



Journal of the House

State of Indiana

118th General Assembly

Second Regular Session

Thirteenth Day

Thursday Morning

January 30, 2014

The invocation was offered by Pastor Shan Rutherford of the Greenwood Christian Church in Greenwood, the guest of Representative Woody Burton.

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 Woody Burton.

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

Arnold	Kubacki
Austin	Lawson
Bacon	Lehe
Baird	Lehman
Bartlett	Leonard
Battles	Lucas
Bauer	Lutz
Behning	Macer
Beumer	Mahan
Braun	Mayfield
C. Brown	McMillan
T. Brown	McNamera
Burton	Messmer
Candelaria Reardon	Moed
Carbaugh	Morris
Cherry	Morrison
Clere	Moseley
Cox	Neese
Culver	Negele
Davisson <input type="checkbox"/>	Niemeyer
DeLaney	Niezgodski
Dermody	Ober
DeVon	Pelath
Dvorak	Pierce
Eberhart	Porter
Errington	Price
Forestal	Pryor
Friend	Rhoads
Frizzell	Richardson
Frye	Riecken
GiaQuinta	Saunders
Goodin	Shackleford
Gutwein	Slager
Hale	Smaltz
Hamm	M. Smith
Harman	V. Smith
Harris	Soliday
Heaton	Speedy
Heuer	Stemler <input type="checkbox"/>
Huston	Steuerwald
Karickhoff	Sullivan
Kersey	Summers
Kirchhofer <input type="checkbox"/>	Thompson
Klinker	Torr
Koch	Truitt

Turner
Ubelhor
VanDenburgh
VanNatter
Washburne

Wesco
Wolkins
Zent
Ziemke
Mr. Speaker

Roll Call 120: 96 present; 4 excused. The Speaker announced a quorum in attendance. [NOTE: indicates those who were excused.]

RESOLUTIONS ON FIRST READING

House Resolution 7

Representative Pryor introduced House Resolution 7:

A HOUSE RESOLUTION honoring the Sister Soldier Network.

Whereas, Historical documents note that, despite major adversity, black women have persistently pursued their right to serve, and have served, in every military engagement involving the United States Armed Forces since the Civil War;

Whereas, Realizing the importance of the often under recognized contributions made by black women veterans to protect American freedoms and values, Dr. Doty Simpson-Taylor founded the Sister Soldier Network in 1999;

Whereas, The Sister Soldier Network is an effective and fast growing organization that fosters networking, support, and visibility for past, present, and future black women veterans of the United States Armed Forces; and

Whereas, The Sister Soldier Network presents activities that identify and record the service of black women veterans, offer informational sessions about and for black women veterans, and develop collaborations with faith-based community organizations to build bridges that mobilize, engage, and support the health and well being of military families and veterans: 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 valuable contributions made by the Sister Soldier Network and wishes them continued success.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the Sister Soldier Network.

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

HOUSE BILLS ON SECOND READING

Pursuant to House Rule 143.1, the following bills which had no amendments filed, were read a second time by title and ordered engrossed: House Bills 1014, 1050, 1052, 1053, 1071, 1074, 1076, 1083, 1145, 1162, 1171, 1276, 1306, 1318, 1340, 1343, 1369, 1380 and 1423.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1001

Representative Turner called down Engrossed House Bill 1001 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 121: yeas 63, nays 33. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Hershman.

Engrossed House Bill 1028

Representative DeVon called down Engrossed House Bill 1028 for third reading:

A BILL FOR AN ACT concerning education.

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

Roll Call 122: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Yoder.

Engrossed House Bill 1039

Representative Lehman called down Engrossed House Bill 1039 for third reading:

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

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

Roll Call 123: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Grooms.

Engrossed House Bill 1042

Representative M. Smith called down Engrossed House Bill 1042 for third reading:

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

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

Roll Call 124: yeas 72, nays 22. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Walker.

Engrossed House Bill 1051

Representative Errington called down Engrossed House Bill 1051 for third reading:

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

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

Roll Call 125: yeas 80, nays 10. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The

Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Pat Miller and Breaux.

Engrossed House Bill 1056

Representative Cherry called down Engrossed House Bill 1056 for third reading:

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

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

Roll Call 126: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Leising, Merritt and Breaux.

Engrossed House Bill 1062

Representative Huston called down Engrossed House Bill 1062 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 127: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Pete Miller.

HOUSE BILLS ON SECOND READING

House Bill 1002

Representative T. Brown called down House Bill 1002 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1002-1)

Mr. Speaker: I move that House Bill 1002 be amended to read as follows:

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

"(c) Not more than thirty (30) days after the fund receives money described in subsection (a)(12), the department shall transfer twenty-five million dollars (\$25,000,000) to the local infrastructure grant fund established by IC 8-23-29-4. A transfer under this subsection is a one (1) time transfer.

SECTION 3. IC 8-23-9-55 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 55. Money in the state highway fund shall be used for the following:

- (1) Operation of the department.
- (2) Construction, reconstruction, operation, maintenance, and control of the state highways that are the responsibility of the department and of tollways that are the responsibility of the department under IC 8-15-3.
- (3) Funding the local infrastructure grant fund established by IC 8-23-29-4.**

SECTION 4. IC 8-23-29 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 29. Local Infrastructure Grant Fund

Sec. 1. As used in this chapter, "eligible project" means a project:

- (1) that is undertaken by a local unit;**
- (2) that repairs or increases the capacity of local roads and bridges;**
- (3) that is part of the local unit's transportation asset management plan;**
- (4) for which the local unit provides funds for at least**

ten percent (10%) of the total project cost; and

(5) that is approved by the department.

Sec. 2. As used in this chapter, "fund" refers to the local infrastructure grant fund established by section 4 of this chapter.

Sec. 3. As used in this chapter, "local unit" means a county or municipality.

Sec. 4. (a) The local infrastructure grant fund is established to provide grants to local units for eligible projects.

(b) The department shall administer the fund.

(c) The fund consists of the following:

(1) Money transferred to the fund under IC 8-23-9-54(c).

(2) Interest deposited in the fund under subsection (d).

(3) Money deposited in or transferred to the fund from any other source.

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

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

(f) Money in the fund is continuously appropriated for the purpose of the fund.

Sec. 5. A local unit may apply to the department for a grant from the fund for an eligible project. The application must be in the form and manner prescribed by the department.

Sec. 6. The department may decide on a case by case basis the manner in which a local unit must provide funds described in section 1(4) of this chapter.

Sec. 7. The department may adopt guidelines to implement this chapter."

Renumber all SECTIONS consecutively.

(Reference is to HB 1002 as printed January 27, 2014.)

SOLIDAY

Motion prevailed.

HOUSE MOTION
(Amendment 1002-2)

Mr. Speaker: I move that House Bill 1002 be amended to read as follows:

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

"SECTION 1. IC 8-14-14-5, AS AMENDED BY P.L.35-2012, SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The major moves construction fund is established for the purpose of:

(1) funding projects, other than passenger or freight railroad systems as described in IC 8-15.7-2-14(a)(4), under IC 8-15.7 or IC 8-15-3;

(2) funding other projects in the department's transportation plan; and

(3) funding distributions under sections 6 and 7 of this chapter.

(b) The fund shall be administered by the department.

(c) Notwithstanding IC 5-13, the treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as money is invested by the Indiana public retirement system under IC 5-10.3-5. However, the treasurer of state may not invest the money in the fund in equity securities. The treasurer of state may contract with investment management professionals, investment advisors, and legal counsel to assist in the investment of the fund and may pay the state expenses incurred under those contracts from the fund. Interest that accrues from these investments shall be deposited in the fund.

(d) The fund consists of the following:

(1) Distributions to the fund from the toll road fund under IC 8-15.5-11.

(2) Distributions to the fund from the next generation major moves 2016 trust fund under IC 8-14-15.

(3) Appropriations to the fund.

(4) Gifts, grants, loans, bond proceeds, and other money received for deposit in the fund.

(5) Revenues arising from:

(A) a tollway under IC 8-15-3 or IC 8-23-7-22; or

(B) a toll road under IC 8-15-2 or IC 8-23-7-23;

that the department designates as part of, and deposits in, the fund.

(6) Payments, other than payments for passenger or freight railroad systems as described in IC 8-15.7-2-14(a)(4), made to the authority or the department from operators under IC 8-15.7.

(7) Interest, premiums, or other earnings on the fund.

(e) The fund is considered a trust fund for purposes of IC 4-9.1-1-7. Money may not be transferred, assigned, or otherwise removed from the fund by the state board of finance, the budget agency, or any other state agency.

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

(g) Money in the fund must be appropriated by the general assembly to be available for expenditure.

SECTION 2. IC 8-14-14.1-2, AS ADDED BY P.L.205-2013, SECTION 135, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this chapter, "fund" refers to the major moves ~~2020~~ 2014-2015 trust fund established by section 3 of this chapter.

SECTION 3. IC 8-14-14.1-3, AS ADDED BY P.L.205-2013, SECTION 135, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The major moves ~~2020~~ 2014-2015 trust fund is established, to be used exclusively for major highway expansion projects that enhance the ability of goods to be transported in and through Indiana.

(b) The fund shall be administered by the department.

(c) Notwithstanding IC 5-13, the treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as money is invested by the Indiana public retirement system under IC 5-10.3-5. However, the treasurer of state may not invest the money in the fund in equity securities. The treasurer of state may contract with investment management professionals, investment advisors, and legal counsel to assist in the investment of the fund and may pay the state expenses incurred under those contracts from the fund. Interest that accrues from these investments shall be deposited in the fund.

(d) The fund consists of:

(1) money transferred to the fund under subsection (h); and

(2) any interest or other earnings on money in the fund.

(e) The fund is considered a trust fund for purposes of IC 4-9.1-1-7. Money may not be transferred, assigned, or otherwise removed from the fund by the state board of finance, the budget agency, or any other state agency. IC 4-9.1-1-8 and IC 4-9.1-1-9 do not apply to the fund.

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

(g) Money in the fund must be appropriated by the general assembly to be available for expenditure.

(h) On July 1, 2013, and on July 1, 2014, the auditor of state shall transfer two hundred million dollars (\$200,000,000) to the fund from the state general fund. There is annually appropriated from the state general fund an amount sufficient to make the transfer under this subsection."

Page 1, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 5. IC 8-14-15-2, AS ADDED BY P.L.47-2006, SECTION 6, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this chapter, "trust" refers to the ~~next generation major moves 2016~~ trust fund established under this chapter.

SECTION 6. IC 8-14-15-4, AS ADDED BY P.L.47-2006, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The authority shall establish a ~~next generation major moves 2016~~ trust fund to hold title to proceeds transferred to the trust under IC 8-15.5-11 to be used exclusively for the provision of highways, roads, and bridges for the benefit of the people of Indiana and the users of those facilities.

(b) The trust shall be established as a charitable trust, separate from the state, but for the benevolent public purpose provided in this section.

(c) The trust consists of the proceeds transferred to the trust under IC 8-15.5-11 and any income that accrues from the investment of these proceeds.

SECTION 7. IC 8-14-15-10, AS ADDED BY P.L.47-2006, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) **Except as provided by sections 14 and 16 of this chapter**, the principal of the trust may not be diminished during the term of the trust.

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

(c) **Except as provided by sections 15 and 16 of this chapter, the treasurer of state shall transfer all interest accruing to the trust to the major moves construction fund on March 15, 2011, March 15, 2016, and March 15 every five (5) years thereafter. the treasurer of state shall transfer all interest accruing to the trust to the major moves construction fund.**

SECTION 8. IC 8-14-15-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) **Subject to section 16 of this chapter, the governor may direct the budget agency to transfer the following amounts from the trust on July 1, 2016:**

(1) Four hundred million dollars (\$400,000,000) to the state highway fund established by IC 8-23-9-54.

(2) One hundred million dollars (\$100,000,000) to the local road and street account established under IC 8-14-2-4.

(b) Money transferred under this section may be used for any purpose of the fund to which it is transferred.

(c) If money is transferred to the local road and street account under subsection (a)(2), the money must be allocated under IC 8-14-2-4(c) as part of the allocations made in August 2016.

SECTION 9. IC 8-14-15-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. **Subject to section 16 of this chapter, the governor may direct the budget agency to transfer on July 1, 2016, from the trust to the public mass transportation fund established by IC 8-23-3-8 all interest accruing to the trust before July 1, 2016.**

SECTION 10. IC 8-14-15-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. **The governor may not direct the budget agency to make a transfer authorized by:**

(1) section 14(a)(1) of this chapter;

(2) section 14(a)(2) of this chapter; or

(3) section 15 of this chapter;

unless the governor directs the budget agency to make all three (3) transfers authorized by sections 14 and 15 of this chapter.

SECTION 11. IC 8-15.5-11-3, AS ADDED BY P.L.47-2006, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The toll road fund is established to provide funds to:

(1) pay or defease certain bonds in the manner provided by this chapter;

(2) pay amounts owed by the authority in connection with the execution and performance of a public-private agreement under this article, including operating expenses of the authority; and

(3) make distributions to the ~~next generation major moves 2016~~ trust fund and the major moves construction fund.

(b) The authority shall hold, administer, and manage the fund.

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

(d) The fund consists of the following:

(1) Money received from an operator under a public-private agreement.

(2) Appropriations, if any, made by the general assembly.

(3) Grants and gifts intended for deposit in the fund.

(4) Interest, premiums, gains, or other earnings on the fund.

(5) Amounts transferred to the fund under subsection (i).

(6) Amounts transferred to the fund under IC 8-14-14-6(a)(5).

(e) The authority shall establish the following separate accounts within the fund:

(1) The bond retirement account.

(2) The administration account.

(3) The eligible project account.

(f) Money in the fund shall be deposited, paid, and secured in the manner provided by IC 4-4-11-32. Notwithstanding IC 5-13, the authority shall invest the money in the fund that is not needed to meet the obligations of the fund in the manner provided by an investment policy established by resolution of the authority.

(g) The fund is not part of the state treasury and is considered a trust fund for purposes of IC 4-9.1-1-7. Money may not be transferred, assigned, or otherwise removed from the fund by the state board of finance, the budget agency, or any other state agency.

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

(i) As soon as practicable after a public-private agreement concerning the Indiana Toll Road has been executed and the closing for each financing transaction required to provide funding to carry out the agreement has been conducted, the authority shall determine the total balance remaining in all toll road funds and accounts established under IC 8-15-2. Subject to any applicable trust indentures securing toll road bonds, the authority may retain from those funds and accounts the amounts necessary to pay outstanding obligations with respect to the operation of the Indiana Toll Road incurred before the effective date of the public-private agreement, and shall transfer all remaining balances in the toll road funds and accounts to the fund.

SECTION 12. IC 8-15.5-11-4, AS ADDED BY P.L.47-2006, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Before any allocations are made from the fund under this chapter, the authority shall determine:

(1) the extent to which outstanding bonds issued by the authority under IC 8-14.5-6 or IC 8-15-2 should be repaid, defeased, or otherwise retired;

(2) the total amount necessary to repay, defease, or otherwise retire the bonds selected by the authority for repayment, defeasance, or retirement; and

(3) the total amount necessary to pay the amounts owed by the authority related to the execution and performance of a public-private agreement under this article, including establishing reserves, plus the amount necessary to establish an escrow account to implement a written agreement entered into under IC 8-15.5-7-6 to fund

reductions in, or refunds of, user fees imposed on Class 2 vehicles.

The authority shall make a separate determination of the amount described in subdivision (3) for each public-private agreement. The amount described in subdivision (3) is payable solely from money received by the authority under the public-private agreement for which the amounts owed were incurred, and are not payable from lease payments received under IC 8-9.5 or IC 8-14.5.

(b) Before making any allocations from the fund under subsection (c) or (d), the authority shall allocate the amount determined under subsection (a)(2) to the bond retirement account. Money in this account may be used only for the purpose described in section 3(a)(1) of this chapter.

(c) After making the allocation required by subsection (b) and before making the allocations required by subsection (d), the authority shall allocate the amount determined under subsection (a)(3) to the administration account. Money in this account may be used only for the purpose described in section 3(a)(2) of this chapter.

(d) After making the allocations required by subsections (b) and (c), the remaining money received during each state fiscal year under a public-private agreement under this article shall be allocated to the eligible project account. Money in this account may be used only for the purposes described in section 3(a)(3) of this chapter. Within thirty (30) days after a public-private agreement concerning the Indiana Toll Road has been executed and the closing for each financing transaction required to provide funding to carry out the agreement has been conducted, the authority shall transfer:

(1) five hundred million dollars (\$500,000,000) of the money in the eligible project account to the ~~next~~ **generation major moves 2016** trust fund established under IC 8-14-15; and

(2) the remainder of the money in the eligible project account to the major moves construction fund.

In addition, any amounts transferred to the fund under section 3(i) of this chapter after the date described in this subsection shall be transferred to the major moves construction fund.

SECTION 13. IC 8-15.5-11-5, AS ADDED BY P.L.47-2006, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. The money allocated to the eligible project account must be used to make distributions to the ~~next generation major moves 2016~~ trust fund and the major moves construction fund, as provided by section 4 of this chapter."

Renumber all SECTIONS consecutively.

(Reference is to HB 1002 as printed January 27, 2014.)

PORTER

Upon request of Representatives Porter and Pierce, the Speaker ordered the roll of the House to be called. Roll Call 128: yeas 27, nays 64. Motion failed. The bill was ordered engrossed.

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

House Bill 1005

Representative McMillin called down House Bill 1005 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1005-1)

Mr. Speaker: I move that House Bill 1005 be amended to read as follows:

Page 64, delete lines 17 through 18.

Page 65, delete lines 3 through 5.

Renumber all SECTIONS consecutively.

(Reference is to HB 1005 as printed January 28, 2014.)

MCMILLIN

Motion prevailed.

HOUSE MOTION
(Amendment 1005-3)

Mr. Speaker: I move that House Bill 1005 be amended to read as follows:

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

"SECTION 1. IC 4-1-7.1-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6. (a) For purposes of this section, "Accord" refers to the Midwest Greenhouse Gas Reduction Accord signed on November 15, 2007.**

(b) Notwithstanding any other law, rule, or regulation, the participation of the state of Indiana in the Accord in any capacity, including as a signatory or an observer to the Accord, terminates not later than the date on which the elected official who signed the Accord on behalf of the state of Indiana ceases to hold office."

Page 68, after line 4, begin a new paragraph and insert:

"SECTION 134. **An emergency is declared for this act."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1005 as printed January 28, 2014.)

KOCH

Motion prevailed.

HOUSE MOTION
(Amendment 1005-5)

Mr. Speaker: I move that House Bill 1005 be amended to read as follows:

Page 59, delete lines 39 through 40.

Renumber all SECTIONS consecutively.

(Reference is to HB 1005 as printed January 28, 2014.)

MOED

Motion withdrawn.

HOUSE MOTION
(Amendment 1005-6)

Mr. Speaker: I move that House Bill 1005 be amended to read as follows:

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

"SECTION 13. IC 5-14-3.5-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 15. (a) Not more than thirty (30) days after a settlement or a judgment concludes a legal action brought by or against the state, the attorney general shall prepare a report containing the following information:**

- (1) The name of the parties to the legal action.
- (2) Whether the state prevailed in the legal action.
- (3) The amount of the state's liability, if any, under the settlement or judgment.
- (4) The amount of the state's proceeds, if any, under the settlement or judgment.
- (5) The total amount of the settlement or judgment.
- (6) The name of the fund or account in which the proceeds of any settlement or judgment paid to the state will be deposited.
- (7) Any other information considered appropriate by the attorney general with respect to the settlement or judgment.

(b) The attorney general shall make each report required by subsection (a) available electronically through the Indiana transparency Internet web site established under this chapter.

(c) The appeal of a judgment against the state does not relieve the attorney general of the duty to prepare a report under subsection (a) with respect to the judgment."

Renumber all SECTIONS consecutively.
(Reference is to HB 1005 as printed January 28, 2014.)
PRYOR

Motion prevailed.

HOUSE MOTION
(Amendment 1005-4)

Mr. Speaker: I move that House Bill 1005 be amended to read as follows:

Page 3, delete lines 22 through 42.

Delete pages 4 through 7.

Page 8, delete lines 1 through 25.

Renumber all SECTIONS consecutively.

(Reference is to HB 1005 as printed January 28, 2014.)

VANDENBURGH

Upon request of Representatives VanDenburgh and Niezgodski, the Speaker ordered the roll of the House to be called. Roll Call 129: yeas 29, nays 62. Motion failed. The bill was ordered engrossed.

House Bill 1009

Representative Koch called down House Bill 1009 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1009-1)

Mr. Speaker: I move that House Bill 1009 be amended to read as follows:

Page 1, line 3, delete "35-33-5-15" and insert "**35-33-5-13**".

Page 1, delete lines 7 through 16.

Page 2, delete lines 1 through 5.

Page 2, line 9, delete "and" and insert ",".

Page 2, line 10, delete "IC 35-46-10,".

Page 2, line 16, delete "35-33-5-0.5(5)." and insert "**35-33-5-0.5(2)**".

Page 2, line 21, delete "35-33-5-0.5(6)." and insert "**35-33-5-0.5(3)**".

Page 3, line 12, delete "35-33-5-0.5(8)." and insert "**35-33-5-0.5(5)**".

Page 3, delete lines 35 through 38, begin a new paragraph and insert:

"(c) The term does not include electronic monitoring through the use of an unmanned aerial vehicle under IC 35-33-5-9."

Page 4, line 1, delete "35-33-5-0.5(9)." and insert "**35-33-5-0.5(6)**".

Page 4, line 5, delete ", IC 35-46-10,".

Page 4, line 19, delete "35-33-5-0.5(10)." and insert "**35-33-5-0.5(7)**".

Page 4, line 23, delete "and IC 35-46-10," and insert ",".

Page 4, line 34, delete "35-33-5-0.5(11)." and insert "**35-33-5-0.5(8)**".

Page 4, line 38, delete "35-33-5-0.5(12)." and insert "**35-33-5-0.5(9)**".

Page 4, delete lines 39 through 42.

Page 5, delete line 1.

Page 5, delete lines 6 through 42, begin a new line block indented and insert:

"(1) "Electronic communication service" means a service that provides users with the ability to send or receive wire or electronic communications.

(2) "Electronic storage" means any storage of electronic user data on a computer, computer network, or computer system regardless of whether the data is subject to recall, further manipulation, deletion, or transmission. "Electronic storage" includes any storage or electronic communication by an electronic

communication service or a remote computing service.
(3) "Electronic user data" means any data or records that are in the possession, care, custody, or control of a provider of an electronic communication service, a remote computing service, or any other service or program that stores, uses, collects, or safeguards electronic user data.

(4) "Governmental entity" has the meaning set forth in IC 35-31.5-2-144. For purposes of this chapter, "governmental entity" also includes a person authorized to act on behalf of a state or local agency.

(5) "Intercept" means to acquire geolocation data through the use of an electronic device, mechanical device, or other device.

(6) "Remote computing service" means the provision to the public of computer storage or processing services by means of an electronic communication service.

(7) "Unmanned aerial vehicle" means an aircraft that:
(A) does not carry a human operator; and
(B) is capable of flight under remote control or autonomous programming.

(8) "Use of an unmanned aerial vehicle" means the use of an unmanned aerial vehicle by a law enforcement officer to obtain evidence relevant to the enforcement of statutes, rules, or regulations. The term includes:

(A) the interception of wire, electronic, or oral communications; and

(B) the capture, collection, monitoring, or viewing of images.

(9) "User" means any person who:

(A) uses an electronic communication service, remote computing service, geolocation information service, or an electronic device; and

(B) may or may not be the person or entity having legal title, claim, or right to the electronic device or electronic user data."

Page 6, delete lines 1 through 26.

Page 6, line 30, delete "sections 11 and" and insert "**section 11**".

Page 6, line 31, delete "13".

Page 7, line 28, strike "or".

Page 7, line 29, delete "(FAX)." and insert "(FAX); or

(4) in writing by electronic mail when signed by the affiant."

Page 7, line 39, after "(a)(3)" insert "**or (a)(4)**".

Page 8, delete lines 17 through 22.

Page 8, line 28, after "officer" insert "**or governmental entity**".

Page 8, line 30, delete "is" and insert ":".

Page 8, delete lines 31 through 34, begin a new line block indented and insert:

"(1) is required due to:

(A) the existence of exigent circumstances necessitating a warrantless search;

(B) the substantial likelihood of a terrorist attack;
(C) the need to conduct a search and rescue operation;

(D) the need to conduct efforts:

(i) in response to; or

(ii) to mitigate;

the results of a natural disaster or any other disaster; or

(E) the need to perform a geographical, an environmental, or any other survey for a purpose that is not a criminal justice purpose; or

(2) will be conducted with the consent of any affected property owner."

Page 9, delete lines 2 through 42, begin a new paragraph and insert:

"SECTION 25. IC 35-33-5-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 11. (a) A law enforcement officer may not compel a user to provide a passkey, password, or keycode to any electronic communication service, electronic device, or electronic storage, or any form of stored electronic user data, without a valid search warrant issued by a judge using search warrant procedures.**

(b) A judge may issue a court order under this section for electronic user data held in electronic storage, including the records and information related to a wire communication or electronic communication held in electronic storage, by a provider of an electronic communication service or a provider of a remote computing service regardless of whether the user data is held at a location in Indiana or at a location in another state.

(c) A judge may issue a court order under this section on a service provider that is a corporation or entity that is incorporated or organized under the laws of Indiana or a company or business entity doing business in Indiana under a contract or terms of a service agreement with an Indiana resident. The service provider shall produce all information sought, as required by the court order.

(d) Any Indiana corporation that provides electronic communication services or remote computing services to the public shall comply with a valid court order issued in another state that is seeking the information described in this section, if the court order is served on the corporation.

SECTION 26. IC 35-33-5-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 12. (a) A law enforcement officer or law enforcement agency may not use a real time tracking instrument that is capable of obtaining geolocation information concerning a cellular device or a device connected to a cellular network unless:**

(1) the law enforcement officer or law enforcement agency has obtained an order issued by a court based upon a finding of probable cause to use the tracking instrument; or

(2) exigent circumstances exist that necessitate using the tracking instrument without first obtaining a court order.

(b) If a law enforcement office or law enforcement agency uses a real time tracking instrument described in subsection (a) based upon the existence of exigent circumstances, the law enforcement officer or law enforcement agency shall seek to obtain an order issued by a court based upon a finding of probable cause as soon as is reasonably possible but not later than ninety-six (96) hours after the initial use of the real time tracking instrument."

Delete pages 10 and 11.

Page 12, delete lines 1 through 9.

Page 12, line 10, delete "35-33-5-15" and insert "35-33-5-13".

Page 12, line 12, delete "15." and insert "13."

Page 12, line 15, delete "search warrant" and insert "court order".

Page 12, line 17, delete "35-33-5-16" and insert "35-33-5-14".

Page 12, line 19, delete "16." and insert "14."

Page 13, delete lines 31 through 35, begin a new paragraph and insert:

"(c) The term does not include an unmanned aerial vehicle (as defined in IC 35-31.5-2-342.3)."

Page 14, line 1, delete "as provided under IC 35-33-5-12".

Page 14, line 7, delete "written".

Page 14, delete lines 9 through 42.

Page 15, delete lines 1 through 26.

Page 15, line 30, delete "issues related to:" and insert ":

(1) issues related to:

(A) searches of electronic devices;

(B) compelling the disclosure of electronic user data;

(C) the collection and use of geolocation information; and

(D) the collection and use of biometric information; by government agencies; and

(2) any other issue concerning digital piracy and related subjects."

Page 15, delete lines 31 through 35.

Renumber all SECTIONS consecutively.

(Reference is to HB 1009 as printed January 28, 2014.)

KOCH

Motion prevailed. The bill was ordered engrossed.

House Bill 1019

Representative Saunders called down House Bill 1019 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1019-2)

Mr. Speaker: I move that House Bill 1019 be amended to read as follows:

Page 4, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 10. IC 14-20-15-4, AS AMENDED BY P.L.229-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 4.** The commission consists of the following members:

(1) Six (6) Two (2) members of the house of representatives, to be appointed by the speaker of the house of representatives. Not more than three (3) The members appointed under this subdivision may not be members of the same political party.

(2) Six (6) Two (2) members of the senate, to be appointed by the president pro tempore of the senate. Not more than three (3) The members appointed under this subdivision may not be members of the same political party.

(3) The governor or the governor's designee.

(4) The director of the department of natural resources or the director's designee.

(5) One (1) employee of the office of tourism development with expertise in the tourism or film industry, to be designated by the director of the office of tourism development.

(6) One (1) member of the Indiana historical society, to be appointed by the governor.

(7) Three (3) Indiana citizens, to be appointed by the governor. Not more than two (2) members appointed under this subdivision may be members of the same political party."

Renumber all SECTIONS consecutively.

(Reference is to HB 1019 as printed January 28, 2014.)

CLERE

Motion prevailed. The bill was ordered engrossed.

The Speaker Pro Tempore yielded the gavel to the Speaker.

House Bill 1027

Representative DeVon called down House Bill 1027 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1027-1)

Mr. Speaker: I move that House Bill 1027 be amended to read as follows:

Delete the title and insert the following:

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

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

"SECTION 1. IC 6-1.1-10-16.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16.3. (a) As used in this section, "eligible property" means a parcel of real property that:

- (1) is owned, occupied, and used by a qualified taxpayer;
- (2) does not have any improvements subject to assessment;
- (3) has not been exempted from property taxes under this chapter for at least ten (10) assessment dates occurring before the March 1, 2014, assessment date; and
- (4) was sold at a tax sale in 2013 and purchased by the county in which the parcel is located.

(b) As used in this section, "qualified taxpayer" refers to a foundation organized as a corporation that is exempt from federal income taxes.

(c) Notwithstanding any other law, an eligible property is exempt from taxation under this article. Before July 1, 2014, a qualified taxpayer may file with the county assessor of the county in which the eligible property is located a property tax exemption application and supporting documents claiming a property tax exemption under this section for the eligible property for each assessment date after December 31, 2007, and before July 1, 2014.

(d) A property tax exemption application filed under subsection (c) by a qualified taxpayer is considered to have been timely filed.

(e) The property tax exemption for the eligible property shall be allowed and granted for each assessment date described in subsection (c) by the county assessor and county auditor without need of any further ruling or action by the county property tax assessment board of appeals of the county in which the eligible property is located or by the Indiana board of tax review.

(f) The qualified taxpayer is not required to pay any:

- (1) property taxes;
- (2) penalties; or
- (3) interest;

resulting from the assessment of the qualified property for any assessment date described in subsection (c).

(g) To the extent the qualified taxpayer has paid:

- (1) any property taxes, penalties, or interest with respect to the eligible property for an assessment date described in subsection (c);
- (2) any amount to redeem the qualified property under IC 6-1.1-25;

the qualified taxpayer is entitled to a refund of the amounts paid. Notwithstanding the filing deadlines for a claim in IC 6-1.1-26, any claim for a refund filed by a qualified taxpayer under this subsection before July 1, 2014, is considered timely filed. The county auditor may make a determination that any refund due under this subsection must be paid in two (2) equal annual installments.

(h) If:

- (1) the county in which the qualified property is issued a tax deed under IC 6-1.1-25 before a property tax exemption application is filed by the qualified taxpayer under subsection (c); and
- (2) the qualified taxpayer files a property tax exemption application under subsection (c) before July 1, 2014;

the county shall relinquish ownership of the qualified property to the qualified taxpayer and issue a quitclaim deed to the qualified taxpayer.

(i) This SECTION expires July 1, 2017."

Page 4, between lines 26 and 27, begin a new paragraph and insert:

"SECTION 4. [EFFECTIVE UPON PASSAGE] (a) This SECTION applies notwithstanding IC 6-1.1-10, IC 6-1.1-11, or any other law or administrative rule or provision.

(b) As used in this SECTION, "eligible property" means a parcel of real property that is owned, occupied, and used by a qualified taxpayer for one (1) or more of the purposes described in IC 6-1.1-10-16.

(c) As used in this SECTION, "qualified taxpayer" refers to a youth baseball association organized as a corporation that is exempt from federal income taxes.

(d) Before July 1, 2014, a qualified taxpayer may file with the county assessor of the county in which the eligible property is located a property tax exemption application and supporting documents claiming a property tax exemption under IC 6-1.1-10-16 and this SECTION for the eligible property for:

- (1) the March 1, 2011, assessment date;
- (2) the March 1, 2012, assessment date; or
- (3) both.

(e) A property tax exemption application filed under subsection (d) by a qualified taxpayer is considered to have been timely filed.

(f) If the county assessor finds that the eligible property would have qualified for an exemption under IC 6-1.1-10-16 for an assessment date described in subsection (d) if the property tax exemption application had been filed under IC 6-1.1-11 in a timely manner for that assessment date:

- (1) the property tax exemption for the eligible property shall be allowed and granted for that assessment date by the county assessor and county auditor without need of any further ruling or action by the county property tax assessment board of appeals of the county in which the eligible property is located or by the Indiana board of tax review; and
- (2) the qualified taxpayer is not required to pay any:
 - (A) property taxes;
 - (B) penalties; or
 - (C) interest;

resulting from the assessment of the qualified property for that assessment date.

(g) To the extent the qualified taxpayer has paid any property taxes, penalties, or interest with respect to the eligible property for an assessment date described in subsection (d), the qualified taxpayer is entitled to a refund of the amounts paid. Notwithstanding the filing deadlines for a claim in IC 6-1.1-26, any claim for a refund filed by a qualified taxpayer under this subsection before July 1, 2014, is considered timely filed. The county auditor may make a determination that any refund due under this SECTION must be paid in two (2) equal annual installments.

(h) This SECTION expires July 1, 2017."

Renumber all SECTIONS consecutively.

(Reference is to HB 1027 as printed January 27, 2014.)

PORTER

Upon request of Representatives Pelath and Porter, the Speaker ordered the roll of the House to be called. Roll Call 130: yeas 30, nays 61. Motion failed. The bill was ordered engrossed.

House Bill 1033

Representative Torr called down House Bill 1033 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1033-1)

Mr. Speaker: I move that House Bill 1033 be amended to read as follows:

Page 6, delete lines 12 through 42, begin a new paragraph and insert:

"SECTION 7. IC 5-3-1-4, AS AMENDED BY P.L.141-2009, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) Whenever officers of a political subdivision are required to publish a notice affecting the political subdivision, **and two (2) or more newspapers are published in the political subdivision, they shall publish the notice in two (2) newspapers. However, if one (1) or more qualified publications are published in the political subdivision in addition to two (2) or more newspapers, the officers may publish the notice in:**

- (1) **two (2) newspapers;**
- (2) **two (2) qualified publications (if two (2) qualified publications are published in the political subdivision); or**
- (3) **one (1) newspaper and one (1) qualified publication;**

published in the political subdivision.

(b) This subsection applies to notices published by county officers. If there is only one (1) newspaper published in the county, then publication in that newspaper alone is sufficient. **However, if one (1) or more qualified publications are published in the political subdivision in addition to the one (1) newspaper, then publication may be made instead in one (1) qualified publication.**

(c) This subsection applies to notices published by city, town, or school corporation officers. If there is only one (1) newspaper published in the municipality or school corporation, then publication in that newspaper or alone is sufficient. **However, if one (1) or more qualified publications are published in the municipality or school corporation in addition to the one (1) newspaper, then publication may be made instead in a qualified publication.** If no newspaper is published in the municipality or school corporation, then publication shall be made in a newspaper:

- (1) published in the county in which the municipality or school corporation is located; and
- (2) that circulates within the municipality or school corporation.

However if, one (1) or more qualified publications are published in the county that meet the requirements of subdivisions (1) and (2), in addition to a newspaper, then publication may be made in one (1) qualified publication instead of in a newspaper.

(d) This subsection applies to notices published by officers of political subdivisions not covered by subsection (a) or (b). If there is only one (1) newspaper published in the political subdivision, then the notice shall be published in that newspaper. **However if, one (1) or more qualified publications are published in the county in addition to the one (1) newspaper, then publication may be made instead in a qualified publication.** If no newspaper is published in the political subdivision, then publication shall be made in a newspaper:

- (1) published in the county; and
- (2) that circulates within the political subdivision.

However if, one (1) or more qualified publications are published in the county that meet the requirements of subdivisions (1) and (2), in addition to a newspaper, then publication may be made instead in one (1) qualified publication.

(e) This subsection applies to a political subdivision, including a city, town, or school corporation. Notwithstanding any other law, if a political subdivision has territory in more than one (1) county, public notices that are required by law or ordered to be published must be given as follows:

- (1) By publication in two (2) newspapers, **if two (2) or more newspapers are published within the boundaries of the political subdivision. However, if one (1) or more qualified publications are published in the political subdivision in addition to two (2) or more newspapers,**

the officers may publish the notice in:

- (A) **two (2) newspapers;**
- (B) **two (2) qualified publications (if two (2) qualified publications are published in the political subdivision); or**
- (C) **one (1) newspaper and one (1) qualified publication.**

(2) If only one (1) newspaper is published within the boundaries of the political subdivision, by publication in **both of the following:**

- (A) **In that the newspaper published within the boundaries of the political subdivision. and However, if one (1) or more qualified publications are published within the boundaries of the political subdivision in addition to the one (1) newspaper, publication may be made instead in one (1) qualified publication.**
- (B) **In some other another newspaper or qualified publication:**

- ~~(A)~~ (i) published in any county in which the political subdivision extends; and
- ~~(B)~~ (ii) that has a general circulation in the political subdivision.

(3) If no newspaper is published within the boundaries of the political subdivision, by publication in two (2) newspapers that:

- (A) are published in any counties into which the political subdivision extends; and
- (B) have a general circulation in the political subdivision.

However if, in addition to the two (2) newspapers, one (1) or more qualified publications are published that meet the requirements of clauses (A) and (B), publication may be made instead by publishing in two (2) qualified publications or one (1) newspaper and one (1) qualified publication.

(4) If only one (1) newspaper is published in any of the counties into which the political subdivision extends, by publication in that newspaper if it circulates within the political subdivision. **However if, in addition to the one (1) newspaper, one (1) or more qualified publications are published in any of the counties into which the political subdivision extends and that circulate within the political subdivision, publication may be made instead by publishing in one (1) qualified publication.**

(f) A political subdivision may, in its discretion, publish public notices in a qualified publication or additional newspapers to provide supplementary notification to the public. The cost of publishing supplementary notification is a proper expenditure of the political subdivision.

SECTION 8. IC 5-3-1-6, AS AMENDED BY P.L.177-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) In all cases where notices are required by law to be published in the public newspaper **or qualified publication** by or under the supervision of any state officer, board, commission, or institution of the state of Indiana, said notices are hereby required to be published in ~~each of~~ two (2) daily newspapers published in the city of Indianapolis and in ~~such~~ other cities as is required by law. **However, if one (1) or more qualified publications are published in the city of Indianapolis in addition to the two (2) daily newspapers, publication may be made instead in two (2) qualified publications or one (1) newspaper and one (1) qualified publication.**

(b) ~~said~~ **The notices described in subsection (a) are to be in all cases published in two (2) newspapers in each city where they the notices are required to be published. However, if one (1) or more qualified publications are published in a city in addition to the two (2) newspapers, publication may be made instead in two (2) qualified publications or one (1)**

newspaper and one (1) qualified publication. In all cases where the officer, board, commission, or institution making ~~said~~ **the publication of notice** is located outside of the city of Indianapolis, ~~said~~ **the notices** shall also be published in newspapers or **qualified publications** published within the county where ~~said~~ **the officer, board, commission, or institution** maintains its office. The rate charged for all ~~such~~ notices and advertising shall be the same as is set out in section 1 of this chapter.

~~(b)~~ **(c)** In addition to the requirements of subsection (a), a state officer, board, commission, or institution of the state of Indiana that is required by law to publish a notice of a public meeting shall also provide electronic access to the notice through the computer gateway administered by the office of technology established by IC 4-13.1-2-1."

Renumber all SECTIONS consecutively.
(Reference is to HB 1033 as printed January 28, 2014.)

TORR

Motion prevailed. The bill was ordered engrossed.

House Bill 1046

Representative Cherry called down House Bill 1046 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1046-1)

Mr. Speaker: I move that House Bill 1046 be amended to read as follows:

Page 3, between lines 29 and 30, begin a new paragraph and insert:

"(i) Before January 1, 2015, and each year thereafter, the department of local government finance shall prepare a report containing the following information:

- (1) The number of counties that have adopted an ordinance under subsection (c) in the preceding twelve (12) months.**
- (2) The total number of counties that have adopted an ordinance under subsection (c) as of the date of the report.**
- (3) The total number of counties that have adopted an ordinance under subsection (c) which also required a person receiving a deduction under this section to pay an annual public safety fee.**

The department of local government finance shall make the report available electronically through the Indiana transparency Internet web site established under IC 5-14-3.8."

(Reference is to HB 1046 as printed January 28, 2014.)

PORTER

Motion failed.

HOUSE MOTION
(Amendment 1046-2)

Mr. Speaker: I move that House Bill 1046 be amended to read as follows:

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

"SECTION 1. IC 5-29-3-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.5. As used in this chapter, "mortise and tenon barn" means a barn that:

- (1) was built using heavy wooden timbers, joined together with wood-pegged mortise and tenon joinery, that form an exposed structural frame;**
- (2) was originally placed in service for an agricultural purpose before 1936; and**
- (3) has substantially the same size, design, and construction as the original structure.**

SECTION 2. IC 5-29-3-4, AS ADDED BY P.L.229-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The tourism information and promotion fund is established within the state treasury. The fund shall be used for the purposes of this chapter.

(b) The fund consists of appropriations from the general assembly and gifts, donations, bequests, devises, and contributions received by the office.

(c) The office shall administer the fund. The following may be paid from money in the fund:

- (1) Grants.
- (2) Expenses of administering the fund.
- (3) Nonrecurring administrative expenses incurred to carry out the purposes of this chapter.
- (4) Expenses incurred to promote mortise and tenon barns under section 9 of this chapter.**

(d) The money in the fund at the end of a state fiscal year does not revert to the state general fund but remains in the fund.

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

SECTION 3. IC 5-29-3-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. Before July 1, 2015, the office shall, using only the resources available to the office under P.L.205-2013 and this chapter, develop print and electronic media promoting tourism, visitation, and other hospitality opportunities that feature mortise and tenon barns located in Indiana."

Renumber all SECTIONS consecutively.
(Reference is to HB 1046 as printed January 28, 2014.)

PORTER

Motion prevailed. The bill was ordered engrossed.

House Bill 1097

Representative Frizzell called down House Bill 1097 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1097-1)

Mr. Speaker: I move that House Bill 1097 be amended to read as follows:

Page 2, between lines 5 and 6, begin a new line block indented and insert:

"(4) The person applies the established standard of care in the health care provider's profession when providing health care services under this section."

Page 2, line 9, delete "even if the" and insert "to".

Page 2, line 10, after "services" insert "that".

Page 2, line 11, delete "medial clinic or" and insert **"physician's office,"**

Page 2, line 11, delete "." and insert **", or any permanent facility whose primary purpose is the provision of health care services."**

(Reference is to HB 1097 as printed January 28, 2014.)

KOCH

Motion prevailed. The bill was ordered engrossed.

House Bill 1108

Representative Harman called down House Bill 1108 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1108-2)

Mr. Speaker: I move that House Bill 1108 be amended to read as follows:

Page 1, between lines 12 and 13, begin a new line block indented and insert:

"(3) The executive of the most populous municipality in the county or the executive's designee.

(4) One (1) member of the county fiscal body, appointed by the county fiscal body."

Page 1, line 13, delete "(3)" and insert "(5)".

Page 1, line 13, delete "Two (2) judges" and insert **"One (1) judge"**.

Page 1, line 14, delete "judges' designees." and insert **"appointed judge's designee."**

Page 1, line 15, delete "(4)" and insert "(6)".

Page 2, line 1, delete "(5)" and insert "(7)".

Page 2, between lines 3 and 4, begin a new line block indented and insert:

"(8) One (1) victim, or victim advocate if available, appointed by the county executive."

Page 2, line 4, delete "(6)" and insert "(9)".

Page 2, line 6, delete "(7)" and insert "(10)".

Page 2, line 8, delete "(8)" and insert "(11)".

Page 2, between lines 10 and 11, begin a new line block indented and insert:

"(12) Two (2) lay persons appointed by the county executive, at least one (1) of whom must be a member of a minority race if a racial minority resides in the county and a member of that minority is willing to serve."

(Reference is to HB 1108 as printed January 24, 2014.)

MOED

Motion prevailed. The bill was ordered engrossed.

House Bill 1141

Representative McNamara called down House Bill 1141 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1141-1)

Mr. Speaker: I move that House Bill 1141 be amended to read as follows:

Page 3, line 4, reset in roman "and".

Page 3, line 5, reset in roman "in accordance with subsections".

Page 3, line 5, after "(i)," insert **"(f) and (g),"**.

Page 3, reset in roman lines 23 through 42.

Page 3, line 23, strike "(h)" and insert **"(f)"**.

Page 4, reset in roman lines 1 through 25.

Page 4, line 10, strike "(i)" and insert **"(g)"**.

(Reference is to HB 1141 as printed January 28, 2014.)

M McNAMARA

Motion prevailed. The bill was ordered engrossed.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 1:15 p.m. with the Speaker in the Chair.

Upon request of Representative Porter, the Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum. Roll Call 131: 67 present. The Speaker declared a quorum present.

HOUSE BILLS ON SECOND READING

House Bill 1196

Representative Truitt called down House Bill 1196 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1196-1)

Mr. Speaker: I move that House Bill 1196 be amended to read as follows:

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

"Sec. 2. This article expires July 1, 2019."

Page 3, between lines 19 and 20, begin a new line block indented and insert:

"(4) An overview of the project and selection process, including the following:

(A) A description of the project, including the size and function of the facility that is the subject of the project, the approximate budget, and the anticipated schedule.

(B) A description of the selection process, including the process for communication between the state educational institution and the offerors, the schedule for the selection process, and a description of submission requirements.

(5) The general qualifications for prospective offerors, including:

(A) appropriate experience with similar projects;

(B) team experience;

(C) organizational resources;

(D) licensing requirements;

(E) financial strength and bonding capacity;

(F) an offeror's history of contracting with or hiring minority, women, and veteran business enterprises; and

(G) litigation and disputes history during the previous ten (10) years.

(6) The project qualifications for prospective offerors, including:

(A) team experience with the facility or building type that is the subject of the project;

(B) team performance record, including quality, schedule, and costs of similar projects in the most recent five (5) years;

(C) proposed team composition and experience working together;

(D) current capacity to manage the project; and

(E) client references."

Page 3, line 20, after "4." insert **"(a) The evaluation committee must consist of at least three (3) of the following individuals:**

(1) A representative of the state educational institution.

(2) At least two (2) of the following:

(A) An architect registered under IC 25-4, who may be an employee of the state educational institution.

(B) A professional engineer registered under IC 25-31, who may be an employee of the state educational institution.

(C) A qualified contractor under IC 4-13.6 or an individual employed by a qualified contractor.

A member of the evaluation committee may not be employed by, or have a financial or other interest in, an offeror whose proposal being evaluated.

(b)".

Page 3, between lines 26 and 27, begin a new paragraph and insert:

"Sec. 6. The evaluation committee shall conduct a public meeting under IC 5-14-1.5 when making the final selection of the CMc."

Page 3, line 27, delete "6" and insert "7".

Page 4, delete lines 4 through 6.

Page 4, line 7, delete "4" and insert "3".

Page 4, line 10, delete "5" and insert "4".

Page 4, line 12, delete "6" and insert "5".

Page 4, line 15, delete "7" and insert "6".

Page 4, line 29, delete "8" and insert "7".

Page 4, between lines 31 and 32, begin a new paragraph and insert:

"Sec. 8. The CMc may perform a part of the work at the discretion of the state educational institution. If the CMc performs a part of the work, the CMc may not perform more than twenty percent (20%) of the value of the project."

Page 5, delete lines 5 through 24.

Page 5, line 25, delete "4" and insert "3".

Page 5, line 29, delete "5" and insert "4".

(Reference is to HB 1196 as printed January 28, 2014.)

TRUITT

Motion prevailed. The bill was ordered engrossed.

House Bill 1204

Representative Huston called down House Bill 1204 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1204-1)

Mr. Speaker: I move that House Bill 1204 be amended to read as follows:

Page 2, between lines 10 and 11, begin a new paragraph and insert:

"(d) A parent, guardian, guardian ad litem, or court appointed special guardian who prepares a written request under this section shall sign an authorization for the release of mental health records, as may be requested by the provider in satisfaction of any requirements under the Health Insurance Portability and Accountability Act (42 U.S.C. 201 et seq., as amended and including governing regulations) and state law. A provider that discloses information and records to a school principal or school leader as requested under this chapter is immune from civil, criminal, and administrative liability for the disclosure to the school principal or school leader. The authorization required by the provider may confirm the provider's immunity."

Page 2, line 12, after "3." insert "(a)".

Page 2, line 28, delete ", and the principal may use" and insert ".".

Page 2, delete lines 29 through 30, begin a new paragraph and insert:

"(b) A school principal or school leader who receives information and mental health records under this chapter shall sign a confidentiality agreement prescribed by the provider confirming that the information and mental health records released by the provider may not be disclosed by the principal except to the minimum necessary extent required to:

- (1) inform necessary school staff of the principal's or school leader's decision regarding the student's fitness for school attendance and participation in services; or**
- (2) satisfy duties imposed upon the principal or school leader by law."**

(Reference is to HB 1204 as printed January 28, 2014.)

FORESTAL

Motion prevailed. The bill was ordered engrossed.

House Bill 1211

Representative T. Brown called down House Bill 1211 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1211-1)

Mr. Speaker: I move that House Bill 1211 be amended to read as follows:

Page 17, line 32, delete "one thousand five hundred dollars (\$1,500)" and insert **"two thousand dollars (\$2,000)"**.

(Reference is to HB 1211 as printed January 28, 2014.)

T. BROWN

Motion prevailed.

HOUSE MOTION
(Amendment 1211-3)

Mr. Speaker: I move that House Bill 1211 be amended to read as follows:

Page 17, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 2. IC 6-3.1-21-6, AS AMENDED BY P.L.229-2011, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2014 (RETROACTIVE)]: Sec. 6. (a) Except as provided by subsection (b), an individual who is eligible for an earned income tax credit under Section 32 of the Internal Revenue Code, as it existed before being amended by the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (P.L. 111-312), is eligible for a credit under this chapter equal to ~~nine ten~~ percent (~~9%~~) (10%**) of the amount of the federal earned income tax credit that the individual:**

(1) is eligible to receive in the taxable year; and

(2) claimed for the taxable year;

under Section 32 of the Internal Revenue Code as it existed before being amended by the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (P.L. 111-312).

(b) In the case of a nonresident taxpayer or a resident taxpayer residing in Indiana for a period of less than the taxpayer's entire taxable year, the amount of the credit is equal to the product of:

(1) the amount determined under subsection (a); multiplied by

(2) the quotient of the taxpayer's income taxable in Indiana divided by the taxpayer's total income.

(c) If the credit amount exceeds the taxpayer's adjusted gross income tax liability for the taxable year, the excess, less any advance payments of the credit made by the taxpayer's employer under IC 6-3-4-8 that reduce the excess, shall be refunded to the taxpayer."

Page 17, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 5. [EFFECTIVE JANUARY 1, 2014 (RETROACTIVE)]: (a) IC 6-3.1-21-6, as amended by this act, applies to taxable years beginning after December 31, 2013.

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

Renumber all SECTIONS consecutively.

(Reference is to HB 1211 as printed January 28, 2014.)

PORTER

Upon request of Representatives Pelath and Pierce, the Speaker ordered the roll of the House to be called. Roll Call 132: yeas 28, nays 64. Motion failed.

HOUSE MOTION
(Amendment 1211-4)

Mr. Speaker: I move that House Bill 1211 be amended to read as follows:

Page 17, between lines 24 and 25, begin a new paragraph and insert:

"SECTION 3. IC 22-2-2-4, AS AMENDED BY P.L.165-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) Every employer employing four (4) or more employees during a work week shall:

(1) in any work week beginning on or after July 1, 1968, in which the employer is subject to the provisions of this chapter, pay each of the employer's employees wages of not less than one dollar and twenty-five cents (\$1.25) per hour;

(2) in any work week beginning on or after July 1, 1977, in which the employer is subject to this chapter, pay each of the employer's employees wages of not less than one dollar and fifty cents (\$1.50) per hour;

(3) in any work week beginning on or after January 1, 1978, in which the employer is subject to this chapter, pay each of the employer's employees wages of not less than one dollar and seventy-five cents (\$1.75) per hour; and

(4) in any work week beginning on or after January 1, 1979, in which the employer is subject to this chapter, pay each of the employer's employees wages of not less than two dollars (\$2) per hour.

(b) Except as provided in subsection (c), every employer employing at least two (2) employees during a work week shall, in any work week in which the employer is subject to this chapter, pay each of the employees in any work week beginning on and after July 1, 1990, and before October 1, 1998, wages of not less than three dollars and thirty-five cents (\$3.35) per hour.

(c) An employer subject to subsection (b) is permitted to apply a "tip credit" in determining the amount of cash wage paid to tipped employees. In determining the wage an employer is required to pay a tipped employee, the amount paid the employee by the employee's employer shall be an amount equal to:

(1) the cash wage paid the employee, which for purposes of the determination shall be not less than the cash wage required to be paid to employees covered under the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 203(m)(1)) on August 20, 1996, which amount is two dollars and thirteen cents (\$2.13) an hour, **as adjusted under subsection (x)**; and

(2) an additional amount on account of the tips received by the employee, which amount is equal to the difference between the wage specified in subdivision (1) and the wage in effect under subsections (b), (f), (g), and (h).

An employer is responsible for supporting the amount of tip credit taken through reported tips by the employees.

(d) No employer having employees subject to any provisions of this section shall discriminate, within any establishment in which employees are employed, between employees on the basis of sex by paying to employees in such establishment a rate less than the rate at which the employer pays wages to employees of the opposite sex in such establishment for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions, except where such payment is made pursuant to:

- (1) a seniority system;
- (2) a merit system;
- (3) a system which measures earnings by quantity or quality of production; or
- (4) a differential based on any other factor other than sex.

(e) An employer who is paying a wage rate differential in violation of subsection (d) shall not, in order to comply with subsection (d), reduce the wage rate of any employee, and no labor organization, or its agents, representing employees of an employer having employees subject to subsection (d) shall cause or attempt to cause such an employer to discriminate against an employee in violation of subsection (d).

(f) Except as provided in subsection (c), every employer employing at least two (2) employees during a work week shall, in any work week in which the employer is subject to this chapter, pay each of the employees in any work week beginning on or after October 1, 1998, and before March 1, 1999, wages of not less than four dollars and twenty-five cents (\$4.25) per hour.

(g) Except as provided in subsections (c) and (j), every employer employing at least two (2) employees during a work week shall, in any work week in which the employer is subject to this chapter, pay each of the employees in any work week beginning on or after March 1, 1999, and before July 1, 2007, wages of not less than five dollars and fifteen cents (\$5.15) an hour.

(h) Except as provided in subsections (c) and (j), every employer employing at least two (2) employees during a work

week shall, in any work week in which the employer is subject to this chapter, pay each of the employees in any work week beginning on or after June 30, 2007, wages of not less than the minimum wage payable under the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201 et seq.), **as adjusted under subsection (x)**.

(i) This section does not apply if an employee:

(1) provides companionship services to the aged and infirm (as defined in 29 CFR 552.6); and

(2) is employed by an employer or agency other than the family or household using the companionship services, as provided in 29 CFR 552.109 (a).

(j) This subsection applies only to an employee who has not attained the age of twenty (20) years. Instead of the rates prescribed by subsections (c), (f), (g), and (h), an employer may pay an employee of the employer, during the first ninety (90) consecutive calendar days after the employee is initially employed by the employer, a wage which is not less than:

(1) four dollars and twenty-five cents (\$4.25) per hour, effective March 1, 1999; and

(2) the amount payable under the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201 et seq.), **as adjusted under subsection (x)**, during the first ninety (90) consecutive calendar days after initial employment to an employee who has not attained twenty (20) years of age, effective July 1, 2007.

However, no employer may take any action to displace employees (including partial displacements such as reduction in hours, wages, or employment benefits) for purposes of hiring individuals at the wage authorized in this subsection.

(k) Except as otherwise provided in this section, no employer shall employ any employee for a work week longer than forty (40) hours unless the employee receives compensation for employment in excess of the hours above specified at a rate not less than one and one-half (1.5) times the regular rate at which the employee is employed.

(l) For purposes of this section the following apply:

(1) "Overtime compensation" means the compensation required by subsection (k).

(2) "Compensatory time" and "compensatory time off" mean hours during which an employee is not working, which are not counted as hours worked during the applicable work week or other work period for purposes of overtime compensation, and for which the employee is compensated at the employee's regular rate.

(3) "Regular rate" means the rate at which an employee is employed is considered to include all remuneration for employment paid to, or on behalf of, the employee, but is not considered to include the following:

(A) Sums paid as gifts, payments in the nature of gifts made at Christmas time or on other special occasions, as a reward for service, the amounts of which are not measured by or dependent on hours worked, production, or efficiency.

(B) Payments made for occasional periods when no work is performed due to vacation, holiday, illness, failure of the employer to provide sufficient work, or other similar cause, reasonable payments for traveling expenses, or other expenses, incurred by an employee in the furtherance of the employer's interests and properly reimbursable by the employer, and other similar payments to an employee which are not made as compensation for the employee's hours of employment.

(C) Sums paid in recognition of services performed during a given period if:

(i) both the fact that payment is to be made and the amount of the payment are determined at the sole discretion of the employer at or near the end of the period and not pursuant to any prior contract,

agreement, or promise causing the employee to expect the payments regularly;

(ii) the payments are made pursuant to a bona fide profit sharing plan or trust or bona fide thrift or savings plan, meeting the requirements of the administrator set forth in appropriately issued regulations, having due regard among other relevant factors, to the extent to which the amounts paid to the employee are determined without regard to hours of work, production, or efficiency; or

(iii) the payments are talent fees paid to performers, including announcers, on radio and television programs.

(D) Contributions irrevocably made by an employer to a trustee or third person pursuant to a bona fide plan for providing old age, retirement, life, accident, or health insurance or similar benefits for employees.

(E) Extra compensation provided by a premium rate paid for certain hours worked by the employee in any day or work week because those hours are hours worked in excess of eight (8) in a day or in excess of the maximum work week applicable to the employee under subsection (k) or in excess of the employee's normal working hours or regular working hours, as the case may be.

(F) Extra compensation provided by a premium rate paid for work by the employee on Saturdays, Sundays, holidays, or regular days of rest, or on the sixth or seventh day of the work week, where the premium rate is not less than one and one-half (1.5) times the rate established in good faith for like work performed in nonovertime hours on other days.

(G) Extra compensation provided by a premium rate paid to the employee, in pursuance of an applicable employment contract or collective bargaining agreement, for work outside of the hours established in good faith by the contract or agreement as the basic, normal, or regular workday (not exceeding eight (8) hours) or work week (not exceeding the maximum work week applicable to the employee under subsection (k)) where the premium rate is not less than one and one-half (1.5) times the rate established in good faith by the contract or agreement for like work performed during the workday or work week.

(m) No employer shall be considered to have violated subsection (k) by employing any employee for a work week in excess of that specified in subsection (k) without paying the compensation for overtime employment prescribed therein if the employee is so employed:

(1) in pursuance of an agreement, made as a result of collective bargaining by representatives of employees certified as bona fide by the National Labor Relations Board, which provides that no employee shall be employed more than one thousand forty (1,040) hours during any period of twenty-six (26) consecutive weeks; or

(2) in pursuance of an agreement, made as a result of collective bargaining by representatives of employees certified as bona fide by the National Labor Relations Board, which provides that during a specified period of fifty-two (52) consecutive weeks the employee shall be employed not more than two thousand two hundred forty (2,240) hours and shall be guaranteed not less than one thousand eight hundred forty (1,840) hours (or not less than forty-six (46) weeks at the normal number of hours worked per week, but not less than thirty (30) hours per week) and not more than two thousand eighty (2,080) hours of employment for which the employee shall receive compensation for all hours guaranteed or worked at rates not less than those applicable under the agreement to the

work performed and for all hours in excess of the guaranty which are also in excess of the maximum work week applicable to the employee under subsection (k) or two thousand eighty (2,080) in that period at rates not less than one and one-half (1.5) times the regular rate at which the employee is employed.

(n) No employer shall be considered to have violated subsection (k) by employing any employee for a work week in excess of the maximum work week applicable to the employee under subsection (k) if the employee is employed pursuant to a bona fide individual contract, or pursuant to an agreement made as a result of collective bargaining by representatives of employees, if the duties of the employee necessitate irregular hours of work, and the contract or agreement includes the following:

(1) Specifies a regular rate of pay of not less than the minimum hourly rate provided in subsections (c), (h), and (j) (whichever is applicable) and compensation at not less than one and one-half (1.5) times that rate for all hours worked in excess of the maximum work week.

(2) Provides a weekly guaranty of pay for not more than sixty (60) hours based on the rates so specified.

(o) No employer shall be considered to have violated subsection (k) by employing any employee for a work week in excess of the maximum work week applicable to the employee under that subsection if, pursuant to an agreement or understanding arrived at between the employer and the employee before performance of the work, the amount paid to the employee for the number of hours worked by the employee in the work week in excess of the maximum work week applicable to the employee under that subsection:

(1) in the case of an employee employed at piece rates, is computed at piece rates not less than one and one-half (1.5) times the bona fide piece rates applicable to the same work when performed during nonovertime hours;

(2) in the case of an employee performing two (2) or more kinds of work for which different hourly or piece rates have been established, is computed at rates not less than one and one-half (1.5) times those bona fide rates applicable to the same work when performed during nonovertime hours; or

(3) is computed at a rate not less than one and one-half (1.5) times the rate established by the agreement or understanding as the basic rate to be used in computing overtime compensation thereunder, provided that the rate so established shall be substantially equivalent to the average hourly earnings of the employee, exclusive of overtime premiums, in the particular work over a representative period of time;

and if the employee's average hourly earnings for the work week exclusive of payments described in this section are not less than the minimum hourly rate required by applicable law, and extra overtime compensation is properly computed and paid on other forms of additional pay required to be included in computing the regular rate.

(p) Extra compensation paid as described in this section shall be creditable toward overtime compensation payable pursuant to this section.

(q) No employer shall be considered to have violated subsection (k) by employing any employee of a retail or service establishment for a work week in excess of the applicable work week specified therein, if:

(1) the regular rate of pay of the employee is in excess of one and one-half (1.5) times the minimum hourly rate applicable to the employee under section 2 of this chapter; and

(2) more than half of the employee's compensation for a representative period (not less than one (1) month) represents commissions on goods or services.

In determining the proportion of compensation representing

commissions, all earnings resulting from the application of a bona fide commission rate shall be considered commissions on goods or services without regard to whether the computed commissions exceed the draw or guarantee.

(r) No employer engaged in the operation of a hospital or an establishment which is an institution primarily engaged in the care of the sick, the aged, or individuals with a mental illness or defect who reside on the premises shall be considered to have violated subsection (k) if, pursuant to an agreement or understanding arrived at between the employer and the employee before performance of the work, a work period of fourteen (14) consecutive days is accepted in lieu of the work week of seven (7) consecutive days for purposes of overtime computation and if, for the employee's employment in excess of eight (8) hours in any workday and in excess of eighty (80) hours in that fourteen (14) day period, the employee receives compensation at a rate not less than one and one-half (1.5) times the regular rate at which the employee is employed.

(s) No employer shall employ any employee in domestic service in one (1) or more households for a work week longer than forty (40) hours unless the employee receives compensation for that employment in accordance with subsection (k).

(t) In the case of an employee of an employer engaged in the business of operating a street, a suburban or interurban electric railway, or a local trolley or motorbus carrier (regardless of whether or not the railway or carrier is public or private or operated for profit or not for profit), in determining the hours of employment of such an employee to which the rate prescribed by subsection (k) applies, there shall be excluded the hours the employee was employed in charter activities by the employer if both of the following apply:

- (1) The employee's employment in the charter activities was pursuant to an agreement or understanding with the employer arrived at before engaging in that employment.
- (2) If employment in the charter activities is not part of the employee's regular employment.

(u) Any employer may employ any employee for a period or periods of not more than ten (10) hours in the aggregate in any work week in excess of the maximum work week specified in subsection (k) without paying the compensation for overtime employment prescribed in subsection (k), if during that period or periods the employee is receiving remedial education that:

- (1) is provided to employees who lack a high school diploma or educational attainment at the eighth grade level;
- (2) is designed to provide reading and other basic skills at an eighth grade level or below; and
- (3) does not include job specific training.

(v) Subsection (k) does not apply to an employee of a motion picture theater.

(w) Subsection (k) does not apply to an employee of a seasonal amusement or recreational establishment, an organized camp, or a religious or nonprofit educational conference center that is exempt under the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 213).

(x) As used in this subsection, "CPI" refers to the Consumer Price Index, all items, all urban consumers, as published by the United States Bureau of Labor Statistics, United States Department of Labor, or its successor index. After June 30, 2014, the amount of the hourly wage paid under subsection (c)(1), (h), or (j)(2) shall be increased each July 1 by an amount determined by the department under STEP FOUR of the following formula:

STEP ONE: Determine the percentage change between the CPI as of the last day of the immediately preceding state fiscal year and the CPI as of the last day of the state fiscal year before the preceding state fiscal year.
STEP TWO: Express the percentage change determined in STEP ONE as a two (2) digit decimal

rounded to the nearest hundredth. A negative percentage change under this STEP must be treated as zero (0).

STEP THREE: Multiply the percentage change determined in STEP TWO by the hourly wage amount paid under subsection (c)(1), (h), or (j)(2), as adjusted under this subsection, during the immediately preceding state fiscal year.

STEP FOUR: Add the STEP THREE product to the hourly wage amount paid under subsection (c)(1), (h), or (j)(2), as adjusted under this subsection, during the immediately preceding state fiscal year."

Renumber all SECTIONS consecutively.

(Reference is to HB 1211 as printed January 28, 2014.)

PRYOR

Representative Torr rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. After discussion, Representative Pryor withdrew the motion.

There being no further amendments the bill was ordered engrossed.

House Bill 1213

Representative McNamara called down House Bill 1213 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1215

Representative Clere called down House Bill 1215 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1215-1)

Mr. Speaker: I move that House Bill 1215 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning taxation.

Delete everything after the enacting clause and insert the following:

SECTION 1. [EFFECTIVE JULY 1, 2014] (a) As used in this SECTION, "commission" refers to the commission on state tax and financing policy established by IC 2-5-3-2.

(b) The commission shall compare the effectiveness of tax credits to the effectiveness of grant programs in encouraging the preservation and commercial redevelopment of historic properties.

(c) The commission shall submit its findings and recommendations, if any, to the legislative council in an electronic format under IC 5-14-6 before November 1, 2014.

(d) This SECTION expires January 1, 2015.

(Reference is to HB 1215 as printed January 28, 2014.)

CLERE

Motion prevailed. The bill was ordered engrossed

House Bill 1216

Representative Truitt called down House Bill 1216 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Representative Carbaugh is excused.

House Bill 1222

Representative Kubacki called down House Bill 1222 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1222-1)

Mr. Speaker: I move that House Bill 1222 be amended to read as follows:

Page 1, line 9, delete ":" and insert "**one hundred percent (100%) of**".

Page 1, line 10, delete "(1)".
 Page 1, line 12, delete "; multiplied by" and insert ".".
 Page 1, run in lines 9 through 12.
 Page 1, delete line 13.
 (Reference is to HB 1222 as printed January 27, 2014.)

PORTER

Upon request of Representatives Pelath and GiaQuinta, the Speaker ordered the roll of the House to be called. Roll Call 133: yeas 27, nays 63. Motion failed.

HOUSE MOTION
 (Amendment 1222-2)

Mr. Speaker: I move that House Bill 1222 be amended to read as follows:

Page 3, line 3, delete "privatizing" and insert "**public and private**".

Page 3, line 3, delete "the public".

Page 3, line 13, delete "and".

Page 3, line 14, delete "services." and insert "**services; and (C) legislative council in an electronic format under IC 5-14-6.**".

(Reference is to HB 1222 as printed January 27, 2014.)

RIECKEN

Motion prevailed. The bill was ordered engrossed.

Representative Carbaugh who was excused is now present.

House Bill 1229

Representative Kirchhofer called down House Bill 1229 for second reading. The bill was read a second time by title.

HOUSE MOTION
 (Amendment 1229-1)

Mr. Speaker: I move that House Bill 1229 be amended to read as follows:

Page 8, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 2. IC 36-3-1-6.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 6.4. (a) If a majority of voters in a township who vote in a referendum under this section votes "yes" on the referendum question in subsection (b):**

(1) the mayor of the consolidated city shall adopt a resolution; and

(2) the legislative body of the consolidated city shall adopt an ordinance;

under section 6.1 of this chapter consolidating the fire department of the township and any fire protection territory that is located in the township into the fire department of the consolidated city.

(b) The question to be submitted to the voters in each township in the referendum must read as follows:

"Should (insert the name of the township) Township consolidate the fire department of (insert name of township) Township with the Indianapolis Fire Department?"

(c) The county legislative body may act under IC 3-10-9-3 to certify the question to be voted on at the referendum under this chapter to the county election board. The county clerk shall, upon receiving the question certified by the county legislative body under subsection (b), call a meeting of the county election board to make arrangements for the referendum to be conducted in each township that has not consolidated its fire department with the fire department of the consolidated city.

(d) The referendum shall be held in the next general election after certification of the question under IC 3-10-9-3.

(e) Not less than ten (10) days before the date on which the referendum is to be held, the county election board shall cause notice of the question that is to be voted upon at the

referendum to be published in accordance with IC 5-3-1. The county election board shall cause the question certified to the circuit court clerk by the county legislative body to be placed on the ballot in the form prescribed by IC 3-10-9-4.

(f) Each precinct election board shall count the affirmative votes and the negative votes cast in the referendum under this chapter and shall certify those two (2) totals to the county election board of the county. The circuit court clerk of the county shall, immediately after the votes cast in the referendum have been counted, certify the results of the referendum in each township to the appropriate township legislative body and the county legislative body."

(Reference is to HB 1229 as printed January 28, 2014.)

MOED

Motion withdrawn. The bill was ordered engrossed.

House Bill 1231

Representative Carbaugh called down House Bill 1231 for second reading. The bill was read a second time by title.

HOUSE MOTION
 (Amendment 1231-1)

Mr. Speaker: I move that House Bill 1231 be amended to read as follows:

Page 2, delete lines 12 through 13.

Page 2, line 14, delete "(ii)" and insert "**(i)**".

Page 2, line 15, delete "1982, and before January 1, 1995;" and insert "**1982**";.

Page 2, line 16, delete "(iii)" and insert "**(ii)**".

Page 3, delete lines 28 through 29.

Page 3, line 30, delete "(ii)" and insert "**(i)**".

Page 3, line 31, delete "1982, and before January 1, 1995;" and insert "**1982**";.

Page 3, line 32, delete "(iii)" and insert "**(ii)**".

Page 5, line 2, delete "seventy-five hundredths" and insert "**one**".

Page 5, line 3, delete "(0.75%)" and insert "**(1%)**".

(Reference is to HB 1231 as printed January 28, 2014.)

PORTER

Motion withdrawn. The bill was ordered engrossed.

House Bill 1234

Representative Thompson called down House Bill 1234 for second reading. The bill was read a second time by title.

HOUSE MOTION
 (Amendment 1234-4)

Mr. Speaker: I move that House Bill 1234 be amended to read as follows:

Page 25, line 15, delete "two-tiered" and insert "**tiered**".

Page 25, line 17, delete "and".

Page 25, line 19, delete "." and insert "**; and**".

Page 25, between lines 19 and 20, begin a new line double block indented and insert:

"(C) number or type of improvements on a parcel."

Page 26, between lines 9 and 10, begin a new line block indented and insert:

"(8) Charges imposed on the county by the statewide 911 board established by IC 36-8-16.7-24 for the administration of IC 36-8-16.7 and the operational expenses of the statewide 911 board. These charges shall be based on the county's share of the state's population."

Page 26, line 10, delete "(8)" and insert "**(9)**".

Page 26, line 16, delete "November" and insert "**September**".

Page 29, delete lines 12 through 14.

Page 29, line 15, delete "(c)" and insert "**(b)**".

(Reference is to HB 1234 as printed January 28, 2014.)

THOMPSON

Motion prevailed.

HOUSE MOTION
(Amendment 1234-6)

Mr. Speaker: I move that House Bill 1234 be amended to read as follows:

Page 10, line 27, after "." insert "**The fiscal body may waive the requirement in this subsection that one (1) of the members appointed by the fiscal body must be a certified level two or level three assessor-appraiser.**".

Page 11, line 4, after "." insert "**The fiscal body may waive the requirement in this subsection that the member appointed by the fiscal body must be a certified level two or level three assessor-appraiser.**".

(Reference is to HB 1234 as printed January 28, 2014.)
GIAQUINTA

Motion prevailed.

HOUSE MOTION
(Amendment 1234-5)

Mr. Speaker: I move that House Bill 1234 be amended to read as follows:

Page 15, line 19, delete "or" and insert ",".

Page 15, line 19, after "fraud" insert "**, or material deception**".

Page 15, between lines 21 and 22, begin a new line block indented and insert:

"(4) Dishonesty, fraud, material deception, or breach of fiduciary duty committed against the tax representative's employer or business associates."

Page 15, line 22, delete "(4)" and insert "(5)".

(Reference is to HB 1234 as printed January 28, 2014.)
THOMPSON

Motion prevailed.

Representatives M. Smith, Richardson, Saunders and Steuerwald are excused.

HOUSE MOTION
(Amendment 1234-7)

Mr. Speaker: I move that House Bill 1234 be amended to read as follows:

Page 12, delete lines 24 through 42.

Delete pages 13 through 14.

Page 15, delete lines 1 through 23.

Renumber all SECTIONS consecutively.

(Reference is to HB 1234 as printed January 28, 2014.)

GIAQUINTA

Upon request of Representatives GiaQuinta and Pierce, the Speaker ordered the roll of the House to be called. Roll Call 134: yeas 38, nays 54. Motion failed.

HOUSE MOTION
(Amendment 1234-2)

Mr. Speaker: I move that House Bill 1234 be amended to read as follows:

Page 14, between lines 7 and 8, begin a new paragraph and insert:

"(c) An individual whose certification is revoked by the department under subsection (b) may appeal the department's decision to the certification appeal board established under subsection (d). A decision of the certification appeal board may be appealed to the tax court in the same manner that a final determination of the department may be appealed under IC 33-26.

(d) The certification appeal board is established for the sole purpose of conducting appeals under this section. The board consists of the following seven (7) members:

(1) Two (2) representatives of the department appointed by the commissioner of the department.

(2) Two (2) individuals appointed by the governor.

The individuals must be township or county assessors.

(3) Two (2) individuals appointed by the governor.

The individuals must be licensed appraisers.

(4) One (1) individual appointed by the governor. The individual must be a resident of Indiana.

The commissioner of the department shall designate a member appointed under subdivision (1) as the chairperson of the board. Not more than four (4) members of the board may be members of the same political party. Each member of the board serves at the pleasure of the appointing authority.

(e) The certification appeal board shall meet as often as is necessary to properly perform its duties. Each member of the board is entitled to the following:

(1) The salary per diem provided under IC 4-10-11-2.1(b).

(2) Reimbursement for traveling expenses as provided under IC 4-13-1-4.

(3) Other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency."

(Reference is to HB 1234 as printed January 28, 2014.)

THOMPSON

Motion prevailed. The bill was ordered engrossed.

House Bill 1266

Representative Leonard called down House Bill 1266 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1266-1)

Mr. Speaker: I move that House Bill 1266 be amended to read as follows:

Page 26, line 4, after "counties" delete "." and insert "**and also has total annual appropriations of more than two million dollars (\$2,000,000).**".

Page 27, line 8, after "county" delete ";" and insert "**or, in the case of a public library that governs a taxing district within at least two (2) counties, has total annual appropriations of not more than two million dollars (\$2,000,000);**".

(Reference is to HB 1266 as printed January 28, 2014.)

NEGELE

Motion prevailed.

Representative M. Smith who was excused is now present. Representative Mahan is excused.

HOUSE MOTION
(Amendment 1266-6)

Mr. Speaker: I move that House Bill 1266 be amended to read as follows:

Page 33, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 29. IC 10-19-11 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 11. Public Safety Equipment Revolving Loan Fund

Sec. 1. As used in this chapter, "division" refers to the division of preparedness and training established by IC 10-19-5-1.

Sec. 2. As used in this chapter, "fund" refers to the public safety equipment revolving loan fund established by section 6 of this chapter.

Sec. 3. As used in this chapter, "public safety equipment" includes new or used equipment or apparatus for firefighting, law enforcement, emergency medical, or other

emergency services.

Sec. 4. As used in this chapter, "purchaser" has the meaning set forth in IC 4-13-1-25(c).

Sec. 5. As used in this chapter, "qualified purchaser" means a purchaser that the division has approved for a loan from the fund.

Sec. 6. (a) The public safety equipment revolving loan fund is established to:

- (1) provide loans to purchasers for the purchase of public safety equipment; and
- (2) pay the costs of administering this chapter.

(b) The division shall administer the fund.

(c) The fund consists of the following:

- (1) Amounts appropriated to the fund by the general assembly.
- (2) Repayment proceeds, including interest, of loans made from the fund.
- (3) Donations, grants, and money received from any other source.
- (4) Amounts transferred to the fund under IC 22-14-6-9.

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

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

(f) The fund is subject to an annual audit by the state board of accounts. The cost of the audit shall be paid from the fund.

Sec. 7. (a) The division shall do the following:

- (1) Establish the policies and procedures to be used in administering the fund.
- (2) Specify the information that a purchaser must submit with a loan application.
- (3) Establish a loan priority rating system.
- (4) Prescribe the forms to be used in administering the fund.
- (5) Prescribe the persons authorized to execute loan documents on behalf of a qualified purchaser.
- (6) Take other actions necessary to implement this chapter.

(b) The executive director, in consultation with the division, may adopt rules under IC 4-22-2 to implement this section.

(c) The division may enter into contracts necessary to administer this chapter, including contracts for the servicing of loans.

Sec. 8. The total amount of loans under this chapter that may be outstanding at any time may not exceed five million dollars (\$5,000,000).

Sec. 9. The total amount of loans under this chapter that may be outstanding at any time to a single loan recipient may not exceed one hundred fifty thousand dollars (\$150,000).

Sec. 10. (a) The division shall do the following:

- (1) Review and approve or disapprove applications for loans from the fund.
- (2) Establish the terms of loans from the fund.
- (3) Manage loans from the fund.

(b) The division shall review applications for loans from the fund on June 1 and December 1 of each calendar year. The deadline for submitting an application is:

- (1) May 17, to be eligible for review on June 1; or
- (2) November 16, to be eligible for review on December 1.

An application received after a deadline has passed is eligible for review on the next review date.

Sec. 11. (a) The division shall assign a loan priority rating to each application under this chapter.

(b) A loan priority rating must be assigned in conformity with the loan priority rating system established under

section 7(a)(3) of this chapter.

(c) A loan priority rating that is assigned to an applicant must reflect the need of the applicant relative to the need of all other applicants during the same review period.

(d) The division shall make loans available to qualified purchasers in descending order beginning with the qualified purchaser with the highest loan priority rating.

Sec. 12. A loan under this chapter is subject to the following conditions:

- (1) The qualified purchaser may use the loan only for:
 - (A) the purchase of public safety equipment; and
 - (B) legal or other incidental expenses directly related to acquiring the public safety equipment.
- (2) The repayment period may not exceed seven (7) years.
- (3) The amount of the loan may not be less than ten thousand dollars (\$10,000).
- (4) The interest rate is to be set by the state board of finance at a rate that is not more than two percent (2%) below the prime bank lending rate prevailing at the time the application is approved.
- (5) All interest reverts to the fund.
- (6) The loan must be repaid in installments, including interest on the unpaid balance of the loan.
- (7) The repayment of principal may be deferred for a period not to exceed two (2) years.
- (8) The repayment of the loan may be limited to a specified revenue source of the recipient. If the repayment is limited under this subdivision, the repayment:
 - (A) is not a general obligation of the recipient; and
 - (B) is payable solely from the specified revenue source.
- (9) The loan is not subject to a prepayment penalty.
- (10) The division shall have a security interest for the balance of the loan, accrued interest, penalties, and collection expenses in the public safety equipment purchased with the proceeds of the loan.
- (11) Any other conditions the division considers appropriate.

Sec. 13. Notwithstanding any other law, a loan to a qualified purchaser under this chapter may be directly negotiated with the division without public sale of bonds or other evidences of indebtedness of the qualified purchaser.

Sec. 14. Before applying for a loan under this chapter, a purchaser must obtain the approval of the fiscal unit of the purchaser, or the fiscal unit that contracts with the purchaser, if:

- (1) the fiscal unit provides more than twenty-five percent (25%) of the purchaser's revenue in the year the purchaser applies for the loan; and
- (2) any part of the loan will be repaid from funds paid to the purchaser by the fiscal unit.

Sec. 15. A loan from the fund does not constitute the lending of credit by the state for purposes of any other statute or the Constitution of the State of Indiana.

Sec. 16. If a qualified purchaser fails to repay a loan under this chapter or is in any way indebted to the fund for any amount incurred or accrued, the amount payable may be recovered in an action by the state on relation of the department that is prosecuted by the attorney general in the circuit or superior court of the county in which the recipient is located.

SECTION 30. IC 22-14-6-8 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 8. (a) Notwithstanding the repeal of IC 22-14-5, the firefighting and emergency equipment revolving loan fund established by IC 22-14-5-1 (before its repeal) remains in existence after June 30, 2007, if any money remains in the fund on June 30, 2007. Money that remains in the firefighting and emergency equipment revolving loan fund on June 30, 2007, does not revert to the state general fund.

Deposits or transfers may not be made to the firefighting and emergency equipment revolving loan fund; and new loans may not be made from the firefighting and emergency equipment revolving loan fund after June 30, 2007.

(b) Money remaining in the firefighting and emergency equipment revolving loan fund on June 30, 2007, must be transferred before August 1, 2007, to the fund.

(c) If money in the firefighting and emergency equipment revolving loan fund is transferred under subsection (b), the firefighting and emergency equipment revolving loan fund is abolished immediately after the transfer under subsection (b) is completed.

(d) Notwithstanding the repeal of IC 22-14-5, if a loan provided under IC 22-14-5-1 (before its repeal) remains outstanding on June 30, 2007, the qualified entity to whom the loan was provided shall repay the loan, subject to the original terms and conditions of the loan, to the department of homeland security established by IC 10-19-2-1 for deposit in the fund.

(e) This section expires on the later of the following:

(1) August 1, 2007.

(2) The date on which the last outstanding loan provided under IC 22-14-5-1 (before its repeal) is repaid to the department of homeland security under subsection (d).

SECTION 31. IC 22-14-6-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 9. (a) Not later than December 1, 2014, the division shall transfer from the fund to the public safety equipment revolving loan fund established by IC 10-19-11-6 an amount equal to the amount of any loan repayments deposited in the fund under section 8(d) of this chapter (before its repeal).**

(b) This section expires on the earlier of the following dates:

(1) The date on which the transfer described in subsection (a) is complete.

(2) January 1, 2015."

Page 63, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 44. IC 36-8-12-13, AS AMENDED BY P.L.208-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 13. (a) Except as provided in subsection (b), the volunteer fire department that responds first to an incident may impose a charge on the owner of property, the owner of a vehicle, or a responsible party (as defined in IC 13-11-2-191(e)) that is involved in a hazardous material or fuel spill or chemical or hazardous material related fire (as defined in IC 13-11-2-96(b)):**

(1) that is responded to by the volunteer fire department; and

(2) that members of that volunteer fire department assisted in extinguishing, containing, or cleaning up.

A second or subsequently responding volunteer fire department may not impose a charge on an owner or responsible party under this section, although it may be entitled to reimbursement from the first responding volunteer fire department in accordance with an interlocal or other agreement.

(b) A volunteer fire department that is funded, in whole or in part:

(1) by taxes imposed by a unit; or

(2) by a contract with a unit;

may not impose a charge under subsection (a) on a natural person who resides or pays property taxes within the boundaries of the unit described in subdivision (1) or (2), unless the spill or the chemical or hazardous material fire poses an imminent threat to persons or property.

(c) The volunteer fire department shall bill the owner or responsible party of the vehicle for the total dollar value of the assistance that was provided, with that value determined by a method that the state fire marshal shall establish under section 16 of this chapter. A copy of the fire incident report to the state

fire marshal must accompany the bill. This billing must take place within thirty (30) days after the assistance was provided. The owner or responsible party shall remit payment directly to the governmental unit providing the service. Any money that is collected under this section may be:

(1) deposited in the township firefighting fund established in IC 36-8-13-4;

(2) used to pay principal and interest on a loan made by the department of homeland security established by IC 10-19-2-1 or a division of the department for the purchase of new or used firefighting and other emergency equipment or apparatus, **including a loan made from the public safety equipment revolving loan fund under IC 10-19-11 for the purchase of public safety equipment;** or

(3) used for the purchase of equipment, buildings, and property for firefighting, fire protection, and other emergency services.

(d) Any administrative fees charged by a fire department's agent must be paid only from fees that are collected and allowed by Indiana law and the fire marshal's schedule of fees.

(e) An agent who processes fees on behalf of a fire department shall send all bills, notices, and other related materials to both the fire department and the person being billed for services.

(f) All fees allowed by Indiana law and the fire marshal's fee schedule must be itemized separately from any other charges.

(g) The volunteer fire department may maintain a civil action to recover an unpaid charge that is imposed under subsection (a) and may, if it prevails, recover all costs of the action, including reasonable attorney's fees.

SECTION 45. IC 36-8-12-16, AS AMENDED BY P.L.208-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 16. (a) A volunteer fire department that provides service within a jurisdiction served by the department may establish a schedule of charges for the services that the department provides not to exceed the state fire marshal's recommended schedule for services. The volunteer fire department or its agent may collect a service charge according to this schedule from the owner of property that receives service if the following conditions are met:**

(1) At the following times, the department gives notice under IC 5-3-1-4(d) in each political subdivision served by the department of the amount of the service charge for each service that the department provides:

(A) Before the schedule of service charges is initiated.

(B) When there is a change in the amount of a service charge.

(2) The property owner has not sent written notice to the department to refuse service by the department to the owner's property.

(3) The bill for payment of the service charge:

(A) is submitted to the property owner in writing within thirty (30) days after the services are provided;

(B) includes a copy of a fire incident report in the form prescribed by the state fire marshal, if the service was provided for an event that requires a fire incident report;

(C) must contain verification that the bill has been approved by the chief of the volunteer fire department; and

(D) must contain language indicating that correspondence from the property owner and any question from the property owner regarding the bill should be directed to the department.

(4) Payment is remitted directly to the governmental unit providing the service.

(b) A volunteer fire department shall use the revenue collected from the fire service charges under this section:

- (1) for the purchase of equipment, buildings, and property for firefighting, fire protection, or other emergency services;
- (2) for deposit in the township firefighting fund established under IC 36-8-13-4; or
- (3) to pay principal and interest on a loan made by the department of homeland security established by IC 10-19-2-1 or a division of the department for the purchase of new or used firefighting and other emergency equipment or apparatus, **including a loan made from the public safety equipment revolving loan fund under IC 10-19-11 for the purchase of public safety equipment.**

(c) Any administrative fees charged by a fire department's agent must be paid only from fees that are collected and allowed by Indiana law and the fire marshal's schedule of fees.

(d) An agent who processes fees on behalf of a fire department shall send all bills, notices, and other related materials to both the fire department and the person being billed for services.

(e) All fees allowed by Indiana law and the fire marshal's fee schedule must be itemized separately from any other charges.

(f) If at least twenty-five percent (25%) of the money received by a volunteer fire department for providing fire protection or emergency services is received under one (1) or more contracts with one (1) or more political subdivisions (as defined in IC 34-6-2-110), the legislative body of a contracting political subdivision must approve the schedule of service charges established under subsection (a) before the schedule of service charges is initiated in that political subdivision.

(g) A volunteer fire department that:

- (1) has contracted with a political subdivision to provide fire protection or emergency services; and
- (2) charges for services under this section;

must submit a report to the legislative body of the political subdivision before April 1 of each year indicating the amount of service charges collected during the previous calendar year and how those funds have been expended.

(h) The state fire marshal shall annually prepare and publish a recommended schedule of service charges for fire protection services.

(i) The volunteer fire department or its agent may maintain a civil action to recover an unpaid service charge under this section and may, if it prevails, recover all costs of the action, including reasonable attorney's fees.

SECTION 46. IC 36-8-12-17, AS AMENDED BY P.L.208-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17. (a) If a political subdivision has not imposed its own false alarm fee or service charge, a volunteer fire department that provides service within the jurisdiction may establish a service charge for responding to false alarms. The volunteer fire department may collect the false alarm service charge from the owner of the property if the volunteer fire department dispatches firefighting apparatus or personnel to a building or premises in the township in response to:

- (1) an alarm caused by improper installation or improper maintenance; or
- (2) a drill or test, if the fire department is not previously notified that the alarm is a drill or test.

However, if the owner of property that constitutes the owner's residence establishes that the alarm is under a maintenance contract with an alarm company and that the alarm company has been notified of the improper installation or maintenance of the alarm, the alarm company is liable for the payment of the fee or service charge.

(b) Before establishing a false alarm service charge, the volunteer fire department must provide notice under IC 5-3-1-4(d) in each political subdivision served by the department of the amount of the false alarm service charge. The

notice required by this subsection must be given:

- (1) before the false alarm service charge is initiated; and
- (2) before a change in the amount of the false alarm service charge.

(c) A volunteer fire department may not collect a false alarm service charge from a property owner or alarm company unless the department's bill for payment of the service charge:

- (1) is submitted to the property owner in writing within thirty (30) days after the false alarm; and
- (2) includes a copy of a fire incident report in the form prescribed by the state fire marshal.

(d) A volunteer fire department shall use the money collected from the false alarm service charge imposed under this section:

- (1) for the purchase of equipment, buildings, and property for fire fighting, fire protection, or other emergency services;
- (2) for deposit in the township firefighting fund established under IC 36-8-13-4; or
- (3) to pay principal and interest on a loan made by the department of homeland security established by IC 10-19-2-1 or a division of the department for the purchase of new or used firefighting and other emergency equipment or apparatus, **including a loan made from the public safety equipment revolving loan fund under IC 10-19-11 for the purchase of public safety equipment.**

(e) If at least twenty-five percent (25%) of the money received by a volunteer fire department for providing fire protection or emergency services is received under one (1) or more contracts with one (1) or more political subdivisions (as defined in IC 34-6-2-110), the legislative body of a contracting political subdivision must approve the false alarm service charge established under subsection (a) before the service charge is initiated in that political subdivision.

(f) A volunteer fire department that:

- (1) has contracted with a political subdivision to provide fire protection or emergency services; and
- (2) imposes a false alarm service charge under this section;

must submit a report to the legislative body of the political subdivision before April 1 of each year indicating the amount of false alarm charges collected during the previous calendar year and how those funds have been expended.

(g) The volunteer fire department may maintain a civil action to recover unpaid false alarm service charges imposed under this section and may, if it prevails, recover all costs of the action, including reasonable attorney's fees."

Renumber all SECTIONS consecutively.

(Reference is to HB 1266 as printed January 28, 2014.)

MACER

Upon request of Representatives Lawson and Porter, the Speaker ordered the roll of the House to be called. Roll Call 135: yeas 91, nays 0. Motion prevailed.

Representative Mahan, who had been excused, is now present.

HOUSE MOTION
(Amendment 1266-3)

Mr. Speaker: I move that House Bill 1266 be amended to read as follows:

Page 1, delete lines 1 through 14.

Delete page 2.

Page 3, delete lines 1 through 30.

Page 21, delete lines 11 through 42.

Delete page 22.

Page 25, line 4, delete "if:" and insert "if".

Page 25, line 5, delete "(1) the" and insert "the".

Page 25, run in lines 4 through 5.

Page 25, line 5, after "is" reset in roman "(1)".

Page 25, line 7, reset in roman "either:".

Page 25, line 7, delete "the requested increase is published on the".

Page 25, delete line 8.

Page 25, reset in roman lines 9 through 13.

Page 25, line 14, reset in roman "published by the political subdivision according to a notice".

Page 25, line 15, reset in roman "provided by the department."

Page 25, line 15, delete "notice is given to the county fiscal".

Page 25, delete line 16.

Page 33, line 36, reset in roman "publication".

Page 33, line 36, delete "submission".

Page 34, line 13, reset in roman "publication".

Page 34, line 13, delete "submission".

Renumber all SECTIONS consecutively.

(Reference is to HB 1266 as printed January 28, 2014.)

PORTER

Upon request of Representatives Lawson and Porter, the Speaker ordered the roll of the House to be called. Roll Call 136: yeas 28, nays 62. Motion failed.

HOUSE MOTION
(Amendment 1266-4)

Mr. Speaker: I move that House Bill 1266 be amended to read as follows:

Page 25, delete lines 30 through 42.

Delete pages 26 through 27.

Page 28, delete lines 1 through 16.

Renumber all SECTIONS consecutively.

(Reference is to HB 1266 as printed January 28, 2014.)

PORTER

Motion withdrawn.

HOUSE MOTION
(Amendment 1266-5)

Mr. Speaker: I move that House Bill 1266 be amended to read as follows:

Page 53, between lines 19 and 20, begin a new paragraph and insert:

""Designated taxing unit" means a municipality, a township, a school corporation, a library, a public transportation corporation, and a health and hospital corporation."

Page 62, reset in roman lines 6 through 21.

(Reference is to HB 1266 as printed January 28, 2014.)

PRYOR

Motion prevailed. The bill was ordered engrossed.

House Bill 1279

Representative McMillin called down House Bill 1279 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1279-2)

Mr. Speaker: I move that House Bill 1279 be amended to read as follows:

Page 31, line 5, strike "shall" and insert "**may**".

Page 47, line 15, strike "subdivisions" and insert "**subdivision**".

Page 47, line 15, after "(2)" insert ",".

Page 47, line 15, delete "and".

Page 47, line 15, strike "(3)".

Page 47, line 23, delete "," and insert "**or (c)(1), or (b)(4) or (c)(4) when the accident has resulted in death,**".

Page 50, line 41, strike "shall" and insert "**may**".

Page 51, line 4, strike "shall" and insert "**may**".

Page 51, line 14, strike "shall" and insert "**may**".

Page 51, line 42, strike "shall" and insert "**may**".

Page 56, line 33, delete "statute." and insert "statute".

Page 56, line 33, reset in roman "or".

Page 56, line 34, reset in roman "any felony in".

Page 56, line 34, after "in" insert "**which**".

Page 56, line 34, reset in roman "the".

Page 56, line 34, after "commission" insert "**operation**".

Page 56, line 34, reset in roman "of".

Page 56, line 34, reset in roman "a motor vehicle is".

Page 56, line 34, after "used." insert "**an element of the offense**".

Page 74, line 31, delete "This" and insert "**In addition to applying to a person who held an operator's, a public passenger chauffeur's, or a chauffeur's license at the time of the criminal conviction for which the operation of a motor vehicle is an element of the offense, this**".

Page 75, line 7, delete "restricted" and insert "**specialized**".

Page 75, line 23, delete "one (1) year" and insert "**two (2) years**".

Page 75, delete lines 28 through 30.

Page 87, between lines 37 and 38, begin a new paragraph and insert:

"SECTION 178. IC 14-15-11-11, AS AMENDED BY P.L.114-2012, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) Except as provided in subsection (b), a person who operates a motorboat upon public waters while the person's Indiana driver's license is suspended or revoked commits a Class A infraction. However, if:

(1) a person knowingly or intentionally violates this subsection; and

(2) less than ten (10) years have elapsed between the date a judgment was entered against the person for a prior unrelated violation of this subsection, IC 9-1-4-52 (repealed July 1, 1991), IC 9-24-18-5 (repealed July 1, 2000), or IC 9-24-19 and the date the violation described in subdivision (1) was committed;

the person commits a Class A misdemeanor.

(b) If:

(1) a person operates a motorboat upon public waters while the person's Indiana driver's license is suspended or revoked; and

(2) the person's suspension or revocation was a result of the person's conviction of an offense (as defined in IC 35-31.5-2-215);

the person commits a Class A misdemeanor. However, notwithstanding IC 35-50-3-2, a person who violates this subsection shall be imprisoned for a fixed term of not less than sixty (60) days and not more than one (1) year. Notwithstanding IC 35-50-3-1, the court may not suspend any part of the sentence except that part of the sentence exceeding sixty (60) days.

(c) In addition to any other penalty imposed for a conviction under this section, the court ~~shall may~~ recommend that the person's privileges to operate a motorboat upon public waters be suspended for a fixed period of not ~~less than ninety (90) days~~ **and not more than two (2) years**.

(d) The bureau, upon receiving a record of conviction of a person on a charge of operating a motorboat while the person's driver's license was suspended, shall extend the period of suspension ~~for a fixed period of not less than ninety (90) days and not more than two (2) years. The bureau shall fix this period~~ in accordance with the recommendation of the court that entered the conviction.

(e) In a prosecution under this section, the burden is on the defendant to prove by a preponderance of the evidence that, at the time of the alleged offense, the defendant held a valid Indiana driver's license."

Page 105, line 10, strike "shall," and insert "**may**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1279 as printed January 27, 2014.)

MCMILLIN

Motion prevailed.

HOUSE MOTION
(Amendment 1279-1)

Mr. Speaker: I move that House Bill 1279 be amended to read as follows:

Page 55, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 130. IC 9-30-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) The ~~bureau~~ director of the state department of toxicology, based on the recommendation of the governor's council on impaired and dangerous driving, shall adopt rules under IC 4-22-2 to establish standards and specifications for ~~an~~ a certified ignition interlock device, the installation of which the courts may mandate under ~~IC 9-30-5-16~~. The standards and specifications must require at a minimum that the device meets the following requirements:

- (1) Is accurate.
- (2) Does not impede the safe operation of a vehicle.
- (3) Provides a minimum opportunity to be bypassed.
- (4) Shows evidence of tampering if tampering is attempted.
- (5) Has a label affixed warning that a person that tampering with or misusing the device is a crime and may subject that person to a criminal and civil penalty: penalties.
- (6) Provides the ability to accurately identify the user.

(b) After July 1, 2015, all ignition interlock devices used in Indiana must be certified under rules adopted by the state department of toxicology.

(c) A vendor or provider may submit an application for approval of an ignition interlock device in a form prescribed by the director of the state department of toxicology.

(d) The director of the state department of toxicology shall:

- (1) have tests conducted concerning the ignition interlock device with standards set forth by the state department of toxicology; and
- (2) have the results of the tests evaluated by a person or entity designated by the state department of toxicology.

(e) The tests required under this section must be performed by an independent laboratory designated by the state department of toxicology. The vendor shall pay any testing expenses under this section.

(f) If the director of the state department of toxicology finds that the ignition interlock device complies with the standards of the state department of toxicology, the director may approve the ignition interlock device as a certified ignition interlock device.

(g) The director of the state department of toxicology shall provide periodic reports to the governor's council on impaired and dangerous driving, including, but not limited to:

- (1) the number of ignition interlock devices certified by the state department of toxicology;
- (2) the number of ignition interlock devices currently installed in Indiana; and
- (3) the number of ignition interlock devices rejected by the state department of toxicology.

(h) The state department of toxicology shall consider all recommendations made by the governor's council on impaired and dangerous driving.

(i) The governor's council on impaired and dangerous driving shall meet once a year to:

- (1) evaluate reports submitted by the state department of toxicology;
- (2) evaluate and study ignition interlock issues;
- (3) make recommendations to the state department of toxicology; and
- (4) make recommendations to the general assembly in

an electronic format under IC 5-14-6.

SECTION 131. IC 9-30-8-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) A vendor or provider whose ignition interlock device is certified under section 3 of this chapter shall provide a report to the court that ordered the device or the court's designee within two (2) weeks if any of the following occur:

(1) Any attempt to start the vehicle with a breath alcohol concentration of four hundredths (.04) grams or higher if the person does not register a test result indicating a breath alcohol concentration of four hundredths (.04) grams or lower within ten (10) minutes of the initial test.

(2) Absent a documented failure of the ignition interlock device, failure to take or pass any required test.

(3) Failure of the person ordered to use an ignition interlock device to appear at the ignition interlock vendor or provider for maintenance, repair, calibration, monitoring, inspection, or replacement of the ignition interlock device.

(4) Any violations or restrictions imposed by the court.

(b) Any person who is required to have an ignition interlock device installed as part of probation, a specialized driving permit, or any other order of a court is required to pay for the installation, leasing, maintenance, and removal of the ignition interlock device, as well as any additional expenses ordered by the court or the court's designee.

(c) An ignition interlock vendor or provider shall provide any reports or data requested by the state department of toxicology."

Renumber all SECTIONS consecutively.

(Reference is to HB 1279 as printed January 27, 2014.)

MCMILLIN

Motion prevailed. The bill was ordered engrossed.

House Bill 1290

Representative Bacon called down House Bill 1290 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1290-1)

Mr. Speaker: I move that House Bill 1290 be amended to read as follows:

Page 6, line 2, delete "arrest, including fainting, difficulty" and insert "arrest".

Page 6, line 3, delete "breathing, chest pains, dizziness, or an abnormal racing heart,".

Page 7, line 19, delete "arrest, including fainting, difficulty" and insert "arrest".

Page 7, line 20, delete "breathing, chest pains, dizziness, or an abnormal racing heart,".

(Reference is to HB 1290 as printed January 28, 2014.)

BACON

Motion prevailed. The bill was ordered engrossed.

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

House Bill 1305

Representative VanNatter called down House Bill 1305 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1305-1)

Mr. Speaker: I move that House Bill 1305 be amended to read as follows:

Page 3, delete lines 3 through 42.

Delete page 4.

Page 5, delete lines 1 through 38.
 Renumber all SECTIONS consecutively.
 (Reference is to HB 1305 as printed January 28, 2014.)
 VANNATTER

Motion prevailed. The bill was ordered engrossed.

House Bill 1307

Representative Eberhart called down House Bill 1307 for second reading. The bill was read a second time by title.

HOUSE MOTION
 (Amendment 1307-1)

Mr. Speaker: I move that House Bill 1307 be amended to read as follows:

Page 2, line 17, strike "to describe and plat a parcel" and insert **"of depicting and identifying parcels classified as native forest land, forest plantation, or wildlands"**.

Page 2, line 17, delete "." and insert **"provided that the means do not result in a real property description of the parcel."**

Page 17, line 36, delete "parcel descriptions" and insert **"parcels"**.

(Reference is to HB 1307 as printed January 28, 2014.)
 EBERHART

Motion prevailed. The bill was ordered engrossed.

House Bill 1320

Representative Behning called down House Bill 1320 for second reading. The bill was read a second time by title.

HOUSE MOTION
 (Amendment 1320-1)

Mr. Speaker: I move that House Bill 1320 be amended to read as follows:

Page 3, delete lines 40 through 42, begin a new paragraph and insert:

"(b) A school management team that operates an innovation network school under this chapter shall conduct staff performance evaluations under IC 20-28-11.5. The school management team is bound by contracts entered into under IC 20-29. Employees of the innovation network school shall be included in a collective bargaining agreement under IC 20-29-6 with the school corporation."

Page 4, delete lines 1 through 4.
 (Reference is to HB 1321 as printed January 27, 2014.)
 BATTLES

Motion prevailed. The bill was ordered engrossed.

House Bill 1387

Representative Messmer called down House Bill 1387 for second reading. The bill was read a second time by title.

HOUSE MOTION
 (Amendment 1387-2)

Mr. Speaker: I move that House Bill 1387 be amended to read as follows:

Page 2, delete lines 5 through 9, begin a new line block indented and insert:

"(6) is entitled to sell not more than a total of five thousand (5,000) gallons of wine, by the bottle or by the case, during a permit year to a holder of a:

(A) wine retailer's permit issued under IC 7.1-3-14 if the wine retailer's premises is located:

(i) within the same county as the licensed premises of the farm winery where the wine is manufactured; or

(ii) within a county contiguous to the county described in item (i); or

(B) wine dealer's permit issued under IC 7.1-3-15 if the wine dealer's premises is located:

(i) within the same county as the licensed

premises of the farm winery where the wine is manufactured; or

(ii) within a county contiguous to the county described in item (i);"

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

"(b) If any provision of subsection (a)(6) or its application to any person or circumstance is held invalid, the remaining provisions of subsection (a)(6) must be construed in accordance with the intent of the general assembly to further limit rather than to expand commerce in alcoholic beverages and to enhance strict regulatory control through the commission and the three (3) tier system of alcoholic beverage distribution."

Page 2, line 25, strike "(b)" and insert **"(c)"**.

Page 2, line 30, strike "(c)" and insert **"(d)"**.

(Reference is to HB 1387 as printed January 28, 2014.)
 DERMODY

Motion prevailed. The bill was ordered engrossed.

House Bill 1388

Representative Behning called down House Bill 1388 for second reading. The bill was read a second time by title.

HOUSE MOTION
 (Amendment 1388-1)

Mr. Speaker: I move that House Bill 1388 be amended to read as follows:

Page 2, line 30, delete "five (5)" and insert **"two (2)"**.

Page 3, line 21, delete "three (3)" and insert **"two (2)"**.

Page 4, line 23, delete "five (5)" and insert **"two (2)"**.

Page 4, line 35, delete "five (5)" and insert **"two (2)"**.

(Reference is to HB 1388 as printed January 28, 2014.)
 V. SMITH

Motion prevailed.

HOUSE MOTION
 (Amendment 1388-3)

Mr. Speaker: I move that House Bill 1388 be amended to read as follows:

Page 4, line 18, delete "Before August 1" and insert **"During the second semester (or the equivalent) of the school year and not later than August 1"**.

Page 4, line 33, delete "Before August 1" and insert **"During the second semester (or the equivalent) of the school year and not later than August 1"**.

(Reference is to HB 1388 as printed January 28, 2014.)
 V. SMITH

Motion prevailed.

HOUSE MOTION
 (Amendment 1388-4)

Mr. Speaker: I move that House Bill 1388 be amended to read as follows:

Page 4, line 7, delete ", eligible school (as)".

Page 4, line 8, delete "defined in IC 20-51-1-4.7)".

(Reference is to HB 1388 as printed January 28, 2014.)
 HUSTON

Motion prevailed. The bill was ordered engrossed.

Representatives Richardson, Saunders and Steuerwald who were excused are now present. Representative Beumer is excused.

House Bill 1391

Representative Clere called down House Bill 1391 for second reading. The bill was read a second time by title.

HOUSE MOTION
 (Amendment 1391-3)

Mr. Speaker: I move that House Bill 1391 be amended to

read as follows:

Page 2, line 33, delete "on" and insert "**and whose date of application for the program is before July 1, 2014.**"

Page 2, delete line 34.

Page 2, line 37, delete "who applies" and insert "**whose date of application**".

Page 2, line 37, after "program" insert "is".

Page 4, line 16, after "." insert "**The cost participation schedule established under this subsection may be applied only to an individual whose date of application for the program is after June 30, 2014.**"

Page 5, line 21, after "(a)" insert "**This section applies only to an individual whose date of application for the program is after June 30, 2014.**"

(b)".

Page 5, line 28, delete "(b)" and insert "(c)".

(Reference is to HB 1391 as printed January 28, 2014.)

CLERE

Motion prevailed.

HOUSE MOTION
(Amendment 1391-1)

Mr. Speaker: I move that House Bill 1391 be amended to read as follows:

Page 5, after line 29, begin a new paragraph and insert:

"SECTION 8. IC 12-10-10-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 14. Notwithstanding any other state law, funds appropriated by the general assembly for the program do not revert to the state general fund at the end of a state fiscal year and must be made available and distributed to local area agencies on aging for providing services under the program.**"

Renumber all SECTIONS consecutively.

(Reference is to HB 1391 as printed January 28, 2014.)

PORTER

Upon request of Representatives Pierce and Summers, the Speaker ordered the roll of the House to be called. Roll Call 137: yeas 31, nays 62. Motion failed. The bill was ordered engrossed.

House Bill 1403

Representative McMillin called down House Bill 1403 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1403-1)

Mr. Speaker: I move that House Bill 1403 be amended to read as follows:

Page 2, line 14, after "3.5." insert "(a) **This section does not apply to a political subdivision with a rental registration or inspection program created before July 1, 2014.**"

(b)".

Page 2, line 16, delete "(b)" and insert "(c)".

Page 2, line 20, delete "(b)" and insert "(c)".

Page 2, line 20, delete "(a)" and insert "(b)".

Page 3, line 15, after "(a)" insert "**This section does not apply to a political subdivision with a rental registration or inspection program created before July 1, 2014.**"

(b)".

Page 3, line 41, delete "(b)" and insert "(c)".

Page 3, line 42, delete "(b)" and insert "(c)".

Page 4, line 15, delete "(c)" and insert "(d)".

Page 4, line 15, delete "(a)" and insert "(b)".

Page 4, line 21, delete "(a)" and insert "(b)".

Page 4, line 27, after "(a)" insert "**This section does not apply to a political subdivision with a rental registration or inspection program created before July 1, 2014.**"

(b)".

Page 4, line 30, delete "(b)" and insert "(c)".

Page 4, line 33, delete "(c)" and insert "(d)".

Page 4, line 33, delete "(b)" and insert "(c)".

Page 4, line 38, delete "(d)" and insert "(e)".

(Reference is to HB 1403 as printed January 28, 2014.)

CANDELARIA REARDON

Upon request of Representatives Pierce and Porter, the Speaker ordered the roll of the House to be called. Roll Call 138: yeas 37, nays 57. Motion failed.

HOUSE MOTION
(Amendment 1403-6)

Mr. Speaker: I move that House Bill 1403 be amended to read as follows:

Page 2, line 14, after "(a)" insert "**This section does not apply to a political subdivision with a rental registration or inspection program created before July 1, 1984.**"

(b)".

Page 2, line 16, delete "(b)" and insert "(c)".

Page 2, line 20, delete "(b)" and insert "(c)".

Page 2, line 20, delete "(a)" and insert "(b)".

Page 3, line 15, after "(a)" insert "**This section does not apply to a political subdivision with a rental registration or inspection program created before July 1, 1984.**"

(b)".

Page 3, line 41, delete "(b)" and insert "(c)".

Page 3, line 42, delete "(b)" and insert "(c)".

Page 4, line 15, delete "(c)" and insert "(d)".

Page 4, line 15, delete "(a)" and insert "(b)".

Page 4, line 21, delete "(a)" and insert "(b)".

Page 4, line 27, after "(a)" insert "**This section does not apply to a political subdivision with a rental registration or inspection program created before July 1, 1984.**"

(b)".

Page 4, line 30, delete "(b)" and insert "(c)".

Page 4, line 33, delete "(c)" and insert "(d)".

Page 4, line 33, delete "(b)" and insert "(c)".

Page 4, line 38, delete "(d)" and insert "(e)".

(Reference is to HB 1403 as printed January 28, 2014.)

TRUITT

Motion prevailed.

HOUSE MOTION
(Amendment 1403-2)

Mr. Speaker: I move that House Bill 1403 be amended to read as follows:

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

"SECTION 1. IC 36-1-20-1.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JUNE 30, 2014]: **Sec. 1.7. (a) As used in this chapter, "rental unit community" refers to a community of rental units that satisfies all of the following:**

(1) The community consists of four (4) or more rental units.

(2) The community is under common ownership and management.

(3) The ownership and management of the community holds the community out to the public as a community with amenities that are available for use by all residents of the community.

(b) A structure divided into rental units that has been used as a single family residence at any time is not considered a rental unit community."

Renumber all SECTIONS consecutively.

(Reference is to HB 1403 as printed January 28, 2014.)

CANDELARIA REARDON

Upon request of Representatives Pierce and Pelath, the Speaker ordered the roll of the House to be called. Roll Call 139: yeas 29, nays 64. Motion failed.

HOUSE MOTION
(Amendment 1403-3)

Mr. Speaker: I move that House Bill 1403 be amended to read as follows:

Page 3, line 41, delete "(b)" and insert "(c)".

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

**"(b) An inspection report described in subsection (a)(3):
(1) delivered to a political subdivision not later than thirty (30) days after the date of the report; and
(2) that shows that a rental unit or a rental unit community meets or exceeds the standards described in subsection (c);**

satisfies the political subdivision's inspection requirement for the rental unit or rental unit community.

(c) An inspection report must show that a rental unit or rental unit community is safe and habitable with respect to the following:"

Page 4, delete lines 1 through 3.

Page 4, line 15, delete "(c)" and insert "(d)".

(Reference is to HB 1403 as printed January 28, 2014.)

CANDELARIA REARDON

Upon request of Representatives Pelath and Pierce, the Speaker ordered the roll of the House to be called. Roll Call 140: yeas 94, nays 0. Motion prevailed. The bill was ordered engrossed.

**ENGROSSED HOUSE BILLS
ON THIRD READING**

Engrossed House Bill 1075

Representative Burton called down Engrossed House Bill 1075 for third reading:

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

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

Representatives Klinker, Kersey, Battles, V. Smith, Riecken, Harris, Wolkins, Bauer, Austin, Hale, McNamara and Goodin were excused from voting, pursuant to House Rule 47. Roll Call 141: yeas 83, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Walker, Tallian and Becker.

Engrossed House Bill 1080

Representative Karickhoff called down Engrossed House Bill 1080 for third reading:

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

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

Roll Call 142: yeas 82, nays 10. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Hershman and Crider.

Engrossed House Bill 1099

Representative Niemeyer called down Engrossed House Bill 1099 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 143: yeas 93, nays 1. The bill was declared passed.

The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Charbonneau.

Engrossed House Bill 1107

Representative Leonard called down Engrossed House Bill 1107 for third reading:

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

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

Roll Call 144: yeas 93, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Banks and Kruse.

Engrossed House Bill 1139

Representative Bauer called down Engrossed House Bill 1139 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

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

Roll Call 145: yeas 87, nays 8. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Pat Miller and Breaux.

The Speaker Pro Tempore yielded the gavel to the Speaker.

Engrossed House Bill 1178

Representative Negele called down Engrossed House Bill 1178 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 146: yeas 93, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Head.

Engrossed House Bill 1180

Representative Frye called down Engrossed House Bill 1180 for third reading:

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

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

Roll Call 147: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Merritt.

Engrossed House Bill 1181

Representative Frye called down Engrossed House Bill 1181 for third reading:

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

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

passage. The question was, Shall the bill pass?

Roll Call 148: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Banks.

Engrossed House Bill 1187

Representative Bacon called down Engrossed House Bill 1187 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 149: yeas 85, nays 10. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Charbonneau.

Engrossed House Bill 1190

Representative Slager called down Engrossed House Bill 1190 for third reading:

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

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

Roll Call 150: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Charbonneau.

Engrossed House Bill 1199

Representative Lehe called down Engrossed House Bill 1199 for third reading:

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

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

Roll Call 151: yeas 90, nays 5. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Hershman.

Engrossed House Bill 1218

Pursuant to House Rule 146.3, the author of Engrossed House Bill 1218, Representative Davisson, granted consent to the coauthor, Representative Clere, to call the bill down for third reading. Representative Clere called down Engrossed House Bill 1218 for third reading:

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

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

Roll Call 152: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Pat Miller and Grooms.

Engrossed House Bill 1300

Representative Lehe called down Engrossed House Bill 1300 for third reading:

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

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

Roll Call 153: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Yoder.

Engrossed House Bill 1303

Representative VanNatter called down Engrossed House Bill 1303 for third reading:

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

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

Roll Call 154: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Yoder.

Engrossed House Bill 1319

Representative Behning called down Engrossed House Bill 1319 for third reading:

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

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

Roll Call 155: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Kruse.

Representatives Arnold, Truitt, Steuerwald and Zent are excused.

Engrossed House Bill 1321

Representative Behning called down Engrossed House Bill 1321 for third reading:

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

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

Roll Call 156: yeas 54, nays 37. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Pete Miller and Kenley.

Engrossed House Bill 1323

Representative Ober called down Engrossed House Bill 1323 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 157: yeas 90, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Pat Miller and Grooms.

Engrossed House Bill 1342

Representative Wolkins called down Engrossed House Bill 1342 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 158: yeas 90, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Charbonneau and Long.

Engrossed House Bill 1347

Representative Mayfield called down Engrossed House Bill 1347 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

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

Roll Call 159: yeas 89, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Steele.

Engrossed House Bill 1350

Representative Baird called down Engrossed House Bill 1350 for third reading:

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

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

Roll Call 160: yeas 90, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Yoder.

Engrossed House Bill 1370

Representative Baird called down Engrossed House Bill 1370 for third reading:

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

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

Roll Call 161: yeas 90, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Bray.

Engrossed House Bill 1384

Representative Speedy called down Engrossed House Bill 1384 for third reading:

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

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

Roll Call 162: yeas 87, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Waltz.

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, February 3, 2014, at 10:00 a.m.

MCMILLIN

The motion was adopted by a constitutional majority.

COMMITTEE REPORT

Mr. Speaker: Pursuant to House Rule 67, your Committee on Rules and Legislative Procedures has made the following corrections to EHB 1033:

Delete page 7.

Page 8, delete lines 1 through 34.

Renumber all SECTIONS consecutively.

(Reference is to HB 1033 as printed January 28, 2014, and as amended on motion of Representative Torr adopted January 30, 2014.)

TORR, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move that Representatives Koch and Huston be added as coauthors of House Bill 1005.

MCMILLIN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Summers be added as coauthor of House Bill 1014.

KUBACKI

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Soliday, Goodin and Bauer be added as coauthors of House Bill 1042.

M. SMITH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Koch and Hale be added as coauthors of House Bill 1097.

FRIZZELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives McMillin and Moed be added as coauthors of House Bill 1108.

HARMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives T. Brown and Porter be added as coauthors of House Bill 1139.

BAUER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Klinker be added as coauthor of House Bill 1178.

NEGELE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Klinker be added as coauthor of House Bill 1181.

FRYE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Heuer be added as coauthor of House Bill 1187.

BACON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Hamm be added as coauthor of House Bill 1190.

SLAGER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Candelaria Reardon be added as coauthor of House Bill 1198.

HEUER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Battles be added as coauthor of House Bill 1213.

MCNAMARA

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Porter and McNamara be added as coauthor of House Bill 1290.

BACON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Hale and Zent be added as coauthors of House Bill 1303.

VANNATTER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives VanDenburgh and Porter be added as coauthors of House Bill 1319.

BEHNING

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative VanDenburgh be added as coauthor of House Bill 1347.

MAYFIELD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three coauthors, and that Representatives Porter, Frizzell, Bauer, Shackelford, Klinker, Zent, Bacon, Carbaugh and Errington be added as coauthors of House Bill 1358.

C. BROWN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Klinker be added as coauthor of House Concurrent Resolution 7.

COX

Motion prevailed.

On the motion of Representative Baird, the House adjourned at 5:05 p.m., this thirtieth day of January, 2014, until Monday, February 3, 2014, at 10:00 a.m.

BRIAN C. BOSMA

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives