



Journal of the Senate

State of Indiana

119th General Assembly

Second Regular Session

Twenty-second Meeting Day

Thursday Afternoon

February 18, 2016

The Senate convened at 1:56 p.m., with the President of the Senate, Sue Ellspermann, in the Chair.

Prayer was offered by Pastor Jerry Deck - Zionsville Presbyterian Church.

The Pledge of Allegiance to the Flag was led by Senator Michael A. Delph.

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

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

Roll Call 183: present 50; excused 0. [Note: A indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

The Senate recessed for the remarks of United States Congressman Luke Messer.

2:03 p.m.

RECESS

The Senate reconvened at 2:08 p.m., with the President of the Senate in the Chair.

RESOLUTIONS ON FIRST READING

Senate Resolution 31

Senate Resolution 31, introduced by Senator Head:

A SENATE RESOLUTION urging the legislative council to assign to the appropriate study committee the topic of school buses equipped with three point seat belts.

Whereas, Millions of children rely on school buses to transport them to and from school safely each day;

Whereas, The issue of seat belts on school buses has a long history of debate in Indiana;

Whereas, Seat belts are not currently required in school buses in the state of Indiana;

Whereas, The National Highway Traffic Safety Administration (NHTSA) has now indicated that the best practice is for children on a school bus to wear a three point seat belt; and

Whereas, The safety of our children in school buses is of utmost importance, and it is, therefore, incumbent upon us to investigate thoroughly how we might keep our children safe and to fully understand all aspects of a potential mandate to install three point seat belts in all school buses: Therefore,

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

SECTION 1. That the legislative council is urged to assign to the appropriate study committee the topic of school buses equipped with three point seat belts.

The resolution was read in full and referred to the Committee on Homeland Security & Transportation.

Senate Resolution 32

Senate Resolution 32, introduced by Senator Waltz:

A SENATE RESOLUTION recognizing Taiwan's presidential election and their efforts to secure entry to the Trans-Pacific Partnership and the signing of a Bilateral Investment and Free Trade Agreement.

Whereas, Since 1979, Indiana has fostered a sister-state relationship with Taiwan, which has been marked by bilateral trade, cultural and educational exchange, and tourism;

Whereas, Sharing the values of freedom and democracy with the United States and the State of Indiana, on January 16, 2016, Taiwan held its sixth direct presidential election;

Whereas, Notably, the United States ranks as Taiwan's third largest trading partner; Taiwan ranks as the United States' tenth largest trading partner; and Taiwan ranked as Indiana's fifth largest export market in Asia in 2014, with 247 million dollars worth of Indiana goods being exported to Taiwan in that year;

Whereas, To further its relationships and promote additional bilateral investment and trade with the United States and the State of Indiana, Taiwan applauds the United States' announcement to expand the Trans-Pacific Partnership to include other countries, including Taiwan; and

Whereas, Taiwan also encourages additional negotiations for an eventual Bilateral Investment Agreement between Taiwan and the United States as another step to strengthen bilateral trade, which could pave the way for entering into a Free Trade Agreement: Therefore,

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

SECTION 1. That the Indiana Senate recognizes Taiwan's presidential election and their efforts to secure entry to the Trans-Pacific Partnership and the signing of a Bilateral Investment and Free Trade Agreement.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to the Taipei Economic and Cultural Office in Chicago and the members of Indiana's congressional delegation.

The resolution was read in full and referred to the Committee on Commerce & Technology.

Senate Concurrent Resolution 39

Senate Concurrent Resolution 39, introduced by Senator Grooms:

A SENATE RESOLUTION urging the Legislative Council to assign to an appropriate study committee the topic of the Employment First Program.

Whereas, Indiana would benefit from the creation of a state policy that would promote competitive and integrated employment to individuals with disabilities;

Whereas, The study committee would look at including self-employment as the preferred option when providing services to individuals with disabilities; and

Whereas, The study committee will analyze state agency policies concerning the provision of services to individuals with disabilities and recommend changes: Therefore,

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

SECTION 1. That the Indiana Senate urges the legislative council to assign the topic of an Employment First Program, which promotes and expands quality, community employment outcomes for all people with disabilities to an appropriate study committee.

The resolution was read in full and referred to the Committee on Local Government.

Senate Concurrent Resolution 33

Senate Concurrent Resolution 33, introduced by Senator Mishler, Zakas, Broden and Arnold:

A CONCURRENT RESOLUTION congratulating Steve Hope, Principal of Penn High School, for being named the 2015 State High School Principal of the Year.

Whereas, On November 22, 2015, the Indiana Association of High School Principals named Steve Hope, Principal of Penn High School in Mishawaka, Indiana, as the 2015 State High School Principal of the Year;

Whereas, In the Spring of 2015, Hope had been recognized as District 2 High School Principal of the Year, but at the 2015 Principals of the Year Recognition Celebration, Hope was also awarded the highest honor;

Whereas, Throughout Hope's nearly eight years as Principal of Penn High School, the school's graduation rate has increased from 79% in 2008 to 97% in 2014; the Indiana Department of Education has named Penn an A-rated school; and Hope has transitioned the large high school of 3,500 students into a small learning community structure made up of seven schools, each of which supports college and career readiness while providing specialty education based on students' academic and professional interests;

Whereas, Penn High School has also partnered with Ivy Tech Community College under Hope's leadership to develop an Early College Academy, which offers students the opportunity to begin working on college requirements while simultaneously fulfilling courses for graduation at Penn High School;

Whereas, Hope has focused on the professional development of others throughout his tenure as well, serving as a mentor to Penn High School's teachers and staff;

Whereas, Prior to being named Principal, Hope served as an art teacher at the school in 1996, was named Dean of Students in 1998, Director of Counseling in 2001, Assistant Principal in 2003, Associate Principal in 2005, and Principal of Penn High School in 2008;

Whereas, Hope obtained his Bachelor of Arts from Western Michigan University, his Master of Science in Secondary Education and Educational Leadership from Indiana University South Bend, and Hope will receive his Doctorate in Education Leadership from Purdue University in May 2017; and

Whereas, Hope is married to his loving wife Becky, with whom he has three daughters, Mairede, Cecilla, and Savannah: Therefore,

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

SECTION 1. That the Indiana General Assembly congratulates Steve Hope, Principal of Penn High School, for being named the 2015 State High School Principal of the Year.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Principal Steve Hope.

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

House Concurrent Resolution 43

House Concurrent Resolution 43, sponsored by Senator Breaux:

A CONCURRENT RESOLUTION memorializing Mark St. John.

Whereas, Mark St. John, who passed away at the age of 62, dedicated more than 37 years of his life to serving the social/human service needs population;

Whereas, He advocated for abused and neglected children, at-risk youth, the LGBT community, homeless persons, families in distress, migrant and seasonal farm workers, persons with HIV/AIDS, people with mental illnesses, senior citizens, people with disabilities, social services providers, low income households, environmental groups, and labor unions;

Whereas, Although he dealt primarily with liberal causes, Mark St. John was widely respected on both sides of the aisle largely due to his gentle demeanor and ability to find common ground;

Whereas, Mark St. John was a friendly face in the hallways of the Statehouse, possessing a quick wit that could be both cutting and self-deprecating;

Whereas, Mark St. John was born in Martinsville to William and Dorothy St. John on November 18, 1952;

Whereas, Mark earned undergraduate and graduate degrees in public affairs from Indiana University's School of Public and

Environmental Affairs;

Whereas, Before establishing his own governmental affairs consulting firm entitled St. John & Associates, Mark worked for the state of Indiana in a variety of capacities, including at the Family and Social Services Administration, and for a variety of organizations, including Gay Men's Health Crisis, the Indiana Coalition on Housing and Homeless Issues, and AIDServe Indiana;

Whereas, Mark St. John also was a principal at Lambda Consulting Inc. and joined the adjunct faculty at Indiana University's School of Social Work;

Whereas, Active in his community, Mark was involved with a number of community and professional organizations including the Boy Scouts, Children's Coalition of Indiana, Concerned Clergy of Indianapolis, Equality Federation/Equality Federation Institute, Governmental Affairs Society of Indiana, Indiana Affordable Housing Conference, Indiana Association for Community Economic Development, Indiana Civil Rights Commission Fair Housing Task Force, Indiana Coalition for Human Services, Indiana Stonewall Democrats, King Park Area Development Corporation, Mary Rigg Neighborhood Center, Moxel Sanders Foundation Thanksgiving Dinner, Greater Indianapolis NAACP Branch, Optimist Club of Indianapolis, Pathway to Recovery, PathStone, Inc., State of Indiana Electronic Benefits Transfer Commission, and the State of Indiana HUD Consolidated Plan Coordinating Committee; and

Whereas, Mark St. John won and held the respect and confidence of all who knew him, he served his profession and his community faithfully and well, and he will be missed: Therefore,

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

SECTION 1. That the Indiana General Assembly mourns the passing of this great man and recognizes the many contributions to the needy of our state made by Mark St. John. We extend our heartfelt sympathy to his family.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the family of Mark St. John.

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

SENATE MOTION

Madam President: I move that Senator Yoder be added as second sponsor of Engrossed House Bill 1271.

BANKS

Motion prevailed.

REPORTS FROM COMMITTEES**COMMITTEE REPORT**

Madam President: The Senate Committee on Homeland Security & Transportation, to which was referred Senate Concurrent Resolution 18, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.

Committee Vote: Yeas 7, Nays 0.

YODER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions & Labor, to which was referred House Bill 1004, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 11, delete lines 25 through 38, begin a new paragraph and insert:

"SECTION 4. IC 20-20-42.2 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 42.2. Indiana Teacher Retention and Recruitment Program

Sec. 1. As used in this chapter, "program" refers to the Indiana teacher retention and recruitment program established by section 2 of this chapter.

Sec. 2. (a) The Indiana teacher retention and recruitment program is established to improve teacher retention rates, recruitment, and quality. Except as provided in subsection (b), the department, in consultation with teachers, school officials, and other stakeholders, may develop and implement programs to do the following:

- (1) Promote the mentoring of inexperienced teachers by effective role models.
- (2) Promote the teaching profession in Indiana and the recruitment of teachers.
- (3) If requested by a school corporation, provide assistance to the school corporation in developing a compensation model that:
 - (A) includes a pay range that has a professionally competitive base and index;
 - (B) includes regular increases of the base salary;
 - (C) expands opportunities for pay increases based on career paths, including ongoing learning through advanced degrees or additional licensure in education or related content areas; and
 - (D) establishes and compensates teacher leadership and career ladders that have mentoring opportunities and ongoing advancement, support, and recognition of teacher skills and experience.
- (4) If requested by a school corporation, provide assistance to the school corporation in developing a

teacher evaluation plan under IC 20-28-11.5-4 that emphasizes the use of data from multiple forms of assessment, including informal, teacher constructed, and standardized assessments to improve instruction and measure student growth.

(5) Improve or extend preservice clinical experience before licensure.

(6) Improve teacher and administrative knowledge and practice focused professional development programs.

(7) Increase teacher career pathways and leadership opportunities inside or outside the classroom.

(b) The programs developed and implemented by the department under subsection (a) must increase underrepresented populations in the teaching workforce.

(c) The scope of the development and implementation of programs under subsection (a) are subject to the availability and allocation of sufficient funding necessary for the department to staff the programs and carry out its responsibilities under this chapter.

(d) The department may award grants to school corporations or school personnel for programs established by the department under subsection (a) using criteria developed and in a manner prescribed by the department and approved by the state board.

SECTION 5. IC 20-20-43 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 43. Indiana New Teacher Mentoring Program

Sec. 1. This chapter applies to an individual who receives an initial Indiana teaching license after March 31, 2016.

Sec. 2. As used in this chapter, "advisor" means a representative of a teacher training institution within Indiana who acts as a teacher advisor for a new teacher.

Sec. 3. As used in this chapter, "beginning teacher" means an individual who:

- (1) is employed as a teacher at a public school;
- (2) has not successfully completed a mentoring program under this chapter; and
- (3) has three (3) years or less of teaching experience.

Sec. 4. As used in this chapter, "mentor" refers to an individual who is assigned under section 8 of this chapter.

Sec. 5. As used in this chapter, "mentoring program" refers to the Indiana new teacher mentoring program established under section 7 of this chapter.

Sec. 6. As used in this chapter, "teacher training institution" means a college or university offering a program of teacher education approved by the board.

Sec. 7. (a) The Indiana new teacher mentoring program is established in collaboration with teacher training institutions to:

- (1) assist new teachers in the performance of their duties;
- (2) identify teaching skills and educational practices necessary to acquire and maintain excellence in teaching; and

(3) evaluate the performance of beginning teachers by principals.

(b) The department may award grants to school corporations and charter schools for the purpose of providing stipends to mentors under section 8 of this chapter. The department, with the approval of the state board, shall establish criteria and the manner for distributing grants under this chapter, if the mentoring program has adequate funding to award grants.

(c) The scope of the development and implementation of the mentoring program under subsection (a) is subject to the availability and allocation of sufficient funding necessary for the department to staff the mentoring program and carry out its responsibilities under this chapter.

Sec. 8. (a) Each school corporation and charter school may, with the consent of the mentor, assign a mentor to assist each beginning teacher under the mentoring program. If a school corporation or charter school elects to participate in the mentoring program, the superintendent shall, whenever possible, assign a mentor who:

- (1) has at least three (3) years of teaching experience;
- (2) teaches at a grade level similar to that of the beginning teacher;
- (3) teaches similar subjects as those of the beginning teacher; and
- (4) teaches in the same building as the beginning teacher.

(b) A mentor must be a teacher who is rated as effective or highly effective in an annual performance evaluation plan developed under IC 20-28-11.5-4.

(c) A mentor does not become a supervisor as a result of performing duties under this chapter.

(d) The superintendent shall take the action necessary to provide a mentor adequate time for the mentor to observe the beginning teacher in a classroom setting. Whenever practical, the superintendent shall provide the mentor release time from the mentor's nonclassroom duties.

(e) A mentor may receive an annual stipend in an amount determined by the school corporation or charter school from a grant made under this chapter. However, the following stipend amounts are recommended:

- (1) One thousand dollars (\$1,000) to a mentor who mentors a beginning teacher with one (1) school year or less of teaching experience.
- (2) Eight hundred dollars (\$800) to a mentor who mentors a beginning teacher with more than one (1) school year but two (2) school years or less of teaching experience.
- (3) Six hundred dollars (\$600) to a mentor who mentors a beginning teacher with more than two (2) school years but three (3) school years or less of teaching experience.

Sec. 9. The commission for higher education, in consultation with the department, shall monitor the success of mentoring programs established in collaboration with

teacher training institutions under this chapter and provide information relating to successful mentoring programs on the commission for higher education's Internet web site.

SECTION 6. IC 20-28-5-3, AS AMENDED BY P.L.6-2012, SECTION 135, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) The department shall designate the grade point average required for each type of license.

(b) The department shall determine details of licensing not provided in this chapter, including requirements regarding the following:

- (1) The conversion of one (1) type of license into another.
- (2) The accreditation of teacher education schools and departments.
- (3) The exchange and renewal of licenses.
- (4) The endorsement of another state's license.
- (5) The acceptance of credentials from teacher education institutions of another state.
- (6) The academic and professional preparation for each type of license.
- (7) The granting of permission to teach a high school subject area related to the subject area for which the teacher holds a license.
- (8) The issuance of licenses on credentials.
- (9) The type of license required for each school position.
- (10) The size requirements for an elementary school requiring a licensed principal.
- (11) Any other related matters.

The department shall establish at least one (1) system for renewing a teaching license that does not require a graduate degree.

(c) This subsection does not apply to an applicant for a substitute teacher license **or to an individual granted a license under section 18 of this chapter.** After June 30, 2011, the department may not issue an initial practitioner license at any grade level to an applicant for an initial practitioner license unless the applicant shows evidence that the applicant:

- (1) has successfully completed training approved by the department in:
 - (A) cardiopulmonary resuscitation that includes a test demonstration on a mannequin;
 - (B) removing a foreign body causing an obstruction in an airway;
 - (C) the Heimlich maneuver; and
 - (D) the use of an automated external defibrillator;
- (2) holds a valid certification in each of the procedures described in subdivision (1) issued by:
 - (A) the American Red Cross;
 - (B) the American Heart Association; or
 - (C) a comparable organization or institution approved by the advisory board; or
- (3) has physical limitations that make it impracticable for the applicant to complete a course or certification described in subdivision (1) or (2).

The training in this subsection applies to a teacher (as defined in IC 20-18-2-22(b)).

(d) This subsection does not apply to an applicant for a substitute teacher license **or to an individual granted a license under section 18 of this chapter**. After June 30, 2013, the department may not issue an initial teaching license at any grade level to an applicant for an initial teaching license unless the applicant shows evidence that the applicant has successfully completed education and training on the prevention of child suicide and the recognition of signs that a student may be considering suicide.

(e) This subsection does not apply to an applicant for a substitute teacher license. After June 30, 2012, the department may not issue a teaching license renewal at any grade level to an applicant unless the applicant shows evidence that the applicant:

(1) has successfully completed training approved by the department in:

- (A) cardiopulmonary resuscitation that includes a test demonstration on a mannequin;
- (B) removing a foreign body causing an obstruction in an airway;
- (C) the Heimlich maneuver; and
- (D) the use of an automated external defibrillator;

(2) holds a valid certification in each of the procedures described in subdivision (1) issued by:

- (A) the American Red Cross;
- (B) the American Heart Association; or
- (C) a comparable organization or institution approved by the advisory board; or

(3) has physical limitations that make it impracticable for the applicant to complete a course or certification described in subdivision (1) or (2).

(f) The department shall periodically publish bulletins regarding:

- (1) the details described in subsection (b);
- (2) information on the types of licenses issued;
- (3) the rules governing the issuance of each type of license; and
- (4) other similar matters.

SECTION 7. IC 20-28-5-12, AS AMENDED BY P.L.6-2012, SECTION 136, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. (a) Subsection (b) does not apply to an individual who:

(1) held an Indiana limited, reciprocal, or standard teaching license on June 30, 1985; or

(2) is granted a license under section 18 of this chapter.

(b) The department may not grant an initial practitioner license to an individual unless the individual has demonstrated proficiency in the following areas on a written examination or through other procedures prescribed by the department:

- (1) Basic reading, writing, and mathematics.
- (2) Pedagogy.
- (3) Knowledge of the areas in which the individual is required to have a license to teach.

(4) If the individual is seeking to be licensed as an elementary school teacher, comprehensive scientifically based reading instruction skills, including:

- (A) phonemic awareness;
- (B) phonics instruction;
- (C) fluency;
- (D) vocabulary; and
- (E) comprehension.

(c) An individual's license examination score may not be disclosed by the department without the individual's consent unless specifically required by state or federal statute or court order.

(d) The state board shall adopt rules under IC 4-22-2 to do the following:

- (1) Adopt, validate, and implement the examination or other procedures required by subsection (b).
- (2) Establish examination scores indicating proficiency.
- (3) Otherwise carry out the purposes of this section.

(e) **Subject to section 18 of this chapter**, the state board shall adopt rules under IC 4-22-2 establishing the conditions under which the requirements of this section may be waived for an individual holding a valid teacher's license issued by another state.

SECTION 8. IC 20-28-5-18 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 18. (a) This section applies to an individual who:**

(1) holds a valid teaching license issued by another state in the same content area or areas for which the individual is applying for a license in Indiana; and

(2) was required to pass a content licensure test to obtain the license described in subdivision (1).

(b) Notwithstanding sections 3 and 12 of this chapter, the department shall grant one (1) of the following licenses to an individual described in subsection (a):

(1) If the individual has less than three (3) years of full-time teaching experience, an initial practitioner's license.

(2) If the individual has at least three (3) years of full-time teaching experience, a practitioner's license.

(c) An individual who is granted a license under this section shall comply with section 3(c) and 3(d) of this chapter not later than twelve (12) months after the date the individual's license is issued."

Page 12, delete lines 34 through 42, begin a new paragraph and insert:

"SECTION 10. IC 20-28-9-1.5, AS AMENDED BY P.L.213-2015, SECTION 179, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.5. (a) This ~~subsection~~ **section** governs salary increases for a teacher employed by a school corporation. Compensation attributable to additional degrees or graduate credits earned before the effective date of a local compensation plan created under this chapter before July 1, 2015, shall continue for school years beginning after June 30, 2015. Compensation attributable to additional

degrees for which a teacher has started course work before July 1, 2011, and completed course work before September 2, 2014, shall also continue for school years beginning after June 30, 2015.

(b) For school years beginning after June 30, 2015, a school corporation may provide a supplemental payment to a teacher in excess of the salary specified in the school corporation's compensation plan **if under any of the following circumstances:**

(1) The teacher has earned a master's degree from an accredited postsecondary educational institution in a content area directly related to the subject matter of:

~~(1)~~ **(A)** a dual credit course; or

~~(2)~~ **(B)** another course;

taught by the teacher.

(2) For school years beginning after June 30, 2016, the teacher has received authorization for the teacher's advanced placement course syllabus from the College Board for an advanced placement course taught by the teacher.

(3) For school years beginning after June 30, 2016, to attract or retain a teacher who is, or will be, employed in a position that is difficult to fill by the school corporation, as determined by the school corporation.

(4) For school years beginning after June 30, 2016, the attainment of either additional degrees or credit hours beyond the requirements for employment with at least eighteen (18) hours in a content area currently taught by the teacher or a content area the teacher plans to teach upon receiving the degree or credit hours. ~~In~~ addition, a supplemental payment may be made to

(5) The teacher is an elementary school teacher who earns a master's degree in math or reading and literacy.

The superintendent or the superintendent's designee shall prepare a written explanation for the decision to supplement a teacher's pay. The explanation must include supporting documentation based on the education and instructional benefit received by the school corporation. The explanation shall be filed in the teacher's personnel file and a copy of the explanation shall be provided to the exclusive representative. The school corporation shall present this information to the governing body in a public meeting. In addition, an amount determined under the policies adopted by the governing body but not exceeding fifty percent (50%) of the amount of a supplemental payment to an individual teacher in a particular state fiscal year beginning after June 30, 2016, becomes a permanent part of and increases the base salary of the teacher receiving the supplemental payment for school years beginning after the state fiscal year in which the supplemental payment is received. A ~~supplement~~ supplemental payment or an addition to a teacher's base salary provided under this subsection is not subject to collective bargaining, but a discussion of the ~~supplement~~ supplemental payment or addition to a teacher's base salary must be held. ~~Such~~ A ~~supplement~~ supplemental payment under this

subsection is in addition to any increase permitted under subsection ~~(b)~~: **(c)**.

~~(b)~~ **(c)** Increases or increments in a local salary range must be based upon a combination of the following factors:

(1) A combination of the following factors taken together may account for not more than thirty-three **and one-third** percent ~~(33%)~~ **(33.33%)** of the calculation used to determine a teacher's increase or increment:

(A) The number of years of a teacher's experience.

(B) The attainment of either:

(i) additional content area degrees beyond the requirements for employment; or

(ii) additional content area degrees and credit hours beyond the requirements for employment, if required under an agreement bargained under IC 20-29.

(2) The results of an evaluation conducted under IC 20-28-11.5.

(3) The assignment of instructional leadership roles, including the responsibility for conducting evaluations under IC 20-28-11.5.

(4) The academic needs of students in the school corporation.

~~(e)~~ **(d)** Except as provided in subsection **(e)**, a teacher rated ineffective or improvement necessary under IC 20-28-11.5 may not receive any raise or increment for the following year if the teacher's employment contract is continued. The amount that would otherwise have been allocated for the salary increase of teachers rated ineffective or improvement necessary shall be allocated for compensation of all teachers rated effective and highly effective based on the criteria in subsection ~~(b)~~: **(c)**.

(e) Subsection **(d)** does not apply to a teacher in the first two (2) full school years that the teacher provides instruction to students in elementary school or high school. If a teacher provides instruction to students in elementary school or high school in another state, any full school year, or its equivalent in the other state, that the teacher provides instruction counts toward the two (2) full school years under this subsection.

~~(f)~~ **(f)** A teacher who does not receive a raise or increment under subsection ~~(e)~~ **(d)** may file a request with the superintendent or superintendent's designee not later than five (5) days after receiving notice that the teacher received a rating of ineffective. The teacher is entitled to a private conference with the superintendent or superintendent's designee.

~~(g)~~ **(g)** The department shall publish a model compensation plan with a model salary range that a school corporation may adopt. Before July 1, 2015, the department may modify the model compensation plan, as needed, to comply with subsection ~~(f)~~:

~~(h)~~ **(h)** Each school corporation shall submit its local compensation plan to the department. For a school year beginning after June 30, 2015, a local compensation plan must specify the range for teacher salaries. The department shall publish the local compensation plans on the department's Internet

web site.

(g) (i) The department shall report any noncompliance with this section to the state board.

(h) (j) The state board shall take appropriate action to ensure compliance with this section.

(i) (k) This chapter may not be construed to require or allow a school corporation to decrease the salary of any teacher below the salary the teacher was earning on or before July 1, 2015, if that decrease would be made solely to conform to the new compensation plan.

(j) (l) After June 30, 2011, all rights, duties, or obligations established under IC 20-28-9-1 before its repeal are considered rights, duties, or obligations under this section."

Delete pages 13 through 15.

Re-number all SECTIONS consecutively.

(Reference is to HB 1004 as reprinted February 3, 2016.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 4.

BOOTS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education & Career Development, to which was referred House Bill 1005, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 4, line 41, delete "but remains available to be used for" and insert ".".

Page 4, delete line 42.

Page 5, delete lines 18 through 42.

Delete page 6.

Page 7, delete lines 1 through 14.

Re-number all SECTIONS consecutively.

(Reference is to HB 1005 as printed January 26, 2016.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 2.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred House Bill 1025, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

HEAD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education & Career Development, to which was referred House Bill 1034, has

had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass and be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 10, Nays 0.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security & Transportation, to which was referred House Bill 1038, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

YODER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred House Bill 1068, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax & Fiscal Policy, to which was referred House Bill 1081, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 55, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 38. IC 6-3.5-9-1, AS ADDED BY P.L.173-2011, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 1. This chapter applies to a city or county that receives a certified distribution of a tax imposed under ~~IC 6-3.5-1.1~~, ~~IC 6-3.5-6~~, or ~~IC 6-3.5-7~~. **IC 6-3.6-4.**"

Page 56, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 40. IC 6-3.6-1-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 1.5. (a) In counties that adopted a homestead credit under IC 6-3.5-6-13 (before its repeal January 1, 2017), the transition from the former taxes to the taxes governed under this article shall include the transition of the homestead credit under IC 6-3.5-6-13 (before its repeal January 1, 2017) to a property tax relief rate under IC 6-3.6-5.**"

(b) To accomplish the transition under this section, the department of local government finance shall determine the portion of the income tax rate under IC 6-3.5-6-8 (before its repeal January 1, 2017) that is attributable to the homestead credit approved under IC 6-3.5-6-13 (before its repeal January 1, 2017) and shall allocate that portion of the income tax rate that is attributable to the homestead credit under IC 6-3.5-6-13 (before its repeal January 1, 2017) to the property tax relief rate under IC 6-3.6-5.

(c) The department of local government finance shall notify each affected county of the rate that will be allocated to the property tax relief rate not later than July 1, 2016. In addition, the department of local government finance shall notify the state budget agency of the transition under this section.

(d) The approval of the local income tax council is not required for the transition of the homestead credit under IC 6-3.5-6-13 (before its repeal January 1, 2017) to a property tax relief rate as set forth in this section."

Page 58, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 43. IC 6-3.6-3-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 7.5. (a) This section applies to a county in which the county adopting body is the county council.**

(b) Before the county council may vote on a proposed ordinance under this article, the county council must hold a public hearing on the proposed ordinance and provide the public with notice of the date, time, and place where the public hearing will be held.

(c) The notice required by subsection (b) must be given in accordance with IC 5-3-1 and include the proposed ordinance."

Page 58, between lines 41 and 42, begin a new line block indented and insert:

"In the case of a civil taxing unit that has pledged the tax from additional revenue for the payment of bonds, leases, or other obligations as reported by the civil taxing unit under IC 5-1-18, the adopting body may not, under section 4 of this chapter, reduce the proportional allocation of the additional revenue that was allocated in the preceding year if the reduction for that year would result in an amount less than the amount necessary for the payment of bonds, leases, or other obligations payable or required to be deposited in a sinking fund or other reserve in that year for the bonds, leases, or other obligations for which the tax from additional revenue has been pledged."

Page 59, line 12, strike "may" and insert "must".

Page 59, line 13, after "percentages" insert ".".

Page 59, line 13, strike "or dollar amounts."

Page 59, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 47. IC 6-3.6-6-5, AS ADDED BY P.L.243-2015,

SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 5. The adopting body may not allocate reduce the proportional allocation among the uses described in section 4 of this chapter in a year if the reduction would allocate less to the payment of bonds or leases for which the tax under this chapter has been pledged in accordance with law than the amount pledged and payable in that year or required under the agreements for the bonds or leases to be deposited in a sinking fund or other reserve in that year.**

SECTION 48. IC 6-3.6-6-6 IS REPEALED [EFFECTIVE JULY 1, 2016]. **Sec. 6. (a) The total amount allocated in a year to the uses described in section 4 of this chapter may not, in the aggregate, exceed the amount of additional revenue raised by the tax imposed under this chapter for that year. If the amount available in a year is less than the amount necessary to fund all the purposes authorized by the adopting body, the county auditor shall reduce the amount distributed to these purposes to eliminate the deficit:**

(b) The county auditor may not in a year reduce an allocation of money pledged to make bond payments or lease payments less than the amount pledged to make payments in that year:

(c) Subject to subsection (b), the county auditor shall reduce allocations under this section in accordance with the instructions in an ordinance adopted by the adopting body. To the extent that the adopting body has not adopted an ordinance to specify how a deficiency is to be eliminated, or the ordinance does not eliminate the deficiency, the county auditor shall, subject to subsection (b), uniformly reduce allocations in each category:

SECTION 49. IC 6-3.6-6-7 IS REPEALED [EFFECTIVE JULY 1, 2016]. **Sec. 7. The county auditor may not allocate more than the amount authorized by the adopting body. If the amount available in a year for allocation under this chapter is greater than the amount necessary to fund all the purposes authorized by the adopting body, the county auditor shall:**

(1) allocate the excess as directed by the adopting body; or
(2) in the absence of an ordinance that allocates all the excess, retain the excess and apply it, as necessary, to fund the purposes authorized by the adopting body for the following year."

Page 62, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 50 IC 6-3.6-6-20, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 20. (a) This section does not apply to distributions of revenue under IC 6-3.6-6-9.**

(a) (b) This section applies to any allocation or distribution of revenue under section 3(1) or 3(2) of this chapter that is made on the basis of property tax levies in counties that formerly imposed a tax under IC 6-3.5-6 (before its repeal January 1, 2017). In counties that formerly imposed a tax under IC 6-3.5-1.1 (before its repeal January 1, 2017), this section applies to any allocation or distribution of revenue under section 3(1) of this chapter that is made on the basis of property tax levies.

(c) If a school corporation or civil taxing unit of an adopting county does not impose a property tax levy that is first due and payable in a calendar year in which revenue under section 3(1) or 3(2) of this chapter is being allocated or distributed, that school corporation or civil taxing unit is entitled to receive a part of the revenue under section 3(1) or 3(2) of this chapter (as appropriate) to be distributed within the county. The fractional amount that such a school corporation or civil taxing unit is entitled to receive each month during that calendar year equals the product of the following:

- (1) The amount of revenue under section 3(1) or 3(2) of this chapter to be distributed on the basis of property tax levies during that month; multiplied by
- (2) A fraction. The numerator of the fraction equals the budget of that school corporation or civil taxing unit for that calendar year. The denominator of the fraction equals the aggregate budgets of all school corporations or civil taxing units of that county for that calendar year.

~~(b)~~ (d) If for a calendar year a school corporation or civil taxing unit is allocated a part of a county's revenue under section 3(1) or 3(2) of this chapter by subsection ~~(a)~~, (c), the calculations used to determine the shares of revenue of all other school corporations and civil taxing units under section 3(1) or 3(2) of this chapter (as appropriate) shall be changed each month for that same year by reducing the amount of revenue to be distributed by the amount of revenue under section 3(1) or 3(2) of this chapter allocated under subsection ~~(a)~~ (c) for that same month. The department of local government finance shall make any adjustments required by this subsection and provide them to the appropriate county auditors."

Page 73, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 63. IC 6-3.6-9-9, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. The budget agency shall provide the ~~county council~~ **adopting body** with an informative summary of the calculations used to determine the certified distribution. The summary of calculations must include:

- (1) the amount reported on individual income tax returns processed by the department during the previous fiscal year;
- (2) adjustments for over distributions in prior years;
- (3) adjustments for clerical or mathematical errors in prior years;
- (4) adjustments for tax rate changes; and
- (5) the amount of excess account balances to be distributed under section 15 of this chapter.

SECTION 64. IC 6-3.6-9-11, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. The information described in sections 9 and 10 of this chapter must be certified to the county auditor, **to the fiscal officer of each taxing unit in the county**, and to the department of local government finance not later than the later of the following:

- (1) October 1 of each calendar year.
- (2) Thirty (30) days after the adopting body certifies a new rate to the budget agency."

Page 73, delete lines 17 through 41.

Page 79, line 25, delete "department of local government finance" and insert "**auditor of state**".

Page 80, line 28, delete "department of local government finance" and insert "**auditor of state**".

Page 81, line 28, delete "department of local government finance" and insert "**auditor of state**".

Page 82, line 38, delete "(IC 6-6-10)" and insert "~~(€~~ **6-6-10**)";

Renumber all SECTIONS consecutively.

(Reference is to HB 1081 as reprinted January 22, 2016.) and when so amended that said bill do pass.

Committee Vote: Yeas 12, Nays 0.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred House Bill 1085, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 1.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health & Provider Services, to which was referred House Bill 1088, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

PATRICIA MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security & Transportation, to which was referred House Bill 1090, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

YODER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred House Bill 1130, has had the same under

consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 5-2-6-3, AS AMENDED BY P.L.213-2015, SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. The institute is established to do the following:

- (1) Evaluate state and local programs associated with:
 - (A) the prevention, detection, and solution of criminal offenses;
 - (B) law enforcement; and
 - (C) the administration of criminal and juvenile justice.
- (2) Improve and coordinate all aspects of law enforcement, juvenile justice, and criminal justice in this state.
- (3) Stimulate criminal and juvenile justice research.
- (4) Develop new methods for the prevention and reduction of crime.
- (5) Prepare applications for funds under the Omnibus Act and the Juvenile Justice Act.
- (6) Administer victim and witness assistance funds.
- (7) Administer the traffic safety functions assigned to the institute under IC 9-27-2.
- (8) Compile and analyze information and disseminate the information to persons who make criminal justice decisions in this state.
- (9) Serve as the criminal justice statistical analysis center for this state.
- (10) Identify grants and other funds that can be used by the department of correction to carry out its responsibilities concerning sex or violent offender registration under IC 11-8-8.
- (11) Administer the application and approval process for designating an area of a consolidated or second class city as a public safety improvement area under IC 36-8-19.5.
- (12) Develop and maintain a meth watch program to inform retailers and the public about illicit methamphetamine production, distribution, and use in Indiana.
- (13) Develop and manage the gang crime witness protection program established by section 21 of this chapter.
- (14) Identify grants and other funds that can be used to fund the gang crime witness protection program.
- (15) Administer any sexual offense services.
- (16) Administer domestic violence programs.
- (17) Administer assistance to victims of human sexual trafficking offenses as provided in IC 35-42-3.5-4.
- (18) Administer the domestic violence prevention and treatment fund under IC 5-2-6.7.
- (19) Administer the family violence and victim assistance fund under IC 5-2-6.8.
- (20) In conjunction with the division of mental health and addiction, establish the Indiana technical assistance center

for crisis intervention teams under IC 5-2-21.2.

(21) Monitor and evaluate criminal code reform under IC 5-2-6-24.

(22) Administer the enhanced enforcement drug mitigation area fund and pilot program established under IC 5-2-11.5.

(23) Administer the ignition interlock inspection account established under IC 9-30-8-7."

Page 3, line 5, after "interlock" insert "device".

Page 3, line 8, delete "for the use of the" and insert "**with respect to**".

Page 3, line 9, after "program." insert "**Fees described in this subdivision shall be paid by the vendor or provider of an ignition interlock device and used to defray the expenses of testing, examining, inspecting, and developing standards concerning ignition interlock devices. Funds collected under this subdivision shall be deposited in the ignition interlock inspection account established under subsection (c)."**

Page 3, line 11, after "interlock" insert "device".

Page 3, between lines 16 and 17, begin a new paragraph and insert:

"(c) The ignition interlock inspection account is established within the state general fund to defray the expenses of testing, examining, inspecting, and developing standards concerning ignition interlock devices. The account shall be administered by the Indiana criminal justice institute. The following provisions apply to the account:

(1) The account consists of:

(A) fees paid by the vendor of an ignition interlock device; and

(B) appropriations made by the general assembly.

(2) Money in the account may be spent to defray the expenses of testing, examining, inspecting, and developing standards concerning ignition interlock devices.

(3) The Indiana criminal justice institute shall annually prepare a plan for the expenditure of money in the account.

(4) The expenses of administering the account shall be paid from money in the account.

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

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

Renumber all SECTIONS consecutively.

(Reference is to HB 1130 as reprinted February 3, 2016.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions & Labor, to which was referred House Bill 1161, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 6-8.1-3-25, AS ADDED BY P.L.213-2015, SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25. Notwithstanding any other law, the department shall deposit the amounts collected under a tax amnesty program carried out under section 17 of this chapter after June 30, 2015, as follows:

(1) **County income tax collected under IC 6-3.5-1.1, IC 6-3.5-6, or IC 6-3.5-7 (repealed January 1, 2017) shall be distributed to counties in the same manner as otherwise provided by the appropriate chapter of the Indiana Code.**

(2) **Eight percent (8%) of inheritance tax collected for resident decedents shall be distributed to counties in the manner provided under IC 6-4.1-9-6.**

(3) **County innkeeper's tax collected shall be deposited as required by IC 6-9.**

(4) **County and municipal food and beverage tax collected shall be deposited as required by IC 6-9.**

(5) **County admissions taxes collected shall be deposited as required by IC 6-9-13 and IC 6-9-28.**

(6) **Aircraft license excise tax collected shall be deposited as required by IC 6-6-6.5-21.**

(7) **Auto rental excise tax collected shall be deposited as required by IC 6-6-9-11.**

(8) **Supplemental auto rental excise tax shall be deposited as otherwise required by the appropriate chapter of the Indiana Code.**

(9) **Financial institutions tax collected shall be deposited as required by IC 6-5.5-8-2.**

(+) (10) **After making the deposits required under subdivisions (1) through (9), the first eighty-four million dollars (\$84,000,000) collected must be deposited into the Indiana regional cities development fund established by IC 5-28-38-2.**

(±) (11) **After making the deposits required under ~~subdivision~~ subdivisions (1) through (10), the next six million dollars (\$6,000,000) collected shall be transferred to the Indiana department of transportation to reimburse the Indiana department of transportation for money expended by the Indiana department of transportation under IC 8-23-2-18.5 for the operation of the Hoosier State Rail Line. However, the total amount transferred under this subdivision to the Indiana department of transportation may not exceed the lesser of:**

(A) six million dollars (\$6,000,000); or

(B) the total amount expended by the Indiana

department of transportation under IC 8-23-2-18.5 for the operation of the Hoosier State Rail Line after June 30, 2015, and before July 1, 2017.

(12) **After making the deposits required under subdivisions (1) through (11), the next forty-two million dollars (\$42,000,000) collected must be deposited into the Indiana regional cities development fund established by IC 5-28-38-2.**

(13) **After making the deposits required under subdivisions (1) through (12), the next twenty million seven hundred thousand dollars (\$20,700,000) must be deposited into the pension stabilization fund established by IC 5-10.4-2-5. The amount deposited under this subdivision is appropriated to the board of trustees of the Indiana public retirement system for the purposes of the pension stabilization fund.**

(±) (14) **Any remaining amounts collected must be deposited into the state general fund; distributed to the department of state revenue to be used to:**

(A) **make upgrades or improvements to; or**

(B) **expand the capabilities of;**

the department of state revenue's technology resources, including information systems and computer systems."

Page 2, delete lines 1 through 13.

Page 6, after line 16, begin a new paragraph and insert:

"SECTION 7. [EFFECTIVE UPON PASSAGE] (a) **There is appropriated from the Indiana regional cities development fund established by IC 5-28-38-2 forty-two million dollars (\$42,000,000) for the purpose of funding a third grant under the regional cities initiative.**

(b) **This SECTION expires June 30, 2017.**

SECTION 8. **An emergency is declared for this act."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1161 as printed January 22, 2016.)

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 9, Nays 2.

BOOTS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education & Career Development, to which was referred House Bill 1179, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 1, delete "IC 21-13-8-1(2)(B)," and insert "**IC 21-13-8-1(b)(2)(B),"**

Page 2, line 9, after "1." insert "**(a) The Earline S. Rogers student teaching stipend for minority students is established. (b)"**.

(Reference is to HB 1179 as printed January 26, 2016.)

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 11, Nays 0.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax & Fiscal Policy, to which was referred House Bill 1180, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 8-10-1-2, AS AMENDED BY P.L.98-2008, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. As used in this chapter, the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:

(a) The word "commission" shall mean the commission created by section 3(b) of this chapter, or, if said commission shall be abolished, the board, body or commission succeeding to the principal functions thereof, or to whom the powers given by this chapter to the commission shall be given by law.

(b) The word "port" shall include any combination of:

- (1) any place or places on Lake Michigan, the Ohio River, the Wabash River, or other water bodies, natural or artificial, in which water-borne vessels capable of carrying articles of commerce over navigable bodies of water may be loaded, unloaded, or accommodated; and
- (2) nonmaritime port and traffic exchange points throughout Indiana for the transfer of goods and passengers between all modes of transportation.

(c) The word "project" shall include:

(1) any facilities, adjuncts, and appurtenances necessary or useful to operate a modern port, whether or not permanently situated at the port, including:

- (A) the dredging of approaches to a port; and
- (B) breakwaters, inner harbors, outer harbors, channels, canals, turning basins, docks, wharves, piers, quays, slips, loading, unloading, handling and storage equipment, warehouses, refrigerating plants and equipment, elevators for the handling and storage of grain, coal and other bulk commodities, terminal buildings or facilities, railroad equipment and trackage, roadways, airplane landing fields, parking lots, garages, automotive equipment, tugs, ferries, maintenance and construction vessels, communication systems, sewers, drains, works for the treatment of sewage, garbage and wastes, and the furnishing of utility service necessary to serve the property under the jurisdiction or control of the ports of Indiana and other buildings and facilities which the ports of Indiana may deem necessary for the operation of the port; and

(2) any other project located in Indiana, other than at a

port, that the ports of Indiana finds will enhance, foster, aid, provide, or promote economic development, public-private partnerships, and other industrial, commercial, business, and transportation purposes.

(d) The word "cost" as applied to a port or project means:

- (1) the cost of construction;
- (2) the cost of acquisition of all land, rights-of-way, property, rights, easements and interests, including lands under water and riparian rights acquired by the ports of Indiana for construction;
- (3) the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which buildings or structures may be moved;
- (4) the cost of relocating public roads;
- (5) the cost of land or easements for roads;
- (6) the cost of all machinery and equipment;
- (7) financing charges;
- (8) interest prior to and during construction and for not exceeding two (2) years after the estimated date of completion of construction;
- (9) the cost of engineering and legal expenses, plans, specifications, surveys, and estimates of cost, traffic and revenues;
- (10) other expenses necessary or incident to determining the feasibility or practicability of constructing any such project;
- (11) administrative expense;
- (12) other expenses as may be necessary or incident to the acquisition or construction of the project, the financing of the acquisition or construction, and the placing of the project in operation, including the amount authorized in the resolution of the commission providing for the issuance of revenue bonds to be paid into any special funds from the proceeds of the bonds; and
- (13) any obligation, cost, or expense incurred by any governmental agency or person for surveys, borings, the preparation of plans and specifications, and other engineering services, or any other cost described in this section that is incurred in connection with the acquisition or construction of a project may be regarded as part of the cost of the project and may be reimbursed out of the proceeds of revenue bonds as authorized by this chapter.

(e) The word "owner" shall include all individuals, copartnerships, associations, or corporations having any title or interest in any property, rights, easements, and other interests authorized to be acquired by this chapter.

(f) The word "revenues" shall mean all fees, tolls, rentals, gifts, grants, moneys, and all other funds coming into the possession or under the control of the ports of Indiana by virtue of the terms and provisions of this article, but shall not include real property or personal property other than money, nor the proceeds from the sale of bonds issued under provisions of this chapter.

(g) The word "public roads" shall include all public highways, roads, and streets in the state, whether maintained by the state, county, city, township, or other political subdivision.

(h) "Ports of Indiana" means the ports of Indiana created by section 3(a) of this chapter.

(i) "Unit of local government" means a county, city, town, or township.

SECTION 2. IC 8-10-1-5, AS AMENDED BY P.L.98-2008, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) The ports of Indiana may:

(1) prepare sketches, plans, and descriptive material relating to ports or projects, as in its discretion may seem feasible, to compile data and prepare literature as to the necessity or advisability thereof, and to do other acts and things it considers necessary to promote the ports or projects and deems to be in the public interest;

(2) carry on, in its discretion, negotiations and enter into agreements and contracts with the federal government or agencies of the federal government or an authority established under IC 36-7-23 for the building and construction of public ports including terminal facilities, to be located within Indiana, on Lake Michigan, the Ohio River, the Wabash River, or in waters adjacent to Indiana;

(3) locate and acquire suitable sites for ports or projects;

(4) construct, develop, maintain, and operate the same in cooperation with the federal government, any agency of the federal government, a corporation established under IC 36-7-23, or otherwise, in such a manner and on such terms as will, in the discretion of the ports of Indiana, best serve the commercial, industrial, and agricultural interests of the state;

(5) provide adequate port and terminal facilities to accommodate water, rail, truck, and airborne transportation; ~~and~~

(6) provide a traffic exchange point for all forms of transportation, giving particular attention to the benefits which may accrue to the state and its citizens by the opening of the St. Lawrence Seaway and river transportation; ~~and~~

(7) cooperate with units of local government that provide services to the ports of Indiana and provide support to those units of local government in the provision of their services to the ports of Indiana.

(b) The title to all property included in any port or project shall be taken in the name of, and shall be in, the state of Indiana.

SECTION 3. IC 8-10-1-7, AS AMENDED BY P.L.156-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. The ports of Indiana is authorized and empowered to do the following:

(1) To adopt an official seal which shall not be the seal of the state of Indiana.

(2) To maintain a principal office and sub-offices at such place or places within the state as it may designate.

(3) To sue and be sued, and to plead and be impleaded in

the name of the ports of Indiana. However, actions at law against the ports of Indiana shall be brought in the circuit court of the county in which the principal office of the ports of Indiana is located or in the circuit court of the county in which the cause of action arose, if the county is located within the state. All summonses and legal notices of every kind shall be served on the ports of Indiana by leaving a copy thereof at the principal office of the ports of Indiana with the person in charge thereof or with the secretary of the ports of Indiana. However, no such action shall be deemed commenced until a copy of the summons and complaint, cross complaint, petition, bill, or pleading is served upon the attorney general of Indiana.

(4) To acquire, lease, construct, maintain, repair, police, and operate a port or project as provided in this chapter, and to establish rules and regulations for the use of the port or project, and other property subject to the jurisdiction and control of the ports of Indiana.

(5) To issue both taxable and tax exempt revenue bonds of the state, payable solely from revenues, as herein provided, for the purpose of paying all or any part of the cost of a port or project.

(6) To acquire, lease, and operate tug boats, locomotives, and any and every kind of motive power and conveyances or appliances necessary or proper to carry passengers, goods, wares, merchandise, or articles of commerce in, on, or around the port or project.

(7) To fix and revise from time to time and to collect fees, rentals, tolls, and other charges for the use of any port or project.

(8) To acquire, obtain option on, hold, and dispose of real and personal property in the exercise of its powers and the performance of its duties under this chapter.

(9) To designate the location and establish, limit, and control points of ingress to and egress from a port or project.

(10) To lease to others for development or operation such portions of any port or project, on such terms and conditions as the ports of Indiana shall deem advisable.

(11) To make and enter into all contracts, undertakings, and agreements necessary or incidental to the performance of its duties and the execution of its powers under this chapter. Except as provided in section 29 of this chapter, when the cost of any such contract for construction, or for the purchase of equipment, materials, or supplies, involves an expenditure of more than one hundred fifty thousand dollars (\$150,000), the ports of Indiana shall make a written contract with the lowest and best bidder after advertisement for not less than two (2) consecutive weeks in a newspaper of general circulation in the county where the construction will occur and in such other publications as the ports of Indiana shall determine. The notice shall state the general character of the work and the general character of the materials to be furnished, the place where

plans and specifications therefor may be examined, and the time and place of receiving bids. Each bid shall contain the full name of every person or company interested in it and shall be accompanied by a sufficient bond or certified check on a solvent bank that if the bid is accepted a contract will be entered into and the performance of its proposal secured. The ports of Indiana may reject any and all bids. A bond with good and sufficient surety as shall be approved by the ports of Indiana shall be required of all contractors in an amount equal to at least fifty percent (50%) of the contract price conditioned upon the faithful performance of the contract. A contract for construction or a contract for the purchase of materials or supplies requires only the approval of the commission. Upon the ports of Indiana's approval of a contract, the ports of Indiana may immediately proceed with the construction or purchase.

(12) To construct, assemble, or otherwise build, own, lease, operate, manage, or otherwise control any project throughout Indiana for the purpose of promoting economic growth and development throughout Indiana, retaining existing employment within Indiana, and attracting new employment opportunities within Indiana.

(13) To employ a chief executive, consulting engineers, superintendents, and such other engineers, construction and accounting experts, attorneys, and other employees and agents as may be necessary in its judgment, and to fix their compensation and title, but no compensation of any employee of the ports of Indiana shall exceed the compensation of the highest paid officer or employee of the state.

(14) To receive and accept from any federal agency grants for or in aid of the construction of any port or project, and to receive and accept aid or contributions from any source of either money, property, labor, or other things of value, to be held, used, and applied only for the purposes for which such grants and contributions may be made.

(15) To provide coverage for its employees under the provisions of IC 22-3-2 through IC 22-3-6, and IC 22-4.

(16) To do all acts and things necessary or proper to carry out the powers expressly granted in this article.

(17) To hold, use, administer, and expend such sum or sums as may herein or hereafter be appropriated or transferred to the ports of Indiana.

(18) To reimburse a unit of local government for services provided to the ports of Indiana, if the fiscal body of the unit of local government makes a request to the ports of Indiana for reimbursement under section 20.5 of this chapter. A unit of local government is considered to have provided services to the ports of Indiana if the unit of local government is responsible for fire protection services, hazardous material response, or other similar emergency response services within the ports of Indiana.

SECTION 4. IC 8-10-1-12, AS AMENDED BY P.L.98-2008, SECTION 22, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2016]: Sec. 12. (a) A special and distinct revolving fund is hereby created, to be known as the Indiana port fund. Expenditures from said fund shall be made only for the following:

(1) Acquisition of land, including lands under water and riparian rights, or options for the purchase of such land for a port or project site, and incidental expenses incurred in connection with such acquisition.

(2) Studies in connection with the port or project.

(3) Studies in connection with transportation by water, intermodal transportation, and other modes of transportation.

(4) Transfers to the fund established by IC 14-13-2-19 to carry out the purposes of IC 14-13-2.

(5) Reimbursement of a unit of local government for services provided by the unit of local government to the ports of Indiana as authorized under section 7(18) of this chapter.

~~(5)~~ (6) Administrative expenses of the ports of Indiana.

The fund shall be held in the name of the ports of Indiana, shall be administered by the ports of Indiana, and all expenditures therefrom shall be made by the ports of Indiana, subject, however, to the approval by governor and the budget committee of all expenditures of moneys advanced to said fund by the state of Indiana. Requests for such approval shall be made in such form as shall be prescribed by the budget committee, but expenditures for acquisition of land including lands under water and riparian rights, or options for the purchase of such land, shall be specifically requested and approved as to the land to be acquired and the amount to be expended. No transfers from said fund to any other fund of the state shall be made except pursuant to legislative action.

(b) Upon the sale of revenue bonds for any port or project, the funds expended from the Indiana port fund in connection with the development of such port or project and any obligation or expense incurred by the ports of Indiana for surveys, preparation of plans and specifications, and other engineering or other services in connection with development of such port or project shall be reimbursed to the state general fund from the proceeds of such bonds.

SECTION 5. IC 8-10-1-20.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 20.5. The fiscal body of a unit of local government that provides services to the ports of Indiana may request reimbursement from the ports of Indiana for the services provided."**

Page 1, line 5, after "area" delete ":" and insert "and:".

Page 1, line 6, after "(A)" insert "was located in the tax increment allocation area".

Page 1, line 8, delete "purpose listed in subdivision (2);" and insert "tax exempt purpose;".

Page 1, line 9, delete "that".

Page 1, line 9, delete "purpose listed in subdivision (2);" and insert "tax exempt purpose;".

Page 1, line 11, delete "also any of the following:" and insert "**exempt from property taxation.**".

Page 1, delete lines 12 through 17.

Page 2, delete lines 1 through 7.

Page 2, line 39, after "or charges," insert "**ditch or drainage assessments, storm water fees or charges.**".

Page 4, line 4, after "or charges," insert "**ditch or drainage assessments, storm water fees or charges.**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1180 as printed January 29, 2016.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 2.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Public Policy, to which was referred House Bill 1201, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 9-18-25-17.5, AS AMENDED BY P.L.216-2014, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 17.5. (a) This section applies to a special group if at least five thousand (5,000) of the special group's license plates are issued under this chapter during one (1) calendar year beginning after December 31, 2004.

(b) Notwithstanding section 2 of this chapter, the representatives of the special group may petition the bureau to design a distinctive license plate that identifies a vehicle as being registered to a person who is a member of the special group.

(c) The design of the special group license plate must include a basic design for the special group recognition license plate with consecutive numerals or letters, or both, to properly identify the vehicle.

(d) A special group license plate must be treated with special reflective material designed to increase the visibility and legibility of the special group license plate.

(e) Beginning with the calendar year following the year in which the representatives petition the bureau under subsection (b), the bureau shall issue the special group's license plate to a person who is eligible to register a vehicle under this title who:

(1) completes an application for the license plate; and

(2) pays the following fees:

(A) The appropriate fee under IC 9-29-5-38(a).

(B) An annual special group recognition license plate fee of twenty-five dollars (\$25).

(f) The annual fee referred to in subsection (e)(2)(B) **and any other amounts remitted to the bureau as required under law** shall be collected by the bureau and deposited in a trust fund for the special group established under subsection (g). However, the bureau shall retain two dollars (\$2) for each license plate issued until the cost of designing and issuing the special group license

plate is recovered by the bureau.

(g) The treasurer of state shall establish a trust fund for each special group for which the bureau collects fees under this section.

(h) 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 are invested. Interest that accrues from these investments shall be deposited in the fund. Money in the fund is continuously appropriated for the purposes of this section. Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(i) The commissioner shall administer the fund. Expenses of administering the fund shall be paid from money in the fund.

(j) On June 30 of each year, the commissioner shall distribute the money from the fund to the special group for which the bureau has:

(1) collected fees under this section; **or**

(2) **received and deposited amounts as required by law.**

(k) The bureau may not disclose information that identifies the persons to whom special group license plates have been issued under this section."

Page 6, line 3, delete "Spay-Neuter Services of Indiana" and insert "**bureau of motor vehicles**".

Page 6, line 4, after "time." insert "**The bureau of motor vehicles shall deposit any amounts received under this section in a trust fund established under IC 9-18-25-17.5(g) for a special group that provides spay-neuter services.**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1201 as printed January 15, 2016.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

ALTING, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education & Career Development, to which was referred House Bill 1209, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education & Career Development, to which was referred House Bill 1219, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred House Bill 1233, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 3, line 24, delete "seek direction from" and insert "**consult with**".

Page 3, line 28, delete "seeking" and insert "**consultation**".

Page 3, line 29, delete "direction."

(Reference is to HB 1233 as printed January 29, 2016.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health & Provider Services, to which was referred House Bill 1264, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 34-6-2-117, AS AMENDED BY P.L.29-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 117. "Professional health care provider", for purposes of IC 34-30-15, means:

- (1) a physician licensed under IC 25-22.5;
- (2) a dentist licensed under IC 25-14;
- (3) a hospital licensed under IC 16-21;
- (4) a podiatrist licensed under IC 25-29;
- (5) a chiropractor licensed under IC 25-10;
- (6) an optometrist licensed under IC 25-24;
- (7) a psychologist licensed under IC 25-33;
- (8) a pharmacist licensed under IC 25-26;
- (9) a health facility licensed under IC 16-28-2;
- (10) a registered or licensed practical nurse licensed under IC 25-23;
- (11) a physical therapist licensed under IC 25-27;
- (12) a home health agency licensed under IC 16-27-1;
- (13) a community mental health center (as defined in IC 12-7-2-38);
- (14) a health care organization whose members, shareholders, subsidiaries, affiliates, or partners are:
 - (A) professional health care providers described in subdivisions (1) through (13);
 - (B) professional corporations comprised of health care professionals (as defined in IC 23-1.5-1-8); or
 - (C) professional health care providers described in subdivisions (1) through (13) and professional corporations comprised of persons described in

- subdivisions (1) through (13);
- (15) a private psychiatric hospital licensed under IC 12-25;
- (16) a preferred provider organization (including a preferred provider arrangement or reimbursement agreement under IC 27-8-11);
- (17) a health maintenance organization (as defined in IC 27-13-1-19) or a limited service health maintenance organization (as defined in IC 27-13-34-4);
- (18) a respiratory care practitioner licensed under IC 25-34.5;
- (19) an occupational therapist licensed under IC 25-23.5;
- (20) a state institution (as defined in IC 12-7-2-184);
- (21) a clinical social worker who is licensed under IC 25-23.6-5-2;
- (22) a managed care provider (as defined in IC 12-7-2-127(b));
- (23) a nonprofit health care organization affiliated with a hospital that is owned or operated by a religious order, whose members are members of that religious order;
- (24) a nonprofit health care organization with one (1) or more hospital affiliates; or
- (25) a health care organization that owns or controls, in whole or in part, one (1) or more entities described in subdivisions (1) through (24).
- (26) A provider organization (as defined in IC 16-18-2-296).**

SECTION 2. IC 34-30-15-8, AS AMENDED BY P.L.204-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) Communications to, the records of, and determinations of a peer review committee may only be disclosed to:

- (1) the peer review committee of:
 - (A) a hospital;
 - (B) a nonprofit health care organization (described in IC 34-6-2-117(23));
 - (C) a preferred provider organization (including a preferred provider arrangement or reimbursement agreement under IC 27-8-11);
 - (D) a health maintenance organization (as defined in IC 27-13-1-19) or a limited service health maintenance organization (as defined in IC 27-13-34-4);
 - (E) a provider organization (as defined in IC 16-18-2-296) that is not owned by a hospital that includes the provider's organization's provision of services as part of the hospital's peer review committee review;**
 - ~~(F)~~ (F) another health facility; or
 - ~~(G)~~ (G) a medical school located in Indiana of which the professional health care provider who is the subject of the peer review is a faculty member;
- (2) the disciplinary authority of the professional organization of which the professional health care provider under question is a member; or
- (3) the appropriate state board of registration and licensure that the committee considers necessary for recommended

disciplinary action;
and shall otherwise be kept confidential for use only within the scope of the committee's work, unless the professional health care provider has filed a prior written waiver of confidentiality with the peer review committee.

(b) However, if a conflict exists between this section and IC 27-13-31, the provisions of IC 27-13-31 control."

Delete page 2.

(Reference is to HB 1264 as printed January 22, 2016.)
and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

PATRICIA MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health & Provider Services, to which was referred House Bill 1278, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

PATRICIA MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred House Bill 1294, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

HEAD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred House Bill 1298, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 13-18-15-2, AS AMENDED BY P.L.228-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) The persons involved shall negotiate the terms for connection and service under this chapter.

(b) If service is ordered under this chapter, a receiver of that service that is located in an unincorporated area may grant a waiver to a municipality providing the service. A waiver under this section:

- (1) must waive the receiver's right of remonstrance against annexation of the areas in which the service is to be

provided; and

(2) may be one (1) of the terms for connection and service described in subsection (a).

(c) The waiver, if granted:

(1) shall be noted on the deed of each property affected and recorded as provided by law; and

(2) is considered a covenant running with the land.

(d) Notwithstanding any other law, ~~a waiver of the right of remonstrance executed after June 30, 2015; expires not later than fifteen (15) years after the date the waiver was executed: a waiver of the right to remonstrate is effective and binding on a landowner or a successor in title only with regard to an annexation for which the annexation ordinance was adopted before July 1, 2016.~~

(e) This subsection applies to any deed recorded after June 30, 2015. This subsection applies only to property that is subject to a remonstrance waiver. A municipality shall, within a reasonable time after the recording of a deed to property located within the municipality, provide written notice to the property owner that a waiver of the right of remonstrance exists with respect to the property."

Page 2, line 37, delete "sections" and insert "section".

Page 3, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 4. IC 36-4-3-3.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3.1. (a) This section does not apply to an annexation under section 4(a)(2), 4(a)(3), 4(b), 4(h), or 4.1 of this chapter.

(b) A municipality shall develop and adopt a written fiscal plan and establish a definite policy by resolution of the legislative body that meets the requirements set forth in section 13 of this chapter.

(c) Except as provided in subsection (d), the municipality shall establish and adopt the written fiscal plan before mailing the notification to landowners in the territory proposed to be annexed under section 2.2 of this chapter.

(d) In an annexation under section 5, ~~or 5.1, or 5.5~~ of this chapter, the municipality shall establish and adopt the written fiscal plan before adopting the annexation ordinance."

Page 6, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 6. IC 36-4-3-5, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2016 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015 (RETROACTIVE)]: Sec. 5. (a) This subsection applies only to a petition requesting annexation that is filed before July 1, 2015. If the owners of land located outside of but contiguous to a municipality want to have territory containing that land annexed to the municipality, they may file with the legislative body of the municipality a petition:

(1) signed by at least:

(A) fifty-one percent (51%) of the owners of land in the territory sought to be annexed; or

(B) the owners of seventy-five percent (75%) of the total

assessed value of the land for property tax purposes; and
 (2) requesting an ordinance annexing the area described in the petition.

(b) This subsection applies only to a petition requesting annexation that is filed after June 30, 2015. If the owners of land located outside of but contiguous to a municipality want to have territory containing that land annexed to the municipality, they may file with the legislative body of the municipality a petition that meets the following requirements:

(1) The petition is signed by at least one (1) of the following:

(A) Fifty-one percent (51%) of the owners of land in the territory sought to be annexed. An owner of land may not:

(i) be counted in calculating the total number of owners of land in the annexation territory; or

(ii) have the owner's signature counted;

with regard to any single property that the owner has an interest in that was exempt from property taxes under IC 6-1.1-10 or any other state law for the immediately preceding year.

(B) The owners of seventy-five percent (75%) of the total assessed value of the land for property tax purposes. Land that was exempt from property taxes under IC 6-1.1-10 or any other state law for the immediately preceding year may not be included in calculating the total assessed valuation of the land in the annexation territory. The court may not count an owner's signature on a petition with regard to any single property that the owner has an interest in that was exempt from property taxes under IC 6-1.1-10 or any other state law for the immediately preceding year.

(2) The petition requests an ordinance annexing the area described in the petition.

(c) The petition circulated by the landowners must include on each page where signatures are affixed a heading that is substantially similar to the following:

"PETITION FOR ANNEXATION INTO THE (insert whether city or town) OF (insert name of city or town)."

(d) If the legislative body fails to pass the ordinance within one hundred fifty (150) days after the date of filing of a petition under subsection (a) or (b), the petitioners may file a duplicate copy of the petition in the circuit or superior court of a county in which the territory is located, and shall include a written statement of why the annexation should take place. Notice of the proceedings, in the form of a summons, shall be served on the municipality named in the petition. The municipality is the defendant in the cause and shall appear and answer.

(e) The court shall hear and determine the petition without a jury, and shall order the proposed annexation to take place only if the evidence introduced by the parties establishes that:

(1) essential municipal services and facilities are not available to the residents of the territory sought to be annexed;

(2) the municipality is physically and financially able to provide municipal services to the territory sought to be annexed;

(3) the population density of the territory sought to be annexed is at least three (3) persons per acre; and

(4) the territory sought to be annexed is contiguous to the municipality.

If the evidence does not establish all four (4) of the preceding factors, the court shall deny the petition and dismiss the proceeding.

(f) This subsection does not apply to a town that has abolished town legislative body districts under IC 36-5-2-4.1. An ordinance adopted under this section must assign the territory annexed by the ordinance to at least one (1) municipal legislative body district.

(g) A municipality may not promote or collect signatures on an annexation petition that is filed under this section after June 30, 2016.

SECTION 7. IC 36-4-3-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 5.5. (a) This section does not apply to an annexation under section 5 or 5.1 of this chapter.**

(b) This section applies only to an annexation for which an annexation ordinance is adopted after June 30, 2016.

(c) After a municipality meets the requirements under sections 2.1 and 2.2 of this chapter, and adopts an annexation ordinance under section 3 or 4 of this chapter, in order for the annexation to proceed, the municipality must file a written petition under subsection (f), signed by owners of land in the territory proposed to be annexed who are in favor of the annexation. The petition must be signed by:

(1) at least fifty-one percent (51%) of the owners of land:

(A) not exempt from property taxes under IC 6-1.1-10 or any other state law; and

(B) in the territory proposed to be annexed; or

(2) the owners of more than seventy-five percent (75%) in assessed valuation of land:

(A) not exempt from property taxes under IC 6-1.1-10 or any other state law; and

(B) in the territory proposed to be annexed.

(d) The petition circulated by the municipality must include on each page where signatures are affixed a heading that is substantially similar to the following:

"PETITION FOR ANNEXATION INTO THE (insert whether city or town) OF (insert name of city or town)."

(e) A landowner may withdraw the landowner's signature from the petition not more than ten (10) days after the municipality adopts the annexation ordinance by providing written notice to the office of the clerk of the municipality. A landowner who withdraws the landowner's signature from the petition is considered not to have signed the petition for purposes of subsection (h)(2).

(f) The municipality must file the petition with the circuit or superior court of the county where the municipality is located not later than ninety (90) days after the publication of the annexation ordinance under section 7 of this chapter. The petition must be accompanied by:

- (1) a copy of the ordinance; and**
- (2) the names and addresses of all persons who meet the requirements of subsection (h).**

(g) On receipt of the petition, the court shall determine whether the petition has the necessary signatures. In determining the total number of landowners of the territory proposed to be annexed and whether signers of the petition are landowners, the names appearing on the tax duplicate for that territory constitute prima facie evidence of ownership. Only one (1) person having an interest in each single property, as evidenced by the tax duplicate, is considered a landowner for purposes of this section. If the court determines that the municipality's petition has a sufficient number of signatures, the court shall fix a time, not later than sixty (60) days after its determination, for a hearing on the petition.

(h) A person may intervene as a party at the hearing described in subsection (g) if the person:

- (1) is an owner of property in the territory proposed to be annexed;**
- (2) did not sign the petition and no other owner of the property signed the petition filed by the municipality; and**
- (3) appeared in person or submitted a remonstrance or other document objecting to the annexation into the record of the hearing under section 2.1 of this chapter.**

The court shall give a person described in this subsection notice of the hearing on the petition by certified mail.

SECTION 8. IC 36-4-3-7, AS AMENDED BY P.L.113-2010, SECTION 116, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) After an ordinance is adopted under section 3, 4, 5, or 5.1 of this chapter, it must be published in the manner prescribed by IC 5-3-1. Except as provided in subsection (b), (c), or (f), in the absence of remonstrance and appeal under section 11 or 15.5 of this chapter, the ordinance takes effect at least ninety (90) days after its publication and upon the filing required by section 22(a) of this chapter.

(b) An ordinance described in subsection (d) or adopted under section 3, 4, 5, or 5.1 of this chapter may not take effect during the year preceding a year in which a federal decennial census is conducted. An ordinance that would otherwise take effect during the year preceding a year in which a federal decennial census is conducted takes effect January 1 of the year in which a federal decennial census is conducted.

(c) Subsections (d) and (e) apply to fire protection districts that are established after June 14, 1987.

(d) Except as provided in subsection (b), whenever a municipality annexes territory, all or part of which lies within a fire protection district (IC 36-8-11), the annexation ordinance (in

the absence of remonstrance and appeal under section 11 or 15.5 of this chapter) **or in the absence of a hearing or an appeal under section 12 or 15.5 of this chapter (in the case of an annexation for which an annexation ordinance is adopted after June 30, 2016)**, takes effect the second January 1 that follows the date the ordinance is adopted and upon the filing required by section 22(a) of this chapter. The municipality shall:

- (1) provide fire protection to that territory beginning the date the ordinance is effective; and
- (2) send written notice to the fire protection district of the date the municipality will begin to provide fire protection to the annexed territory within ten (10) days of the date the ordinance is adopted.

(e) If the fire protection district from which a municipality annexes territory under subsection (d) is indebted or has outstanding unpaid bonds or other obligations at the time the annexation is effective, the municipality is liable for and shall pay that indebtedness in the same ratio as the assessed valuation of the property in the annexed territory (that is part of the fire protection district) bears to the assessed valuation of all property in the fire protection district, as shown by the most recent assessment for taxation before the annexation, unless the assessed property within the municipality is already liable for the indebtedness. The annexing municipality shall pay its indebtedness under this section to the board of fire trustees. If the indebtedness consists of outstanding unpaid bonds or notes of the fire protection district, the payments to the board of fire trustees shall be made as the principal or interest on the bonds or notes becomes due.

(f) This subsection applies to an annexation initiated by property owners under section 5.1 of this chapter in which all property owners within the area to be annexed petition the municipality to be annexed. Subject to subsections (b) and (d), and in the absence of an appeal under section 15.5 of this chapter, an annexation ordinance takes effect at least thirty (30) days after its publication and upon the filing required by section 22(a) of this chapter."

Page 7, line 29, strike "or (after December 31, 2016) section".

Page 7, line 30, strike "11.4".

Page 8, between lines 18 and 19, begin a new paragraph and insert:

"(g) This section applies only to an annexation for which the annexation ordinance was adopted before July 1, 2016."

Page 8, delete lines 19 through 42, begin a new paragraph and insert:

"SECTION 9. IC 36-4-3-11.1, AS ADDED BY P.L.228-2015, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11.1. (a) This section applies only to an annexation ordinance adopted after June 30, 2015, **and before July 1, 2016.**

(b) After a municipality adopts an annexation ordinance in accordance with all applicable notice and hearing requirements under this chapter, the annexation may not proceed unless the annexing municipality completes the procedures set forth in this

section.

(c) The proper officers of the municipality must give notice of the applicability of the remonstrance process by providing notice by:

- (1) publication in accordance with IC 5-3-1; and
- (2) first class mail or certified mail with return receipt requested, or any other means of delivery that includes a return receipt;

to the circuit court clerk and to owners of real property described in section 2.2 of this chapter. Notice under this section must be published and mailed or delivered on the same date that notice of the adoption of the annexation ordinance is published under section 7 of this chapter.

(d) The notice of the applicability of the remonstrance process under subsection (c) must state the following:

(1) Any owners of real property within the area proposed to be annexed who want to remonstrate against the proposed annexation must complete and file remonstrance petitions in compliance with this chapter. The notice must state:

- (A) that remonstrance petitions must be filed not later than ninety (90) days after the date that notice of the adoption of the annexation ordinance was published under section 7 of this chapter; and
- (B) the last date in accordance with clause (A) that remonstrance petitions must be filed with the county auditor to be valid.

(2) A remonstrance petition may be signed at the locations provided by the municipality under subsection (e). The notice must provide the following information regarding each location:

- (A) The address of the location.
- (B) The dates and hours during which a remonstrance petition may be signed at the location.

(e) Beginning the day after publication of the notice under subsection (c) and ending not later than ninety (90) days after publication of the notice under subsection (c), the municipality shall provide both of the following:

- (1) At least one (1) location in the offices of the municipality where a person may sign a remonstrance petition during regular business hours.
- (2) At least one (1) additional location that is available for at least five (5) days, where a person may sign a remonstrance petition. The location must meet the following requirements:

- (A) The location must be in a public building:
 - (i) owned or leased by the state or a political subdivision, including a public library, community center, or parks and recreation building; and
 - (ii) located within the boundaries of the municipality or the annexation territory.
- (B) The location must be open according to the following:
 - (i) On a day that the location is open on a weekday,

the location must be open at a minimum from 5 p.m. to 9 p.m.

(ii) On a day that the location is open on a Saturday or Sunday, the location must be open at least four (4) hours during the period from 9 a.m. to 5 p.m.

(f) An additional location may not be open on a day that is a legal holiday. At any location and during the hours that a remonstrance petition may be signed, the municipality shall have a person present:

- (1) to witness the signing of remonstrance petitions; and
- (2) who shall swear and affirm before a notary public that the person witnessed each person sign the remonstrance petition.

SECTION 10. IC 36-4-3-11.2, AS ADDED BY P.L.228-2015, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11.2. (a) This section applies only to an annexation ordinance adopted after June 30, 2015, **and before July 1, 2016.**

(b) A remonstrance petition may be filed by an owner of real property that:

- (1) is within the area to be annexed; and
- (2) was not exempt from property taxes under IC 6-1.1-10 or any other state law for the immediately preceding year.

(c) A remonstrance petition must comply with the following in order to be effective:

- (1) Each signature on a remonstrance petition must be dated, and the date of the signature may not be earlier than the date on which the remonstrance forms may be issued by the county auditor under subsection (e)(7).
- (2) Each person who signs a remonstrance petition must indicate the address of the real property owned by the person in the area to be annexed.
- (3) A remonstrance petition must be verified in compliance with subsection (e).

(d) The state board of accounts shall design the remonstrance forms to be used solely in the remonstrance process described in this section. The state board of accounts shall provide the forms to the county auditor in an electronic format that permits the county auditor to copy or reproduce the forms using:

- (1) the county auditor's own equipment; or
- (2) a commercial copying service.

The annexing municipality shall reimburse the county auditor for the cost of reproducing the remonstrance forms.

(e) The county auditor's office shall issue remonstrance forms accompanied by instructions detailing all of the following requirements:

- (1) The closing date for the remonstrance period.
- (2) Only one (1) person having an interest in each single property as evidenced by the tax duplicate is considered an owner of property and may sign a remonstrance petition. A person is entitled to sign a petition only one (1) time in a remonstrance process, regardless of whether the person owns more than one (1) parcel of real property.
- (3) An individual may not be:

(A) compensated for; or

(B) reimbursed for expenses incurred in; circulating a remonstrance petition and obtaining signatures.

(4) The remonstrance petition may be executed in several counterparts, the total of which constitutes the remonstrance petition. An affidavit of the person circulating a counterpart must be attached to the counterpart. The affidavit must state that each signature appearing on the counterpart was affixed in the person's presence and is the true and lawful signature of the signer. The affidavit must be notarized.

(5) A remonstrance petition that is not executed in counterparts must be verified by the person signing the petition in the manner prescribed by the state board of accounts and notarized.

(6) A remonstrance petition may be delivered to the county auditor's office in person or by:

(A) certified mail, return receipt requested; or

(B) any other means of delivery that includes a return receipt.

The remonstrance petition must be postmarked not later than the closing date for the remonstrance period.

(7) The county auditor's office may not issue a remonstrance petition earlier than the day that notice is published under section 11.1 of this chapter. The county auditor's office shall certify the date of issuance on each remonstrance petition. Any person may pick up additional copies of the remonstrance petition to distribute to other persons.

(8) A person who signs a remonstrance petition may withdraw the person's signature from a remonstrance petition before a remonstrance petition is filed with the county auditor by filing a verified request to remove the person's name from the remonstrance petition. Names may not be added to a remonstrance petition after the remonstrance petition is filed with the county auditor.

(f) The county auditor shall prepare and update weekly a list of the persons who have signed a remonstrance petition. The list must include a statement that the list includes all persons who have signed a remonstrance petition as of a particular date, and does not represent a list of persons certified by the county auditor as actual landowners in the annexation territory using the auditor's current tax records under subsection (g). The county auditor shall post the list in the office of the county auditor. The list is a public record under IC 5-14-3.

(g) Not later than fifteen (15) business days after receiving a remonstrance petition, the county auditor's office shall make a final determination of the number of owners of real property within the territory to be annexed who signed the remonstrance, using the auditor's current tax records as provided in section 2.2 of this chapter. The county auditor shall file a certificate with the legislative body of the annexing municipality certifying the number of property owners not later than five (5) business days

after making the determination.

SECTION 11. IC 36-4-3-11.3, AS ADDED BY P.L.228-2015, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11.3. (a) This section applies only to an annexation ordinance adopted after June 30, 2015, **and before July 1, 2016.**

(b) An annexation ordinance is void if a written remonstrance petition is signed by one (1) of the following:

(1) At least sixty-five percent (65%) of the owners of land in the annexed territory. An owner of land may not:

(A) be counted in calculating the total number of owners of land in the annexation territory; or

(B) have the owner's signature counted on a remonstrance;

with regard to any single property that an owner has an interest in that was exempt from property taxes under IC 6-1.1-10 or any other state law for the immediately preceding year.

(2) The owners of at least eighty percent (80%) in assessed valuation of the land in the annexed territory. Land that was exempt from property taxes under IC 6-1.1-10 or any other state law for the immediately preceding year may not be included in calculating the total assessed valuation of the land in the annexation territory. The court may not count the owner's signature on a remonstrance with regard to any single property that the owner has an interest in that was exempt from property taxes under IC 6-1.1-10 or any other state law for the immediately preceding year.

(c) The annexation may be appealed to the court under section 11 of this chapter, if a written remonstrance is signed by one (1) of the following:

(1) At least fifty-one percent (51%) but less than sixty-five percent (65%) of the owners of land. An owner of land may not:

(A) be counted in calculating the total number of owners of land in the annexation territory; or

(B) have the owner's signature counted on a remonstrance;

with regard to any single property that the owner has an interest in that was exempt from property taxes under IC 6-1.1-10 or any other state law for the immediately preceding year.

(2) The owners of at least sixty percent (60%) but less than eighty percent (80%) in assessed valuation of land in the annexed territory. Land that was exempt from property taxes under IC 6-1.1-10 or any other state law for the immediately preceding year may not be included in calculating the total assessed valuation of the land in the annexation territory. The court may not count an owner's signature on a remonstrance with regard to any single property that the owner has an interest in that was exempt from property taxes under IC 6-1.1-10 or any other state law for the immediately preceding year.

SECTION 12. IC 36-4-3-11.4 IS REPEALED [EFFECTIVE

JULY 1, 2016]. Sec. 11-4. (a) This section applies only to an annexation that meets all of the following requirements:

(1) The annexation ordinance is adopted after December 31, 2016.

(2) Notwithstanding the contiguity requirements of section 1-5 of this chapter, at least one-tenth (1/10) of the aggregate external boundaries of the territory sought to be annexed coincides with the boundaries of:

(A) the municipality; and

(B) the site of an economic development project.

(b) As used in this section, "economic development project" means any project developed by the municipality that meets all of the following requirements:

(1) The annexing municipality determines that the project will:

(A) promote significant opportunities for the gainful employment of its citizens;

(B) attract a major new business enterprise to the municipality; or

(C) retain or expand a significant business enterprise within the municipality.

(2) The project involves expenditures by the annexing municipality for any of the following:

(A) Land acquisition; interests in land; site improvements; infrastructure improvements; buildings; or structures.

(B) Rehabilitation, renovation, and enlargement of buildings and structures.

(C) Machinery, equipment, furnishings, or facilities.

(D) Substance removal or remedial action.

(c) Notwithstanding section 11-3(b) of this chapter, even if a remonstrance has enough signatures to satisfy the requirements of section 11-3(b) of this chapter, the annexation ordinance is not void and may be appealed to the court under section 11 of this chapter, if all of the following requirements are met:

(1) The economic development project site needs the following capital services that the municipality is lawfully able to provide:

(A) water;

(B) sewer;

(C) gas; or

(D) any combination of the capital services described in clauses (A) through (C).

(2) The municipality finds that it is in the municipality's best interest to annex the annexation territory in order to extend, construct, or operate the capital services that are provided to the economic development project site.

(3) Before the date the annexation ordinance is adopted, a taxpayer whose business will occupy the economic development project site has done at least one (1) of the following:

(A) Filed a statement of benefits under IC 6-1-1-12.1 with the designating body for the annexing municipality for a deduction or abatement.

(B) Entered into an agreement with the Indiana economic development corporation for a credit under IC 6-3-1-13.

(d) If the economic development project:

(1) has not commenced within twelve (12) months after the date the annexation ordinance is adopted; or

(2) is not completed within thirty-six (36) months after the date the annexation ordinance is adopted;

the annexation territory is disannexed from the municipality and reverts to the jurisdiction of the unit having jurisdiction before the annexation. For purposes of this subsection, a ~~an~~ economic development project is considered to have commenced on the day that the physical erection, installation, alteration, repair, or remodeling of a building or structure commences on the site of the economic development project.

SECTION 13. IC 36-4-3-12, AS AMENDED BY P.L.113-2010, SECTION 117, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. (a) The circuit or superior court shall:

(1) on the date fixed under section 11 (**in the case of an annexation for which an annexation ordinance is adopted before July 1, 2016**) or 5.5 of this chapter, hear and determine the remonstrance (**in the case of an annexation for which an annexation ordinance is adopted before July 1, 2016**) or petition without a jury; and

(2) without delay, enter judgment on the question of the annexation according to the evidence that either party may introduce.

(b) **This subsection does not apply to an annexation under section 7.1 of this chapter.** If the court enters judgment in favor of the annexation, the annexation may not take effect during the year preceding the year in which a federal decennial census is conducted. An annexation that would otherwise take effect during the year preceding a year in which a federal decennial census is conducted takes effect January 1 of the year in which a federal decennial census is conducted.

SECTION 14. IC 36-4-3-13, AS AMENDED BY P.L.228-2015, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. (a) Except as provided in subsection (e), at the hearing under section 12 of this chapter, the court shall order a proposed annexation to take place if the following requirements are met:

(1) The requirements of either subsection (b) or (c).

(2) The requirements of subsection (d).

(3) The requirements of subsection (i).

(b) The requirements of this subsection are met if the evidence establishes the following:

(1) That the territory sought to be annexed is contiguous to the municipality.

(2) One (1) of the following:

(A) The resident population density of the territory sought to be annexed is at least three (3) persons per acre.

(B) Sixty percent (60%) of the territory is subdivided.

(C) The territory is zoned for commercial, business, or industrial uses.

(c) The requirements of this subsection are met if the evidence establishes one (1) of the following:

(1) That the territory sought to be annexed is:

(A) contiguous to the municipality as required by section 1.5 of this chapter, except that at least one-fourth (1/4), instead of one-eighth (1/8), of the aggregate external boundaries of the territory sought to be annexed must coincide with the boundaries of the municipality; and

(B) needed and can be used by the municipality for its development in the reasonably near future.

(2) This subdivision applies only to an annexation for which an annexation ordinance is adopted after December 31, 2016. That the territory sought to be annexed involves an economic development project and the requirements of section 11.4 of this chapter are met.

(d) The requirements of this subsection are met if the evidence establishes that the municipality has developed and adopted a written fiscal plan and has established a definite policy, by resolution of the legislative body as set forth in section 3.1 of this chapter. The fiscal plan must show the following:

(1) The cost estimates of planned services to be furnished to the territory to be annexed. The plan must present itemized estimated costs for each municipal department or agency.

(2) The method or methods of financing the planned services. The plan must explain how specific and detailed expenses will be funded and must indicate the taxes, grants, and other funding to be used.

(3) The plan for the organization and extension of services. The plan must detail the specific services that will be provided and the dates the services will begin.

(4) That planned services of a noncapital nature, including police protection, fire protection, street and road maintenance, and other noncapital services normally provided within the corporate boundaries, will be provided to the annexed territory within one (1) year after the effective date of annexation and that they will be provided in a manner equivalent in standard and scope to those noncapital services provided to areas within the corporate boundaries regardless of similar topography, patterns of land use, and population density.

(5) That services of a capital improvement nature, including street construction, street lighting, sewer facilities, water facilities, and stormwater drainage facilities, will be provided to the annexed territory within three (3) years after the effective date of the annexation in the same manner as those services are provided to areas within the corporate boundaries, regardless of similar topography, patterns of land use, and population density, and in a manner consistent with federal, state, and local laws, procedures, and planning criteria.

(6) This subdivision applies to a fiscal plan prepared after June 30, 2015. The estimated effect of the proposed annexation on taxpayers in each of the political subdivisions to which the proposed annexation applies, including the expected tax rates, tax levies, expenditure levels, service levels, and annual debt service payments in those political subdivisions for four (4) years after the effective date of the annexation.

(7) This subdivision applies to a fiscal plan prepared after June 30, 2015. The estimated effect the proposed annexation will have on municipal finances, specifically how municipal tax revenues will be affected by the annexation for four (4) years after the effective date of the annexation.

(8) This subdivision applies to a fiscal plan prepared after June 30, 2015. Any estimated effects on political subdivisions in the county that are not part of the annexation and on taxpayers located in those political subdivisions for four (4) years after the effective date of the annexation.

(9) This subdivision applies to a fiscal plan prepared after June 30, 2015. A list of all parcels of property in the annexation territory and the following information regarding each parcel:

(A) The name of the owner of the parcel.

(B) The parcel identification number.

(C) The most recent assessed value of the parcel.

(e) **This subsection applies only to an annexation for which an annexation ordinance is adopted before July 1, 2016.** At the hearing under section 12 of this chapter, the court shall do the following:

(1) Consider evidence on the conditions listed in subdivision (2).

(2) Order a proposed annexation not to take place if the court finds that all of the following conditions that are applicable to the annexation exist in the territory proposed to be annexed:

(A) This clause applies only to an annexation for which an annexation ordinance was adopted before July 1, 2015. The following services are adequately furnished by a provider other than the municipality seeking the annexation:

(i) Police and fire protection.

(ii) Street and road maintenance.

(B) The annexation will have a significant financial impact on the residents or owners of land. The court may not consider:

(i) the personal finances; or

(ii) the business finances;

of a resident or owner of land. The personal and business financial records of the residents or owners of land, including state, federal, and local income tax returns, may not be subject to a subpoena or discovery proceedings.

(C) The annexation is not in the best interests of the owners of land in the territory proposed to be annexed as set forth in subsection (f).

(D) This clause applies only to an annexation for which an annexation ordinance is adopted before July 1, 2015.

One (1) of the following opposes the annexation:

- (i) At least sixty-five percent (65%) of the owners of land in the territory proposed to be annexed.
- (ii) The owners of more than seventy-five percent (75%) in assessed valuation of the land in the territory proposed to be annexed.

Evidence of opposition may be expressed by any owner of land in the territory proposed to be annexed.

(E) This clause applies only to an annexation for which an annexation ordinance is adopted after June 30, 2015.

One (1) of the following opposes the annexation:

- (i) At least fifty-one percent (51%) of the owners of land in the territory proposed to be annexed.
- (ii) The owners of more than sixty percent (60%) in assessed valuation of the land in the territory proposed to be annexed.

The remonstrance petitions filed with the court under section 11 of this chapter are evidence of the number of owners of land that oppose the annexation, minus any written revocations of remonstrances that are filed with the court under section 11 of this chapter.

(F) This clause applies only to an annexation for which an annexation ordinance is adopted before July 1, 2015. This clause applies only to an annexation in which eighty percent (80%) of the boundary of the territory proposed to be annexed is contiguous to the municipality and the territory consists of not more than one hundred (100) parcels. At least seventy-five percent (75%) of the owners of land in the territory proposed to be annexed oppose the annexation as determined under section 11(b) of this chapter.

(f) This subsection applies only to an annexation for which an annexation ordinance is adopted before July 1, 2016. The municipality under subsection (e)(2)(C) bears the burden of proving that the annexation is in the best interests of the owners of land in the territory proposed to be annexed. In determining this issue, the court may consider whether the municipality has extended sewer or water services to the entire territory to be annexed:

- (1) within the three (3) years preceding the date of the introduction of the annexation ordinance; or
- (2) under a contract in lieu of annexation entered into under IC 36-4-3-21.

The court may not consider the provision of water services as a result of an order by the Indiana utility regulatory commission to constitute the provision of water services to the territory to be annexed.

(g) The most recent:

- (1) federal decennial census;

- (2) federal special census;
- (3) special tabulation; or
- (4) corrected population count;

shall be used as evidence of resident population density for purposes of subsection (b)(2)(A), but this evidence may be rebutted by other evidence of population density.

(h) A municipality that prepares a fiscal plan after June 30, 2015, must comply with this subsection. A municipality may not amend the fiscal plan after the date that a remonstrance is filed with the court under section 11 of this chapter, unless amendment of the fiscal plan is consented to by at least sixty-five percent (65%) of the persons who signed the remonstrance petition.

(i) The municipality must submit proof that the municipality has complied with:

- (A) the outreach program requirements and notice requirements of section 1.7 of this chapter; and
- (B) the requirements of section 11.1 of this chapter.

SECTION 15. IC 36-4-3-15.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15.3. (a) As used in this section, "prohibition against annexation" means that a municipality may not make further attempts to annex certain territory or any part of that territory.

(b) As used in this section, "settlement agreement" means a written court approved settlement of a dispute involving annexation under this chapter between a municipality and remonstrators.

(c) Under a settlement agreement between the annexing municipality and either:

- (1) seventy-five percent (75%) or more of all landowners participating in the remonstrance; or
- (2) the owners of more than seventy-five percent (75%) in assessed valuation of the land owned by all landowners participating in the remonstrance;

the parties may mutually agree to a prohibition against annexation of all or part of the territory by the municipality for a period not to exceed twenty (20) years. The settlement agreement may address issues and bind the parties to matters relating to the provision by a municipality of planned services of a noncapital nature and services of a capital improvement nature (as described in section 13(d) of this chapter), in addition to a prohibition against annexation. The settlement agreement is binding upon the successors, heirs, and assigns of the parties to the agreement. However, the settlement agreement may be amended or revised periodically on further agreement between the annexing municipality and landowners who meet the qualifications of subsection (c)(1) or (c)(2).

(d) A settlement agreement executed after June 30, 2016, is void.

SECTION 16. IC 36-4-3-22, AS AMENDED BY P.L.228-2015, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 22. (a) The clerk of the municipality shall file:

(1) each annexation ordinance against which:

- (A) a remonstrance **(in the case of an annexation for**

which an annexation ordinance is adopted before July 1, 2016) or an appeal has not been filed during the period permitted under this chapter; or

(B) a remonstrance was filed without a sufficient number of signatures to meet the requirements of section 11.3(c) of this chapter, in the case of an annexation for which an annexation ordinance was adopted after June 30, 2015, **and before July 1, 2016**; or

(2) the certified copy of a final and unappealable judgment ordering an annexation to take place;

with the county auditor, circuit court clerk, and board of registration (if a board of registration exists) of each county in which the annexed territory is located, the office of the secretary of state, and the office of census data established by IC 2-5-1.1-12.2. The clerk of the municipality shall record each annexation ordinance adopted under this chapter in the office of the county recorder of each county in which the annexed territory is located.

(b) The ordinance or judgment must be filed and recorded no later than ninety (90) days after:

(1) the expiration of the period permitted for a remonstrance **(in the case of an annexation for which an annexation ordinance is adopted before July 1, 2016)** or appeal;

(2) the delivery of a certified order under section 15 of this chapter; or

(3) the date the county auditor files the written certification with the legislative body under section 11.2 of this chapter, in the case of an annexation described in subsection (a)(1)(B).

(c) Failure to record the annexation ordinance as provided in subsection (a) does not invalidate the ordinance.

(d) The county auditor shall forward a copy of any annexation ordinance filed under this section to the following:

(1) The county highway department of each county in which the lots or lands affected are located.

(2) The county surveyor of each county in which the lots or lands affected are located.

(3) Each plan commission, if any, that lost or gained jurisdiction over the annexed territory.

(4) The sheriff of each county in which the lots or lands affected are located.

(5) The township trustee of each township that lost or gained jurisdiction over the annexed territory.

(6) The office of the secretary of state.

(7) The office of census data established by IC 2-5-1.1-12.2.

(e) The county auditor may require the clerk of the municipality to furnish an adequate number of copies of the annexation ordinance or may charge the clerk a fee for photoreproduction of the ordinance. The county auditor shall notify the office of the secretary of state and the office of census data established by IC 2-5-1.1-12.2 of the date that the annexation ordinance is effective under this chapter.

(f) The county auditor or county surveyor shall, upon determining that an annexation ordinance has become effective under this chapter, indicate the annexation upon the property taxation records maintained in the office of the auditor or the office of the county surveyor.

SECTION 17. IC 36-9-22-2, AS AMENDED BY P.L.228-2015, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) The power of the municipal works board to fix the terms of a contract under this section applies to contracts for the installation of sewage works that have not been finally approved or accepted for full maintenance and operation by the municipality on July 1, 1979.

(b) The works board of a municipality may contract with owners of real property for the construction of sewage works within the municipality or within four (4) miles outside its corporate boundaries in order to provide service for the area in which the real property of the owners is located. The contract must provide, for a period of not to exceed fifteen (15) years, for the payment to the owners and their assigns by any owner of real property who:

(1) did not contribute to the original cost of the sewage works; and

(2) subsequently taps into, uses, or deposits sewage or storm waters in the sewage works or any lateral sewers connected to them;

of a fair pro rata share of the cost of the construction of the sewage works, subject to the rules of the board and notwithstanding any other law relating to the functions of local governmental entities. However, the contract does not apply to any owner of real property who is not a party to the contract unless the contract or (after June 30, 2013) a signed memorandum of the contract has been recorded in the office of the recorder of the county in which the real property of the owner is located before the owner taps into or connects to the sewers and facilities. The board may provide that the fair pro rata share of the cost of construction includes interest at a rate not exceeding the amount of interest allowed on judgments, and the interest shall be computed from the date the sewage works are approved until the date payment is made to the municipality.

(c) The contract must include, as part of the consideration running to the municipality, the release of the right of the parties to the contract and their successors in title to remonstrate against pending or future annexations by the municipality of the area served by the sewage works. Any person tapping into or connecting to the sewage works contracted for is considered to waive the person's rights to remonstrate against the annexation of the area served by the sewage works. **However, a waiver of the right to remonstrate is effective and binding on a landowner or a successor in title only with regard to an annexation for which the annexation ordinance was adopted before July 1, 2016.**

(d) This subsection does not affect any rights or liabilities accrued, or proceedings begun before July 1, 2013. Those rights, liabilities, and proceedings continue and shall be imposed and

enforced under prior law as if this subsection had not been enacted. For contracts executed after June 30, 2013, the release of the right to remonstrate is binding on a successor in title to a party to the contract only **with regard to an annexation for which the annexation ordinance was adopted before July 1, 2016**, if the successor in title:

- (1) has actual notice of the release; or
- (2) has constructive notice of the release because the contract, or a signed memorandum of the contract stating the release, has been recorded in the chain of title of the property.

(e) Subsection (c) does not apply to a landowner if all of the following conditions apply:

- (1) The landowner is required to connect to the sewage works because a person other than the landowner has polluted or contaminated the area.
- (2) The costs of extension of or connection to the sewage works are paid by a person other than the landowner or the municipality.

(f) Subsection (c) does not apply to a landowner who taps into, connects to, or is required to tap into or connect to the sewage works of a municipality only because the municipality provides wholesale sewage service (as defined in IC 8-1-2-61.7) to another municipality that provides sewage service to the landowner.

(g) Notwithstanding any other law, ~~a waiver of the right of remonstrance executed after June 30, 2015, expires not later than fifteen (15) years after the date the waiver was executed: a waiver of the right to remonstrate is effective and binding on a landowner or a successor in title only with regard to an annexation for which the annexation ordinance was adopted before July 1, 2016.~~

(h) This subsection applies to any deed recorded after June 30, 2015. This subsection applies only to property that is subject to a remonstrance waiver. A municipality shall provide written notice to any successor in title to property within a reasonable time after the deed is recorded, that a waiver of the right of remonstrance exists with respect to the property."

Delete pages 9 through 15.

Renumber all SECTIONS consecutively.

(Reference is to HB 1298 as reprinted January 22, 2016.)
and when so amended that said bill do pass.
Committee Vote: Yeas 5, Nays 2.

HEAD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Insurance & Financial Institutions, to which was referred House Bill 1331, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

HOLDMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred House Bill 1344, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 9 with "[EFFECTIVE UPON PASSAGE]".

Replace the effective dates in SECTIONS 12 through 18 with "[EFFECTIVE UPON PASSAGE]".

Replace the effective dates in SECTIONS 20 through 49 with "[EFFECTIVE UPON PASSAGE]".

Page 19, line 22, after "3.2." insert "(a)".

Page 19, between lines 26 and 27, begin a new paragraph and insert:

"(b) An individual is not required to schedule and receive the orientation described in subsection (a) in the following circumstances:

(1) The individual has a probable expectation of having employment available with the same employer after the period of unemployment ends.

(2) The individual is receiving a supplemental unemployment benefit under a validly negotiated contract or agreement.

(3) The individual is attending training or retraining approved by the department.

(c) The department may waive an individual from the requirements of this section for the same reasons provided in section 2(e)(2), 2(e)(3), or 2(e)(4) of this chapter."

Page 24, delete lines 16 through 22, begin a new paragraph and insert:

"(f) The department of workforce development shall do the following:

(1) Submit a report to the general assembly in an electronic format under IC 5-14-6 and to the governor before December 1 of each year concerning the status of the unemployment compensation system, including the following:

(A) Recommendations for maintaining the solvency of the unemployment insurance benefit fund established under IC 22-4-26-1.

(B) Information regarding expenditures from the special employment and training services fund.

(C) Information regarding money released under IC 22-4-25-1(c).

(2) Make a presentation to the budget committee at each meeting of the budget committee held before November 1, 2016, concerning the status of the unemployment compensation system, including the following:

(A) Recommendations for maintaining the solvency of the unemployment insurance benefit fund established under IC 22-4-26-1.

(B) Information regarding expenditures from the special employment and training services fund.

(C) Information regarding money released under IC 22-4-25-1(c).

(D) Any other information requested by the budget committee."

Page 26, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 21. IC 22-4-18-2.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2.4. (a) The Indiana unemployment insurance board and the department shall cooperate to provide for an orderly transition of the powers, duties, agreements, liabilities, records, property, and other assets as described in section 2.5 of this chapter on April 1, 2016.**

(b) This section expires January 1, 2017."

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

Page 26, line 7, delete "July 1," and insert "**April 1**,".

Page 26, line 10, delete "July 1," and insert "**April 1**,".

Page 26, line 15, delete "June 30," and insert "**March 31**,".

Page 26, line 18, delete "June 30," and insert "**March 31**,".

Page 26, line 22, delete "July 1," and insert "**April 1**,".

Page 26, line 27, delete "July 1," and insert "**April 1**,".

Page 26, between lines 28 and 29, begin a new paragraph and insert:

"(h) This section expires January 1, 2017."

Page 32, line 37, after "article." insert "**The maximum amount that may be expended by the department for the purposes described in this subsection may not exceed five million dollars (\$5,000,000) in a state fiscal year."**

Page 42, after line 27, begin a new paragraph and insert:

"SECTION 51. **An emergency is declared for this act."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1344 as printed January 19, 2016.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 3.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health & Provider Services, to which was referred House Bill 1347, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 17, strike "(4)," and insert "**(7)**,".

Page 2, line 7, delete "IC 12-15-5-15(a)." and insert "**IC 12-15-5-15(b)**,".

Page 2, line 8, after "(5)" insert "**For purposes of IC 12-15-5-16, the meaning set forth in IC 12-15-5-16(b) (6)**,".

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

Page 2, line 39, delete "drug services." and insert "**drugs**,".

Page 2, delete lines 40 through 42, begin a new paragraph and insert:

"(d) This section:

(1) may not be construed to expand an advanced practice nurse's scope of practice; and

(2) applies only if the service is included in the advance practice nurse's practice agreement with a collaborating physician."

Page 3, delete lines 1 through 2.

Page 3, line 5, after "(a)" insert "**This section is effective upon approval by the federal government of the office's Medicaid state plan amendment to implement the requirements of this section. The office shall submit the Medicaid state plan amendment not later than December 1, 2016.**

(b)"

Page 3, line 12, delete "(b)" and insert "**(c)**,".

Page 3, line 14, delete "master's degree or doctoral" and insert "**graduate or postgraduate**,".

Page 3, line 21, delete "and".

Page 3, line 26, delete "." and insert "**;** and

(3) the services being provided by the student are within the scope of practice of the supervising practitioner."

Page 3, line 27, delete "(c)" and insert "**(d)**,".

Page 3, line 28, delete ":" and insert "**be submitted by the supervising practitioner**,".

Page 3, delete lines 29 through 31.

Page 3, line 33, delete "(d)" and insert "**(e)**,".

Page 3, line 40, after "(a)" insert "**This section is effective upon approval by the federal government of the office's Medicaid state plan amendment to implement the requirements of this section. The office shall submit the Medicaid state plan amendment not later than December 1, 2016.**

(b)"

Page 4, line 5, delete "(b)" and insert "**(c)**,".

Page 4, delete lines 10 through 42.

Delete page 5.

Page 6, delete lines 1 through 34.

Renumber all SECTIONS consecutively.

(Reference is to HB 1347 as printed January 29, 2016.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

PATRICIA MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions & Labor, to which was referred House Bill 1359, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 9, after line 13, begin a new paragraph and insert:

"SECTION 6. IC 36-8-8-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 9.5. (a) This section applies after June 30, 2018.**

(b) A fund member shall retire at seventy (70) years of age."

Renumber all SECTIONS consecutively.

(Reference is to HB 1359 as printed January 26, 2016.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 1.

BOOTS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education & Career Development, to which was referred House Bill 1395, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 3, delete lines 34 through 40.

Page 4, delete lines 34 through 42, begin a new paragraph and insert:

"SECTION 5. [EFFECTIVE UPON PASSAGE] **(a) The definitions used in IC 20 apply throughout this SECTION.**

(b) A panel is established to study alternatives to the ISTEP program tests and to make recommendations for replacing the ISTEP program under IC 20-32-5. The panel shall submit its recommendations in a final report to the governor and, in an electronic format under IC 5-14-6, the general assembly not later than December 1, 2016. The panel shall consider the following when making its recommendations:

(1) The feasibility of using existing tests other than the ISTEP program tests, as well as new testing approaches.

(2) Reducing testing time.

(3) Reducing costs associated with the administration of a statewide assessment.

(4) Test transparency and fairness to schools, teachers, and students.

(5) The requirements of the Every Student Succeeds Act.

(c) The panel consists of the following twenty-two (22) members:

(1) The superintendent of public instruction.

(2) The commissioner of the department of workforce development.

(3) The commissioner of the commission for higher education.

(4) The chairperson of the senate education and career development committee.

(5) The chairperson of the house of representatives education committee.

(6) The governor shall appoint the following five (5) members:

(A) One (1) member who serves as chairperson of the panel. The member appointed as chairperson of the panel must be a current or former educator or school administrator.

(B) One (1) member who is a teacher.

(C) One (1) member who is a principal.

(D) One (1) member who is a school superintendent.

(E) One (1) member who is a faculty member or researcher at the college or university level and who has expertise in issues related to elementary and secondary education.

(7) The president pro tempore of the senate shall appoint the following four (4) members:

(A) One (1) member who is a teacher.

(B) One (1) member who is a principal.

(C) One (1) member who is a school superintendent.

(D) One (1) member with technical expertise in standardized testing.

(8) The speaker of the house of representatives shall appoint the following four (4) members:

(A) One (1) member who is a teacher.

(B) One (1) member who is a principal.

(C) One (1) member who is a school superintendent.

(D) One (1) member with technical expertise in standardized testing.

(9) The superintendent of public instruction shall appoint the following four (4) members:

(A) One (1) member who is a teacher.

(B) One (1) member who is a principal.

(C) One (1) member who is a school superintendent.

(D) One (1) member who is a faculty member or researcher at the college or university level and who has expertise in issues related to elementary and secondary education.

(d) Members appointed under subsection (c) shall be appointed by the member's respective appointing authority not later than May 1, 2016. Each member appointed under subsection (c) serves at the will of the member's appointing authority.

(e) A quorum of the panel consists of twelve (12) members.

(f) The panel shall meet at the call of the chairperson.

(g) The legislative services agency shall provide administrative support for the panel. The state board and the department shall provide research and technical assistance for the panel.

(h) Each member of the panel who is not a state employee is entitled to receive both of the following:

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

(2) Reimbursement for travel expenses, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(i) Each member of the panel who is a state employee is entitled to reimbursement for travel expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(j) Meetings of the panel must comply with IC 5-14-1.5.

(k) This SECTION expires January 1, 2017."

Delete pages 5 through 7.

Page 8, delete lines 1 through 13.

Renumber all SECTIONS consecutively.

(Reference is to HB 1395 as reprinted February 2, 2016.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 3.

KRUSE, Chair

Report adopted.

SENATE MOTION

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

HCR 42 Senator Bray

Honoring the Center Grove High School girls softball team, boys soccer team, and football team.

LONG

Motion prevailed.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 42

House Concurrent Resolution 42, sponsored by Senator Bray:

A CONCURRENT RESOLUTION honoring the Center Grove High School girls softball team, boys soccer team, and football team.

Whereas, The Center Grove High School girls softball team, boys soccer team, and football team displayed outstanding perseverance, sportsmanship, and superior athletic ability while competing for state championships;

Whereas, The girls softball team defeated the Lake Central Indians to win a Class 4A Championship Title and finished its impressive season with 29 wins and two losses;

Whereas, The boys soccer team, in its first state soccer championship appearance, defeated the Lafayette Harrison Raiders to win the Class 2A Championship Title;

Whereas, The number one ranked 14-0 Center Grove High School football team toppled the Penn High School Kingsmen to earn the coveted Class 6A State Championship title, finishing the game with a score of 28-16;

Whereas, With this second state title victory, the Trojans finished off a perfect season; and

Whereas, The Center Grove High School Trojans embodied their community's values while exhibiting athletic excellence, integrity, and sportsmanship: Therefore,

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

SECTION 1. That the Indiana General Assembly congratulates the Center Grove High School girls softball team, boys soccer team, and football team on their state championship titles and urges them to continue striving for excellence both on and off the athletic fields.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the members of each team, each team's head coach and assistant coaches, each team's managers, principal Doug Bird, and superintendent Dr. Rich Arkanoff.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

SENATE MOTION

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

SCR 38 Senator Grooms

Honoring the agencies serving Children in Need of Services in Indiana.

SCR 40 Senator Kruse

Honoring the participants of iVote2Day@IndianaStatehouse2016.

HCR 40 Senator Taylor

Recognizing Alpha Kappa Alpha Day at the Capitol.

LONG

Motion prevailed.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 38

Senate Concurrent Resolution 38, introduced by Senator Grooms:

A CONCURRENT RESOLUTION honoring the agencies which serve Children in Need of Services in Indiana.

Whereas, There are more than 20,000 Children in Need of Services (CHINS) in Indiana;

Whereas, These children have suffered abuse and neglect and require services to provide for their safety, assure that they have a permanent family, and promote their healing and well-being;

Whereas, More than 100 agencies in Indiana provide foster family care, residential treatment, and home-based services to over 11,000 of these children and their families under contract with the Department of Child Services;

Whereas, These agencies represent more than 10,000 employees; more than 700 volunteer board members, and more than 1,700 foster families;

Whereas, These agencies report that almost 78 percent of the children have positive educational outcomes at time of discharge from services, and 63 percent achieve their required permanency plan;

Whereas, These agencies also report that, at six month follow-up visits, 98 percent of the children had not suffered new abuse or neglect, and 82 percent had not been involved with the courts for new offenses; and

Whereas, It is fitting that the Indiana General Assembly honors the work of all of Indiana's agencies that are resources for CHINS, because of their work for meeting such an important need in the state with continued excellence: Therefore,

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

SECTION 1. That the Indiana General Assembly honors the work of agencies providing foster family care, residential treatment, and home-based services to Children in Need of Services in Indiana.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Cathleen Graham, Executive Director of the Indiana Association of Resources & Child Advocacy.

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

Senate Concurrent Resolution 40

Senate Concurrent Resolution 40, introduced by Senators Kruse, Yoder and Rogers:

A CONCURRENT RESOLUTION honoring the participants of iVote2Day@IndianaStatehouse2016.

Whereas, February 18, 2016 marks the Indiana Youth Services Association's annual Youth Day at the Statehouse, dedicated to educating the State of Indiana's youth about their state government and the legislative process, known in its 18th

year as iVote2Day@IndianaStatehouse2016;

Whereas, The observance of Youth Day provides Hoosier high school students an opportunity to meet their state legislators, learn more about state government and the legislative process, attend committee meetings and workshops, listen to and observe the debate inside the House and Senate chambers, and consider and discuss issues of interest to them with their peers;

Whereas, The participants of iVote2Day, who represent all corners of the state, gain firsthand knowledge on the vital importance of voting and being engaged in state government, as well as in their local communities;

Whereas, Thousands of Indiana high school students have increased their level of awareness and engagement in issues and the processes of their state government due to their participation in the annual Youth Day at the Statehouse over the years; and

Whereas, It is fitting that the Indiana General Assembly recognize the students participating in iVote2Day, as well as the program itself, to encourage the continued education of the next generation of Hoosiers in this Bicentennial Year, as well as foster their future participation in state and local government: Therefore,

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

SECTION 1. That the Indiana General Assembly honors the participants of iVote2Day@IndianaStatehouse2016.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the Indiana Youth Services Association.

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

House Concurrent Resolution 40

House Concurrent Resolution 40, sponsored by Senator Taylor:

A CONCURRENT RESOLUTION recognizing Alpha Kappa Alpha Day at the Capitol.

Whereas, Alpha Kappa Alpha Sorority, which has the distinction of being the first sorority established by African American college women, was founded at Howard University in Washington, D.C., in 1908 and has expanded internationally to 850 chapters;

Whereas, Indiana hosts 22 of these chapters located on college and university campuses and has active alumnae groups in communities throughout the state;

Whereas, Alpha Kappa Alpha is committed to community service and actively contributes to the educational, civic, and social life of Indiana's citizens;

Whereas, Alumnae chapters encourage their members to become involved community volunteers in one of their primary service components that include education, health, the economy, arts, and family;

Whereas, Alpha Kappa Alpha provides community support through service initiatives identified in the sorority's international platform Launching New Dimensions of Service as outlined by Dorothy Buckhanan Wilson, International President;

Whereas, Alpha Kappa Alpha plans to accomplish this goal through initiatives like Emerging Young Leaders, Alzheimer's disease and caregiver support, mental health, childhood hunger, fiscal responsibility, and environmental ownership and global impact;

Whereas, Alpha Kappa Alpha is dedicated to serving all mankind and has improved the lives of many people throughout the years; and

Whereas, This great sisterhood has established a nationally recognized program known as Alpha Kappa Alpha Day at the Capitol: Therefore,

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

SECTION 1. That the Indiana General Assembly recognizes Central Regional Director, Kathy A. Walker-Steele; State Connection Chair, Vanessa J. Summers; and members of the Alpha Kappa Alpha Day at the Capitol for all the good work they accomplish.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Central Regional Director, Kathy A. Walker-Steele; State Connection Chair, Vanessa J. Summers; and members of the Alpha Kappa Alpha Day at the Capitol.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed, without amendments, Engrossed Senate Bills 3, 9, 17, 96, 131, 151, 217, and 291 and the same are herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed, with amendments, Engrossed Senate Bills 26, 27, and 81 and the same are herewith returned to the Senate for concurrence.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolution 20 and the same is herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolutions 39 and 40 and the same are herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolutions 25 and 29 and the same are herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 42 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

ENGROSSED HOUSE BILLS ON SECOND READING

Engrossed House Bill 1036

Senator M. Young called up Engrossed House Bill 1036 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1053

Senator Steele called up Engrossed House Bill 1053 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1053-1)

Madam President: I move that Engrossed House Bill 1053 be amended to read as follows:

Delete the title and insert the following:

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

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

"SECTION 1. IC 13-20-26 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 26. Market Based Recycling Program for Packaging and Printed Paper

Sec. 1. The general assembly makes the following declarations:

(1) It is the policy of Indiana:

(A) to obtain, to the extent practicable, economic benefits from the recovery of solid waste and reuse of material and energy resources;

(B) to develop Indiana's recycling industry by promoting the successful development of markets for recycled items and by promoting the acceleration and advancement of the technology used in manufacturing processes that use recycled items; and

(C) to encourage counties, municipalities, and state agencies to contract with private persons for any or all the services in order to ensure that the services are provided in the most cost effective manner.

(2) The goal of Indiana is to foster partnerships between the public and private sectors that strengthen the supply of, and demand for, recyclable and reusable materials and that foster opportunities for economic development from the recovery and reuse of materials.

Sec. 2. The general assembly makes the following findings:

(1) The recycling of waste packaging and waste printed paper recovers valuable materials for reuse and will create jobs and expand the tax base of Indiana.

(2) Producer driven market based recycling programs:

(A) can improve collection efficiency, increase quality and value of collected materials, and create economies of scale to reduce expenses;

(B) leverage the business community's experience with distribution networks, supply chains, and customers to create more efficient systems that achieve much higher recovery rates; and

(C) have the ability to cut costs for businesses and organizations by decreasing energy and raw material expenditures.

(3) Producer driven market based recycling programs for packaging and printed paper are an efficient way to provide recycling services to all citizens of Indiana.

Sec. 3. As used in this chapter, "commodity" means a subcategory of material type that can be processed and sold by material recovery facilities. Commodities include aluminum, steel, distinct plastic resins and paper grades, and glass containers.

Sec. 4. As used in this chapter, "household" means the occupant or occupants of:

(1) a single detached dwelling unit; or
(2) a single unit of a multiple dwelling structure; located in Indiana.

Sec. 5. (a) As used in this chapter, "material type" means a broad category of packaging distinguished by the raw material used in its manufacturing.

(b) Material types include the following:

- (1) Metal.
- (2) Glass.
- (3) Plastic.
- (4) Paper.

Sec. 6. (a) As used in this chapter, "packaging" means:

- (1) any package or container; or
- (2) any part of a package or container;

that includes material used for the containment, protection, handling, delivery, and presentation of goods sold, offered for sale, delivered, or distributed to households in Indiana.

(b) The term does not include any package or container that:

- (1) is used solely for the transportation, display, or storage of products; and
- (2) would not customarily find its way into households.

Sec. 7. (a) As used in this chapter, "printed paper" means paper that is:

- (1) sold, offered for sale, delivered, or distributed to households in Indiana; and
- (2) printed with text or graphics as a medium for communicating information.

(b) The term includes the following:

- (1) Newsprint and inserts.
- (2) Magazines and catalogs.
- (3) Direct mail.
- (4) Telephone directories.

(c) The term does not include:

- (1) paper that is defined as packaging;
- (2) bound reference books;
- (3) bound literary books; or
- (4) bound textbooks.

Sec. 8. As used in this chapter, "producer" means any of the following:

(1) A person that has legal ownership of the brand, brand name, or co-brand of a product or material that:

- (A) is:
- (i) sold;
 - (ii) offered for sale;
 - (iii) delivered; or
 - (iv) distributed;

in Indiana; and

(B) results in waste packaging or waste printed paper;

regardless of whether the producer is located in Indiana.

(2) A person that makes an unbranded product that:

- (A) is sold, offered for sale, or distributed in Indiana; and

(B) results in waste packaging or waste printed paper.

(3) A person that:

- (A) sells packaging and printed paper at retail;
- (B) does not have legal ownership of the brand; and
- (C) elects to fulfill the responsibilities of the producer for the product.

Sec. 9. As used in this chapter, "producer recycling organization" means an organization designated by a group of producers to act as the producers' agent in developing and operating a producer recycling program for packaging and printed paper.

Sec. 10. (a) As used in this chapter, "producer recycling program" means a program under which a producer:

- (1) provides for; or
- (2) finances;

the recycling of packaging and printed paper.

(b) The term includes:

- (1) education concerning the recycling of packaging and printed paper; and
- (2) the collection of packaging and printed paper for recycling.

Sec. 11. As used in this chapter, "program plan" or "plan" means a detailed plan required under this chapter that describes the manner in which a producer or group of producers will implement and finance a producer recycling program.

Sec. 12. As used in this chapter, "recycler" means a person that recycles waste packaging and waste printed paper.

Sec. 13. As used in this chapter, "recycling rate" means, of all:

- (1) packaging and printed paper; or
- (2) other material type or marketable commodity;

that is sold, offered for sale, delivered, or distributed to households in Indiana, the percentage that is collected, processed, and delivered for use in manufacturing processes or for the recycling of usable materials.

Sec. 14. (a) As used in this chapter, "retailer" means a person that offers packaging and printed paper for sale in Indiana at retail through any means, including remote offerings such as sales outlets, catalogs, or the Internet.

(b) For purposes of this section, "sale at retail" does not include a sale that is a wholesale transaction with a distributor or a retailer.

Sec. 15. As used in this chapter, "reuse" means a process by which packaging or printed paper is used again without the process of manufacturing for the same purpose for which it was originally manufactured.

Sec. 16. (a) As used in this chapter, "sell" or "sale" means any transfer for consideration of:

- (1) title; or
- (2) the right to use;

by lease or sales contract.

(b) The term includes transactions that are conducted through:

- (1) sales outlets;
- (2) catalogs; or
- (3) the Internet or another similar electronic means either inside or outside of Indiana;

by a person who conducts the transaction and controls the delivery of packaging and printed paper.

(c) The term does not include a manufacturer's or distributor's wholesale transaction with a distributor or a retailer.

Sec. 17. As used in this chapter, "unit of local government" has the meaning set forth in IC 36-1-2-23.

Sec. 18. (a) A producer of packaging or printed paper sold or distributed in Indiana may fulfill the requirements of this chapter by participating in a joint producer recycling program plan:

- (1) operated by the producer along with other producers; or
- (2) operated by a producer recycling organization.

(b) Producers are authorized to act in cooperation with the department, units of local government, commodity associations, retailers, waste haulers, and recyclers in order to maximize the recycling of household packaging and printer paper disposed of in Indiana.

Sec. 19. (a) A producer of packaging or printed paper with gross sales in Indiana of less than two hundred fifty thousand dollars (\$250,000) per year is exempt from the requirements of this chapter.

(b) A producer of packaging or printed paper with gross sales in Indiana of at least two hundred fifty thousand dollars (\$250,000) but less than five hundred thousand dollars (\$500,000) shall pay an annual fee to a producer recycling organization of not more than seven hundred fifty dollars (\$750) but is not required to pay any other fees required by this chapter or to comply in any other way with this chapter.

Sec. 20. (a) After June 30, 2018, each producer, before selling or offering for sale in Indiana products or material that would result in waste packaging or waste printed paper in Indiana, shall register with the department.

(b) Each producer, whether acting:

- (1) individually; or
- (2) jointly under section 18(a) of this chapter;

shall develop, submit to the department, and, after obtaining the department's approval, implement a producer recycling program plan for the collection and recycling of packaging and printed paper discarded by households in Indiana.

(c) A producer, acting either individually or as a member of a group of producers acting jointly under section 18(a) of this chapter, shall submit a proposed producer recycling program plan to the department not more than ninety (90) days after registering with the department under subsection (a). The plan must include all of the following:

- (1) Contact information for:

(A) the individual representing the entity submitting the plan; and

(B) if applicable, all producers participating in the joint producer recycling program plan as authorized under section 18(a) of this chapter.

(2) A description of:

(A) the methods by which packaging and printed paper will be collected, transported, processed, and recycled from households in a convenient manner in all parts of Indiana, with an explanation of how existing infrastructure may be used;

(B) how the:

(i) producer; or

(ii) if applicable, producers operating under a joint producer recycling program plan;

will provide for environmentally sound management practices to transport and recycle discarded packaging and printed paper;

(C) how the:

(i) producer; or

(ii) if applicable, producers operating under a joint producer recycling program plan;

will finance the plan, including how any fee structure complies with the requirements of section 23(b) of this chapter;

(D) how the existing recycling infrastructure will be enhanced so as to achieve:

(i) a minimum recycling rate of fifty percent (50%) for packaging and printed paper by 2022; and

(ii) proposed annual interim recycling goals for recyclable packaging and printed paper for the years preceding 2022;

(E) proposed activities that will develop markets for packaging that is not readily recyclable and proposed options available to encourage domestic use of recycled materials;

(F) potential joint activities with the department and the Indiana economic development corporation to identify ways in which the proposed producer recycling program can generate local infrastructure investment, business development, and job creation related to the collection, transportation, and processing of post-consumer packaging materials;

(G) a process for determining:

(i) how much packaging and printed paper is sold into Indiana each year; and

(ii) the amount of packaging and printed paper that is recovered and recycled;

(H) strategies for promoting the producer recycling program plan of the producer or producers to residents, retailers, wholesalers, collectors, and other interested parties; and

(I) how the producer or producers will provide recycling services throughout Indiana, particularly to underserved and rural communities.

(3) A set of targets for recycling rates for each

marketable commodity, including at least the following:

Steel cans.

Aluminum beverage containers.

Aluminum not used for beverages.

Polyethylene terephthalate (PET) beverage containers.

PET not used for beverages.

High density polyethylene (HDPE).

Polyvinyl chloride (PVC).

Low density polyethylene (LDPE).

Polypropylene (PP).

Polystyrene (PS).

Plastic bags and film plastic, including flexible film packaging.

Beverage container glass.

Glass containers not used for beverages.

Newsprint.

Magazines, catalogs, and other coated paper.

Telephone directories.

Corrugated cardboard.

Paperboard.

Aseptic packaging and cartons.

Other types of paper.

(4) Information on stakeholder input on a proposed plan, or update to a plan as required by subsection (d).

(d) Before submitting a producer recycling program plan or an update to the department, each producer or group of producers acting jointly under section 18(a) of this chapter shall solicit comments and input from stakeholders, including:

(1) retailers;

(2) waste haulers;

(3) recyclers;

(4) units of local government;

(5) consumers; and

(6) members of the public;

on the proposed plan or update generally and on how Indiana's recycling system could be made more cost effective and efficient. The producer or group of producers shall attempt to address any concerns expressed by stakeholders before submitting the plan or update to the department for review. Comments received from stakeholders shall be submitted to the department, and the department shall consider the comments in reviewing the proposed plan or update.

Sec. 21. (a) By July 1, 2022, producers shall achieve an annual recycling rate of fifty percent (50%) by weight for all household packaging and printed paper sold into Indiana.

(b) By July 1, 2025, producers shall achieve an annual recycling rate of sixty percent (60%) by weight for all household packaging and printed paper sold into Indiana.

(c) Other recycling rate targets by material type and commodity shall be included in each producer recycling program plan as described in section 20(c)(3) of this chapter.

Sec. 22. (a) Beginning July 1, 2020, and every two (2) years

thereafter, a producer or a group of producers acting jointly under section 18(a) of this chapter shall update its producer recycling program plan and submit it to the department for review and approval.

(b) Updates to a producer recycling program plan submitted under this section must incorporate measures to add or enhance:

- (1) recycling service and technical assistance for underserved locations, such as public property, office buildings, and food service establishments; and
- (2) recycling service for products and material not previously capable of being recycled.

(c) Producers updating producer recycling program plans under this section may consult with the department concerning technical assistance to businesses.

(d) The department may require a producer to revise a producer recycling program plan if the department finds that the plan does not meet the requirements of this chapter.

Sec. 23. (a) Each:

- (1) producer operating individually; or
- (2) group of producers operating jointly under section 18(a) of this chapter;

is responsible for all costs associated with the development and implementation of its producer recycling program plan, including all costs of collecting and recycling packaging and printed paper discarded by households in Indiana. A producer or group of producers shall not collect a fee from a household at the time packaging and printed paper is collected for recycling.

(b) A group of producers acting jointly under section 18(a) of this chapter may in their joint producer recycling program plan propose a fee structure to be imposed on participating producers to generate revenue sufficient to implement the plan. The following may be considered in establishing a fee structure under this subsection:

- (1) Fees that reward a producer's use of post-consumer material content.
- (2) Fees that reward higher recycling rates for marketable commodity types.
- (3) Fees that reward a producer's use of materials that have higher post-consumer material value.
- (4) Fees that reward a producer's use of materials with lower relative processing costs.
- (5) Fees that reward a producer's use of reusable or refillable packaging.

(c) Every year, a producer recycling organization operating a joint producer recycling program plan under section 18(a)(2) of this chapter shall return to the participating producers any fund balance exceeding ten percent (10%) of cash reserves. The amount returned to each producer must be in proportion to the annual contributions of the producers. However, an excess fund balance may not be returned to participating producers under this subsection unless the producers have met the recycling rate targets set forth in their joint producer recycling program plan under

section 20(c)(3) of this chapter.

(d) To support the department's efforts to review, audit, and enforce producer recycling program plans, a producer, or a group of producers acting jointly under section 18(a) of this chapter, shall pay to the department:

- (1) an initial registration fee within ninety (90) days of registering with the department under section 20 of this chapter; and
- (2) an annual renewal registration fee not later than July 1 of each year.

(e) The department shall set the fees imposed by subsection (d) at an amount that, when paid by all producers acting individually and groups of producers acting jointly, would produce revenue not greater than the department's full costs of administering and enforcing this chapter, including any program development costs or regulatory costs incurred by the department before producers begin submitting producer recycling program plans under this chapter. The costs determined by the department for purposes of this subsection must be transparent and must be stated to the public on the department's Internet web site. The department shall publish the amounts of the fees set under this subsection on the department's Internet web site not later than January 1, 2018.

(f) The proceeds of the fees paid under subsection (d) shall be deposited in the producer recycling management fund established by section 24 of this chapter.

Sec. 24. (a) The producer recycling management fund is established for the purpose of administering this chapter. The fund shall be administered by the department.

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

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

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

(e) Sources of money for the fund are the following:

- (1) Fees paid under section 23(d) of this chapter.
- (2) Appropriations made by the general assembly.
- (3) Gifts and donations intended for deposit in the fund.

Sec. 25. Not later than October 1 of each year beginning on October 1, 2019, each producer or group of producers acting jointly shall submit a report to the department on the producer's or producers' activities under this chapter for the preceding year. At a minimum, the report must include all of the following:

- (1) The recycling rate of the producer or producers for each material type and marketable commodity for which recycling rate targets were included in the producer recycling program plan of the producer or group of producers under section 20(c)(3) of this chapter.
- (2) A discussion of the methodology used by the producer or producers in determining how much

packaging was sold into Indiana during the year and the amount of material recycled.

(3) An assessment of the progress of the producer or producers toward achieving target recycling rates, as assessed separately for each material type and marketable commodity.

(4) An explanation of:

(A) any deviations by the producer or producers from the approved producer recycling program plan; and

(B) actions proposed to achieve compliance with the approved plan.

(5) An evaluation of the effectiveness of the producer recycling program financing system established by this chapter in promoting reduction and recycling and reflecting actual costs to manage particular material types and marketable commodities.

(6) If applicable, a list of producers participating in the joint producer recycling program plan under section 18(a) of this chapter that are in arrears in paying fees under section 23 of this chapter.

(7) The public education and outreach activities performed by the producer or producers, including an analysis of the activities' effectiveness based on annual random consumer surveys.

(8) A description of activities undertaken and funds spent in promoting domestic use of recyclable materials and for market development.

(9) A description of any joint activities undertaken with the department and the Indiana economic development corporation to identify ways of generating local infrastructure investment, business development, and job creation related to the collection, transportation, and processing of post-consumer packaging materials.

(10) Other information the department may request in order to evaluate the effectiveness of the producer recycling program plan of the producer or producers.

Sec. 26. Each producer or group of producers acting jointly under section 18(a) of this chapter shall provide information about the producer's or group's producer recycling program plan in writing to all persons selling or distributing a product of the producer or producers in Indiana. Written notice must be provided to sellers and distributors under this subsection at least sixty (60) days before a producer or group of producers begins implementing an approved producer recycling program plan or a producer recycling program plan that has been updated under section 22 of this chapter. This chapter does not impose any requirements upon retailers or distributors.

Sec. 27. The environmental rules board may adopt rules under IC 4-22-2 and IC 13-14-9 concerning the administration of this chapter.

Sec. 28. (a) A producer or group of producers acting jointly under section 18(a) of this chapter is immune from liability under IC 24-1 or any other antitrust law of Indiana

in connection with actions taken with other producers or groups of producers to discharge responsibilities imposed by this chapter.

(b) A producer or group of producers acting jointly shall not:

(1) use funds that are collected under section 23(b) of this chapter or otherwise generated under this chapter:

(A) to disparage or make false or misleading claims against packaging material types; or

(B) for the purpose of influencing legislation or governmental action other than to amend a producer recycling program plan; or

(2) charge a visible fee to households, consumers, or businesses to pay costs associated with compliance with this chapter.

Sec. 29. (a) The department shall review each producer recycling program plan submitted under:

(1) section 20 of this chapter; or

(2) section 22 of this chapter, in the case of an updated plan;

for compliance with this chapter. Within sixty (60) days after a producer recycling program plan is submitted, the department shall in writing notify the producer or group of producers that submitted the plan whether the plan has been approved or rejected.

(b) If the department rejects a producer recycling program plan, the department shall in writing notify the producer or group of producers that submitted the plan of the department's reasons for rejecting the plan. A producer or group of producers whose plan has been rejected by the department must submit a revised plan to the department not more than sixty (60) days after receiving notice of the rejection.

Sec. 30. The department shall do the following:

(1) Develop and maintain a list of producers that are in compliance with the requirements of this chapter and post the list to the department's Internet web site.

(2) Develop and maintain on the department's Internet web site a data base of approved producer recycling program plans and include each approved producer recycling program plan in the data base not more than thirty (30) days after the department approves the plan.

(3) Develop and implement a program of public education concerning:

(A) the laws governing the recycling and reuse of packaging and printed paper; and

(B) the methods available to consumers to recycle and reuse packaging and printed paper.

(4) Make the information for consumers referred to in subdivision (3)(B) available on the department's Internet web site and provide technical assistance to producers in promoting their recycling programs to residents, retailers, wholesalers, collectors, and other interested parties under section 20(c)(2)(H) of this chapter.

(5) Maintain the confidentiality of any information that is required to be submitted by a manufacturer under this chapter and that is a trade secret as defined in IC 24-2-3-2.

Sec. 31. (a) Beginning in 2019, the department shall include information on the recycling of packaging and printed paper discarded by households in Indiana in the annual report produced by the department under IC 13-19-1-2. The information must include:

- (1) an evaluation of the recycling rates in Indiana for packaging and printed paper discarded by households in Indiana;
- (2) a discussion of compliance and enforcement related to the requirements of this chapter; and
- (3) any recommendations the department may wish to make for changes to the system of collection and recycling of packaging and printed paper discarded by households in Indiana.

(b) In addition, the information included in the report under subsection (a) must include all of the following:

- (1) The overall recycling rate for each material type and marketable commodity.
- (2) The costs to the department of administering the requirements of this chapter and the total amount of fees collected from producers under section 23(d) of this chapter.
- (3) A description of the collection programs established under this chapter, including the location of collection sites.
- (4) A summary of comments received from producers and other stakeholders under this chapter.
- (5) Recommendations to improve the operation of the producer recycling program established under this chapter.

(c) The department shall consult with units of local government to determine how producer activities conducted under this chapter:

- (1) will allow for; and
- (2) are affecting;

the recycling activities of units of local government.

Sec. 32. The department may participate in the establishment of a regional multistate organization or compact to assist in carrying out the requirements of this chapter and to promote uniformity in administration among all participating states.

Sec. 33. (a) After June 30, 2018, subject to the exemptions in section 19 of this chapter, a person may not sell, offer for sale, barter, exchange, give, or distribute in Indiana a product that would result in waste packaging or waste printed paper unless the producer of the product participates individually, or jointly with other producers under section 18(a) of this chapter, in an approved producer recycling program plan for waste packaging and printed paper under this chapter. A person who knowingly or intentionally violates this section commits a Level 6 felony.

(b) If a producer is injured by a violation of this chapter by another producer, the injured producer has a private right of action against the other producer.

Sec. 34. (a) A unit of local government or solid waste management district established under IC 13-21 may not assess a fee to households:

- (1) for collection and recycling services that it no longer provides because the services are provided by a producer or group of producers; or
- (2) for collection and recycling costs for which a unit of local government is reimbursed by producers; under this chapter.

(b) This chapter does not void or otherwise impair any existing contracts between a unit of local government and any entity for collection and recycling services.

(c) A unit of local government may elect not to participate in a producer recycling program conducted under this chapter. To make an election under this subsection, a unit of local government must notify the department in writing of its election. A local government unit that elects not to participate in a producer recycling program under this subsection is not eligible for reimbursement under the producer recycling program.

(d) A producer shall provide information to a local government on the producer's activities within the local government's jurisdiction conducted under the requirements of this chapter that are relevant to the local government's responsibilities with respect to management of solid waste.

(e) A producer providing activities within the jurisdiction of a unit of local government shall provide information to the unit of local government on the producer's activities under this chapter that are relevant to the local government's responsibilities with respect to the management of solid waste.

(f) This chapter does not limit the authority of any unit of local government to manage packaging and printed paper that is solid waste.

SECTION 2. IC 34-30-2-51.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 51.3. IC 13-20-26 (Concerning producers of materials that result in waste packaging or waste printed paper and their immunity from liability under IC 24-1 and other antitrust laws for actions taken with other producers to discharge responsibilities imposed by law).**

SECTION 3. IC 35-52-13-8.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 8.3. IC 13-20-26-33 defines a crime concerning waste packaging and waste printed paper."**

Re-number all SECTIONS consecutively.

(Reference is to EHB 1053 as printed February 16, 2016.)

STOOPS

Upon request of Senator Stoops the President ordered the roll of the Senate to be called. Roll Call 184: yeas 9, nays 38. Motion failed. The bill was ordered engrossed.

Engrossed House Bill 1102

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

Engrossed House Bill 1169

Senator Hershman called up Engrossed House Bill 1169 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1173

Senator Leising called up Engrossed House Bill 1173 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1183

Senator Buck called up Engrossed House Bill 1183 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1187

Senator Glick called up Engrossed House Bill 1187 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1218

Senator Perfect called up Engrossed House Bill 1218 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

REPORT OF THE PRESIDENT PRO TEMPORE

Madam President: I hereby report that, pursuant to Senate Rule 76, I have received from Senator Banks, Sponsor of House Bill 1271, permission for Senator Yoder, second sponsor, to call this bill for second reading.

LONG

Report adopted.

ENGROSSED HOUSE BILLS ON SECOND READING

Engrossed House Bill 1271

Senator Yoder called up Engrossed House Bill 1271 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1271-1)

Madam President: I move that Engrossed House Bill 1271 be amended to read as follows:

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

"SECTION 1. IC 10-13-9 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 9. Child Abuse Registry

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

(1) "Crime of child abuse" means:

(A) neglect of a dependent (IC 35-46-1-4) if the dependent is a child and the offense is committed under:

- (i) IC 35-46-1-4(a)(1);
- (ii) IC 35-46-1-4(a)(2); or
- (iii) IC 35-46-1-4(a)(3);

(B) child selling (IC 35-46-1-4(d));

(C) a sex offense (as defined in IC 11-8-8-5.2) committed against a child; or

(D) battery against a child under:

- (i) IC 35-42-2-1(d)(3) (battery on a child);
- (ii) IC 35-42-2-1(f)(5)(B) (battery causing bodily injury to a child);
- (iii) IC 35-42-2-1(i) (battery causing serious bodily injury to a child); or
- (iv) IC 35-42-2-1(j) (battery resulting in the death of a child).

The term includes a crime committed in another jurisdiction in which the elements of the crime are substantially similar to a crime described in this section.

(2) "Registry" means the child abuse registry established under section 2 of this chapter.

Sec. 2. Not later than January 1, 2017, the department shall establish and maintain a child abuse registry.

Sec. 3. The registry must contain:

- (1) the name;
- (2) the age;
- (3) the last known city of residence;
- (4) a photograph, if available;
- (5) a description of the crime of child abuse conviction; and
- (6) any other identifying information, as determined by the department;

of every person convicted of a crime of child abuse.

Sec. 4. The department shall obtain data for publication on the registry from:

- (1) criminal history data maintained by the department under IC 10-13-3, except for data whose publication is prohibited by federal law;
- (2) information reported to the department by the department of correction; and
- (3) information obtained by the department from another governmental entity, if, in the opinion of the department, the information is credible and reliable.

Sec. 5. (a) The department shall publish the registry on the department's Internet web site. The registry must be

searchable and available to the public.

HERSHMAN

(b) The department shall ensure that the registry is updated at least one (1) time every thirty (30) days.

Motion prevailed.

(c) The department shall ensure that the registry displays the following or similar words:

SENATE MOTION

"Based on information submitted to law enforcement, a person whose name appears in this registry has been convicted of a crime of child abuse. However, information on the registry may not be complete."

Madam President: I move that Senator Hershman be added as second sponsor of Engrossed House Bill 1273.

MISHLER

Sec. 6. (a) The department may adopt rules under IC 4-22-2 to implement this chapter.

Motion prevailed.

(b) The department shall adopt rules under IC 4-22-2 to establish a procedure permitting a person whose name is erroneously included in the registry to obtain relief."

SENATE MOTION

Madam President: I move that Senator Arnold be added as cosponsor of Engrossed House Bill 1013.

Renumber all SECTIONS consecutively.
(Reference is to EHB 1271 as printed February 16, 2016.)
YODER

HEAD

Motion prevailed.

SENATE MOTION

Motion prevailed. The bill was ordered engrossed.

Madam President: I move that Senator Tallian be added as cosponsor of Engrossed House Bill 1161.

Engrossed House Bill 1273

Senator Mishler called up Engrossed House Bill 1273 for second reading. The bill was read a second time by title.

BOOTS

SENATE MOTION
(Amendment 1273-1)

Motion prevailed.

SENATE MOTION

Madam President: I move that Engrossed House Bill 1273 be amended to read as follows:

Madam President: I move that Senator Stoops be added as cosponsor of Engrossed House Bill 1370.

Page 31, line 17, after "(3)" delete "the".
(Reference is to EHB 1273 as printed February 17, 2016.)
HERSHMAN

KRUSE

Motion prevailed.

SENATE MOTION

Engrossed House Bill 1288

Senator Walker called up Engrossed House Bill 1288 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Madam President: I move that Senator Stoops be added as cosponsor of Engrossed House Bill 1347.

PATRICIA MILLER

SENATE MOTION

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as second sponsor of Engrossed House Bill 1382.

M. YOUNG

Madam President: I move that Senator Randolph be added as cosponsor of Engrossed House Bill 1130.

KRUSE

Motion prevailed.

SENATE MOTION

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as cosponsor of Engrossed House Bill 1274.

ALTING

Madam President: I move that Senator Broden be added as cosponsor of Engrossed House Bill 1130.

KRUSE

Motion prevailed.

SENATE MOTION

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as cosponsor of Engrossed House Bill 1201.

Madam President: I move that Senator Buck be added as

second sponsor of Engrossed House Bill 1298.

SENATE MOTION

BRAY

Madam President: I move that Senator Rogers be added as cosponsor of Engrossed House Bill 1012.

Motion prevailed.

BECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Arnold be added as cosponsor of Engrossed House Bill 1090.

SENATE MOTION

CRIDER

Madam President: I move that Senator Randolph be added as cosponsor of Engrossed House Bill 1254.

Motion prevailed.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Arnold be added as cosponsor of Engrossed House Bill 1038.

SENATE MOTION

CRIDER

Madam President: I move that Senator Randolph be added as cosponsor of Engrossed House Bill 1272.

Motion prevailed.

BROWN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as cosponsor of Engrossed House Bill 1156.

SENATE MOTION

LEISING

Madam President: I move that Senator Randolph be added as cosponsor of Engrossed House Bill 1360.

Motion prevailed.

BROWN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as cosponsor of Engrossed House Bill 1365.

SENATE MOTION

CRIDER

Madam President: I move that Senator Arnold be added as cosponsor of Engrossed House Bill 1359.

Motion prevailed.

BROWN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as cosponsor of Engrossed House Bill 1233.

SENATE MOTION

CRIDER

Madam President: I move that Senator Rogers be added as cosponsor of Engrossed House Bill 1209.

Motion prevailed.

PETE MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be added as cosponsor of Engrossed House Bill 1233.

SENATE MOTION

CRIDER

Madam President: I move that Senator Banks be added as cosponsor of Engrossed House Bill 1337.

Motion prevailed.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Mrvan be added as cosponsor of Engrossed House Bill 1088.

SENATE MOTION

BECKER

Madam President: I move that Senator Kruse be added as third sponsor of Engrossed House Bill 1248.

Motion prevailed.

PETE MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Perfect be added as cosponsor of Engrossed House Bill 1053.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Delph be added as second sponsor of Engrossed House Bill 1085.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Yoder be removed as second sponsor of Engrossed House Bill 1254.

YODER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Head be added as second sponsor and Senator Pete Miller be added as cosponsor of Engrossed House Bill 1288.

WALKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Buck be added as second sponsor of Engrossed House Bill 1294.

HEAD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as third sponsor of Engrossed House Bill 1394.

PETE MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Buck be added as cosponsor of Engrossed House Bill 1025.

YODER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Merritt be added as second sponsor and Senator Head be added as cosponsor of Engrossed House Bill 1218.

PERFECT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Zakas be added as second sponsor and Senator Yoder be added as cosponsor of Engrossed House Bill 1068.

MESSMER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Yoder be added as second sponsor of Engrossed House Bill 1370.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Head be added as second sponsor of Engrossed House Bill 1233.

CRIDER

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Monday, February 22, 2016.

LONG

Motion prevailed.

The Senate adjourned at 2:42 p.m.

JENNIFER L. MERTZ
Secretary of the Senate

SUE ELLSPERMANN
President of the Senate