
- (5) An independent national accreditation organization approved by the secretary.

(c) To the extent that the accreditation requirements of an accrediting organization listed in subsection (b) do not cover a specific requirement determined by the bureau to be necessary for a contracted service under subsection (a), the bureau shall include these specific requirements as part of the bureau's contract for job development, placement, or retention services."

Page 30, line 28, after "IC 12-14-25-5" insert ", AS AMENDED BY HEA 1139-2015, SECTION 32,".

Page 30, line 33, delete "circuit court clerk or board of" and insert "county voter registration office."

Page 30, delete line 34.

Page 30, line 35, delete "Certified mail, return receipt requested. Delivery by the" and insert "Delivery by the United States Postal Service, using first class mail."

Page 30, delete line 36.

Page 32, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 50. IC 12-15-4-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2.5. (a) The department of correction is, for an inmate described in IC 11-10-3-7(b), the inmate's Medicaid authorized representative.**

(b) A sheriff who:

(1) agrees to the requirements set forth in IC 36-2-13-19; and

(2) applies for Medicaid for a person who:

(A) is subject to lawful detention; and

(B) is described in IC 36-2-13-19;

is the inmate's Medicaid authorized representative."

Page 33, strike lines 29 through 31.

Page 33, line 32, strike "(4)" and insert "(3)".

Page 33, line 37, delete "(5)" and insert "(4)".

Page 33, line 39, delete "(6)" and insert "(5)".

Page 36, line 20, delete "(a)(12)" and insert "(a)(10)".

Page 36, line 32, strike "(a)(11)" and insert "(a)(10)".

Page 37, line 11, strike "(a)(11):" and insert "(a)(10):".

Page 38, line 8, delete "P.L.229-2011," and insert "SEA 171-2015, SECTION 35,".

Page 38, line 9, delete "SECTION 145,".

Page 39, line 18, delete "21 CFR 201.57(e)" and insert "21 CFR 201.57(c)(1)".

Page 40, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 59. IC 12-19-1-2 IS REPEALED [EFFECTIVE JULY 1, 2015]. Sec. 2: (a) ~~The director of the division shall appoint a county director for each county office.~~

(b) ~~A county director must be a citizen of the United States.~~

SECTION 60. IC 12-19-1-7, AS AMENDED BY P.L.100-2012, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) ~~The county director of the division or the director's designee shall appoint the number of assistants necessary to administer the welfare activities within the county that are administered by the division under IC 12-13 through IC 12-19 or by an administrative rule. with the approval of the director of the division.~~

(b) The division, for personnel performing activities described in subsection (a), shall determine the compensation of the assistants within the salary ranges of the pay plan adopted by

the state personnel department and approved by the budget agency, with the advice of the budget committee, and within lawfully established appropriations."

Page 41, delete lines 29 through 42.

Page 42, delete lines 1 through 14.

Page 42, delete line 42.

Delete page 43.

Page 44, delete lines 1 through 9.

Page 45, delete lines 17 through 42, begin a new paragraph and insert:

"SECTION 65. IC 25-23.4-3-1, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2015 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) This section does not apply to an individual who has a license under IC 25-23-1-13.1 to practice midwifery as a certified nurse midwife and is practicing within the scope of that license.

(b) After July 1, ~~2014~~, 2017, an individual may not engage in the practice of midwifery unless:

(1) the individual is issued a certificate by a board under IC 25-1-5 and is acting within the scope of the person's license; or

(2) the individual has a certified direct entry midwife certificate under this article and has a collaborative agreement with a physician as set forth in this article.

(c) To become certified as a certified direct entry midwife, an applicant must satisfy the following requirements:

(1) Be at least twenty-one (21) years of age.

(2) Possess at least:

(A) an associate degree in nursing, associate degree in midwifery accredited by the Midwifery Education Accreditation Council (MEAC), or other similar science related associate degree; or

(B) a bachelor's degree;

from a postsecondary educational institution.

(3) Satisfactorily complete educational curriculum approved by:

(A) the Midwifery Education Accreditation Council (MEAC) or a successor organization; or

(B) the educational equivalent of a Midwifery Education Accreditation Council curriculum approved by the board.

(4) Acquire and document practical experience as outlined in the Certified Professional Midwife credentialing process in accordance with the standards of the North American Registry of Midwives or a successor organization.

(5) Obtain certification by an accredited association in adult cardiopulmonary resuscitation that is approved by the board.

(6) Complete the program sponsored by the American Academy of Pediatrics in neonatal resuscitation, excluding endotracheal intubation and the administration of drugs.

(7) Comply with the birth requirements of the Certified Professional Midwife credentialing process, observe an additional twenty (20) births, ~~be directly supervised by a physician for~~ attend twenty (20) births ~~conducted by a physician~~, assist with an additional twenty (20) births, and act as the primary attendant for an additional twenty (20) births.

(8) Provide proof to the board that the applicant has obtained the Certified Professional Midwife credential as administered by the North American Registry of Midwives or a successor organization.

(9) Present additional documentation or certifications required by the board. The board may adopt standards that require more training than required by the North American Registry of Midwives.

(10) Maintain sufficient liability insurance.

(d) The board may exempt an applicant from the following:

(1) The education requirements in subsection (c)(2) if the applicant provides proof to the board that the applicant is enrolled in a program that will satisfy the requirements of subsection (c)(2). An exemption under this subdivision applies for an individual for not more than two (2) years. This subdivision expires June 30, ~~2016~~ **2018**.

(2) The education requirements in subsection (c)(3) if the applicant provides:

(A) proof to the board that the applicant has delivered over one hundred (100) births as a primary attendant; and

(B) a letter of reference from a licensed physician with whom the applicant has informally collaborated.

This subdivision expires June 30, ~~2015~~ **2017**.

(3) The requirement that a physician directly supervise twenty (20) births in subsection (c)(7) if the applicant provides:

(A) proof to the board that the applicant has delivered over one hundred (100) births as a primary attendant; and

(B) a letter of reference from a licensed physician with whom the applicant has informally collaborated.

This subdivision expires June 30, ~~2015~~ **2017**.

SECTION 66. IC 25-23.4-8-2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 2. (a) A physician who signs a collaborative agreement with a certified direct entry midwife under this article may not be held jointly or severally liable for the actions or omissions of a certified direct entry midwife.**

(b) Except in cases of gross negligence or reckless conduct in regard to a physician's collaboration with a certified direct entry midwife, the physician may not be held liable for the collaboration or work with the certified direct entry midwife.

SECTION 67. IC 34-30-2-99.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 99.8. IC 25-23.4-8-2 (Concerning a physician for the errors or omissions of a certified direct entry midwife).**

SECTION 68. IC 36-2-13-19 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 19. (a) This section applies to a person who:**

(1) is subject to lawful detention;

(2) incurs or will incur medical care expenses that are not otherwise reimbursable during the lawful detention;

(3) is unwilling or unable to pay for the person's own health care services; and

(4) is potentially eligible for Medicaid (IC 12-15).

(b) For a person described in subsection (a), the sheriff is the person's Medicaid authorized representative and may apply for Medicaid on behalf of the person.

(c) A sheriff and the office of the secretary of family and social services shall enter into a written memorandum of understanding providing that the sheriff shall reimburse the office of the secretary for administrative costs and the state share of the Medicaid costs incurred for a person described in this section.

(d) Reimbursement under this section for reimbursable health care services provided by a health care provider, including a hospital, to a person as an inpatient in a hospital must be as follows:

(1) For individuals eligible under the Indiana check-up plan (IC 12-15-44.2), the reimbursement rates described in IC 12-15-44.2-14.

(2) For individuals other than those described in subdivision (1) who are eligible under the Medicaid program, the reimbursement rates provided under the

Medicaid program, except that reimbursement for inpatient hospital services shall be reimbursed at rates equal to the fee-for-service rates described in IC 16-21-10-8(a)(1).

Hospital assessment fee funds collected under IC 16-21-10 or the Indiana check-up plan trust fund (IC 12-15-44.2-17) may not be used as the state share of Medicaid costs for the reimbursement of health care services provided to the person as an inpatient in the hospital.

(e) The state share of all claims reimbursed by Medicaid for a person described in subsection (a) shall be paid by the county.

SECTION 69. [EFFECTIVE JULY 1, 2015] **(a) Before October 1, 2016, the office of the secretary of family and social services shall report to the general assembly in an electronic format under IC 5-14-6 the following information:**

(1) The number of individuals who received health care services under:

(A) IC 11-10-3-7(b), as amended by this act; and

(B) IC 36-2-13-19, as added by this act.

(2) The total reimbursement cost for these individuals.

(b) This SECTION expires December 31, 2016.

SECTION 70. **An emergency is declared for this act."**

Delete pages 46 through 47.

Renumber all SECTIONS consecutively.

(Reference is to SB 465 as printed February 13, 2015.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

CLERE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred Senate Bill 466, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, delete lines 39 through 42, begin a new paragraph and insert:

"SECTION 6. IC 3-5-5-7, AS AMENDED BY P.L.258-2013, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 7. (a) Subject to section 6 of this chapter, a person does not gain residency in a precinct into in which the person moves is physically present for:**

(1) temporary employment;

(2) educational purposes, except as provided in subsection (b);

(3) preparing to purchase or occupy a residence; or

(4) other purposes;

without the intent of making a permanent home in the precinct.

(b) The following apply to a student attending a postsecondary educational institution in Indiana:

(1) A student who applies to register to vote shall state the student's residence address.

(2) A student has only one (1) residence for purposes of this title.

(3) A student may state the student's residence as either of the following, but not both:

(A) The address where the student lives when the student attends the postsecondary educational institution where the student pursues the student's education.

(B) The address where the student lives when the student is not attending the postsecondary educational institution where the student pursues the student's education."

Page 4, delete lines 1 through 24.

Page 5, line 28, delete "P.L.64-2014," and insert "HEA 1138-2015, SECTION 10,".

Page 5, line 29, delete "SECTION 5,".

Page 5, line 37, delete "42 U.S.C. 1973ff-1(b)".

Page 5, line 37, reset in roman "52 U.S.C.".

Page 5, line 38, reset in roman "20302(b)".

Page 5, line 42, delete "42 U.S.C. 1973ff-1(c)".

Page 5, line 42, reset in roman "52 U.S.C. 20302(c)".

Page 6, line 9, delete "(42 U.S.C. 15401 through 15406)".

Page 6, line 9, reset in roman "(52 U.S.C. 21001)".

Page 6, line 10, reset in roman "through 52 U.S.C. 21006)".

Page 6, line 11, delete "42 U.S.C. 15405".

Page 6, line 11, reset in roman "52 U.S.C.".

Page 6, reset in roman line 12.

Page 6, line 13, delete "42 U.S.C. 15408".

Page 6, line 13, reset in roman "52 U.S.C.".

Page 6, line 14, reset in roman "21008".

Page 6, line 34, delete "IC 3-11-8," and insert "**IC 3-11-8-10.5, which permits a poll clerk to maintain a list of voters to make available to a watcher or pollbook holder,**".

Page 6, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 11. IC 3-6-8-4, AS AMENDED BY P.L.221-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. A watcher appointed under this chapter is entitled to **do the following**:

(1) Enter the polls at least thirty (30) minutes before the opening of the polls and remain there throughout election day until all tabulations have been completed.

(2) Inspect the paper ballot boxes, ballot card voting system, or electronic voting system before votes have been cast.

(3) Inspect the work being done by any precinct election officer **(except when a precinct election officer enters a confidential login or password to obtain access to an electronic poll book or to operate a voting system)**.

(4) Enter, leave, and reenter the polls at any time on election day.

(5) Witness the calling and recording of the votes and any other proceedings of the precinct election officers in the performance of official duties.

(6) Receive a summary of the vote prepared under IC 3-12-2-15, IC 3-12-3-2, IC 3-12-3-11, or IC 3-12-3.5-3, signed by the precinct election board, providing:

(A) the names of all candidates of the political party whose primary election is being observed by the watcher and the number of votes cast for each candidate;

(B) the names of all candidates at a general, municipal, or special election and the number of votes cast for each candidate; or

(C) the vote cast for or against a public question.

(7) Accompany the inspector and judge in delivering the tabulation and election returns to the county election board by the most direct route.

(8) Be present when the inspector takes a receipt for the tabulation and election returns delivered to the county election board. ~~and~~

(9) Call upon the election sheriffs to make arrests."

Page 7, line 10, delete ";" and insert "**(except when an individual enters a confidential login or password to obtain access to an electronic poll book or the statewide voter registration system or to operate a voting system used for absentee voting)**";".

Page 7, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 13. IC 3-6-9-13, AS AMENDED BY P.L.221-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 13. A watcher

appointed under this chapter is entitled to do the following:

(1) Enter the polls at least thirty (30) minutes before the opening of the polls and remain there throughout election day until all tabulations have been completed.

(2) Inspect the paper ballot boxes, ballot card voting system, or electronic voting system before votes have been cast.

(3) Inspect the work being done by any precinct election officer **(except when a precinct election officer enters a confidential login or password to obtain access to an electronic poll book or to operate a voting system)**.

(4) Enter, leave, and reenter the polls at any time on election day.

(5) Witness the calling and recording of the votes and any other proceedings of the precinct election officers in the performance of official duties.

(6) Receive a summary of the vote prepared under IC 3-12-2-15, IC 3-12-3-2, IC 3-12-3-11, or IC 3-12-3.5-3, signed by the precinct election board, providing:

(A) the names of all candidates of the political party whose primary election is being observed by the watcher and the number of votes cast for each candidate if the watcher is appointed under section 1(a)(1) of this chapter; or

(B) the names of all candidates at a school board election and the number of votes cast for each candidate if the watcher is appointed under section 1(a)(2) of this chapter.

(7) Accompany the inspector and the judge in delivering the tabulation and the election returns to the county election board by the most direct route.

(8) Be present when the inspector takes a receipt for the tabulation and the election returns delivered to the county election board.

(9) Call upon the election sheriffs to make arrests.

SECTION 14. IC 3-6-10-5.5, AS AMENDED BY P.L.221-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5.5. A watcher appointed under this chapter is entitled to do the following:

(1) Enter the polls at least thirty (30) minutes before the opening of the polls and remain there throughout election day until all tabulations have been completed.

(2) Inspect the paper ballot boxes, ballot card voting system, or electronic voting system before votes have been cast.

(3) Inspect the work being done by any precinct election officer **(except when a precinct election officer enters a confidential login or password to obtain access to an electronic poll book or to operate a voting system)**.

(4) Enter, leave, and reenter the polls at any time on election day.

(5) Witness the calling and recording of the votes and any other proceedings of the precinct election officers in the performance of official duties.

(6) Receive a summary of the vote prepared under IC 3-12-2-15, IC 3-12-3-2, IC 3-12-3-11, or IC 3-12-3.5-3, signed by the precinct election board, providing the names of all candidates and the number of votes cast for each candidate and the votes cast for or against a public question.

(7) Accompany the inspector and the judge in delivering the tabulation and the election returns to the county election board by the most direct route.

(8) Be present when the inspector takes a receipt for the tabulation and the election returns delivered to the county election board."

Page 7, line 13, after "IC 3-7-11-3" insert ", AS AMENDED BY HEA 1138-2015, SECTION 30,".

Page 7, line 18, delete "42".

Page 7, line 19, delete "U.S.C. 1973gg-9(b)".
 Page 7, line 19, reset in roman "52 U.S.C. 20510(b)".
 Page 8, line 37, after "IC 3-7-15-5" insert ", AS AMENDED BY HEA 1138-2015, SECTION 46,".
 Page 9, line 1, delete "42 U.S.C. 1973gg-5(a)(6)(A)(ii)".
 Page 9, line 1, reset in roman "52".
 Page 9, reset in roman line 2.
 Page 9, line 10, delete "42 U.S.C.". **20506(a)(6)(B):**.
 Page 9, line 11, delete "1973gg-5(a)(6)(B):".
 Page 9, line 11, reset in roman "52 U.S.C. 20506(a)(6)(B):".
 Page 9, line 40, after "IC 3-7-16-12" insert ", AS AMENDED BY HEA 1138-2015, SECTION 56,".
 Page 10, line 4, delete "42 U.S.C. 1973gg-5(a)(6)(A)(ii)".
 Page 10, line 4, reset in roman "52".
 Page 10, reset in roman line 5.
 Page 10, line 13, delete "42 U.S.C.". **20506(a)(6)(B):**.
 Page 10, line 14, delete "1973gg-5(a)(6)(B):".
 Page 10, line 14, reset in roman "52 U.S.C. 20506(a)(6)(B):".
 Page 11, line 9, after "IC 3-7-18-4" insert ", AS AMENDED BY HEA 1138-2015, SECTION 69,".
 Page 11, line 15, delete "42 U.S.C. 1973gg-5(a)(6)(A)(ii)".
 Page 11, line 15, reset in roman "52".
 Page 11, reset in roman line 16.
 Page 11, line 24, delete "42 U.S.C.". **20506(a)(6)(B):**.
 Page 11, line 25, delete "1973gg-5(a)(6)(B):".
 Page 11, line 25, reset in roman "52 U.S.C. 20506(a)(6)(B):".
 Page 12, line 8, delete "P.L.81-2005," and insert "HEA 1138-2015, SECTION 83,".
 Page 12, line 9, delete "SECTION 5,".
 Page 12, line 10, delete "42 U.S.C. 1973gg-4(a)(2) and".
 Page 12, line 11, delete "42 U.S.C. 15483,".
 Page 12, line 11, reset in roman "52 U.S.C. 20505(a)(2) and 52 U.S.C. 21083,".
 Page 12, line 14, delete "42 U.S.C. 1973gg-7(b)(2), 42 U.S.C. 15483,".
 Page 12, line 14, reset in roman "52 U.S.C.". **21083,**.
 Page 12, line 15, reset in roman "20508(b)(2), 52 U.S.C. 21083,".
 Page 12, between lines 15 and 16, begin a new paragraph and insert:
 "SECTION 27. IC 3-7-26.3-33, AS ADDED BY P.L.258-2013, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 33. (a) The computerized list must have the capacity to receive vote history and other information from an electronic ~~pollbook~~ **poll book** certified by the secretary of state under IC 3-11-18.1-12. This information must be able to be uploaded into the computerized list on each day after absentee voting concludes in the circuit court clerk's office, a satellite office, or a vote center, and after election day.
 (b) The computerized list must have the capacity to transmit electronic images of the signature of a voter taken from:
 (1) the voter's registration application; **or**
 (2) **a more recent signature of a voter from an absentee application, poll list electronic poll book, or registration document;**
 if available, to be downloaded in connection with a voter's record on any electronic ~~poll list~~ **poll book** certified by the secretary of state under IC 3-11-18.1-12.
 (c) **The computerized list must have the capacity to receive the uploading of voter registration signatures from electronic poll books and assign each signature to the record of the corresponding voter.**

SECTION 28. IC 3-7-26.3-34 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 34. Beginning not later than January 7, 2016, the secretary of state and the co-directors of the election division shall**

provide the information regarding:

(1) the location of polling places and vote center locations; and
(2) the names of candidates who will appear on ballots in an election;
necessary for Indiana to participate in the Voting Information Project sponsored by The Pew Charitable Trusts."

Page 13, delete lines 6 through 29, begin a new paragraph and insert:

"SECTION 30. IC 3-7-29-1, AS AMENDED BY P.L.64-2014, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) Except as provided in subsection (f), this section does not apply to a county that:

(1) has adopted an order under ~~section 6~~ **section 6(a)(1)** of this chapter; or

(2) is a vote center county under IC 3-11-18.1.

(b) Not later than ten (10) days before the election at which the registration record is to be used, the county voter registration office shall prepare certified copies of the list of registered voters for each precinct in the county.

(c) The lists must contain the following information concerning each registered voter:

(1) The full name of the voter.

(2) The address of the voter.

(3) The assigned voter identification number.

(4) Whether the voter is required to provide additional identification before voting either in person or by absentee ballot.

(5) The date of birth of the voter, including an indication whether the voter is less than eighteen (18) years of age for a poll list used in a primary election.

(6) The scanned signature of the voter.

(7) Whether the voter is required to provide an affirmation of the voter's residence.

(8) A bar code that allows the county voter registration office to efficiently record whether the voter has signed the poll list.

(9) For a poll list used in a primary election, a letter abbreviation of the name of the major political party whose ballot the voter has requested.

(10) A space for a poll clerk to indicate when a voter has cast an absentee ballot.

(11) A space for a poll clerk to indicate when a voter has cast a provisional ballot.

(12) For a voter required to submit additional documentation required under IC 3-7-33-4.5, a space for a poll clerk to insert letters serving as an abbreviation for the type of documentation provided by the voter.

(d) The names shall be arranged in the same order as they are in the registration record of the precinct.

(e) The poll list must also contain a statement at the top of each page indicating that an individual who knowingly makes a false statement:

(1) by signing a poll list; or

(2) on a poll list concerning the individual's name, voter identification number, or residence address;

commits a Level 6 felony as provided by IC 3-14-2-11.

(f) This subsection applies to a county that has adopted an order under ~~section 6~~ **section 6(a)(1)** of this chapter or is a vote center county under IC 3-11-18.1. The precinct election board shall post in a location within the precinct or vote center a notice that:

(1) is clearly visible to an individual (or to an individual providing assistance under IC 3-11-9) who is providing information to a precinct election officer using an electronic poll book; and

(2) indicates that an individual commits a Level 6 felony under IC 3-14-2-11, if the individual knowingly makes a

false statement to a precinct election officer concerning:

- (A) the individual's name;
- (B) the individual's voter identification number; or
- (C) the individual's residence address.

SECTION 31. IC 3-7-29-2, AS AMENDED BY P.L.271-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) This section does not apply to a county that:

- (1) has adopted an order under ~~section 6~~ **section 6(a)(1)** of this chapter; or
- (2) is a vote center county under IC 3-11-18.1.

(b) After the county election board receives a request from the county chairman of a major political party, not more than two (2) copies of the list required by this chapter shall be prepared and furnished to the inspector of the precinct for use at the polls on election day. The inspector may provide a list furnished under this section to any other precinct officer.

SECTION 32. IC 3-7-29-3, AS AMENDED BY P.L.258-2013, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) This section does not apply to a county that:

- (1) has adopted an order under ~~section 6~~ **section 6(a)(1)** of this chapter; or
- (2) is a vote center county under IC 3-11-18.1.

(b) When the inspector of a precinct procures the ballots and other election supplies for an election, the inspector shall also procure from the county voter registration office the certified copies of the registration record of the precinct with the information required under section 1 of this chapter and other necessary registration supplies.

SECTION 33. IC 3-7-29-4, AS AMENDED BY P.L.64-2014, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) This section does not apply to a county that:

- (1) has adopted an order under ~~section 6~~ **section 6(a)(1)** of this chapter; or
- (2) is a vote center county under IC 3-11-18.1.

(b) The county voter registration office may also provide the inspector of each precinct in the county with a scanned copy of the signature on the affidavit of registration (or a more recent signature of the voter from an absentee application, poll list, or registration document) of each voter of the precinct for the comparison of signatures under IC 3-10-1-24.6 or IC 3-11-8-25.1.

SECTION 34. IC 3-7-29-6, AS AMENDED BY P.L.64-2014, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) ~~If~~ A county election board ~~adopts~~ **may adopt** an order to provide an electronic poll book to the inspector for use at ~~a~~ **the following**:

(1) Polling place, places, an office of the circuit court clerk (under IC 3-11-10-26), ~~or at a satellite office~~ **offices** established under IC 3-11-10-26.3, ~~and vote centers established under IC 3-11-18.1-4~~. Electronic poll books shall be used at an election (rather than certified poll lists prepared under this chapter) in all ~~precincts~~ **locations** in which the election is to be conducted.

(2) Only at an office of the circuit court clerk (under IC 3-11-10-26) and satellite offices established under IC 3-11-10-26.3.

(b) An order adopted under subsection (a) must require the use of an electronic signature (as defined in IC 26-2-8-102) to sign an electronic poll book at an election (rather than requiring voters to sign certified poll lists prepared under this chapter) **at each location that an electronic poll book is used.**

(c) The county voter registration office shall download the information required to be available on an electronic poll book before the electronic poll list is delivered and installed as required by IC 3-11-3-11(b).

(d) An electronic poll book used ~~in a polling place, the office of a circuit court clerk under IC 3-11-10-26, or a satellite office~~

~~established under IC 3-11-10-26.3~~, under an order adopted under subsection (a) must:

- (1) comply with IC 3-11-8-10.3; and
- (2) be approved by the secretary of state in accordance with the procedures set forth in IC 3-11-18.1-12."

Page 16, line 35, delete "P.L.64-2014," and insert "HEA 1138-2015, SECTION 115,".

Page 16, line 36, delete "SECTION 15,".

Page 17, line 16, delete "42 U.S.C. 1973gg-6(a)(2),".

Page 17, line 16, reset in roman "52 U.S.C. 20507(a)(2),".

Page 17, line 41, delete "42 U.S.C. 1973ff-1(d),".

Page 17, line 41, reset in roman "52 U.S.C.".

Page 17, line 42, reset in roman "20302(d),".

Page 19, line 5, delete "P.L.64-2014," and insert "HEA 1138-2015, SECTION 120,".

Page 19, line 6, delete "SECTION 21,".

Page 19, line 10, delete "(42 U.S.C. 1973);".

Page 19, line 10, reset in roman "(52 U.S.C. 10101);".

Page 23, delete lines 32 through 42, begin a new paragraph and insert:

"SECTION 44. IC 3-7-39-7, AS AMENDED BY HEA 1138-2015, SECTION 128, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) This section applies to a voter who changes residence to an address in the same precinct where the voter's former residence was located.

(b) As required under 52 U.S.C. 20507(e)(1), a voter described in subsection (a) may vote at the precinct polling place after the voter makes an oral or a written affirmation of the change of address before a member of the precinct election board.

(c) A person entitled to make a written affirmation under subsection (b) may make an oral affirmation. The person must make the oral affirmation before the poll clerks of the precinct. After the person makes an oral affirmation under this subsection, the poll clerks shall:

- (1) reduce the substance of the affirmation to writing at an appropriate location on the poll list; and
- (2) initial the affirmation.

(d) This subsection applies to a county that has adopted an order under ~~IC 3-7-29-6~~ **IC 3-7-29-6(a)(1)** or is a vote center county under IC 3-11-18.1. A voter described in subsection (a) may make a written affirmation of the voter's change of residence on election day using the affidavit prescribed by the ~~commission election division~~ under IC 3-10-11-6. If the voter makes an oral affirmation under this subsection, the poll clerks shall reduce the substance of the affirmation to writing using the affidavit prescribed by the commission under IC 3-10-11-6 and initial the affirmation."

Page 24, delete lines 1 through 15.

Page 24, line 16, after "IC 3-7-39-10" insert ", AS AMENDED BY HEA 1138-2015, SECTION 131,".

Page 24, line 18, delete "42 U.S.C.".

Page 24, line 19, delete "1973gg-3(a)(2),".

Page 24, line 19, reset in roman "52 U.S.C. 20504(a)(2),".

Page 24, delete lines 27 through 42, begin a new paragraph and insert:

"SECTION 46. IC 3-7-41-2, AS AMENDED BY P.L.64-2014, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) The statement described in section 1 of this chapter may be filed with the county voter registration office at any time.

(b) A voter who wishes to indicate that the voter's name has changed may also write the necessary information concerning the name change on the poll list under IC 3-11-8-25.1 before the person receives a ballot. The change of name on the voter registration record is effective immediately, and the person may then vote if otherwise qualified.

(c) This subsection applies to a county that has adopted an order under ~~IC 3-7-29-6~~ **IC 3-7-29-6(a)(1)** or is a vote center

county under IC 3-11-18.1. A voter described in subsection (b) may indicate that the voter's name has changed by writing the necessary information concerning the name change on election day using the affidavit prescribed by the ~~commission~~ **election division** under IC 3-10-11-6. The poll clerks shall initial the affirmation. The change of name on the voter registration record is effective immediately, and the person may then vote if otherwise qualified."

Page 25, delete lines 1 through 3.

Page 25, delete lines 32 through 42, begin a new paragraph and insert:

"SECTION 50. IC 3-7-48-5, AS AMENDED BY HEA 1138-2015, SECTION 144, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) This section applies to a voter who:

- (1) formerly resided in a precinct according to the voter registration record; and
- (2) no longer resides in that precinct according to the voter registration record.

(b) As provided under 52 U.S.C. 20507(e)(3), a voter described by subsection (a) may vote in the precinct where the voter formerly resided (according to the voter registration record) if the voter makes an oral or a written affirmation to a member of the precinct election board that the voter continues to reside at the address shown as the voter's former residence on the voter registration record.

(c) A person entitled to make a written affirmation under subsection (b) may make an oral affirmation. The person must make the oral affirmation before the poll clerks of the precinct. After the person makes an oral affirmation under this subsection, the poll clerks shall:

- (1) reduce the substance of the affirmation to writing at an appropriate location on the poll list; and
- (2) initial the affirmation.

(d) This subsection applies to a county that has adopted an order under ~~IC 3-7-29-6~~ **IC 3-7-29-6(a)(1)** or is a vote center county under IC 3-11-18.1. A voter described in subsection (a) may make a written affirmation described in this section on the affidavit prescribed by the ~~commission~~ **election division** under IC 3-10-11-6. If the person makes an oral affirmation under this subsection, the poll clerks shall reduce the substance of the affirmation to writing by using the affidavit prescribed by the commission under IC 3-10-11-6 and initial the affirmation.

SECTION 51. IC 3-8-1-2, AS AMENDED BY P.L.194-2013, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) The commission, a county election board, or a town election board shall act if a candidate (or a person acting on behalf of a candidate in accordance with state law) has filed any of the following:

- (1) A declaration of candidacy under IC 3-8-2 or IC 3-8-5.
- (2) A request for ballot placement in a presidential primary under IC 3-8-3.
- (3) A petition of nomination or candidate's consent to nomination under IC 3-8-2.5 or IC 3-8-6.
- (4) A certificate of nomination under IC 3-8-5, IC 3-8-7, IC 3-10-2-15, or IC 3-10-6-12.
- (5) A certificate of candidate selection under IC 3-13-1 or IC 3-13-2.
- (6) A declaration of intent to be a write-in candidate under IC 3-8-2-2.5.
- (7) A contest to the denial of certification under IC 3-8-2.5 or IC 3-8-6-12.

(b) The commission has jurisdiction to act under this section with regard to any filing described in subsection (a) that was made with the election division. Except for a filing under the jurisdiction of a town election board, a county election board has jurisdiction to act under this section with regard to any filing described in subsection (a) that was made with the county election board, county voter registration office, or the circuit

court clerk. A town election board has jurisdiction to act under this section with regard to any filing that was made with the county election board, the county voter registration office, or the circuit court clerk for nomination or election to a town office.

(c) Except as provided in subsection (e), before the commission or election board acts under this section, a registered voter of the election district that a candidate seeks to represent **or a county chairman of a major political party of a county in which any part of the election district is located** must file a sworn statement with the election division or election board:

(1) questioning the eligibility of ~~a~~ **the** candidate to seek the office; and

(2) setting forth the facts known to the voter **or county chairman of a major political party of a county** concerning this question.

(d) The eligibility of a write-in candidate or a candidate nominated by a convention, petition, or primary may not be challenged under this section if the commission or board determines that all of the following occurred:

(1) The eligibility of the candidate was challenged under this section before the candidate was nominated.

(2) The commission or board conducted a hearing on the affidavit before the nomination.

(3) This challenge would be based on substantially the same grounds as the previous challenge to the candidate.

(e) Before the commission or election board can consider a contest to the denial of a certification under IC 3-8-2.5 or IC 3-8-6-12, a candidate (or a person acting on behalf of a candidate in accordance with state law) must file a sworn statement with the election division or election board:

(1) stating specifically the basis for the contest; and

(2) setting forth the facts known to the candidate supporting the basis for the contest.

(f) Upon the filing of a sworn statement under subsection (c) or (e), the commission or election board shall determine the validity of the questioned:

(1) declaration of candidacy;

(2) declaration of intent to be a write-in candidate;

(3) request for ballot placement under IC 3-8-3;

(4) petition of nomination;

(5) certificate of nomination;

(6) certificate of candidate selection issued under IC 3-13-1-15 or IC 3-13-2-8; or

(7) denial of a certification under IC 3-8-2.5 or IC 3-8-6-12.

(g) The commission or election board shall deny a filing if the commission or election board determines that the candidate has not complied with the applicable requirements for the candidate set forth in the Constitution of the United States, the Constitution of the State of Indiana, or this title."

Page 26, delete lines 1 through 19.

Page 45, line 19, delete "P.L.194-2013," and insert "HEA 1008-2015, SECTION 4,".

Page 45, line 20, delete "SECTION 31,".

Page 45, line 26, delete "July 15" and insert "August 1".

Page 48, between lines 27 and 28, begin a new paragraph and insert:

"SECTION 73. IC 3-9-4-17, AS AMENDED BY P.L.225-2011, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 17. (a) In addition to any other penalty imposed, a person who does any of the following is subject to a civil penalty under this section:

(1) Fails to file with a county election board a report in the manner required under IC 3-9-5.

(2) Fails to file a statement of organization required under IC 3-9-1.

(3) Is a committee or a member of a committee who disburses or expends money or other property for any political purpose before the money or other property has

passed through the hands of the treasurer of the committee.

(4) Makes a contribution other than to a committee subject to this article or to a person authorized by law or a committee to receive contributions in the committee's behalf.

(5) Is a corporation or labor organization that exceeds any of the limitations on contributions prescribed by IC 3-9-2-4.

(6) Makes a contribution in the name of another person.

(7) Accepts a contribution made by one (1) person in the name of another person.

(8) Is not the treasurer of a committee subject to this article, and pays any expenses of an election or a caucus except as authorized by this article.

(9) Commingles the funds of a committee with the personal funds of an officer, a member, or an associate of the committee.

(10) Wrongfully uses campaign contributions in violation of IC 3-9-3-4.

(11) Fails to designate a contribution as required by IC 3-9-2-5(c).

(12) Violates IC 3-9-3-5.

(13) Serves as a treasurer of a committee in violation of any of the following:

(A) IC 3-9-1-13(1).

(B) IC 3-9-1-13(2).

(C) IC 3-9-1-18.

(14) Violates IC 3-9-3-2.5 by making a communication that contains a disclaimer that is not presented in a clear and conspicuous manner, as required by IC 3-9-3-2.5(d) and IC 3-9-3-2.5(e). This subdivision does not apply to a person whose sole act is, in the normal course of business, participating in the preparation, printing, distribution, or broadcast of the communication containing the disclaimer.

(b) This subsection applies to a person who is subject to a civil penalty under subsection (a)(1) or (a)(2) for filing a defective report or statement. If the county election board determines that a person failed to file the report or a statement of organization not later than noon five (5) days after being given notice under section 14 of this chapter, the county election board may assess a civil penalty. The penalty is ten dollars (\$10) for each day the report is late after the expiration of the five (5) day period, not to exceed one hundred dollars (\$100) plus any investigative costs incurred and documented by the board. The civil penalty limit under this subsection applies to each report separately.

(c) This subsection applies to a person who is subject to a civil penalty under subsection (a)(1) or (a)(2) for a delinquent report or statement. If the county election board determines that a person failed to file the report or statement of organization by the deadline prescribed under this article, the board shall assess a civil penalty. The penalty is fifty dollars (\$50) for each day the report is late, with the afternoon of the final date for filing the report or statement being calculated as the first day. The civil penalty under this subsection may not exceed one thousand dollars (\$1,000) plus any investigative costs incurred and documented by the board. The civil penalty limit under this subsection applies to each report separately.

(d) This subsection applies to a person who is subject to a civil penalty under subsection (a)(3), (a)(4), (a)(6), (a)(7), (a)(8), (a)(9), or (a)(10). If the county election board determines that a person is subject to a civil penalty under subsection (a), the board may assess a civil penalty of not more than one thousand dollars (\$1,000), plus any investigative costs incurred and documented by the board.

(e) This subsection applies to a person who is subject to a civil penalty under subsection (a)(5). If the county election board determines that a person is subject to a civil penalty under subsection (a)(5), the board may assess a civil penalty of not

more than three (3) times the amount of the contribution in excess of the limit prescribed by IC 3-9-2-4, plus any investigative costs incurred and documented by the board.

(f) This subsection applies to a person who is subject to a civil penalty under subsection (a)(11). If the county election board determines that a corporation or a labor organization has failed to designate a contribution in violation of IC 3-9-2-5(c), the board shall assess a civil penalty equal to the greater of the following, plus any investigative costs incurred and documented by the board:

(1) Two (2) times the amount of the contributions undesignated.

(2) One thousand dollars (\$1,000).

(g) This subsection applies to a person who is subject to a civil penalty under subsection (a)(12). If the county election board determines, by unanimous vote of the entire membership of the board, that a person has violated IC 3-9-3-5, the board may assess a civil penalty of not more than five hundred dollars (\$500), plus any investigative costs incurred and documented by the board.

(h) This subsection applies to a person who is subject to a civil penalty under subsection (a)(13). If the county election board determines, by unanimous vote of the entire membership of the board, that a person has served as the treasurer of a committee in violation of any of the statutes listed in subsection (a)(13), the board may assess a civil penalty of not more than five hundred dollars (\$500), plus any investigative costs incurred and documented by the board.

(i) This subsection applies to a person who is subject to a civil penalty under subsection (a)(14). If the board determines that a person is subject to a civil penalty under subsection (a)(14), the board may assess a civil penalty of not more than one thousand dollars (\$1,000) for each communication circulated or published (but not for each of the copies of the communication actually circulated or published), plus any investigative costs incurred and documented by the election division.

(j) All civil penalties collected under this section shall be deposited with the county treasurer to be deposited by the county treasurer in a separate account. ~~to be known as the campaign finance enforcement account.~~ The funds in the account are available, with the approval of the county fiscal body, to augment and supplement the funds appropriated for the administration of this ~~article.~~ **title in the county.**

(k) Money in the ~~campaign finance enforcement~~ account **established under subsection (j)** does not revert to the county general fund at the end of a county fiscal year.

(l) Proceedings of the county election board under this section are subject to IC 4-21.5."

Page 50, delete lines 32 through 42, begin a new paragraph and insert:

"SECTION 77. IC 3-10-1-7.1, AS AMENDED BY P.L.76-2014, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7.1. (a) This subsection does not apply to a county in which electronic poll books are used under ~~IC 3-7-29-6~~ **IC 3-7-29-6(a)(1)** or IC 3-11-18.1. Each county election board shall furnish the inspector of each precinct for use on primary election day a certified copy under IC 3-7-29 of the list of all voters registered to vote in the precinct.

(b) This subsection does not apply to a county in which electronic poll books are used under ~~IC 3-7-29-6~~ **IC 3-7-29-6(a)(1)** or IC 3-11-18.1. The county voter registration office may also provide the inspector of each precinct in the county a certified photocopy of the signature on the affidavit or form of registration of each voter of the precinct for the comparison of signatures under section 24.6 of this chapter.

(c) If the name of a person offering to vote at the primary is in the registration record or listed in the certified copy prepared

for the precinct or the electronic poll list, it is sufficient evidence of the person's right to vote unless the person is challenged.

SECTION 78. IC 3-10-1-31.1, AS AMENDED BY HEA 1139-2015, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 31.1. (a) This section applies only to election materials for elections held after December 31, 2003.

(b) The inspector of each precinct shall deliver the bags required by section 30(a) and 30(c) of this chapter in good condition, together with poll lists, tally sheets, and other forms, to the circuit court clerk when making returns.

(c) Except for unused ballots disposed of under IC 3-11-3-31 or affidavits received by the county election board under IC 3-14-5-2 for delivery to the foreman of a grand jury, the circuit court clerk shall seal the ballots (including provisional ballots) and other material (including election material related to provisional ballots) during the time allowed to file a verified petition or cross-petition for a recount of votes or to contest the election. Except as provided in subsection (d) and notwithstanding any other provision of state law, after the recount or contest filing period, the election material, including election material related to provisional ballots (except for ballots and provisional ballots, which remain confidential) shall be made available for copying and inspection under IC 5-14-3. The circuit court clerk shall carefully preserve the sealed ballots and other material for twenty-two (22) months, as required by 52 U.S.C. 20701, after which the sealed ballots and other material are subject to IC 5-15-6 unless an order issued under:

- (1) IC 3-12-6-19 or IC 3-12-11-16; or
- (2) 52 U.S.C. 10301;

requires the continued preservation of the ballots or other material.

(d) If a petition for a recount or contest is filed, the material for that election remains confidential until completion of the recount or contest.

(e) Upon delivery of the poll lists, the county voter registration office shall unseal the envelopes containing the poll lists, inspect the poll lists, and update the registration records of the county. The county voter registration office shall use the poll lists and information on affidavits executed under IC 3-10-10, IC 3-10-11, or IC 3-10-12 to update the registration record to include the voter's voter identification number if the voter's voter identification number is not already included in the registration record. Upon completion of the inspection, the poll list and affidavits shall be preserved with the ballots and other materials in the manner prescribed by subsection (c) for the period prescribed by subsections (c) and (d).

(f) In addition to the poll lists described in subsection (e), the county voter registration office shall use the affidavits described by IC 3-10-11-4 to update the registration records of the county as soon as the affidavits are delivered to the county voter registration office.

(g) This subsection does not apply to ballots, including provisional ballots. Notwithstanding subsection (c), if a county voter registration office determines that the inspection and copying of precinct election material would reveal the political parties, candidates, and public questions for which an individual cast an absentee ballot, the county voter registration office shall keep confidential only that part of the election material necessary to protect the secrecy of the voter's ballot. In addition, the county voter registration office shall keep confidential information contained in material related to provisional ballots that identifies an individual, except for the individual's name, address, and birth date.

(h) After the expiration of the period described in subsection (c) or (d), the ballots may be destroyed in the manner provided by IC 3-11-3-31 or transferred to a state educational institution as provided by IC 3-12-2-12.

(i) This subsection applies to a detachable recording unit

or compartment used to record a ballot cast on a direct record electronic voting system. After the time allowed to file a verified petition or cross-petition for a recount of votes or to contest the election, the circuit court clerk shall transfer the data contained in the unit or compartment to a disc or other recording medium. After transferring the data, the clerk may clear or erase the unit or compartment. The circuit court clerk shall carefully preserve the disc or medium used to record the data for twenty-two (22) months, as required by 52 U.S.C. 20701, after which time the disc or medium may be erased or destroyed, subject to IC 5-15-6, unless an order requiring the continued preservation of the disc or medium is issued under the following:

- (1) IC 3-12-6-19.
- (2) IC 3-12-11-16.
- (3) 52 U.S.C. 10301."

Delete page 51.

Page 52, delete lines 1 through 21.

Page 55, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 87. IC 3-11-1.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) Except as provided in:

- (1) subsection (b);
- (2) subsection (c);
- (3) section 3.2 of this chapter; or
- (4) section 3.5 of this chapter;

a county executive shall establish precincts so that a precinct contains ~~no not~~ more than ~~one two thousand two hundred~~ ~~(1,200)~~ **(2,000)** active voters.

(b) This subsection applies to a precinct that includes:

- (1) an entire township, but does not cross a township boundary in violation of section 4 of this chapter;
- (2) an entire city legislative body district, but does not cross the boundary of a city legislative body district;
- (3) an entire town legislative body district, but does not cross the boundary of a town legislative body district; or
- (4) one (1) residential structure containing more than ~~one two thousand two hundred~~ ~~(1,200)~~ **(2,000)** active voters and no other residential structure containing voters.

In changing precincts or establishing new precincts, a county executive shall arrange a precinct so that it will contain ~~no not~~ more than ~~one two thousand five three hundred~~ ~~(1,500)~~ **(2,300)** active voters.

(c) A county executive is not required to establish precincts so that a precinct contains not more than ~~one two thousand two hundred~~ ~~(1,200)~~ **(2,000)** active voters if the precinct:

- (1) was established by the county executive in compliance with subsection (a) within the preceding forty-eight (48) months; and
- (2) contains not more than ~~one two thousand four two hundred~~ ~~(1,400)~~ **(2,200)** active voters."

Page 55, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 89. IC 3-11-3-11, AS AMENDED BY HEA 1138-2015, SECTION 154, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11. (a) Except as provided in subsection (b), the county election board shall deliver the following to each inspector or the inspector's representative:

- (1) The supplies provided for the inspector's precinct by the election division.
- (2) The sample ballots, the ballot labels, if any, and all poll lists, registration lists, and other supplies considered necessary to conduct the election in the inspector's precinct.
- (3) The ballots printed under the direction of the county election board as follows:

- (A) In those precincts where ballot card voting systems are to be used, the number of ballots at least equal to one hundred percent (100%) of the number of voters in

the inspector's precinct, according to the poll list.

(B) In those precincts where electronic voting systems are to be used, the number of ballots that will be required to be printed and furnished to the precincts for emergency purposes only.

(C) Provisional ballots in the number considered necessary by the county election board.

(4) Twenty (20) ink pens suitable for printing the names of write-in candidates on the ballot or ballot envelope.

(5) Copies of the voter's bill of rights for posting as required by 52 U.S.C. 21082.

(6) Copies of the instructions for a provisional voter required by 52 U.S.C. 21082. The county election board shall provide at least the number of copies of the instructions as the number of provisional ballots provided under subdivision (3).

(7) Copies of the notice for posting as required by IC 3-7-29-1(f).

(8) The blank voter registration applications required to be provided under IC 3-7-48-7(b).

(b) This subsection applies to a county that:

(1) has adopted an order under ~~IC 3-7-29-6~~; **IC 3-7-29-6(a)(1)**; or

(2) is a vote center county under IC 3-11-18.1.

The county election board shall deliver and install the hardware, firmware, and software necessary to use an electronic poll book in each precinct or vote center.

SECTION 90. IC 3-11-3-16, AS AMENDED BY P.L.64-2014, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 16. (a) Except as provided in subsection (b), each county election board shall prepare and have delivered to the inspectors of the precincts, at the time they receive the ballots for their precincts, a suitable number of voter registration lists certified under IC 3-7-29 and any other forms, papers, certificates, and oaths that are required to be furnished to precinct election boards. The forms and papers must be prepared in compliance with IC 3-5-4-8.

(b) In a county described by ~~IC 3-7-29-6~~ **IC 3-7-29-6(a)(1)** or IC 3-11-18.1, the electronic poll books shall be delivered and installed for use by the county election board under section 11(b) of this chapter.

(c) The county voter registration office shall cooperate with the county election board in the preparation of the lists certified under IC 3-7-29 (or in the use of the electronic poll books)."

Page 57, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 94. IC 3-11-4-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 1.5. The provisions of this chapter relating to an absentee ballot application do not apply to a voter who votes:**

(1) in person under IC 3-11-10-26 or IC 3-11-10-26.3; and

(2) in a county using an electronic poll book."

Page 57, line 24, strike "county election board" and insert "voter".

Page 57, line 25, reset in roman "an individual".

Page 57, line 25, delete "both members of an absentee board" and insert "**eligible to assist the voter under IC 3-11-9-2(a)**".

Page 57, line 26, delete "their names" and insert "**the individual's name**".

Page 59, delete lines 36 through 42, begin a new paragraph and insert:

"SECTION 96. IC 3-11-4-3, AS AMENDED BY P.L.219-2013, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) Except as provided in section 6 of this chapter, an application for an absentee ballot must be received by the circuit court clerk (or, in a county subject to IC 3-6-5.2, the director of the board of

elections and registration) not earlier than the date the registration period resumes under IC 3-7-13-10 nor later than the following:

(1) Noon on election day if the voter registers to vote under IC 3-7-36-14.

(2) Noon on the day before election day if the voter:

(A) completes the application in the office of the circuit court clerk under IC 3-11-10-26; or

(B) is an absent uniformed services voter or overseas voter who requests that the ballot be transmitted by electronic mail or fax under section 6(h) of this chapter.

(3) Noon on the day before election day if:

(A) the application is a mailed, transmitted by fax, or hand delivered application from a confined voter or voter caring for a confined person; and

(B) the applicant requests that the absentee ballots be delivered to the applicant by an absentee voter board under IC 3-11-10-25.

(4) 11:59 p.m. on the eighth day before election day if the application is:

(A) is a mailed application;

(B) transmitted by electronic mail;

~~(B) was~~ **(C) transmitted by fax;** or

~~(C) was~~ **(D) hand delivered;**

from other voters who request to vote by mail under IC 3-11-10-24.

(b) An application for an absentee ballot received by the election division by the time and date specified by subsection (a)(2)(B), (a)(3), or (a)(4) is considered to have been timely received for purposes of processing by the county. The election division shall immediately transmit the application to the circuit court clerk, or the director of the board of elections and registration, of the county where the applicant resides. The election division is not required to complete or file the affidavit required under section 2(h) of this chapter whenever the election division transmits an application under this subsection.

(c) This subsection applies whenever a special election is conducted during a year in which a general or municipal election is not scheduled. An application for an absentee ballot for a primary being conducted in the following year may not be received by the circuit court clerk (or, in a county subject to IC 3-6-5.2, the director of the board of elections and registration) earlier than the date the registration period resumes under IC 3-7-13-10.

SECTION 97. IC 3-11-4-4, AS AMENDED BY HEA 1139-2015, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) Applications may be made on application forms approved by the ~~commission election division~~ by any of the following means:

(1) In person.

(2) By fax transmission.

(3) By mail (including United States mail or bonded courier).

(4) By electronic mail with a digital image of the application and signature of the applicant. ~~if transmitted by an absent uniformed services voter or an overseas voter acting under section 6 of this chapter.~~

(b) Application forms shall:

(1) be furnished to a central committee of the county at the request of the central committee;

(2) be:

(A) mailed;

(B) transmitted by fax; or

(C) transmitted by electronic mail with a digital image of the application; upon request, to a voter; and

(3) be delivered to a voter in person who applies at the circuit court clerk's office.

(c) A county election board shall accept an application for an

absentee ballot transmitted by fax even though the application is delivered to the county election board by a person other than the person submitting the application.

(d) When an application is received under subsection (a)(4), the circuit court clerk's office (or, in a county subject to IC 3-6-5.2 or IC 3-6-5.4, the office of the board of elections and registration) shall send an electronic mail receipt acknowledging receipt of the voter's application."

Delete page 60.

Page 61, delete lines 1 through 30.

Page 62, between lines 37 and 38, begin a new paragraph and insert:

"SECTION 99. IC 3-11-4-5.7, AS AMENDED BY HEA 1138-2015, SECTION 157, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5.7. (a) As used in this section, "MOVE" refers to the Military and Overseas Voter Empowerment Act (P.L. 111-84, Division A, Title V, Subtitle H (Section 575 et seq.)).

(b) As used in this section, "voter" refers only to either of the following:

(1) An absent uniformed services voter.

(2) An overseas voter.

~~(b)~~ (c) Except as expressly provided by law, the state delegates its responsibilities to carry out the requirements of MOVE to each county election board (or board of elections and registration established under IC 3-6-5.2 or IC 3-6-5.4).

~~(c)~~ (d) To implement 52 U.S.C. 20302, electronic mail, fax, and web publication are designated as means of communication for an absent uniformed services voter or an overseas a voter to request a voter registration application and an absentee ballot application from the election division, a county election board, or a county voter registration office.

~~(d)~~ (e) An office described in subsection ~~(c)~~ (d) that receives an electronic mail or fax from a voter shall provide an absentee ballot application or a voter registration application by electronic mail or fax to the voter if:

(1) requested by the voter; and

(2) the voter provides an electronic mail address or a fax number that permits the office to send an application not later than the end of the first business day after the office receives the communication from the voter.

If the electronic mail address or the fax number provided by the voter does not permit the office to send the voter an application not later than the end of the first business day after the office receives the communication, the office shall send the application to the voter by United States mail.

~~(e)~~ (f) As required by 52 U.S.C. 20302, to the extent practicable and permitted under state Indiana law (including IC 3-7 and IC 5-14-3), an office described in subsection ~~(c)~~ (d) shall ensure that the procedures used to transmit an absentee ballot application or a voter registration application to an absent uniformed services voter or overseas voter protect the security and integrity of the application request processes, and that the privacy of the identity and other personal data of the voter who requests or is sent an application under subsection ~~(d)~~ (e) is protected throughout the process of making the request or being sent the application.

~~(f)~~ (g) As required under 52 U.S.C. 20302, an office described in subsection ~~(c)~~ (d) shall include information regarding the use of electronic mail, fax, and web publication with all informational and instructional materials that are sent with an absentee ballot application or an absentee ballot to an absent uniformed services voter or overseas voter.

~~(g)~~ (h) To implement Section 580 of MOVE, and in accordance with IC 3-7-26.3-3, the secretary of state, with the approval of the election division, shall develop a free access system that permits an absent uniformed services voter or overseas voter to determine whether the voter's absentee ballot has been received by the appropriate county election board (or board of elections and registration), regardless of the manner in

which the absentee ballot was transmitted by the voter to the board. To the extent permitted by IC 3-7 and IC 5-14-3, the system must contain reasonable procedures to protect the security, confidentiality, and integrity of personal information collected, stored, or otherwise used on the system."

Page 62, line 38, after "IC 3-11-4-7" insert ", AS AMENDED BY HEA 1138-2015, SECTION 159,".

Page 62, line 41, delete "42 U.S.C. 1973ff(b)".

Page 62, line 41, reset in roman "52 U.S.C. 20301(b)".

Page 63, line 13, delete "P.L.194-2013," and insert "HEA 1139-2015, SECTION 19, AND BY HEA 1138-2015, SECTION 163,".

Page 63, line 14, delete "SECTION 55,".

Page 63, line 34, delete "mailed:" and insert "transmitted:".

Page 64, line 3, delete "42 U.S.C. 15481,".

Page 64, line 3, reset in roman "52 U.S.C. 21081,".

Page 64, line 8, delete "42 U.S.C. 15481,".

Page 64, line 8, reset in roman "52 U.S.C. 21081,".

Page 64, line 9, delete "mailed" and insert "transmitted".

Page 64, line 41, delete "P.L.103-2005," and insert "HEA 1138-2015, SECTION 164,".

Page 64, line 42, delete "SECTION 8,".

Page 65, line 3, delete "42 U.S.C. 1973ff-1(b),".

Page 65, line 3, reset in roman "52 U.S.C. 20302(b)".

Page 66, delete lines 2 through 42, begin a new paragraph and insert:

"SECTION 104. IC 3-11-7-15, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2015 GENERAL ASSEMBLY AND BY HEA 1138-2015, SECTION 171, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 15. (a) A vendor may apply for approval of a proposed improvement or change to a ballot card voting system that is currently certified by the commission. A proposed improvement or change may not be marketed, sold, leased, installed, or implemented in Indiana before the application for the improvement or change is approved by the commission.

(b) An application for approval of an improvement or change must be in the form prescribed by the ~~commission~~ **election division**.

(c) The vendor applying for approval of an improvement or a change must have the improvement or change to the voting system tested by an independent laboratory accredited under 52 U.S.C. 20971. The vendor shall pay any testing expenses incurred under this subsection.

(d) The election division (or the person designated under IC 3-11-16) shall review the proposed improvement or change to the voting system and the results of the testing by the independent laboratory under subsection (c) and report the results of the review to the commission. The review must indicate:

(1) whether the proposed improvement or change has been approved by an independent laboratory accredited under 52 U.S.C. 20971;

(2) whether the proposed improvement is a de minimis change or a modification;

(3) if the proposed improvement or change is a modification, whether the modification may be installed and implemented without any significant likelihood that the voting system would be configured or perform its functions in violation of HAVA or this title; and

(4) whether the proposed improvement or change would comply with HAVA and the standards set forth in this chapter and IC 3-11-15.

(e) After the commission has approved the application for an improvement or change (including a de minimis change) to a ballot card voting system, the improvement or change may be marketed, sold, leased, installed, or implemented in Indiana.

(f) An approval of an application under this section expires on the date specified under section 19(a) of this chapter."

Page 67, line 6, after "IC 3-11-7.5-5," insert "AS AMENDED BY HEA 1138-2015, SECTION 173, AND".

Page 67, line 19, delete "42 U.S.C. 15371".

Page 67, line 20, reset in roman "52 U.S.C. 20971".

Page 67, line 24, after "system" insert "**in accordance with procedures approved by the commission**".

Page 67, line 26, delete "whether the proposed".

Page 67, delete line 27.

Page 67, line 28, reset in roman "whether the proposed improvement or change".

Page 67, line 29, delete "42".

Page 67, line 30, delete "U.S.C. 15371";

Page 67, line 30, reset in roman "52 U.S.C. 20971";

Page 67, line 31, reset in roman "whether the proposed improvement".

Page 67, line 31, after "improvement" insert "**or change**".

Page 67, line 32, delete ";" and insert "**as indicated by a report from an independent laboratory;**".

Page 67, line 37, delete ";" and insert "**as indicated by a report from an independent laboratory;**".

Page 67, line 38, reset in roman "whether the proposed improvement or change".

Page 70, line 30, after "from" insert ":

(A)".

Page 70, line 31, delete "," and insert "; or".

Page 70, line 31, strike "if available".

Page 70, between lines 31 and 32, begin a new line double block indented and insert:

"(B) a more recent signature of a voter from an absentee application, poll list, electronic poll book, or registration document."

Page 73, line 27, delete "check-in" and insert "**check in**".

Page 73, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 109. IC 3-11-8-10.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 10.4. (a) This section applies to a county if the county election board has adopted an order under IC 3-7-29-6(a)(2) for the use of electronic poll books only at an office of the circuit court clerk and satellite offices established under IC 3-11-10-26.3.**

(b) Notwithstanding section 10.3 of this chapter, the county election board is not required to do either of the following:

(1) Transmit information electronically from electronic poll books to precincts on election day.

(2) Generate reports for watchers, political parties, or independent candidates for election day."

Page 73, line 33, delete "P.L.221-2005," and insert "HEA 1138-2015, SECTION 176,".

Page 73, line 34, delete "SECTION 66,".

Page 74, line 17, delete "42 U.S.C. 15482,".

Page 74, line 17, reset in roman "52 U.S.C. 21082,".

Page 75, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 114. IC 3-11-8-25.1, AS AMENDED BY SEA 199-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 25.1. (a)** Except as provided in subsection (e), a voter who desires to vote an official ballot at an election shall provide proof of identification.

(b) Except as provided in subsection (e), before the voter proceeds to vote in the election, a precinct election officer shall ask the voter to provide proof of identification. One (1) of each of the precinct election officers nominated by each county chairman of a major political party of the county under IC 3-6-6-8 or IC 3-6-6-9 is entitled to ask the voter to provide proof of identification. The voter shall produce the proof of identification to each precinct officer requesting the proof of identification before being permitted to sign the poll list.

(c) If:

(1) the voter is unable to or declines to present the proof of identification; or

(2) a member of the precinct election board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5; a member of the precinct election board shall challenge the voter as prescribed by this chapter.

(d) If the voter executes a challenged voter's affidavit under section 22.1 of this chapter, the voter may:

(1) sign the poll list; and

(2) receive a provisional ballot.

(e) A voter who votes in person at a precinct polling place that is located at a state licensed care facility where the voter resides is not required to provide proof of identification before voting in an election.

(f) After a voter has passed the challengers or has been sworn in, the voter shall be instructed by a member of the precinct election board to proceed to the location where the poll clerks are stationed. In a vote center county using an electronic poll list, two (2) election officers who are not members of the same political party must be present when a voter signs in on the electronic poll list. The voter shall announce the voter's name to the poll clerks or assistant poll clerks. A poll clerk, an assistant poll clerk, or a member of the precinct election board shall require the voter to write the following on the poll list or to provide the following information for entry into the electronic poll list:

(1) The voter's name.

(2) Except as provided in subsection (k), the voter's current residence address.

(g) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall:

(1) ask the voter to provide or update the voter's voter identification number;

(2) tell the voter the number the voter may use as a voter identification number; and

(3) explain to the voter that the voter is not required to provide or update a voter identification number at the polls.

(h) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall ask the voter to provide proof of identification.

(i) In case of doubt concerning a voter's identity, the precinct election board shall compare the voter's signature with the signature on the affidavit of registration or any certified copy of the signature provided under IC 3-7-29 or enter the information into the electronic poll book. ~~voter's registration record provided by the county voter registration office under IC 3-7-29.~~ If the board determines that the voter's signature is authentic, the voter may then vote. If either poll clerk doubts the voter's identity following comparison of the signatures, the poll clerk shall challenge the voter in the manner prescribed by section 21 of this chapter.

(j) If:

(1) the poll clerk does not execute a challenger's affidavit; or

(2) the voter executes a challenged voter's affidavit under section 22.1 of this chapter or executed the affidavit before signing the poll list;

the voter may then vote.

(k) The electronic poll book (or each line on a poll list sheet provided to take a voter's current address) must include a box under the heading "Address Unchanged" so that the voter may check the box instead of writing the voter's current address on the poll list, or if an electronic poll book is used, the poll clerk may check the box after stating to the voter the address shown on the electronic poll book and receiving an oral affirmation from the voter that the voter's residence address shown on the poll list is the voter's current residence address instead of writing the voter's current residence address on the poll list or

reentering the address in the electronic poll book.

(l) If the voter indicates that the voter's current residence is located within another county in Indiana, the voter is considered to have directed the county voter registration office of the county where the precinct is located to cancel the voter registration record within the county. The precinct election board shall provide the voter with a voter registration application for the voter to complete and file with the county voter registration office of the county where the voter's current residence address is located.

(m) If the voter indicates that the voter's current residence is located outside Indiana, the voter is considered to have directed the county voter registration office of the county where the precinct is located to cancel the voter registration record within the county."

Page 75, line 42, delete "P.L.221-2005," and insert "HEA 1138-2015, SECTION 180,".

Page 76, line 1, delete "SECTION 67,".

Page 76, line 8, delete "42 U.S.C. 1973aa-6.".

Page 76, line 8, reset in roman "52".

Page 76, reset in roman line 9.

Page 76, line 27, after "voter" insert ":

(1)."

Page 76, line 29, delete "IC 5-26.5-2." and insert "**IC 5-26.5-2; or**

(2) requesting to cast an absentee ballot in the office of the circuit court clerk, the office of the board of elections and registration, or a satellite office.."

Page 76, line 34, delete "P.L.225-2011," and insert "SEA 522-2015, SECTION 1,".

Page 76, line 35, delete "SECTION 61,".

Page 77, between lines 24 and 25, begin a new line block indented and insert:

"(12) The voter is a serious sex offender (as defined in IC 35-42-4-14(a)).

(13) The voter is prevented from voting due to the unavailability of transportation to the polls."

Page 78, delete lines 30 through 42, begin a new paragraph and insert:

"SECTION 119. IC 3-11-10-25, AS AMENDED BY HEA 1138-2015, SECTION 182, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 25. (a) A voter who votes by absentee ballot because of:

(1) illness or injury; or

(2) caring for a confined person at a private residence;

and who is within the county on election day may vote before an absentee voter board or by mail.

(b) If requested by a voter described in subsection (a) or by a voter with disabilities whose precinct is not accessible to voters with disabilities, an absentee voter board shall visit the voter's place of confinement, the residence of the voter with disabilities, or the private residence:

(1) during the regular office hours of the circuit court clerk;

(2) at a time agreed to by the board and the voter;

(3) on any of the ~~twelve (12)~~ **nineteen (19)** days immediately before election day; and

(4) only once before an election, unless:

(A) the confined voter is unavailable at the time of the board's first visit due to a medical emergency; or

(B) the board, in its discretion, decides to make an additional visit.

(c) This subsection applies to a voter confined due to illness or injury. An absentee voter board may not be denied access to the voter's place of confinement if the board is present at the place of confinement at a time:

(1) agreed to by the board and the voter; and

(2) during the regular office hours of the circuit court clerk. A person who knowingly violates this subsection commits obstruction or interference with an election

officer in the discharge of the officer's duty, a violation of IC 3-14-3-4.

(d) The county election board, by unanimous vote of the board's entire membership, may authorize an absentee voter board to visit a voter who is confined due to illness or injury and will be outside the county on election day in accordance with the procedures set forth in subsection (b).

(e) As provided by 52 U.S.C. 21081, a voter casting an absentee ballot under this section must be:

(1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;

(2) provided with the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and

(3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

(f) As provided by 52 U.S.C. 21081, when an absentee ballot is provided under this section, the board must also provide the voter with:

(1) information concerning the effect of casting multiple votes for an office; and

(2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

(g) This subsection applies to a voter who applies to vote an absentee ballot by mail. The county election board shall include a copy of the Absentee Voter's Bill of Rights with any absentee ballot mailed to the voter.

SECTION 120. IC 3-11-10-26, AS AMENDED BY HEA 1138-2015, SECTION 183, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 26. (a) This subsection applies to all counties, except for a county to which IC 3-6-5.2 applies. As an alternative to voting by mail, a voter is entitled to cast an absentee ballot before an absentee voter board at any of the following:

(1) One (1) location of the office of the circuit court clerk designated by the circuit court clerk.

(2) A satellite office established under section 26.3 of this chapter.

(b) This subsection applies to a county to which IC 3-6-5.2 applies. As an alternative to voting by mail, a voter is entitled to cast an absentee ballot before an absentee voter board at any of the following:

(1) The office of the board of elections and registration.

(2) A satellite office established under section 26.3 of this chapter.

(c) Except for a location designated under subsection (a)(1), a location of the office of the circuit court clerk must be established as a satellite office under section 26.3 of this chapter in order to be used as a location at which a voter is entitled to cast an absentee ballot before an absentee voter board under this section.

(d) The voter must **do the following before being permitted to vote:**

(1) This subdivision does not apply to a county that uses electronic poll books for voting under this section. Sign an application on the form prescribed by the ~~commission election division~~ under IC 3-11-4-5.1. and The application must be received by the circuit court clerk not later than the time prescribed by IC 3-11-4-3.

(2) This subdivision applies only to a county that uses electronic poll books for voting under this section. The voter must do both of the following:

(A) Make and subscribe to the affidavit prescribed by IC 3-11-4-21.

(B) Sign the electronic poll book.

~~(2) (3) Provide proof of identification.~~

~~before being permitted to vote. The application must be received by the circuit court clerk not later than the time prescribed by IC 3-11-4-3.~~

(e) The voter may vote before the board not more than twenty-eight (28) days nor later than noon on the day before election day. If the close of a voter registration period is transferred under IC 3-5-4-1.5 from twenty-nine (29) days to a later date due to the Columbus Day holiday, the voter may vote before the board on the first day following the day on which the voter registration period closes.

(f) An absent uniformed services voter who is eligible to vote by absentee ballot in the circuit court clerk's office under IC 3-7-36-14 may vote before the board not earlier than twenty-eight (28) days before the election and not later than noon on election day. If the close of a voter registration period is transferred under IC 3-5-4-1.5 from twenty-nine (29) days to a later date due to the Columbus Day holiday, the voter may vote before the board on the first day following the day on which the voter registration period closes. If a voter described by this subsection wishes to cast an absentee ballot during the period beginning at noon on the day before election day and ending at noon on election day, the county election board or absentee voter board may receive and process the ballot at a location designated by resolution of the county election board.

(g) The absentee voter board in the office of the circuit court clerk must permit voters to cast absentee ballots under this section for at least seven (7) hours on each of the two (2) Saturdays preceding election day.

(h) Notwithstanding subsection (g), in a county with a population of less than twenty thousand (20,000), the absentee voter board in the office of the circuit court clerk, with the approval of the county election board, may reduce the number of hours available to cast absentee ballots under this section to a minimum of four (4) hours on each of the two (2) Saturdays preceding election day.

(i) As provided by 52 U.S.C. 21081, a voter casting an absentee ballot under this section must be:

- (1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;
- (2) provided with the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and
- (3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

(j) As provided by 52 U.S.C. 21081, when an absentee ballot is provided under this section, the board must also provide the voter with:

- (1) information concerning the effect of casting multiple votes for an office; and
- (2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

(k) If:

- (1) the voter is unable or declines to present the proof of identification; or
- (2) a member of the board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

the voter shall be permitted to cast an absentee ballot and the voter's absentee ballot shall be treated as a provisional ballot.

(l) A voter casting an absentee ballot under this section is entitled to cast the voter's ballot in accordance with IC 3-11-9.

SECTION 121. IC 3-11-10-26.2, AS AMENDED BY

P.L.64-2014, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 26.2. (a) A county election board or board of elections and registration shall comply with IC 3-11-9-6 by providing an electronic voting system for voting by absentee ballot in the office of the circuit court clerk, the board of elections and registration, or a satellite office established under section 26.3 of this chapter, by a voter with disabilities or any other qualified absentee voter who wishes to cast an absentee ballot on the electronic voting system.

(b) The county election board or board of elections and registration may adopt a resolution under this section to authorize the circuit court clerk to use an electronic voting system for voting by voters eligible to cast an absentee ballot before an absentee board under section 25 of this chapter. A resolution adopted under this section must be adopted by the unanimous vote of the board's entire membership.

(c) A county providing absentee ballot voting under this section must adopt procedures to do the following:

- (1) Secure absentee votes cast on an electronic voting system that provide protection comparable to the protection provided to absentee votes cast by paper ballot.
- (2) Compare the signature on an absentee ballot application with the applicant's signature on the applicant's voter registration application record.
- (3) Ensure that an invalid ballot (as determined under IC 3-11.5) is not counted.
- (4) Specify how a spoiled absentee ballot is to be canceled in the direct record electronic voting system if a voter casts and returns a replacement absentee ballot.

(d) A resolution adopted under this section may contain other provisions to implement this section that the board considers useful and that are not contrary to Indiana or federal law.

(e) If a resolution is adopted under this section, the circuit court clerk may use as many electronic voting machines for recording absentee votes as the clerk considers necessary, subject to the resolution adopted by the board.

(f) Notwithstanding any other law, an absentee ballot voted on an electronic voting system under this section is not required to bear the seal, signature, and initials prescribed by section 27 of this chapter.

(g) If a resolution is adopted under this section, the procedure for casting an absentee ballot on an electronic voting system must, except as provided in this section, be substantially the same as the procedure for casting an absentee ballot in the office of the circuit court clerk under section 26 of this chapter.

SECTION 122. IC 3-11-10-26.3, AS AMENDED BY P.L.194-2013, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 26.3. (a) A county election board may adopt a resolution to authorize the circuit court clerk to establish satellite offices in the county where voters may cast absentee ballots before an absentee voter board.

(b) To be adopted under this section, a resolution must be adopted by the unanimous vote of the board's entire membership.

(c) A resolution adopted under this section must do the following:

- (1) State the locations of the satellite offices.
- (2) State the hours at which absentee voting may occur at the satellite offices.

(d) The resolution may contain other provisions the board considers useful.

(e) If a resolution is adopted under this section for a primary election, the locations of the satellite offices and the hours at which absentee voting may occur at the satellite offices established for the primary election must be used for the subsequent general or municipal election.

(f) If a resolution is adopted under this section, the procedure

for casting an absentee ballot at a satellite office must, except as provided in this section, be substantially the same as the procedure for casting an absentee ballot in the office of the circuit court clerk **under section 26 of this chapter.**

(g) A voter casting an absentee ballot under this section is entitled to cast the voter's ballot in accordance with IC 3-11-9.

(h) A satellite office established by a circuit court clerk under this section must comply with the polling place accessibility requirements of IC 3-11-8.

(i) A resolution adopted under this section expires January 1 of the year immediately after the year in which the resolution is adopted."

Delete page 79.

Page 80, delete lines 1 through 30.

Page 84, line 18, delete "." and insert "**in the office of the circuit court clerk under IC 3-11-10-26.**"

Page 87, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 135. IC 3-11.5-4-8, AS AMENDED BY P.L.76-2014, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) This section does not apply to a county that:

- (1) has adopted an order to use an electronic poll book under ~~IC 3-7-29-6~~; **IC 3-7-29-6(a)(1)**; or
- (2) is a vote center county under IC 3-11-18.1;

if the electronic poll book used at a polling place or vote center is immediately updated to indicate the county received, not later than noon on election day, an absentee ballot from a voter.

(b) Each county election board shall certify the names of voters:

- (1) to whom absentee ballots were sent or who marked ballots in person; and
- (2) whose ballots have been received by the board under this chapter;

after the certification under section 1 of this chapter and not later than noon on election day.

(c) The county election board shall have:

- (1) the certificates described in subsection (b); and
- (2) the circuit court clerk's certificates for voters who have registered and voted under IC 3-7-36-14;

delivered to the precinct election boards at their respective polls on election day by couriers appointed under section 22 of this chapter.

(d) The certificates shall be delivered not later than 3 p.m. on election day.

SECTION 136. IC 3-11.5-4-9, AS AMENDED BY P.L.76-2014, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 9. (a) This section does not apply to a county that:

- (1) has adopted an order to use an electronic poll book under ~~IC 3-7-29-6~~; **IC 3-7-29-6(a)(1)**; or
- (2) is a vote center county under IC 3-11-18.1;

if the electronic poll book used at a polling place or vote center is immediately updated to indicate that the county received, not later than noon on election day, an absentee ballot from a voter.

(b) Upon delivery of the certificates under section 8 of this chapter to a precinct election board, the inspector shall do the following in the presence of the poll clerks:

- (1) Mark the poll list.
- (2) Attach the certificates of voters who have registered and voted under IC 3-7-36-14 to the poll list.

The poll clerks shall sign the statement printed on the certificate indicating that the inspector marked the poll list and attached the certificates under this section in the presence of both poll clerks to indicate that the absentee ballot of the voter has been received by the county election board.

(c) The inspector shall then deposit:

- (1) the certificate prepared under section 1 of this chapter;
- (2) the certificate prepared under section 8 of this chapter; and

(3) any challenge affidavit executed by a qualified person under section 15 of this chapter; in an envelope in the presence of both poll clerks.

(d) The inspector shall seal the envelope. The inspector and each poll clerk shall then sign a statement printed on the envelope indicating that the inspector or poll clerk has complied with the requirements of this chapter governing the marking of the poll list and certificates.

(e) The couriers shall immediately return the envelope described in subsection (c) to the county election board. Upon delivering the envelope to the county election board, each courier shall sign a statement printed on the envelope indicating that the courier has not opened or tampered with the envelope since the envelope was delivered to the courier.

SECTION 137. IC 3-11.5-4-11, AS AMENDED BY P.L.76-2014, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11. (a) Except as provided in subsection (b), at any time after the couriers return the certificate under section 9 of this chapter, absentee ballot counters appointed under section 22 of this chapter, in the presence of the county election board, shall, except for a ballot rejected under section 13 of this chapter:

- (1) open the outer or carrier envelope containing an absentee ballot envelope and application;
- (2) announce the absentee voter's name; and
- (3) compare the signature upon the application with the signature upon the affidavit on the ballot envelope or transmitted affidavit.

(b) This subsection applies to a county that:

- (1) has adopted an order to use an electronic poll book under ~~IC 3-7-29-6~~; **IC 3-7-29-6(a)(1)**; or
- (2) is a vote center county under IC 3-11-18.1.

Immediately after the electronic poll books used at each polling place or vote center have been updated to indicate that the county received, not later than noon on election day, an absentee ballot from a voter, the absentee ballot counters shall, in a central counting location designated by the county election board, count the absentee ballot votes cast for each candidate for each office and on each public question in the precinct.

SECTION 138. IC 3-11.5-4-15, AS AMENDED BY P.L.64-2014, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 15. (a) Except as provided in subsection (c), the vote of an absentee voter may be challenged at the polls for the reason that the absentee voter is not a legal voter of the precinct where the ballot is being cast.

(b) Before the inspector prepares to mark the poll list to indicate that an absentee ballot cast by the voter has been received by the county election board according to a certificate delivered to the polls under section 1 or section 8 of this chapter, the inspector shall notify the challengers and the pollbook holders that the inspector is about to mark the poll list under this section. The inspector shall provide the challengers and pollbook holders with the name and address of each voter listed in the certificate so that the voter may be challenged under this article.

(c) This section applies to a county that:

- (1) has adopted an order to use an electronic poll list under ~~IC 3-7-29-6~~; **IC 3-7-29-6(a)(1)**; or
- (2) is a vote center county under IC 3-11-18.1.

The vote of an absentee ballot may be challenged for the reason that the absentee voter is not a legal voter of the precinct for which the absentee ballot was issued. Before the absentee ballot counters process an absentee ballot, the absentee ballot counters shall notify the county election board. A county election board member, or a representative designated by a county election board member, may challenge the absentee ballot under section 16 of this chapter.

(d) The challenge under this section must be determined using the procedures for counting a provisional ballot under IC 3-11.7."

Page 87, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 141. IC 3-11.5-4-22, AS AMENDED BY P.L.76-2014, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 22. (a) Except as provided in subsection (b), each county election board shall appoint:

- (1) absentee voter boards;
- (2) teams of absentee ballot counters; and
- (3) teams of couriers;

consisting of two (2) voters of the county, one (1) from each of the two (2) political parties that have appointed members on the county election board.

(b) Notwithstanding subsection (a), a county election board:

- (1) may appoint, by a unanimous vote of the board's members, only one (1) absentee ballot courier if the person appointed is a voter of the county; and
- (2) shall not appoint teams of couriers, if the county:

- (A) has adopted an order to use an electronic poll book under ~~IC 3-7-29-6~~; **IC 3-7-29-6(a)(1)**; or
- (B) is a vote center county under IC 3-11-18.1.

(c) An otherwise qualified person is eligible to serve on an absentee voter board or as an absentee ballot counter or a courier unless the person:

- (1) is unable to read, write, and speak the English language;
- (2) has any property bet or wagered on the result of the election;
- (3) is a candidate to be voted for at the election except as an unopposed candidate for precinct committeeman or state convention delegate; or
- (4) is the spouse, parent, father-in-law, mother-in-law, child, son-in-law, daughter-in-law, grandparent, grandchild, brother, sister, brother-in-law, sister-in-law, uncle, aunt, nephew, or niece of a candidate or declared write-in candidate to be voted for at the election except as an unopposed candidate. This subdivision disqualifies a person whose relationship to the candidate is the result of birth, marriage, or adoption.

(d) A person who is a candidate to be voted for at the election or who is related to a candidate in a manner that would result in disqualification under subsection (c) may, notwithstanding subsection (c), serve as a member of an absentee voter board if:

- (1) the candidate is seeking nomination or election to an office in an election district that does not consist of the entire county; and
- (2) the county election board restricts the duties of the person as an absentee voter board member to performing functions that could have no influence on the casting or counting of absentee ballots within the election district.

SECTION 142. IC 3-11.5-4-24, AS AMENDED BY P.L.76-2014, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 24. (a) This section does not apply to a county that:

- (1) has adopted an order to use an electronic poll book under ~~IC 3-7-29-6~~; **IC 3-7-29-6(a)(1)**; or
- (2) is a vote center county under IC 3-11-18.1.

(b) In addition to the preparations described in IC 3-11-11-2, IC 3-11-13-27, or IC 3-11-14-16, the inspector shall:

- (1) mark the poll list; and
- (2) attach the certificates of voters who have registered and voted under IC 3-7-36-14 to the poll list;

in the presence of the poll clerks to indicate the voters of the precinct whose absentee ballots have been received by the county election board according to the certificate supplied under section 1 of this chapter.

(c) The poll clerks shall sign the statement printed on the certificate supplied under section 1 of this chapter indicating that the inspector:

(1) marked the poll list; and

(2) attached the certificates described in subsection (b)(2); under this section in the presence of both poll clerks.

(d) The inspector shall retain custody of the certificate supplied under section 1 of this chapter until the certificate is returned under section 9 of this chapter.

SECTION 143. IC 3-11.5-5-3, AS AMENDED BY P.L.76-2014, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) Except as provided in subsection (b), immediately after:

(1) the couriers have returned the certificate from a precinct under IC 3-11.5-4-9; and

(2) the absentee ballot counters or the county election board have made the findings required under IC 3-11-10 and IC 3-11.5-4 for the absentee ballots cast by voters of the precinct and deposited the accepted absentee ballots in the envelope required under IC 3-11.5-4-12;

the absentee ballot counters shall, in a central counting location designated by the county election board, count the absentee ballot votes for each candidate for each office and on each public question in the precinct.

(b) This section applies to a county that:

- (1) has adopted an order to use an electronic poll book under ~~IC 3-7-29-6~~; **IC 3-7-29-6(a)(1)**; or
- (2) is a vote center county under IC 3-11-18.1.

Immediately after the electronic poll books used at each polling place or vote center have been updated to indicate that the county received, not later than noon on election day, an absentee ballot from a voter, the absentee ballot counters shall, in a central counting location designated by the county election board, count the absentee ballot votes cast for each candidate for each office and on each public question in the precinct.

SECTION 144. IC 3-11.5-6-3, AS AMENDED BY P.L.76-2014, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) Except as provided in subsection (b), immediately after:

(1) the couriers have returned the certificate from a precinct under IC 3-11.5-4-9; and

(2) the absentee ballot counters or the county election board has made the findings required under IC 3-11-10 and IC 3-11.5-4 for the absentee ballots cast by voters of the precinct and deposited the accepted absentee ballots in the envelope required under IC 3-11.5-4-12;

the absentee ballot counters shall, in a central counting location designated by the county election board, count the absentee ballot votes for each candidate for each office and on each public question in the precinct with the assistance of any persons required for the operation of the automatic tabulating machine.

(b) This subsection applies to a county that:

- (1) has adopted an order to use an electronic poll book under ~~IC 3-7-29-6~~; **IC 3-7-29-6(a)(1)**; or
- (2) is a vote center county under IC 3-11-18.1.

Immediately after the electronic poll books used at each polling place or vote center have been updated to indicate that the county received, not later than noon on election day, an absentee ballot from a voter, the absentee ballot counters shall, in a central counting location designated by the county election board, count the absentee ballot votes cast for each candidate for each office and on each public question in the precinct."

Page 90, between lines 27 and 28, begin a new paragraph and insert:

"SECTION 148. IC 3-12-8-17, AS AMENDED BY P.L.221-2005, SECTION 121, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) A contest shall be heard and determined by the court without a jury subject to the Indiana Rules of Trial Procedure.

(b) The court shall determine the issues raised by the petition and answer to the petition.

(c) After hearing and determining a petition alleging that a candidate is ineligible, the court shall declare as elected or

nominated the qualified candidate who received the highest number of votes and render judgment accordingly. **If the court rules that the contestee is ineligible, and no other individual was a candidate for nomination or election, the court shall declare that no candidate has been:**

- (1) **nominated at the primary, and that a ballot vacancy exists that the political party may fill under IC 3-13-1 or IC 3-13-2; or**
- (2) **elected at the general or municipal election, and that an office vacancy exists that may be filled under IC 3-13, subject to the right of an individual currently serving in the office to hold over in that office under Article 15, Section 3 of the Constitution of the State of Indiana.**

(d) If the court finds that:

- (1) a mistake in the printing or distribution of the ballots used in the election;
- (2) a mistake in the programming of an electronic voting system;
- (3) a malfunction of an electronic voting system; or
- (4) the occurrence of a deliberate act or series of actions;

makes it impossible to determine which candidate received the highest number of votes, the court shall order that a special election be conducted under IC 3-10-8.

(e) The special election shall be conducted in the precincts identified in the petition in which the court determines that:

- (1) ballots containing the printing mistake or distributed by mistake were cast;
- (2) a mistake occurred in the programming of an electronic voting system;
- (3) an electronic voting system malfunctioned; or
- (4) the deliberate act or series of actions occurred."

Page 91, line 22, delete "P.L.225-2011," and insert "HEA 1139-2015, SECTION 23,".

Page 91, line 23, delete "SECTION 80,".

Page 91, line 24, delete "7" and insert "3, 4, 5, or 6".

Page 93, line 27, delete "P.L.225-2011," and insert "HEA 1139-2015, SECTION 29,".

Page 93, line 28, delete "SECTION 83,".

Page 93, line 30, delete "6(a)(2)" and insert "6(b)(2)".

Page 94, line 1, delete "6(b)" and insert "6(c)".

Page 94, line 3, delete "6(a)" and insert "6(b)".

Page 94, line 5, delete "county,".

Page 94, line 8, delete "6(a)" and insert "6(b)".

Page 95, delete lines 37 through 42.

Page 96, line 1, reset in roman "(f)".

Page 96, line 1, delete "(g)".

Page 96, line 6, reset in roman "(g)".

Page 96, line 6, delete "(h)".

Page 96, line 7, delete "(d), or" and insert "(d) or".

Page 96, line 7, delete ", or (f)".

Page 96, line 11, reset in roman "(h)".

Page 96, line 11, delete "(i)".

Page 96, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 158. IC 3-14-3-0.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 0.1. Notwithstanding any other law, the additions and amendments to this chapter made by legislation enacted in the 2015 regular session of the general assembly do not affect any:**

- (1) **rights or liabilities accrued;**
- (2) **penalties incurred;**
- (3) **offenses committed; or**
- (4) **proceedings begun;**

before July 1, 2015. Those rights, liabilities, penalties, offenses, and proceedings continue and shall be imposed and enforced under prior law as if the legislation had not been enacted.

SECTION 159. IC 3-14-3-1.1, AS AMENDED BY P.L.158-2013, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 1.1. A person who knowingly does any of the following commits a Level 6 felony:**

- (1) **Procures or submits a voter registration applications application known by the person to be materially false, fictitious, or fraudulent.**
- (2) **Procures, casts, or tabulates ballots a ballot known by the person to be materially false, fictitious, or fraudulent."**

Page 96, between lines 41 and 42, begin a new paragraph and insert:

"SECTION 161. IC 5-4-1-1.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 1.2. (a) This section does not apply to an individual:**

- (1) **appointed or elected to an office the establishment or qualifications of which are expressly provided for in the Constitution of the State of Indiana or the Constitution of the United States; or**
- (2) **holding over in an office under Article 15, Section 3 of the Constitution of the State of Indiana.**

(b) Subject to subsection (c), an individual appointed or elected to an office of a political subdivision may take the oath required under section 1 of this chapter at any time after the individual's appointment or election.

(c) An individual appointed or elected to an office of a political subdivision must take the oath required by section 1 of this chapter and deposit the oath as required by section 4 of this chapter not later than thirty (30) days after the beginning of the term of office.

(d) If an individual appointed or elected to an office of a political subdivision does not comply with subsection (c), the office becomes vacant."

Page 100, line 27, after "IC 9-24-2.5-13" insert ", AS AMENDED BY HEA 1138-2015, SECTION 225,".

Page 100, line 29, delete "42 U.S.C. 15483,".

Page 100, line 29, reset in roman "52 U.S.C. 21083,".

Page 100, line 42, delete "42 U.S.C.".

Page 101, line 1, delete "15481".

Page 101, line 1, reset in roman "52 U.S.C. 21081".

Page 101, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 164. IC 24-5-14-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 5. (a) This section does not apply to any of the following messages:**

- (1) **Messages** from school districts to students, parents, or employees.
- (2) **Messages** to subscribers with whom the caller has a current business or personal relationship. **or**
- (3) **Messages** advising employees of work schedules.
- (4) **Messages to voters from a county election board (established by IC 3-6-5-1), a county board of elections and registration (established by IC 3-6-5.2-3 or IC 3-6-5.4-3), or a county voter registration office (as defined in IC 3-5-2-16.2).**

(b) A caller may not use or connect to a telephone line an automatic dialing-announcing device unless:

- (1) the subscriber has knowingly or voluntarily requested, consented to, permitted, or authorized receipt of the message; or
- (2) the message is immediately preceded by a live operator who obtains the subscriber's consent before the message is delivered."

Renumber all SECTIONS consecutively.

(Reference is to SB 466 as printed February 17, 2015.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 3.

SMITH M, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 476, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 5, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 2. IC 20-46-4-6, AS AMENDED BY P.L.137-2012, SECTION 113, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) The levy imposed for an assessment date before January 16, 2011, may not exceed the maximum permissible levy permitted under this section as this section was effective on January 1, 2011.

(b) Except as provided in **section 6.3 of this chapter** and subsection (c), the levy imposed for an assessment date after January 15, 2011, may not exceed the amount determined by multiplying:

- (1) the school corporation's maximum permissible levy for the fund for the previous year under this chapter, after eliminating the effects of temporary excessive levy appeals and any other temporary adjustments made to the levy for the calendar year (regardless of whether the school corporation imposed the entire amount of the maximum permissible levy in the immediately preceding year); by
- (2) the assessed value growth quotient determined under IC 6-1.1-18.5-2.

(c) This subsection applies to a school corporation if the school corporation's maximum permissible levy for the fund for calendar year 2009 was at least twenty-four percent (24%) less than the school corporation's maximum permissible levy for the fund for calendar year 2008. For the purposes of determining the school corporation's maximum permissible levy for the fund for calendar year 2013, the amount determined under this subsection shall be used under subsection (b)(1) as the school corporation's maximum permissible levy for the fund for the previous year. The school corporation shall be treated as having a maximum permissible levy for the fund in calendar year 2012 that is equal to the maximum permissible levy for the fund that the school corporation would have had in calendar year 2012 if:

- (1) the school corporation's maximum permissible levy is recalculated for calendar year 2009 to eliminate any loss in the school corporation's maximum permissible levy for the fund; and
- (2) the school corporation is treated as having levied the entire amount of the school corporation's recalculated maximum permissible levy for the fund in 2009, 2010, and 2011;

as determined by the department of local government finance. The adjustment under this subsection is a permanent adjustment in the school corporation's maximum permissible levy for the fund.

SECTION 3. IC 20-46-4-6.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 6.3. (a) This section applies to the New Durham Township school corporation in LaPorte County.**

(b) The superintendent of the New Durham Township school corporation may, after approval by the governing body of the school corporation, submit a petition to the department of local government finance requesting an increase in the maximum permissible ad valorem property tax levy for the school corporation's transportation fund.

(c) If the superintendent of the school corporation submits a petition under subsection (b), the department of local government finance shall increase the maximum permissible ad valorem property tax levy for the school corporation's transportation fund for property taxes first due and payable after December 31, 2015, by the amount

necessary to make the maximum permissible ad valorem property tax levy for the school corporation's transportation fund equal to the maximum permissible ad valorem property tax levy that would have applied to the school corporation's transportation fund under section 6 of this chapter for property taxes first due and payable after December 31, 2015, if in each year, beginning in 2003 and ending in 2015, the school corporation had imposed the maximum permissible ad valorem property tax levy for the school corporation's transportation fund in each of those years (regardless of whether the school corporation did impose the entire amount of the maximum permissible ad valorem property tax levy for the school corporation's transportation fund)."

Renumber all SECTIONS consecutively.

(Reference is to SB 476 as reprinted February 6, 2015.)

and when so amended that said bill do pass.

Committee Vote: yeas 23, nays 0.

BROWN T, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 524, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 5 with "[EFFECTIVE JANUARY 1, 2016]".

Replace the effective date in SECTION 6 with "[EFFECTIVE UPON PASSAGE]".

Page 4, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 3. IC 6-1.1-24.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

Chapter 24.5. Determination of Serial Tax Delinquencies
Sec. 1. The following definitions apply throughout this chapter:

- (1) "Group of affiliated persons" means a group of persons in which each person of the group has a relationship that is described in Section 267(b) of the Internal Revenue Code with at least one (1) other person of the group.
- (2) "Person" means an individual, a corporation, a limited liability company, a partnership, or other legal entity.
- (3) "Substantial property interest of public record" has the meaning set forth in IC 6-1.1-24-1.9.

Sec. 2. (a) Each year, after the county treasurer certifies the tracts or items of real property on the tax sale list under IC 6-1.1-24-1, if the county executive reasonably believes that:

- (1) ten (10) or more of the tracts or items of real property that appear on the tax sale list are owned by:
 - (A) one (1) person; or
 - (B) two (2) or more persons in a group of affiliated persons, in any ownership relation between persons in the group of affiliated persons and the tracts or items of real property; and
- (2) the tracts or items of real property identified in subdivision (1) were acquired by their respective owners in a previous tax sale under IC 6-1.1-24;

the county executive may petition the court for a finding that serial tax delinquencies exist with respect to the tracts or items of real property identified in subdivision (1).

(b) If each of the tracts or items of real property described in subsection (a)(1) and (a)(2) are located in the same city or town, the executive of the city or town may petition the court for a finding that serial tax delinquencies exist with respect to the tracts or items of real property

identified in subsection (a)(1), if the county executive consents in writing to allow the city or town to file the petition.

Sec. 3. A petition filed with a court under this chapter must include all of the following:

- (1) The legal description and parcel description for each of the tracts or items of real property that are the subject of the petition.
- (2) A statement that the tracts or items of real property that are the subject of the petition are located within the petitioner's territory.
- (3) For each tract or item of real property that is the subject of the petition, the names of the persons who own the tract or item of real property. If the petitioner is alleging that the tracts or items of real property are owned by a group of affiliated persons, the petitioner must also specify each person's affiliation with at least one (1) other person in the group of affiliated persons.
- (4) A statement that each person that owns a tract or item of real property that is the subject of the petition acquired the tract or item of real property in one (1) or more tax sales and subsequently received a tax deed for the real property.
- (5) For each tract or item of real property that is the subject of the petition, the amounts of the delinquent property taxes and special assessments that are owed at the time the petition is filed.
- (6) A statement that the delinquent property taxes and special assessments are payable to the county treasurer.
- (7) A statement that if the delinquent property taxes and special assessments on the tracts or items of real property that are the subject of the petition are not paid on or before the appearance date and time, the petitioner will be entitled to an order directing the county auditor to issue a deed to each of the tracts or items of real property to the petitioner, without a right of redemption.
- (8) A statement that if proof of payment of the delinquent property taxes and special assessments is tendered to the court on or before the appearance date and time, the court will dismiss the petition.
- (9) If the petitioner is a city or town, a representation that the petitioner has furnished the county executive with a copy of the petition and the county executive consents to the requested relief.

Sec. 4. A petition filed under this chapter must be served on:

- (1) each person who has a substantial property interest of public record in any of the tracts or items of real property that are the subject of the petition; and
- (2) any other appropriate party;

in the manner prescribed by the Indiana Rules of Trial Procedure.

Sec. 5. When a court receives a petition from a county, city, or town seeking a determination of serial tax delinquency under this chapter, the court shall issue an order to each person who owns a tract or item of real property that is the subject of the petition and any other person the court considers appropriate that directs the person to appear before the court at a date and time specified in the order and to show cause as to why the tracts or items of real property that are the subject of the petition should not be found to be serially delinquent. The court's order under this section must do the following:

- (1) Direct the parties subject to the order to appear before the court at a date and time specified by the court. The date specified under this subdivision must not be:
 - (A) earlier than fifteen (15) days; or
 - (B) later than twenty-five (25) days;

after the date of the court's order.

(2) Notify the parties subject to the order that any party ordered to appear:

- (A) may present evidence or objections on the issue of serial delinquency to the court:
 - (i) in writing before the appearance date specified by the court under subdivision (1); or
 - (ii) in writing or by oral testimony at the date and time specified by the court under subdivision (1); and
- (B) has the right to be represented by an attorney when appearing before the court.

(3) Notify the parties subject to the order that if the parties:

- (A) fail to submit written evidence or objections to the court before the appearance date specified in subdivision (1); and
- (B) fail to appear before the court at the date and time specified by the court order under subdivision (1);

the party's failure to submit evidence or objections or to appear before the court will result in a finding of serial tax delinquencies with respect to the tracts or items of real property that are the subject of the petition.

Sec. 6. (a) If an order is entered under this chapter finding that serial tax delinquencies exist with respect to tracts or items of real property that are the subject of a petition under this chapter:

- (1) the owners of the tracts or items of real property do not have a right of redemption with respect to the tracts or items of real property; and
- (2) the tracts or items of real property may be disposed of by the petitioner in any lawful manner.

(b) If an order is entered under this chapter finding that serial tax delinquencies exist with respect to tracts or items of real property that are the subject of a petition under this chapter:

- (1) the court shall send a copy of the order to the county auditor; and
- (2) the county auditor shall remove the tracts or items of real property from the tax sale list maintained by the county auditor under IC 6-1.1-24.

Sec. 7. (a) If an order is entered under this chapter finding that serial tax delinquencies exist with respect to tracts or items of real property that are the subject of a petition under this chapter:

- (1) the petitioner acquires a lien against each tract or item of real property in the amount of delinquent property taxes and special assessments; and
- (2) the petitioner may request that the county auditor execute deeds for the tracts or items of real property and deliver the deeds to the petitioner.

(b) A request under subsection (a)(2) along with a copy of the order must be delivered to the county auditor within six (6) months after the date of the court's order. The county auditor shall issue the deeds within sixty (60) days after the date the request is received by the county auditor. If the petitioner does not request the deeds within six (6) months after the date of the order, the order is void.

Sec. 8. If a petitioner acquires a deed to a tract or item of real property under section 7 of this chapter and the petitioner disposes of the tract or item of real property before the third anniversary of the date on which the deed to the tract or item of real property is issued by the county auditor, the proceeds of the disposition, if any, shall be disbursed in the same manner as if the tract or item of real property had been offered and sold at a tax sale under IC 6-1.1-24.

Sec. 9. Subject to section 6(a)(1) of this chapter, a deed issued under section 7 of this chapter conveys the same fee

simple interest in a tract or item of real property as a deed issued under IC 6-1.1-25."

Page 6, line 29, after "or" insert **"items of"**.

Page 7, line 28, delete "A" and insert **"Unless the county auditor and the county treasurer have entered into an agreement under section 4.7 of this chapter, a"**.

Page 7, between lines 41 and 42, begin a new paragraph and insert:

"(c) If the purchaser or the purchaser's assignee fails to include the documents described in subsection (b), the issuance of a tax deed does not constitute prima facie evidence of the sale referenced in subsection (k).

(d) If a verified petition is brought by the county auditor under an agreement provided for under section 4.7 of this chapter, a tax deed constitutes prima facie evidence of the validity of the sale referenced in subsection (k) upon timely production by the county of all documents described in subsection (b) in response to a challenge to a tax deed.

(e) If the issuance of a tax deed does not constitute prima facie evidence of the validity of the sale due to the failure to comply with this section, the purchaser or the purchaser's successor has the burden of proving the validity of the sale by a preponderance of the evidence in any subsequent challenge to the sale."

Page 7, delete line 42.

Page 8, delete lines 1 through 7.

Page 8, line 8, delete "(c)" and insert **"(f)"**.

Page 8, line 31, delete "(d)" and insert **"(g)"**.

Page 8, line 37, delete "(e)" and insert **"(h)"**.

Page 8, line 37, delete "(f)" and insert **"(i)"**.

Page 8, line 37, delete "(g)," and insert **"(j),"**.

Page 9, line 9, delete "(f)" and insert **"(i)"**.

Page 9, line 9, after "(d)," delete "(e)," and insert **"(h),"**.

Page 9, line 14, delete "(c)" and insert **"(f)"**.

Page 9, line 35, delete "(g)" and insert **"(j)"**.

Page 9, line 35, after "(d)" delete "(e)" and insert **"(h)"**.

Page 9, line 35, delete "(f)," and insert **"(i),"**.

Page 9, line 42, delete "(h)" and insert **"(k)"**.

Page 10, line 9, delete "subsection" and insert **"subsections"**.

Page 10, line 9, after "(b)," insert **"(c), (d), and (e),"**.

Page 10, line 14, delete "(i)" and insert **"(l)"**.

Page 12, after line 21, begin a new paragraph and insert: **"SECTION 8. An emergency is declared for this act."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 524 as reprinted February 10, 2015.) and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

STEUERWALD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Joint Resolution 19, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said joint resolution be amended as follows:

Page 2, line 3, delete "and all" and insert **"that accrues to the state general fund."**

Page 2, delete lines 4 through 6.

Page 2, line 8, delete ", including" and insert **"that are paid for by appropriations from the state general fund. The term includes"**.

Page 2, line 9, delete ":" and insert **"fund the actuarially recommended contributions for employee pension benefits. The term does not include:**

(1) a capital expenditure that is paid for without using proceeds of bonds or other loans; or

(2) a transfer from the state general fund to another state fund."

Page 2, delete lines 10 through 14, begin a new line block indented and insert:

"(3) "Budget period" means the twenty-four (24) month period beginning July 1 of each odd-numbered year and ending June 30 of the next odd-numbered year."

Page 2, line 15, delete "Subject to subsection (d), the" and insert **"The"**.

Page 2, line 16, after "appropriations" insert **"from the state general fund that are"**.

Page 2, line 17, after "estimated" insert **"state general fund"**.

Page 2, delete lines 22 through 42.

Page 3, delete lines 1 through 5.

Page 3, line 6, delete "(g)" and insert **"(d)"**.

(Reference is to SJR 19 as printed February 20, 2015.) and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 5.

STEUERWALD, Chair

Report adopted.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 6

Representative Dermody called down Engrossed Senate Bill 6 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

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

Roll Call 384: yeas 90, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 177

Representative VanNatter called down Engrossed Senate Bill 177 for third reading:

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

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

Roll Call 385: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 311

Representative Beumer called down Engrossed Senate Bill 311 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 386: 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 390

Representative Slager called down Engrossed Senate Bill 390 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 387: yeas 74, nays 21. 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 423

Representative Leonard called down Engrossed Senate Bill 423 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 388: 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.

Engrossed Senate Bill 426

Representative Truitt called down Engrossed Senate Bill 426 for third reading:

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

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

HOUSE MOTION

Mr. Speaker: Pursuant to House Rule 47, I request to be excused from voting on Engrossed Senate Bill 426. Pursuant to House Rule 46, the reason for the request is the following:

My employer could potentially be affected by the outcome of Senate Bill 426. Although I do not have a direct personal or pecuniary interest in the bill, it is the best interest of the Indiana House of Representatives that I be excused from voting.

SAUNDERS

Motion prevailed.

Roll Call 389: yeas 85, nays 9. 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 474

Representative Koch called down Engrossed Senate Bill 474 for third reading:

A BILL FOR AN ACT concerning utilities.

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

Roll Call 390: 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.

Engrossed Senate Bill 509

Representative Clere called down Engrossed Senate Bill 509 for third reading:

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

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

Roll Call 391: 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.

Engrossed Senate Bill 514

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

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

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

Roll Call 392: 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.

Engrossed Senate Bill 516

Representative Speedy called down Engrossed Senate Bill 516 for third reading:

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

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

Roll Call 393: 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.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 1, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 24, delete "Four (4)" and insert "**Ten (10)**".

Page 3, line 24, after "governor." insert "**The following provisions apply to members of the state board appointed by the governor:**

(A)."

Page 3, line 24, delete "two" and insert "**six**".

Page 3, line 25, delete "(2)" and insert "**(6)**".

Page 3, between lines 27 and 28, begin a new line double block indented and insert:

"(B) At least one (1) member must be appointed from each congressional district in Indiana.

(C) Not more than six (6) members of the state board appointed may be appointed from the membership of any one (1) political party."

Page 3, delete lines 28 through 42, begin a new line block indented and insert:

"(3) One (1) member, who is not a member of the general assembly, appointed by the speaker of the house of representatives.

(4) One (1) member, who is not a member of the general assembly, appointed by the president pro tempore of the senate."

Page 4, delete lines 1 through 5.

Page 4, line 13, delete ";" and insert ".".

Page 4, delete line 14.

Page 4, line 15, delete "five (5)" and insert "**seven (7)**".

Page 4, line 17, delete "five (5)" and insert "**seven (7)**".

Page 4, lines 25, delete "Each" and insert "**Except as otherwise provided in subsection (g), each**".

Page 4, line 26, delete "(a)(3)" and insert "**(a)(4)**".

Page 4, line 26, delete "at the will and pleasure of the member's respective" and insert "**a four (4) year term. The term begins on July 1."**

Page 4, delete lines 27 through 29, begin a new paragraph

and insert:

"(g) A member appointed under subsection (a)(2) through (a)(4) may be removed from the state board by the member's appointing authority for just cause. Vacancies in the appointments to the state board shall be filled by the member's appointing authority. A member appointed by an appointing authority under this subsection serves for the remainder of the unexpired term."

Page 5, delete lines 7 through 42.

Page 6, delete lines 1 through 11.

Page 6, between lines 18 and 19, begin a new paragraph and insert:

SECTION 3. [EFFECTIVE UPON PASSAGE] (a) The definitions used in IC 20 apply throughout this SECTION.

(b) Notwithstanding IC 20-19-2-2.2(a)(2), as added by this act, state board members currently serving on the state board on June 30, 2015, who were appointed under IC 20-19-2-2, before its expiration, shall serve for the remainder of the member's current unexpired term. A vacancy shall be filled in the manner provided in IC 20-19-2-2.2(g), as added by this act.

(c) Notwithstanding IC 20-19-2-2.2(f), as added by this act, the term of office of a state board member initially appointed by the speaker of the house of representatives under IC 20-19-2-2.2(a)(3), as added by this act, is two (2) years. The term of office of a state board member initially appointed by the president pro tempore of the senate under IC 20-19-2-2.2(a)(4), as added by this act, is four (4) years.

(d) This SECTION expires January 1, 2025."

Renumber all SECTIONS consecutively.

(Reference is to SB 1 as printed February 17, 2015.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 4.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred Senate Bill 113, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, strike lines 20 through 21.

Page 4, line 22, strike "under".

Page 4, line 22, delete "section 9(1)(D) of this chapter."

Page 5, delete lines 17 through 28, begin a new paragraph and insert:

"SECTION 8. IC 7.1-3-26-8, AS ADDED BY P.L.165-2006, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) The term of a direct wine seller's permit begins:

(1) on the date approved by the commission for an initial application; and

(2) on July 1 to renew a permit;

and expires on June 30 of the following year. A direct wine seller's permit may be renewed in accordance with rules adopted by the commission.

(b) The annual direct wine seller's permit fee is as follows:

(1) One hundred dollars (\$100) for a direct wine seller's permit applicant who:

(A) has never previously held a direct wine seller's permit and anticipates direct shipping in Indiana not more than nine thousand (9,000) liters of wine in a permit year; or

(B) previously held a direct wine seller's permit and certifies to the commission that the permit applicant direct shipped in Indiana not more than nine thousand (9,000) liters of wine in the previous permit year.

(2) Two hundred dollars (\$200) for a direct wine seller's permit applicant who:

(A) has never previously held a direct wine seller's permit and anticipates direct shipping in Indiana not more than eighteen thousand (18,000) liters of wine in a permit year; or

(B) previously held a direct wine seller's permit and certifies to the commission that the permit applicant direct shipped in Indiana not more than eighteen thousand (18,000) liters of wine in the previous permit year.

(3) Three hundred dollars (\$300) for a direct wine seller's permit applicant who:

(A) has never previously held a direct wine seller's permit and anticipates direct shipping in Indiana not more than twenty-seven thousand (27,000) liters of wine in a permit year; or

(B) previously held a direct wine seller's permit and certifies to the commission that the permit applicant direct shipped in Indiana not more than twenty-seven thousand (27,000) liters of wine in the previous permit year.

(4) Four hundred dollars (\$400) for a direct wine seller's permit applicant who:

(A) has never previously held a direct wine seller's permit and anticipates direct shipping in Indiana not more than thirty-six thousand (36,000) liters of wine in a permit year; or

(B) previously held a direct wine seller's permit and certifies to the commission that the permit applicant direct shipped in Indiana not more than thirty-six thousand (36,000) liters of wine in the previous permit year.

(5) Five hundred dollars (\$500) for a direct wine seller's permit applicant who:

(A) has never previously held a direct wine seller's permit and anticipates direct shipping in Indiana not more than forty-five thousand (45,000) liters of wine in a permit year; or

(B) previously held a direct wine seller's permit and certifies to the commission that the permit applicant direct shipped in Indiana not more than forty-five thousand (45,000) liters of wine in the previous permit year."

Page 6, delete lines 18 through 20.

Page 7, line 12, after "in" insert "or into".

Page 7, after line 13, begin a new paragraph and insert:

"SECTION 12. IC 7.1-4-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. ~~Persons Liable for Tax~~: The wine excise tax shall be paid by the holder of a vintner's permit, a farm winery permit, a wine wholesaler's permit, a direct wine seller's permit, a dining car wine permit, or a boat wine permit on the alcoholic beverage to which the tax is applicable and which has been manufactured or imported by ~~him~~ the permit holder into this state. However, the same article shall be taxed only once for wine excise tax purposes.

SECTION 13. IC 7.1-4-4.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. The hard cider excise tax shall be paid by the holder of a vintner's permit, a farm winery permit, a wine wholesaler's permit, a direct wine seller's permit, a beer wholesaler's permit, a dining car wine permit, or a boat wine permit on the hard cider to which the tax is applicable and that is manufactured or imported by the person into this state. However, an item may only be taxed once for hard cider excise tax purposes."

(Reference is to SB 113 as printed January 23, 2015.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 3.

DERMODY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred Senate Bill 329, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 5, after ""Fetus"" insert ", for purposes of IC 16-34,".

(Reference is to SB 329 as reprinted February 24, 2015.) and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 4.

DERMODY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred Senate Bill 463, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between lines 12 and 13, begin a new paragraph and insert:

"(c) The commission may not enforce an action under this section regarding electronic cigarettes until after August 31, 2015. This subsection expires December 31, 2016.

SECTION 2. IC 7.1-5-12-5, AS AMENDED BY P.L.70-2014, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) Except as provided in subsection (c) and subject to section 13 of this chapter, smoking may be allowed in the following:

(1) A horse racing facility operated under a permit under IC 4-31-5 and any other permanent structure on land owned or leased by the owner of the facility that is adjacent to the facility.

(2) A riverboat (as defined in IC 4-33-2-17) and any other permanent structure that is:

(A) owned or leased by the owner of the riverboat; and

(B) located on land that is adjacent to:

(i) the dock to which the riverboat is moored; or

(ii) the land on which the riverboat is situated in the case of a riverboat described in IC 4-33-2-17(2).

(3) A facility that operates under a gambling game license under IC 4-35-5 and any other permanent structure on land owned or leased by the owner of the facility that is adjacent to the facility.

(4) A satellite facility licensed under IC 4-31-5.5.

(5) An establishment owned or leased by a business that meets the following requirements:

(A) The business was in business and permitted smoking on December 31, 2012.

(B) The business prohibits entry by an individual who is less than twenty-one (21) years of age.

(C) The owner or operator of the business holds a beer, liquor, or wine retailer's permit.

(D) The business limits smoking in the establishment to either:

(i) cigar smoking; or

(ii) smoking with a waterpipe or hookah device.

(E) During the preceding calendar year, at least ten percent (10%) of the business's annual gross income was from

(i) the sale of cigars and the rental of onsite humidors; or

(ii) the sale of loose tobacco for use in a waterpipe or hookah device.

(F) The person in charge of the business posts in the establishment conspicuous signs that display the message that cigarette smoking is prohibited.

(6) An establishment owned or leased by a business

that meets the following requirements:

(A) The business prohibits entry by an individual who is less than twenty-one (21) years of age.

(B) The owner or operator of the business holds a beer, liquor, or wine retailer's permit.

(C) The business limits smoking in the establishment to cigar smoking.

(D) During the preceding calendar year, at least ten percent (10%) of the business's annual gross income was from the sale of cigars and the rental of onsite humidors.

(E) The person in charge of the business posts in the establishment conspicuous signs that display the message that cigarette smoking and electronic cigarette smoking are prohibited.

~~(6)~~ (7) A premises owned or leased by and regularly used for the activities of a business that meets all of the following:

(A) The business is exempt from federal income taxation under 26 U.S.C. 501(c).

(B) The business:

(i) meets the requirements to be considered a club under IC 7.1-3-20-1; or

(ii) is a fraternal club (as defined in IC 7.1-3-20-7).

(C) The business provides food or alcoholic beverages only to its bona fide members and their guests.

~~(D)~~ The business, during a meeting of the business's members, voted within the previous two (2) years to allow smoking on the premises.

(D) The business:

(i) provides a separate, enclosed, designated smoking room or area that is adequately ventilated to prevent migration of smoke to nonsmoking areas of the premises;

(ii) allows smoking only in the room or area described in item (i);

(iii) does not allow an individual who is less than eighteen (18) years of age to enter into the room or area described in item (i); and

(iv) allows a guest in the smoking room or area described in item (i) only when accompanied by a bona fide member of the business.

(E) The business:

(i) provides a separate, enclosed, designated smoking room or area that is adequately ventilated to prevent migration of smoke to nonsmoking areas of the premises;

(ii) allows smoking only in the room or area described in item (i); and

(iii) does not allow an individual who is less than eighteen (18) years of age to enter into the room or area described in item (i).

~~(7)~~ (8) A retail tobacco store used primarily for the sale of tobacco products and tobacco accessories that meets the following requirements:

(A) The owner or operator of the store ~~held~~ holds a valid tobacco sales certificate issued under IC 7.1-3-18.5. ~~on June 30, 2012.~~

(B) The store prohibits entry by an individual who is less than eighteen (18) years of age.

(C) The sale of products other than tobacco products and tobacco accessories is merely incidental.

(D) The sale of tobacco products accounts for at least eighty-five percent (85%) of the store's annual gross sales.

(E) Food or beverages are not sold in a manner that requires consumption on the premises, and there is not an area set aside for customers to consume food or beverages on the premises.

~~(8)~~ (9) A bar or tavern:

- (A) for which a permittee holds:
- (i) a beer retailer's permit under IC 7.1-3-4;
 - (ii) a liquor retailer's permit under IC 7.1-3-9; or
 - (iii) a wine retailer's permit under IC 7.1-3-14;
- (B) that does not employ an individual who is less than eighteen (18) years of age;
- (C) that:
- (i) does not allow an individual who ~~(i)~~ is less than twenty-one (21) years of age; and
 - (ii) is not an employee of the bar or tavern;
- to enter any area of the bar or tavern; and
- (D) that is not located in a business that would otherwise be subject to this chapter.

~~(9)~~ (10) A cigar manufacturing facility that does not offer retail sales.

~~(10)~~ (11) A premises of a cigar specialty store to which all of the following apply:

(A) The owner or operator of the store ~~held~~ holds a valid tobacco sales certificate issued under IC 7.1-3-18.5. ~~on June 30, 2012.~~

(B) The sale of tobacco products and tobacco accessories account for at least fifty percent (50%) of the store's annual gross sales.

(C) The store has a separate, enclosed, designated smoking room that is adequately ventilated to prevent migration of smoke to nonsmoking areas.

(D) Smoking is allowed only in the room described in clause (C).

(E) Individuals who are less than eighteen (18) years of age are prohibited from entering into the room described in clause (C).

(F) Cigarette smoking is not allowed on the premises of the store.

(G) The owner or operator of the store posts a conspicuous sign on the premises of the store that displays the message that cigarette smoking is prohibited.

(H) Food or beverages are not sold in a manner that requires consumption on the premises, and there is not an area set aside for customers to consume food or beverages on the premises.

~~(11)~~ (12) The premises of a business that is located in the business owner's private residence (as defined in IC 3-5-2-42.5) if the only employees of the business who work in the residence are the owner and other individuals who reside in the residence.

(b) The owner, operator, manager, or official in charge of an establishment or premises in which smoking is allowed under this section shall post conspicuous signs in the establishment that read "WARNING: Smoking Is Allowed In This Establishment" or other similar language.

(c) This section does not allow smoking in the following enclosed areas of an establishment or premises described in subsection (a)(1) through ~~(a)(10)~~: **(a)(9)**:

(1) Any hallway, elevator, or other common area where an individual who is less than eighteen (18) years of age is permitted.

(2) Any room that is intended for use by an individual who is less than eighteen (18) years of age.

(d) The owner, operator, or manager of an establishment or premises that is listed under subsection (a) and that allows smoking shall provide a verified statement to the commission that states that the establishment or premises qualifies for the exemption. The commission may require the owner, operator, or manager of an establishment or premises to provide documentation or additional information concerning the exemption of the establishment or premises."

Page 4, after line 22, begin a new paragraph and insert:

"SECTION 6. [EFFECTIVE JULY 1, 2015] **(a) The general assembly urges the legislative council to assign the**

following topics to the public policy interim study committee during the 2015 interim:

(1) whether smoking should be prohibited in bars, casinos, and private clubs;

(2) the fiscal impact of prohibiting smoking in bars, casinos, and private clubs;

(3) whether e-cigarettes should be:

(A) defined as tobacco products; and

(B) subject to smoking bans;

(4) e-cigarette taxation;

(5) the fiscal impact of an increase in the cigarette tax;

(6) possible funding sources for tobacco use prevention and cessation programs;

(7) the impact of the tobacco tax on smoking rates and healthy living ratings relative to other states;

(8) the impact of smoking upon families and pregnancy;

(9) the costs incurred by the state as a result of:

(A) smoking during pregnancy; and

(B) smoking within families; and

(10) the fiscal impact of changing existing laws regarding cigarette tax distribution.

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

(c) This SECTION expires December 31, 2015."

Re-number all SECTIONS consecutively.

(Reference is to SB 463 as printed February 18, 2015.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

DERMODY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred Senate Bill 515, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 5, delete "IC 7.1-3-20-16(l)." and insert "**IC 7.1-3-20-16(l) if a local unit has adopted an ordinance requiring a formal written commitment as a condition of eligibility for a permit, as described in subsection (b).**".

Page 2, between lines 3 and 4, begin a new paragraph and insert:

"(d) Except as provided in subsection (f), the amount of time that a formal written commitment is valid may not be limited or restricted.

(e) A formal written commitment is terminated at the time a permit is lost, revoked, or not renewed."

Page 2, line 4, delete "(d)" and insert "(f)".

Page 2, line 10, delete "(e)" and insert "(g)".

Page 2, line 14, delete "shall:" and insert "**may:**".

Page 7, after line 10, begin a new paragraph and insert:

"SECTION 3. IC 14-18-2-3, AS AMENDED BY P.L.70-2014, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) As used in this section, "inn" means a public facility that has the following:

(1) At least twenty (20) rooms for the accommodation of overnight guests.

(2) A dining room that offers table service for at least forty (40) individuals at one (1) time during normal dining hours.

(b) A lease and contract authorized by this chapter must

include in its terms the following provisions and conditions:

- (1) The legal description of the leasehold. A survey for the description is not required.
- (2) The term of the lease. The term may not exceed forty (40) years with two (2) additional options to renew of thirty (30) years each.
- (3) Provision for the submission of complete plans and specifications to the department for review and written approval before beginning any construction.
- (4) The manner of payment of rental.
- (5) The facilities provided will be available to the public without discrimination and at charges designed to make the facilities available to a maximum number of the citizens of Indiana.
- (6) That the rates and fees charged for goods and services on the leased area will be in accord with those charged at similar developments in the area.
- (7) The disposition of the leasehold and improvements at the termination of the lease.
- (8) Except as provided in subsections (c) and (e), if the lease and contract concerns state owned land under the management and control of the department, including state parks, a prohibition on the sale or public display of alcoholic beverages on the premises.

(c) A lease and contract authorized by this chapter may permit in its terms the retail sale of alcoholic beverages for consumption on the licensed premises of an inn if the lessee or concessionaire applies for and secures the necessary permits required by IC 7.1.

(d) A lease and contract authorized by this chapter may permit in its terms the retail sale of alcoholic beverages for consumption on the licensed premises of a public golf course if:

- (1) the lease and contract concerns federally owned land that is:
 - (A) under the control and management of the department; and
 - (B) located on Brookville Reservoir; and
- (2) the lessee or concessionaire applies for and secures the necessary permits required by IC 7.1.

(e) A lease and contract authorized by this chapter may permit in its terms the retail sale of alcoholic beverages for consumption on the licensed premises of a pavilion located within Indiana Dunes State Park, **and within one hundred (100) feet of the pavilion and the pavilion parking lot**, if the lessee or concessionaire applies for and secures the necessary permits required by IC 7.1.

(f) The retail sale of alcoholic beverages on licensed premises described in subsections (c), (d), and (e) is subject to any other applicable alcoholic beverage provisions under the Indiana Code and any rule adopted to implement any other applicable alcoholic beverage provisions under the Indiana Code.

(g) A lease and contract may prescribe other terms and conditions that the department considers necessary and advisable to carry out the intent and purposes of this chapter."

Re-number all SECTIONS consecutively.

(Reference is to SB 515 as reprinted February 24, 2015.) and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

DERMODY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 566, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 16, begin a new paragraph and

insert:

"SECTION 1. IC 4-6-2-1.5, AS AMENDED BY P.L.121-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1.5. (a) Whenever any state governmental official or employee, whether elected or appointed, is made a party to a suit, and the attorney general determines that said suit has arisen out of an act which such official or employee in good faith believed to be within the scope of the official's or employee's duties as prescribed by statute or duly adopted regulation, the attorney general shall defend such person throughout such action.

(b) Whenever a teacher (as defined in IC 20-18-2-22) is made a party to a civil suit, and the attorney general determines that the suit has arisen out of an act that the teacher in good faith believed was within the scope of the teacher's duties in enforcing discipline policies developed under IC 20-33-8-12, the attorney general shall defend the teacher throughout the action.

(c) Not later than August 15 of each year:

- (1) the attorney general shall draft; and
- (2) the state superintendent of public instruction shall disseminate in:

- (A) written;
- (B) electronic; or
- (C) other;

form;

a notice to each teacher concerning the teacher's qualified immunity under IC 20-33-8-8(b)(3) and rights under this section.

(c) Not later than July 30 of each year, the attorney general, in consultation with the Indiana education employment relations board established in IC 20-29-3-1, shall draft and disseminate a letter by first class mail to the residence of teachers providing a summary of the teacher's rights and protections under state and federal law, including a teacher's rights and protections relating to the teacher's performance evaluation under IC 20-28-11.5.

(d) The department of education, in consultation with the Indiana education employment relations board, shall develop a method to provide the attorney general with the names and addresses of active teachers in Indiana in order for the attorney general to disseminate the letter described in subsection (c). Names and addresses collected and provided to the attorney general under this subsection are confidential and excepted from public disclosure as provided in IC 5-14-3-4.

(d) (e) Whenever a school corporation (as defined in IC 20-26-2-4) is made a party to a civil suit and the attorney general determines that the suit has arisen out of an act authorized under IC 20-30-5-0.5 or IC 20-30-5-4.5, the attorney general shall defend the school corporation throughout the action.

(e) (f) A determination by the attorney general under subsection (a), (b), or (d) shall not be admitted as evidence in the trial of any such civil action for damages.

(f) (g) Nothing in this chapter shall be construed to deprive any such person of the person's right to select counsel of the person's own choice at the person's own expense."

Delete pages 2 through 3.

Page 4, delete lines 1 through 15.

Page 6, delete lines 12 through 27.

Page 7, delete lines 16 through 42.

Delete pages 8 through 17.

Page 18, delete lines 1 through 23.

Page 19, line 18, delete ";".

Page 19, delete line 19.

Page 19, line 21, delete ", except a" and insert ".".

Page 19, delete line 22.

Page 19, line 34, delete "IC 20-25.5-5" and insert "IC 20-25.7-4".

Page 22, delete lines 40 through 42, begin a new line block indented and insert:

"(2) IC 20-28-11.5 (staff performance evaluations).

(3) IC 20-31-9 (school accountability and consequences)."

Page 23, delete line 1.

Page 31, delete lines 6 through 42.

Delete pages 32 through 36.

Page 37, delete lines 1 through 33.

Page 40, delete lines 21 through 33.

Page 41, line 10, delete ":".

Page 41, delete line 11.

Page 41, line 12, delete "(2)".

Page 41, line 12, delete "an advance placement,".

Page 41, line 13, delete "dual" and insert "a dual".

Page 41, line 13, after "credit" delete ",".

Page 41, run in lines 10 through 14.

Page 44, delete lines 20 through 42, begin a new paragraph and insert:

"SECTION 40. IC 20-28-11.5-4, AS ADDED BY P.L.90-2011, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) Each school corporation shall develop a plan for annual performance evaluations for each certificated employee (as defined in IC 20-29-2-4). A school corporation shall implement the plan beginning with the 2012-2013 school year.

(b) Notwithstanding IC 20-29-6-7, each school corporation shall consider suggestions from any certificated employee of the school corporation when developing a plan under subsection (a).

(c) Instead of developing its own staff performance evaluation plan under subsection (a), a school corporation may adopt a staff performance evaluation plan that meets the requirements set forth in this chapter or any of the following models:

(1) A plan using master teachers or contracting with an outside vendor to provide master teachers.

(2) The System for Teacher and Student Advancement (TAP).

(3) The Peer Assistance and Review Teacher Evaluation System (PAR).

(d) A plan must include the following components:

(1) Performance evaluations for all certificated employees, conducted at least annually.

(2) Objective measures of student achievement and growth to significantly inform the evaluation. The objective measures must include:

(A) student assessment results from statewide assessments for certificated employees whose responsibilities include instruction in subjects measured in statewide assessments;

(B) methods for assessing student growth for certificated employees who do not teach in areas measured by statewide assessments; and

(C) student assessment results from locally developed assessments and other test measures for certificated employees whose responsibilities may or may not include instruction in subjects and areas measured by statewide assessments.

(3) Rigorous measures of effectiveness, including observations and other performance indicators.

(4) An annual designation of each certificated employee in one (1) of the following rating categories:

(A) Highly effective.

(B) Effective.

(C) Improvement necessary.

(D) Ineffective.

(5) An explanation of the evaluator's recommendations for improvement, and the time in which improvement is expected.

(6) A provision that a teacher who negatively affects student achievement and growth cannot receive a rating of highly effective or effective.

(e) The evaluator shall discuss the evaluation with the certificated employee.

(f) Each school corporation shall post on the school corporation's Internet web site a copy of the school corporation's plan developed or adopted under this section."

Delete pages 45 through 51.

Page 52, delete lines 1 through 29.

Page 53, line 2, delete ", or any performance stipend or addition to base salary based" and insert ".".

Page 53, delete lines 3 through 4.

Page 53, line 27, delete "and" and insert ".".

Page 53, delete line 28.

Page 53, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 3. IC 20-29-6-6.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6.1. (a) After ratification of a contract under section 6 of this chapter, a school employer shall submit the ratified collective bargaining agreement, including the compensation model developed under IC 20-28-9-1.5, to the board.

(b) The board shall appoint a staff member or an ad hoc panel member to review each submitted collective bargaining agreement and to make a written recommendation concerning the collective bargaining agreement's compliance with this chapter, including a penalty for any noncompliance. The review must be completed before March 30 of the year in which the current collective bargaining agreement expires unless the review period is extended by the board for good cause.

(c) Not later than fifteen (15) days after a recommendation has been made under subsection (b), one (1) or both parties to a collective bargaining agreement may appeal to the board, in writing, the decision made in the recommendation. If the board does not receive an appeal not later than fifteen (15) days after issuing a recommendation, the recommendation becomes the final order of the board.

(d) If the board receives a timely appeal, the board may make a decision on the recommendation with or without oral argument. The board may request that the parties submit briefs. The board must issue a ruling on the appeal not later than thirty (30) days after the last of the following occurs:

(1) The appeal is received.

(2) Briefs are received.

(3) Oral arguments are held.

(e) IC 4-21.5 does not apply to a review under subsection (b) or (d).

(f) If, following the review of a collective bargaining agreement, the board finds the collective bargaining agreement does not comply with this chapter, the board shall issue an order that may include one (1) or more of the following items:

(1) Ordering the parties to cease and desist from all identified areas of noncompliance.

(2) Preventing the parties from ratifying any subsequent collective bargaining agreements until the parties receive written approval from the board or the board's agent.

(4) Requiring other action as deemed appropriate by the board as authorized by state law.

(g) The board may send the board's compliance findings to other state agencies as necessary.

(h) After a school employer has submitted a collective bargaining agreement under subsection (a), the school employer and an exclusive representative may not enter into

a new collective bargaining agreement containing the noncompliant provision until the school employer has received either:

- (1) the board's order regarding the compliance of the submitted collective bargaining agreement with this chapter; or
- (2) other written approval from the board or an agent of the board.

(i) If any provision of the collective bargaining agreement is found not to be compliant with this chapter, the provision that is found to be noncompliant with this chapter shall not affect other provisions of the collective bargaining agreement that can be given effect without the noncompliant provision, and to this end the provisions of collective bargaining agreement are severable.

(j) The board:

- (1) shall adopt rules under IC 4-22; and
- (2) may adopt emergency rules in the manner provided under IC 4-22-2-37.1;

as necessary to implement this section."

Page 53, delete lines 32 through 42.

Page 54, delete lines 1 through 25.

Page 54, delete line 42, begin a new paragraph and insert:

"SECTION 52 IC 20-29-6-15.1, AS ADDED BY P.L.229-2011, SECTION 181, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 15.1. (a) If an agreement has not been reached on the items permitted to be bargained collectively under section 4 of this chapter, within fifteen (15) days after mediation under section 13 of this chapter has ended, the board shall initiate factfinding.

(b) Factfinding must culminate in the factfinder imposing contract terms on the parties. The factfinder must select one (1) party's last best offer as the contract terms. The factfinder's order must be restricted to only those items permitted to be bargained and included in the collective bargaining agreement under section 4 of this chapter and must not put the employer in a position of deficit financing (as defined in IC 20-29-2-6). The factfinder's order may not impose terms beyond those proposed by the parties in their last, best offers.

(c) Costs for the factfinder shall be borne equally by the parties.

(d) Factfinding may not last longer than ~~fifteen (15)~~ **thirty (30)** days.

SECTION 53. IC 20-29-6-18, AS AMENDED BY P.L.6-2012, SECTION 140, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 18. (a) Either party may appeal the decision of the factfinder under IC 20-29-6-15.1. The appeal must be filed not later than thirty (30) days after receiving the factfinder's decision.

(b) The board's decision must be restricted to only those items permitted to be bargained and included in the collective bargaining agreement under section 4 of this chapter and must not put the employer in a position of deficit financing, as defined in IC 20-29-2-6. The board's decision may not impose terms beyond those proposed by the parties in their last, best offers.

(c) The board must rule on the appeal within ~~thirty (30)~~ **sixty (60)** days after receipt of notice of appeal.

SECTION 54. IC 20-29-8-7, AS AMENDED BY P.L.229-2011, SECTION 183, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) When a factfinder is requested or required under IC 20-29-6, the board shall appoint a factfinder. ~~from the staff or panel established under section 6 of this chapter.~~

(b) The factfinder shall make an investigation and hold hearings as the factfinder considers necessary in connection with a dispute.

(c) The factfinder:

- (1) may restrict the factfinder's findings to those issues that the factfinder determines significant;

(2) must restrict the findings to the items listed in IC 20-29-6-4; and

(3) may not impose terms beyond those proposed by the parties in their last, best offers.

(d) The factfinder may use evidence furnished to the factfinder by:

- (1) the parties;
- (2) the board;
- (3) the board's staff; or
- (4) any other state agency.

(e) The factfinder shall conduct the factfinding hearing in public in a room or facility owned by the county or local unit of government located in the county in which the school employer is located, or if the school employer is located in more than one (1) county, in the county in which the greatest number of students who attend the school employer's schools reside. The public hearing may begin not earlier than October 1 in the first year of the state budget biennium and must be concluded by ~~December 31~~ **February 1** of the same year **following the commencement of bargaining.**

(f) The factfinding process may not exceed ~~fifteen (15)~~ **thirty (30)** days from beginning to end, and not more than two (2) of those days may be used for public testimony, which may be taken at the discretion of the factfinder. During the public hearing, each party shall present fully its last, best offer, including the fiscal rationale for the offer. Only general operating funds and those funds certified by the department of education and the department of local government finance may be considered as a source of the funding for items, unless the school funding formula allows other funds to be used for certain items.

(g) The factfinder shall make a recommendation as to the settlement of the disputes over which the factfinder has jurisdiction.

(h) The factfinder shall:

- (1) make the investigation, hearing, and findings as expeditiously as the circumstances permit; and
- (2) deliver the findings to the parties and to the board.

(i) The board, after receiving the findings and recommendations, may make additional findings and recommendations to the parties based on information in:

- (1) the report; or
- (2) the board's own possession.

The board may not make any recommendations to the parties related to any items not specifically identified in IC 20-29-6-4.

(j) At any time within five (5) days after the findings and recommendations are delivered to the board, the board may make the findings and recommendations of the factfinder and the board's additional findings and recommendations, if any, available to the public through news media and other means the board considers effective.

(k) The board shall make the findings and recommendations described in subsection (j) available to the public not later than ten (10) days after the findings and recommendations are delivered to the board."

Delete pages 55 through 56.

Page 57, delete lines 1 through 30.

Page 58, line 2, delete "for school years ending before July 1,".

Page 58, line 3, delete "2016,".

Page 58, line 3, after "program" insert ",".

Page 58, line 3, delete "and for school years beginning after".

Page 58, line 4, delete "June 30, 2016, under the BEST program,".

Page 58, line 5, delete ", for school years ending before July 1, 2016,".

Page 58, delete lines 7 through 42, begin a new paragraph and insert:

"SECTION 57. IC 20-31-8-3, AS AMENDED BY

P.L.286-2013, SECTION 103, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) The state board shall establish a number of categories, using an "A" through "F" grading scale, to designate performance based on the individual student academic performance and growth to proficiency in each school.

(b) The state board, in consultation with the department, shall define "low population schools" and shall determine the criteria for placing low population schools in categories established under subsection (a). In setting the definition and criteria for low population schools, the state board shall not penalize schools based on population. The state board's definition and criteria may include the placement of a school that fits the state board's definition in a "null" or "no letter grade" category.

SECTION 58. IC 20-39-1-1, AS AMENDED BY P.L.280-2013, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) Except as provided in subsection (b), all public school governing bodies, except a charter school organizer, shall adopt and fully and accurately implement a single, unified accounting system as prescribed by the state board and the state board of accounts.

(b) After June 30, 2015, all public school governing bodies, except a charter school organizer, may adopt an accounting system and budget system as provided in IC 20-26-15-6(3). If a governing body elects to establish an accounting or budget system under this subsection that does not use consistently applied United States generally accepted accounting principles (GAAP) as developed by the Governmental Accounting Standards Board, the governing body's proposed accounting system must be approved by the state board of accounts. The governing body shall request approval of an accounting system under this section in a manner prescribed by the state board of accounts. If a governing body elects to establish an accounting system under this subsection, the governing body must transition to the new accounting system and the state board of accounts may not initiate an audit of the school corporation within nine (9) calendar months after the later of:

- (1) the date the governing body elects to change accounting systems under this subsection; or
- (2) the date the state board of accounts approves an accounting system under this subsection.

However, the state board of accounts may include the transition period in an audit initiated within nine (9) calendar months after the later of the date described in subdivision (1) or (2).

SECTION 59. IC 20-51-4-7, AS AMENDED BY P.L.211-2013, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) The department shall administer this chapter.

(b) The department shall approve an application for an eligible school within fifteen (15) days after the date the school requests to participate in the choice scholarship program.

(c) The department shall approve an application for a choice scholarship student within fifteen (15) days after the date the student requests to participate in the choice scholarship program.

(d) Each year, at a minimum, the department shall accept applications from March 1 through September 1 for:

- (1) choice scholarship students; or
- (2) eligible schools;

for the upcoming school year.

(e) This chapter may not be construed in a manner that would impose additional requirements for approving an application for an eligible school placed in a "null" or "no letter grade" category established under IC 20-31-8-3(b).

(f) The department shall adopt rules under IC 4-22-2 to implement this chapter.

(g) The department may adopt emergency rules under IC 4-22-2-37.1 to implement this chapter.

SECTION 60. [EFFECTIVE JULY 1, 2015] (a) The definitions used in IC 20 apply throughout this SECTION.

(b) As used in this SECTION, "committee" refers to the education study committee established by IC 2-5-1.3-4.

(c) The general assembly urges the legislative council to assign to the committee the task of studying whether:

- (1) the ISTEP program should be replaced with an alternative statewide assessment; and
- (2) formal collective bargaining between a school corporation and the exclusive representative may begin before August 1 of a particular year.

(d) The committee shall issue to the legislative council a final report containing the committee's findings and recommendations, including any recommended legislation concerning the topic, in an electronic format under IC 5-14-6 not later than November 1, 2015.

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

Delete pages 59 through 75.

Page 76, delete lines 1 through 9.

Renumber all SECTIONS consecutively.

(Reference is to SB 566 as reprinted February 24, 2015.) and when so amended that said bill do pass.

Committee Vote: yeas 14, nays 7.

BROWN T, Chair

Report adopted.

RESOLUTIONS ON SECOND READING

Engrossed Senate Joint Resolution 2

Representative Eberhart called down Engrossed Senate Joint Resolution 2 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 12:25 p.m. with the Speaker in the Chair.

Upon request of Representative C. Brown, the Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum. Roll Call 394: 68 present. The Speaker declared a quorum present.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 74

Representatives Mayfield and Forestal introduced House Concurrent Resolution 74:

A CONCURRENT RESOLUTION honoring Bugles Across America.

Whereas, Bugles Across America was founded in 2000 as a result of P.L. 106-65 that states that every qualified veteran has a right to military funeral honors;

Whereas, P.L. 106-65 calls for two people to fold and present the flag and to provide a sounding of "Taps";

Whereas, The shortage of available military buglers was addressed by allowing the sounding of "Taps" to be done via a recording;

Whereas, Bugles Across America, founded by Tom Daly, was formed to provide live buglers to fill this need;

Whereas, Bugles Across America consists of men and women of all ages, races, and creeds who may be active military, veterans, or civilians;

Whereas, Many members of Bugles Across America are professional musicians but some are capable amateurs;

Whereas, Regardless of background or previous experience, Bugles Across America requires that all volunteers audition by sounding "Taps" for a director before being placed on the active bugler list to assure that every veteran's family will receive a dignified sounding of "Taps";

Whereas, Over the last 13 years, Bugles Across America has provided a sounding of "Taps" for over 100,000 funeral missions, and members have corporately given over a million hours of volunteer time to veterans and their families; and

Whereas, The final service for our fallen veterans should be conducted with the dignity and honor that they so richly deserve: 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 commends Bugles Across America members for their dedicated service to our fallen veterans and their families.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Tom Daly.

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 Bray.

**ENGROSSED SENATE BILLS
ON SECOND READING**

Engrossed Senate Bill 415

Representative Clere called down Engrossed Senate Bill 415 for second reading. The bill was read a second time by title.

**HOUSE MOTION
(Amendment 415-3)**

Mr. Speaker: I move that Engrossed Senate Bill 415 be amended to read as follows:

Page 47, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 40. IC 36-1-11-5.6, AS AMENDED BY P.L.119-2012, SECTION 178, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5.6. Notwithstanding IC 5-22-22 and sections 4, 4.1, 4.2, and 5 of this chapter, a disposing agent of a county having a population of more than seventy thousand (70,000) but less than seventy thousand fifty (70,050) may sell or transfer:

- (1) real property; or
- (2) tangible or intangible personal property, licenses, or any interest in the tangible or intangible personal property; for no compensation or a nominal fee to a nonprofit corporation created for agricultural, educational, or recreational purposes."

Re-number all SECTIONS consecutively.
(Reference is to ESB 415 as printed April 7, 2015.)

MCMILLIN

Motion prevailed.

**HOUSE MOTION
(Amendment 415-5)**

Mr. Speaker: I move that Engrossed Senate Bill 415 be amended to read as follows:

Page 22, delete lines 32 through 37, begin a new paragraph and insert:

"SECTION 17. IC 6-1.1-24-5.1, AS ADDED BY P.L.66-2014, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5.1. (a) This section applies to the following:

(1) A business association that:

(A) has not obtained a certificate of authority from, or registered with, the secretary of state in accordance with the procedures described in IC 23, as applicable; or

(B) has obtained a certificate of authority from, or registered with, the secretary of state in accordance with the procedures described in IC 23, as applicable, but is not in good standing in Indiana as determined by the secretary of state.

(2) A person who is an agent of a person described in this subsection.

(b) A person subject to this section may not purchase a tract offered for sale under section 5 or 6.1 of this chapter. However, this section does not prohibit a person from bidding on a tract that is owned by the person and offered for sale under section 5 of this chapter.

(c) If a person purchases a tract that the person was not eligible to purchase under this section, the sale of the property is subject to forfeiture. If the county treasurer determines or is notified not more than six (6) months after the date of the sale that the sale of the property should be forfeited under this section, the county treasurer shall:

(1) notify the person in writing that the sale is subject to forfeiture within thirty (30) days after the notice if:

(A) the person does not obtain a certificate of authority, or register with, the secretary of state in accordance with the procedures described in IC 23, as applicable; or

(B) the person does not otherwise cure the noncompliance that is the basis of the person's failure to be in good standing in Indiana as determined by the secretary of state;

(2) if the person does not meet the conditions described in subdivision (1) within thirty (30) days after the notice, refund the surplus amount of the person's bid to the person; and

(3) notify the county auditor that the sale has been forfeited.

Upon being notified that a sale has been forfeited, the county auditor shall issue a certificate to the county executive under section 6 of this chapter.

(d) A county treasurer may decline to forfeit a sale under this section because of inadvertence or mistake, lack of actual knowledge by the bidder, substantial harm to other parties with interests in the tract or item of real property, or other substantial reasons. If the treasurer declines to forfeit a sale, the treasurer shall:

(1) prepare a written statement explaining the reasons for declining to forfeit the sale; and

(2) retain the written statement as an official record.

(e) If a sale is forfeited under this section and the tract or item of real property is redeemed from the sale, the county auditor shall deposit the amount of the redemption into the county general fund and notify the county executive of the redemption. Upon being notified of the redemption, the county executive shall surrender the certificate to the county auditor.

(f) A business entity that seeks to register to bid at a tax sale must provide a certificate of good standing or authority proof of registration in accordance with IC 5-23 from the secretary of state to the county treasurer."

Page 59, line 19, delete "owns" and insert "is an owner of record for".

Renumber all SECTIONS consecutively.
(Reference is to ESB 415 as printed April 7, 2015.)

PRYOR

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 441

Representative Huston called down Engrossed Senate Bill 441 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 441-3)

Mr. Speaker: I move that Engrossed Bill 441 be amended to read as follows:

Page 47, delete lines 18 through 38.
Renumber all SECTIONS consecutively.
(Reference is to ESB 441 as printed April 3, 2015.)

CLERE

Motion prevailed.

HOUSE MOTION
(Amendment 441-1)

Mr. Speaker: I move that Engrossed Senate Bill 441 be amended to read as follows:

Delete page 36.

Page 37, delete line 1.

Page 45, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 23. IC 6-3-3-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 14. (a) This section applies only to taxable years beginning after December 31, 2015.

(b) The following definitions apply throughout this section:

(1) "Curricular materials" has the meaning set forth in IC 20-18-2-2.7.

(2) "Dependent student" means a qualifying child who is enrolled in, attends, or participates in an elementary or high school education program.

(3) "Elementary or high school education program" means attendance at:

(A) a public school (as defined in IC 20-18-2-15(1));

(B) a charter school (as defined in IC 20-18-2-2.5);

(C) a nonpublic school (as defined in IC 20-18-2-12); or

(D) an accredited nonpublic school;

in Indiana that satisfies a child's obligation under IC 20-33-2 for compulsory attendance at a school.

(4) "Qualifying child" has the meaning set forth in Section 152 of the Internal Revenue Code.

(c) Each taxable year, an individual who makes an unreimbursed expenditure during the taxable year for curricular materials on behalf of a dependent student of the individual in connection with the dependent student's attendance, enrollment, or participation in an elementary or high school education program is entitled to a credit against the individual's adjusted gross income tax liability for the taxable year in an amount equal to:

(1) one hundred dollars (\$100); multiplied by

(2) the number of the individual's dependent students for whom the individual made an unreimbursed expenditure during the taxable year for curricular materials in connection with the attendance, enrollment, or participation of the dependent students in an elementary or high school education program.

(d) For purposes of claiming the credit provided by this section, if a married couple files a joint return for a taxable year, the married couple is treated as one (1) individual.

(e) If the amount of the credit provided by this section

exceeds the taxpayer's adjusted gross income tax liability, after the application of any credits to be applied before the application of the credit provided by this section, the department shall refund the excess to the taxpayer.

(f) A taxpayer may not use the same unreimbursed expenditure for curricular materials as the basis for claiming the credit provided under this section and as the basis for claiming another deduction or credit under any other law, including the deduction under IC 6-3-2-22."

Page 46, delete lines 7 through 14.

Page 69, line 21, delete "IC 6-3-2-5, IC 6-3-2-5.3,".

Renumber all SECTIONS consecutively.

(Reference is to ESB 441 as printed April 3, 2015.)

PORTER

Upon request of Representatives Pelath and Pierce, the Speaker ordered the roll of the House to be called. Roll Call 395: yeas 29, nays 67. Motion failed.

HOUSE MOTION
(Amendment 441-4)

Mr. Speaker: I move that Engrossed Senate Bill 441 be amended to read as follows:

Page 50, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 34. IC 6-3.1-34 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015 (RETROACTIVE)]:

Chapter 34. Prison Investment Income Tax Credit

Sec. 1. For purposes of this chapter:

"Agreement" means any agreement entered into with the commissioner of the department of correction under IC 11-10-7-2.

"Pass through entity" means a:

(1) corporation that is exempt from the adjusted gross income tax under IC 6-3-2-2.8(2);

(2) partnership;

(3) trust;

(4) limited liability company; or

(5) limited liability partnership.

"Qualified property" means any machinery, tools, equipment, building, structure, or other tangible property considered qualified property under Section 38 of the Internal Revenue Code that is used as an integral part of the operation contemplated by an agreement and that is installed, used, or operated exclusively on property managed by the department of correction.

"State income tax liability" means a taxpayer's total income tax liability incurred under IC 6-3, as computed after application of credits that, under IC 6-3.1-1-2, are to be applied before the credit provided by this chapter.

"Taxpayer" means any person, corporation, limited liability company, partnership, or other entity that has state tax liability. The term includes a pass through entity.

"Wages paid" includes all earnings surrendered to the department of correction under IC 11-10-7-5.

Sec. 2. (a) A taxpayer who enters into an agreement is entitled to receive an income tax credit for a taxable year equal to:

(1) the taxpayer's state income tax liability for the taxable year;

(2) an amount equal to the sum of:

(A) fifty percent (50%) of any investment in qualified property made by the taxpayer during the taxable year as part of the agreement; plus

(B) twenty-five percent (25%) of the wages paid to inmates during the taxable year as part of the agreement; or

(3) the following:

(A) for taxable years beginning in 2015 and 2016, one hundred thousand dollars (\$100,000);

(B) for taxable years beginning in 2017 and 2018,

fifty thousand dollars (\$50,000); or
 (C) for a taxable year beginning in 2019,
 twenty-five thousand dollars (\$25,000);

whichever is least.

(b) A tax credit shall be allowed under this chapter only for the taxable year of the taxpayer during which:

(1) the investment in qualified property is made in accordance with Section 38 of the Internal Revenue Code; or

(2) the wages are paid to inmates; as part of an agreement.

(c) A tax credit shall not be allowed under this chapter for a taxable year beginning after 2019.

Sec. 3. (a) A taxpayer is liable for a recapture tax if qualified property is converted to any use, other than the use contemplated in the agreement, within three (3) years after the end of the taxable year in which a tax credit was allowed for investment in that qualified property. The recapture tax equals:

(1) seventy-five percent (75%) of the tax credit if the use is converted not later than one (1) year after the end of the taxable year in which the tax credit was allowed;

(2) fifty percent (50%) of the tax credit if the use is converted after one (1) year and not later than two (2) years after the end of the taxable year in which the tax credit was allowed; or

(3) twenty-five percent (25%) of the tax credit if the use is converted after two (2) years and not later than three (3) years after the end of the taxable year in which the tax credit was allowed.

(b) Any recapture tax liability must be reported by the taxpayer on his annual state income tax return for the taxable year during which the use was converted.

(c) The commissioner of the department of correction shall report any change in the use of qualified property to the department.

Sec. 4. (a) Before entering into an agreement, the commissioner of the department of correction shall thoroughly consider the effect of the agreement upon the workforce in the community where the correctional institution is located and shall not enter into any agreement if it will cause increased unemployment in the community. The taxpayer shall have the burden of proving by a preponderance of the evidence that the agreement shall not increase unemployment in the community where the correctional institution is located.

(b) The commissioner shall verify any information related to the credit provided by this chapter when requested to do so by the department of state revenue.

Sec. 5. If a pass through entity is entitled to a credit under this chapter but does not have state tax liability against which the tax credit may be applied, an individual who is a shareholder, partner, beneficiary, or member of the pass through entity is entitled to a tax credit equal to:

(1) the tax credit determined for the pass through entity for the taxable year; multiplied by

(2) the percentage of the pass through entity's distributive income to which the shareholder, partner, beneficiary, or member is entitled.

The credit provided under this section is in addition to a tax credit to which a shareholder, partner, beneficiary, or member of a pass through entity is entitled. However, a pass through entity and an individual who is a shareholder, partner, beneficiary, or member of a pass through entity may not claim more than one (1) credit for the qualified expenditure.

Sec. 6. This chapter expires July 1, 2024."

Renumber all SECTIONS consecutively.
 (Reference is to ESB 441 as printed April 3, 2015.)

AUSTIN

Upon request of Representatives Dermody and Torr, the Speaker ordered the roll of the House to be called. Roll Call 396: yeas 78, nays 16. Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 528

Representative Lehman called down Engrossed Senate Bill 528 for second reading. The bill was read a second time by title.

HOUSE MOTION
 (Amendment 528-1)

Mr. Speaker: I move that Engrossed Senate Bill 528 be amended to read as follows:

Page 18, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 24. IC 5-15-5.1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 14. A public official or agency may not mutilate, destroy, sell, loan, or otherwise dispose of any government record, except under a record retention schedule or with the written consent of the ~~commissioner~~ **administration**."

Renumber all SECTIONS consecutively.
 (Reference is to ESB 528 as printed April 7, 2015.)

LEHMAN

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 559

Representative Frizzell called down Engrossed Senate Bill 559 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 567

Representative Truitt called down Engrossed Senate Bill 567 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 282

Representative Wesco called down Engrossed Senate Bill 282 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

ENROLLED ACTS SIGNED

The Speaker announced that he had signed Senate Enrolled Acts 10, 35, 80, 94, 294, 313, 318, 336, 429, 433, 460, 467, 487, 489, 506, 534, 546 and 556 on April 9.

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three cosponsors and that Representative Goodin be added as cosponsor of Engrossed Senate Bill 8.

COX

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Errington be added as cosponsor of Engrossed Senate Bill 311.

BEUMER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Porter be added as cosponsor of Engrossed Senate Bill 317.

SMITH, M.

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative C. Brown be added as cosponsor of Engrossed Senate Bill 390.

SLAGER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Forestal be added as cosponsor of Engrossed Senate Bill 516.

SPEEDY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Hamm be added as cosponsor of Engrossed Senate Bill 531.

PRICE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Macer be added as cosponsor of Senate Concurrent Resolution 49.

THOMPSON

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 55, 56, 57, 58, 59 and 60 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 Engrossed House Bills 1016, 1145, 1150, 1192, 1281, 1282, 1287, 1319, 1323, 1350, 1371, 1393, 1397, 1413, 1432, 1452 and 1531 with amendments and the same are herewith returned to the House for concurrence.

JENNIFER L. MERTZ

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has concurred in the House amendments to Engrossed Senate Bills 7, 94, 173, 175, 197, 309, 361, 393, 412, 460, 489, 530 and 534.

JENNIFER L. MERTZ

Principal Secretary of the Senate

On the motion of Representative Austin, the House adjourned at 12:55 p.m., this ninth day of April, 2015, until Monday, April 13, 2015, at 1:30 p.m.

BRIAN C. BOSMA

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives