



# Journal of the Senate

State of Indiana

120th General Assembly

First Regular Session

Twenty-first Meeting Day

Monday Afternoon

February 20, 2017

The Senate convened at 1:30 p.m., with the President of the Senate, Suzanne Crouch, in the Chair.

Prayer was offered by Pastor Tim Overton from Kingston Avenue Baptist Church, Anderson, Indiana.

The Pledge of Allegiance to the Flag was led by Senator Timothy S. Lanane.

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

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

Roll Call 137: present 49; excused 1. [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.

## REPORT OF THE PRESIDENT PRO TEMPORE

Madam President: Pursuant to Senate Rule 68(b), I hereby report that Senate Bill 401, currently assigned to the Committee on Corrections and Criminal Law, be reassigned to the Committee on Public Policy.

LONG

Report adopted.

## INTRODUCTION OF BILLS

The following bills and resolutions were read a first time by title and referred to the respective committees:

### **HB 1004** — Raatz (Education and Career Development)

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

### **HB 1009** — Kenley (Appropriations)

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

### **HB 1010** — Young M (Corrections and Criminal Law)

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

### **HB 1013** — Mishler (Commerce and Technology)

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

### **HB 1018** — Niemeyer (Homeland Security and Transportation)

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

### **HB 1020** — Young M, Tomes (Corrections and Criminal Law)

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

### **HB 1023** — Crider (Homeland Security and Transportation)

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

### **HB 1031** — Niemeyer (Commerce and Technology)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

### **HB 1033** — Holdman (Insurance and Financial Institutions)

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

### **HB 1036** — Merritt, Bray, Ruckelshaus (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

### **HB 1039** — Crider, Kenley, Delph (Homeland Security and Transportation)

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

### **HB 1048** — Niemeyer, Charbonneau (Civil Law)

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

**HB 1064** — Head (Corrections and Criminal Law)

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

**HB 1065** — Young M (Public Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

**HB 1069** — Charbonneau, Becker (Health and Provider Services)

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

**HB 1074** — Buck (Public Policy)

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

**HB 1079** — Merritt, Crane (Education and Career Development)

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

**HB 1080** — Grooms, Breaux (Family and Children Services)

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

**HB 1085** — Hershman (Civil Law)

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

**HB 1089** — Doriot, Head (Natural Resources)

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

**HB 1091** — Tomes (Corrections and Criminal Law)

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

**HB 1095** — Bray, Tomes (Judiciary)

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

**HB 1100** — Messmer (Public Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

**HB 1101** — Crider, Doriot (Local Government)

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

**HB 1102** — Grooms, Becker, Breaux (Family and Children Services)

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

**HB 1116** — Buck (Rules and Legislative Procedure)

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

**HB 1117** — Doriot, Head (Local Government)

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

**HB 1122** — Zakas (Homeland Security and Transportation)

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

**HB 1123** — Head, Bray (Civil Law)

A BILL FOR AN ACT concerning civil procedure.

**HB 1133** — Head (Local Government)

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

**HB 1136** — Raatz, Grooms (Education and Career Development)

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

**HB 1154** — Boots (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

**HB 1157** — Messmer (Commerce and Technology)

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

**HB 1171** — Boots, Holdman, Taylor G (Pensions and Labor)

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

**HB 1174** — Kruse, Glick, Lanane (Homeland Security and Transportation)

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

**HB 1200** — Messmer, Crider, Houchin, Becker (Public Policy)

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

**HB 1211** — Charbonneau, Grooms (Environmental Affairs)

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

**HB 1218** — Head, Bray (Corrections and Criminal Law)

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

**HB 1234** — Leising (Agriculture)

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

**HB 1235** — Leising (Agriculture)

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

**HB 1243** — Brown L (Commerce and Technology)

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

**HB 1260** — Charbonneau, Niemeyer (Homeland Security and Transportation)

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

- HB 1272** — Doriot (Local Government)  
A BILL FOR AN ACT to amend the Indiana Code concerning local government.
- HB 1274** — Bray (Civil Law)  
A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.
- HB 1278** — Leising (Health and Provider Services)  
A BILL FOR AN ACT to amend the Indiana Code concerning health.
- HB 1281** — Raatz (Education and Career Development)  
A BILL FOR AN ACT to amend the Indiana Code concerning higher education.
- HB 1284** — Hershman (Tax and Fiscal Policy)  
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1286** — Grooms (Local Government)  
A BILL FOR AN ACT to amend the Indiana Code concerning economic development.
- HB 1287** — Becker, Leising, Breaux (Family and Children Services)  
A BILL FOR AN ACT to amend the Indiana Code concerning human services.
- HB 1295** — Sandlin, Taylor G, Breaux (Local Government)  
A BILL FOR AN ACT to amend the Indiana Code concerning local government.
- HB 1312** — Grooms (Corrections and Criminal Law)  
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- HB 1318** — Holdman (Insurance and Financial Institutions)  
A BILL FOR AN ACT to amend the Indiana Code concerning insurance.
- HB 1335** — Crider, Charbonneau (Health and Provider Services)  
A BILL FOR AN ACT to amend the Indiana Code concerning human services.
- HB 1336** — Charbonneau (Health and Provider Services)  
A BILL FOR AN ACT to amend the Indiana Code concerning health.
- HB 1342** — Kenley (Appropriations)  
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1349** — Young M, Bray, Lanane (Corrections and Criminal Law)  
A BILL FOR AN ACT to amend the Indiana Code concerning corrections.
- HB 1351** — Hershman (Tax and Fiscal Policy)  
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1369** — Walker, Head (Rules and Legislative Procedure)  
A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.
- HB 1370** — Walker (Homeland Security and Transportation)  
A BILL FOR AN ACT to amend the Indiana Code concerning public safety.
- HB 1382** — Kruse, Raatz (Education and Career Development)  
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- HB 1396** — Kenley, Raatz (Education and Career Development)  
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.
- HB 1406** — Koch (Corrections and Criminal Law)  
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- HB 1407** — Bray (Judiciary)  
A BILL FOR AN ACT to amend the Indiana Code concerning probate.
- HB 1430** — Head, Messmer (Education and Career Development)  
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- HB 1438** — Merritt, Charbonneau (Health and Provider Services)  
A BILL FOR AN ACT to amend the Indiana Code concerning health.
- HB 1439** — Charbonneau (Health and Provider Services)  
A BILL FOR AN ACT to amend the Indiana Code concerning human services.
- HB 1467** — Brown L, Niezgodski (Commerce and Technology)  
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.
- HB 1471** — Head, Bohacek (Utilities)  
A BILL FOR AN ACT to amend the Indiana Code concerning utilities and to make an appropriation.
- HB 1492** — Crider (Homeland Security and Transportation)  
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.
- HB 1520** — Messmer (Judiciary)  
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- HB 1526** — Holdman (Insurance and Financial Institutions)  
A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.
- HB 1539** — Holdman (Insurance and Financial Institutions)  
A BILL FOR AN ACT to amend the Indiana Code concerning financial institutions.

**HB 1571** — Becker (Judiciary)

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

**HB 1592** — Hershman, Crider, Niezgodski, Zay (Commerce and Technology)

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

**HB 1642** — Becker, Stoops, Taylor G (Health and Provider Services)

A BILL FOR AN ACT concerning health.

**REPORTS FROM COMMITTEES**

## COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred Senate Bill 126, 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 5-16-11.1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 4. (a) When professional services are required for a project, a public agency ~~may~~ **shall do at least one (1) of the following:**

- (1) Publish notice in accordance with IC 5-3-1.
- (2) Provide for notice (other than notice in accordance with IC 5-3-1) as it determines is reasonably calculated to inform those performing professional services of a proposed project.
- (3) Provide for notice in accordance with both subdivisions (1) and (2). ~~or~~
- ~~(4) Determine not to provide any notice.~~

(b) ~~If~~ **When** the public agency provides for notice under subsection (a)(1), (a)(2), or (a)(3), each notice must include **all of the following:**

- (1) The location of the project.
- (2) A general description of the project.
- (3) The general criteria to be used in selecting professional services firms for the project.
- (4) The place where any additional project description or specifications are on file.
- (5) The hours of business of the public agency. ~~and~~
- (6) The last date for accepting statements of qualifications from interested parties.

SECTION 2. IC 5-16-11.1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 5. (a) A public agency ~~may~~ **shall** make all contracts for professional services on the basis of competence and qualifications for the type of services to be performed and negotiate compensation that the public agency determines to be reasonable.

**(b) After the award of a contract for professional services for a project under this chapter, the public agency awarding the contract shall publicly post, for each firm that submitted a statement of qualifications for the project, the public**

**agency's evaluation of the firm using the criteria listed in the notice made under section 4(b)(3) of this chapter and any additional criteria used to select a firm for the project.**

SECTION 3. IC 5-16-11.1-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 6. (a) **As used in this section, "contract officer" refers to the:**

- (1) purchasing agent (as defined by IC 5-22-2-26); or**
- (2) officer, board, or employee responsible for awarding a contract.**

**(b) As used in this section, "contribution" refers to a contribution as defined in IC 3-5-2-15, but only if the contribution is reportable under IC 3-9.**

**(c) During the period described in subsection (d), a professional services firm may not make a contribution to an individual who holds an elected office of the political subdivision awarding a contract if both of the following apply:**

- (1) The individual is also a member of the legislative or executive branch of that political subdivision that has final approval of the contract.**
- (2) The legislative or executive branch of that political subdivision has supervisory authority over the public agency issuing the notice described in section 4 of this chapter or a solicitation for the contract.**

**(d) The prohibition on contributions under this section:**

- (1) begins on the earlier of:**
  - (A) the date the notice described in section 4 of this chapter is provided; or**
  - (B) the date the solicitation for the professional services is issued; and**
- (2) ends on the day after the date the contract is awarded.**

**(e) A violation of subsection (c) is cured if:**

- (1) the prohibited contribution is returned to the firm making the contribution; or**
- (2) the contract officer makes a written determination that awarding the contract to the firm is in the best interests of the public agency. The written determination is a public record under IC 5-14-3 and must state the reasons why the contract officer considers the award of the contract to the firm is in the best interests of the public agency.**

**(f) If a firm violates subsection (c), and the violation is not cured under subsection (e), the firm is considered nonresponsible by the public agency for a period of one (1) year beginning with the date of the award of the contract."**

Delete pages 2 through 4.

Page 5, delete lines 1 through 41.

Page 5, line 42, delete "Sec. 4.", begin a new paragraph and insert:

"SECTION 4. [EFFECTIVE JULY 1, 2017] (a)".

Page 5, line 42, delete "chapter," and insert "SECTION,".

Page 6, delete lines 5 through 8.

Page 6, line 9, delete "Sec. 6." and insert "(b)".

Page 6, line 9, delete "chapter," and insert "SECTION,".

Page 6, line 11, delete "Sec. 7." and insert "(c)".

Page 6, line 11, delete "chapter," and insert "SECTION,".

Page 6, delete lines 14 through 26.

Page 6, line 27, delete "Sec. 10." and insert "(d)".

Page 6, line 27, delete "chapter," and insert "SECTION,".

Page 6, line 29, delete "Sec. 11. (a)" and insert "(e)".

Page 6, line 29, delete "chapter," and insert "SECTION,".

Page 6, line 29, delete "(b)," and insert "(f)".

Page 6, line 30, delete "a political subdivision" and insert "the state".

Page 6, line 32, delete "political subdivision." and insert "state".

Page 6, line 33, delete "(b)" and insert "(f)".

Page 6, line 33, delete "chapter," and insert "SECTION,".

Page 6, delete line 42, begin a new paragraph and insert:

**"(g) The general assembly urges the legislative council to assign to an appropriate interim study committee the topic of political contributions made to an individual holding a state elected office by offerors and contractors awarded, or submitting offers or bids for possible award of, contracts for supplies or services, including professional services, or a public works project in response to solicitations issued by the state.**

**(h) If the legislative council assigns the topic described in subsection (g) to an appropriate interim study committee, the study committee shall complete the study required by this SECTION and report its findings and recommendations, if any, including any recommended legislation, to the legislative council in an electronic format under IC 5-14-6 not later than November 1, 2017.**

**(i) This SECTION expires January 1, 2018."**

Delete pages 7 through 8.

Renumber all SECTIONS consecutively.

(Reference is to SB 126 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 2.

WALKER, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 196, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 20-48-1-11, AS AMENDED BY P.L.146-2008, SECTION 525, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) As used in this section, "debt service obligations" refers to the principal and interest payable during a calendar year on a school corporation's general obligation bonds and lease rentals under IC 20-47-2 and IC 20-47-3.

(b) Before the end of each calendar year, the department of local government finance shall review the bond and lease rental levies, or any levies that replace bond and lease rental levies, of each school corporation that are payable in the next succeeding year and the appropriations from the levies from which the

school corporation is to pay the amount, if any, of the school corporation's debt service obligations. If the levies and appropriations of the school corporation are not sufficient to pay the debt service obligations, the department of local government finance shall establish for each school corporation:

(1) bond or lease rental levies, or any levies that replace the bond and lease rental levies; and

(2) appropriations;

that are sufficient to pay the debt service obligations.

(c) Upon the failure of a school corporation to pay any of the school corporation's debt service obligations during a calendar year when due, the treasurer of state, upon being notified of the failure by a claimant, shall pay the unpaid debt service obligations that are due from the funds of the state only to the extent of the amounts appropriated by the general assembly for the calendar year for distribution to the school corporation from state funds, deducting the payment from the appropriated amounts. A deduction under this subsection must be made:

(1) first from all funds except state tuition support; and

(2) second from state tuition support.

(d) This section shall be interpreted liberally so that the state shall to the extent legally valid ensure that the debt service obligations of each school corporation are paid. However, this section does not create a debt of the state.

**SECTION 2. An emergency is declared for this act.**

(Reference is to SB 196 as introduced.)

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

LONG, CHAIR

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Utilities, to which was referred Senate Bill 213, 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 12, begin a new paragraph and insert:

**"SECTION 1. IC 8-1-32.3-4.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 4.2. As used in this chapter, "communications service provider" has the meaning set forth in IC 8-1-2.6-13.**

**SECTION 2. IC 8-1-32.3-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 7.5. As used in this chapter, "micro wireless facility" means a small cell facility to which both of the following apply:**

**(1) The small cell facility is not larger in dimension than:**

**(A) twenty-four (24) inches in length;**

**(B) fifteen (15) inches in width; and**

**(C) twelve (12) inches in height.**

**(2) If the small cell facility has an exterior antenna, the exterior antenna is not longer than eleven (11) inches."**

Page 2, line 2, strike "service".

Page 2, line 32, strike "and" and insert "or".

Page 2, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 5. IC 8-1-32.3-12.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 12.5. As used in this chapter, "wireless communications service" means services, whether mobile or at a fixed location, that are provided using wireless facilities through licensed or unlicensed spectrum.**

SECTION 6. IC 8-1-32.3-13, AS ADDED BY P.L.145-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 13. As used in this chapter, "wireless facility" means the set of equipment and network components that are:

(1) owned and operated by a communications service provider; and

(2) necessary to provide wireless communications service.

The term does not include a wireless support structure."

Page 3, between lines 14 and 15, begin a new line block indented and insert:

"(4) Construction, placement, and use of small cell facilities."

Page 3, line 16, delete "for:" and insert "for, or charge fees for, any of the following:

(1) The routine maintenance of wireless facilities.

(2) The replacement of wireless facilities with wireless facilities that are:

(A) substantially similar to; or

(B) the same size or smaller than;

the wireless facilities being replaced.

(3) The installation, placement, maintenance, or replacement of micro wireless facilities that are suspended on messenger cables strung between existing utility poles in compliance with applicable codes by a communications service provider that is authorized to use the public rights-of-way. For purposes of this subdivision, "applicable codes" means uniform building, fire, electrical, plumbing, or mechanical codes that are:

(A) adopted by a recognized national code organization; and

(B) enacted solely to address imminent threats of destruction of property or injury to persons;

including any local amendments to those codes."

Page 3, delete lines 17 through 42.

Delete page 4.

Page 5, delete line 1.

Page 5, line 4, delete "the collocation of" and insert "a permit or approval for the construction, placement, or use of".

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

"(1) The placement of a small cell facility and the associated supporting structure in the public right-of-way is considered a permitted use and is exempt from local zoning review if the total height of the structure supporting the small cell facility does not exceed the greater of:

(A) fifty (50) feet measured from grade; or

(B) the height of any existing utility pole in place within five hundred (500) feet of the proposed small cell facility, plus ten (10) feet."

Page 5, line 6, delete "(1)" and insert "(2)".

Page 5, line 12, delete "(2) The total of any application fees allowed under section 16" and insert "(3) The total of any application fees allowed under this section".

Page 5, line 13, delete "of this chapter".

Page 5, delete lines 29 through 36, begin a new line block indented and insert:

"(4) With respect to an application for the construction, placement, or use of a small cell facility and the associated supporting structure, a permit authority shall follow the application procedures and time limits for review and approval that apply to collocation permit applications under section 22 of this chapter.

(b) With respect to the construction, placement, or use of any small cell facility and the associated supporting structure, a permit authority shall not do any of the following:

(1) Limit the placement of the small cell facility by minimum separation distances or maximum height limitations.

(2) Impose unreasonable requirements regarding the maintenance or appearance of the small cell facility and associated supporting structure, including requirements concerning the types of materials to be used or the screening or landscaping of the location.

(3) Condition the grant of approval on the applicant's agreement to allow other wireless facilities to be placed at, attached to, or located on the associated wireless support structure or utility pole.

(4) Limit the duration of any permit that is granted. However, a permit authority may require that, as applicable, construction commence not later than two (2) years after the date the permit is granted.

(5) Prohibit an applicant from locating a small cell facility, wireless support structure, or utility pole in a residential area or within a specific distance from a residence or other structure.

(6) Impose setback or fall-zone requirements for the associated wireless support structure or utility pole that are different from requirements imposed on other types of structures in the right-of-way.

(7) Require the removal of existing wireless support structures, wireless facilities, or utility poles, wherever located, as a condition for approval of the application. However, this subdivision does not prohibit the permit authority from adopting reasonable rules intended to ensure the public health, safety, and welfare with respect to the removal of an abandoned wireless support structure or abandoned wireless facilities.

(c) The construction, placement, or use of small cell facilities on a utility pole owned or controlled by a governmental unit is subject to the following:

(1) The rate for the construction, placement, or use of small cell facilities on the utility pole owned or controlled by the unit may not exceed the lesser of:

(A) the annual recurring rate that would apply under the regulations adopted by the Federal Communications Commission under 47 U.S.C. 224(e) if the rates were regulated by the Federal Communications Commission; or

(B) twenty dollars (\$20) per utility pole per year.

(2) For a utility pole used to provide communications service or electric service, the parties to the construction, placement, or use shall comply with the process for make ready work under 47 U.S.C. § 224 and any associated implementing regulations. The good faith estimate of the unit owning or controlling the utility pole with respect to any make ready work necessary to enable the utility pole to support the requested placement must include pole replacement if necessary.

(3) For a utility pole that does not support aerial facilities used to provide communications service or electric service, the unit shall provide a good faith estimate for any make ready work necessary to enable the utility pole to support the requested construction, placement, or use, including pole replacement if necessary, not later than sixty (60) days after the unit's receipt of a complete application. Make ready work, including any pole replacement, shall be completed not later than sixty (60) days after the applicant's written acceptance of the good faith estimate.

(4) The unit shall not require more make ready work than required to meet applicable codes (as defined in section 15(b)(3) of this chapter) or industry standards. Fees for make ready work may not include costs related to preexisting or prior damage or to noncompliance. Fees for make ready work, including any utility pole replacement, may not:

(A) exceed actual costs or the amount charged to communications service providers for similar work; and

(B) include any consultants' fees or expenses.

(5) The unit shall offer rates, fees, and other terms for the construction, placement, or use that comply with this chapter. Not later than:

(A) December 31, 2017; or

(B) three (3) months after receiving the first request under this chapter for the construction, placement, or use of a small wireless facility on a utility pole owned or controlled by the unit;

whichever occurs later, the unit shall establish and make available, by ordinance or otherwise, the rates, fees, and terms that govern the construction, placement, or use of small cell facilities on utility poles owned or controlled by the unit and that are in compliance with this chapter."

Renumber all SECTIONS consecutively.

(Reference is to SB 213 as printed January 27, 2017.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 2.

MERRITT, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred Senate Bill 220, 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 8, delete "October 12," and insert "**November 1,**".

(Reference is to SB 220 as printed February 10, 2017.) and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 3.

WALKER, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred Senate Bill 222, 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.

WALKER, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Family and Children Services, to which was referred Senate Bill 246, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 15, begin a new paragraph and insert:

"SECTION 1. IC 31-34-2.5-1, AS AMENDED BY P.L.128-2012, SECTION 158, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. (a) An emergency medical services provider (**as defined in IC 16-41-10-1**) shall, without a court order, take custody of a child who is, or who appears to be, not more than thirty (30) days of age if:

(1) the child is voluntarily left:

(A) with the provider by the child's parent; or

(B) in a newborn safety device that:

(i) has been approved by a hospital licensed under IC 16-21;

(ii) is physically located inside a hospital that is staffed continuously on a twenty-four (24) hour basis every day to provide care to patients in an emergency; and

(iii) is located in an area that is conspicuous and visible to hospital staff; and

(2) the parent does not express an intent to return for the child.

(b) An emergency medical services provider who takes custody of a child under this section shall perform any act necessary to protect the child's physical health or safety.

(c) Any person who in good faith voluntarily leaves a child:

- (1) with an emergency medical services provider; or
- (2) in a newborn safety device described in subsection (a)(1)(B);

is not obligated to disclose the parent's name or the person's name.

(d) A hospital that approves the operation of a newborn safety device that meets the requirements set forth in subsection (a)(1)(B) is immune from civil liability for an act or omission relating to the operation of the newborn safety device unless the act or omission constitutes gross negligence or willful or wanton misconduct.

SECTION 2. IC 34-30-2-134.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 134.5. IC 31-34-2.5-1 (Concerning a hospital operating a newborn safety device)."

Page 2, delete lines 37 through 42, begin a new line block indented and insert:

"(1) the accused person left a dependent child who was, at the time the alleged act occurred, not more than thirty (30) days of age:

- (A) in a newborn safety device that:
  - (i) has been approved by a hospital licensed under IC 16-21;
  - (ii) is physically located inside a hospital that is staffed continuously on a twenty-four (24) hour basis every day to provide care to patients in an emergency; and
  - (iii) is located in an area that is conspicuous and visible to hospital staff; or

(B) with an individual who is an emergency medical services provider (as defined in IC 16-41-10-1) who took custody of the child under IC 31-34-2.5;

when

- (A) the prosecution is based solely on the alleged act of leaving the child in the newborn safety device or with the emergency medical services provider and
- (B) the alleged act did not result in bodily injury or serious bodily injury to the child; or"

Page 3, delete lines 1 through 4.

Renumber all SECTIONS consecutively.

(Reference is to SB 246 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

GROOMS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture, to which was referred Senate Bill 293, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning service animals.

Delete everything after the enacting clause and insert the following:

SECTION 1. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "study committee" refers to the interim study committee on agriculture and natural resources established by IC 2-5-1.3-4 or another appropriate study committee.

(b) The legislative council is urged to assign to a study committee the topics of:

- (1) federal and state laws and regulations concerning service and assistance animals; and
- (2) the permissible uses of service and assistance animals, including emotional support animals and therapy animals, in public accommodations.

(c) If the legislative council assigns the topics described in subsection (b) to a study committee, the study committee shall complete the study required by this SECTION and report its findings and recommendations, if any, to the legislative council in an electronic format under IC 5-14-6 not later than November 1, 2017.

(d) This SECTION expires January 1, 2018.

SECTION 2. An emergency is declared for this act.

(Reference is to SB 293 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

LEISING, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Utilities, to which was referred Senate Bill 309, 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 2, delete "An" and insert "If an".

Page 2, line 3, after "section" insert "maintains a publicly accessible Internet web site, the electricity supplier".

Page 2, line 11, strike "a" and insert "any".

Page 2, line 12, after "fuel," insert "organic waste biomass,".

Page 5, line 17, delete "subsections (a)(2) and (e)." and insert "subsection (a)(2) and section 6(e) of this chapter.".

Page 5, line 19, delete "subsections (a)(2) and (e):" and insert "subsection (a)(2) and section 6(e) of this chapter:".

Page 5, between lines 27 and 28, begin a new paragraph and insert:

"SECTION 4. IC 8-1-8.5-5, AS AMENDED BY P.L.246-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 5. (a) As a condition for receiving the certificate required under section 2 of this chapter, the applicant shall file an estimate of construction, purchase, or lease costs in such detail as the commission may require.

(b) The commission shall hold a public hearing on each such application. The commission may consider all relevant information related to construction, purchase, or lease costs. A certificate shall be granted only if the commission has:

- (1) made a finding as to the best estimate of construction, purchase, or lease costs based on the evidence of record;
- (2) made a finding that either:



(A) the construction, purchase, or lease will be consistent with the commission's analysis (or such part of the analysis as may then be developed, if any) for expansion of electric generating capacity; or

(B) the construction, purchase, or lease is consistent with a utility specific proposal submitted under section 3(e)(1) of this chapter and approved under subsection (d). However, if the commission has developed, in whole or in part, an analysis for the expansion of electric generating capacity and the applicant has filed and the commission has approved under subsection (d) a utility specific proposal submitted under section 3(e)(1) of this chapter, the commission shall make a finding under this clause that the construction, purchase, or lease is consistent with the commission's analysis, to the extent developed, and that the construction, purchase, or lease is consistent with the applicant's plan under section 3(e)(1) of this chapter, to the extent the plan was approved by the commission;

(3) made a finding that the public convenience and necessity require or will require the construction, purchase, or lease of the facility;

(4) made a finding that the facility, if it is a coal-consuming facility, utilizes Indiana coal or is justified, because of economic considerations or governmental requirements, in using non-Indiana coal; and

(5) made the findings under subsection (e), if applicable.

(c) If:

(1) the commission grants a certificate under this chapter based upon a finding under subsection (b)(2) that the construction, purchase, or lease of a generating facility is consistent with the commission's analysis for the expansion of electric generating capacity; and

(2) a court finally determines that the commission analysis is invalid;

the certificate shall remain in full force and effect if the certificate was also based upon a finding under subsection (b)(2) that the construction, purchase, or lease of the facility was consistent with a utility specific plan submitted under section 3(e)(1) of this chapter and approved under subsection (d).

(d) The commission shall consider and approve, in whole or in part, or disapprove a utility specific proposal or an amendment thereto jointly with an application for a certificate under this chapter. However, such an approval or disapproval shall be solely for the purpose of acting upon the pending certificate for the construction, purchase, or lease of a facility for the generation of electricity.

(e) This subsection applies if an applicant proposes to construct a facility with a generating capacity of more than eighty (80) megawatts. Before granting a certificate to the applicant, the commission:

(1) must, in addition to the findings required under subsection (b), find that:

(A) the estimated costs of the proposed facility are, to the extent commercially practicable, the result of competitively bid engineering, procurement, or construction contracts, as applicable; and

**(B) the applicant allowed third parties to submit firm and binding bids for the construction of the proposed facility on behalf of the applicant that met all of the technical, commercial, and other specifications required by the applicant for the proposed facility so as to enable ownership of the proposed facility to vest with the applicant not later than the date on which the proposed facility becomes commercially available; and**

(2) shall also consider the following factors:

(A) Reliability.

(B) Solicitation by the applicant of competitive bids to obtain purchased power capacity and energy from alternative suppliers.

The applicant, including an affiliate of the applicant, may participate in competitive bidding described in this subsection."

Page 6, line 6, delete "IC 8-1-37-4(a)(1) or IC 8-1-37-4(a)(2);" and insert "**IC 8-1-37-4(a)(1), IC 8-1-37-4(a)(2), or IC 8-1-37-4(a)(5);**".

Page 6, delete lines 19 through 42, begin a new paragraph and insert:

"SECTION 6. IC 8-1-40 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]:

#### **Chapter 40. Distributed Generation**

**Sec. 1. As used in this chapter, "commission" refers to the Indiana utility regulatory commission created by IC 8-1-1-2.**

**Sec. 2. As used in this chapter, "customer" means a person that receives retail electric service from an electricity supplier.**

**Sec. 3. (a) As used in this chapter, "distributed generation" means electricity produced by a generator or other device that is:**

**(1) located on the customer's premises;**

**(2) owned by the customer;**

**(3) sized at a nameplate capacity of the lesser of:**

**(A) not more than one (1) megawatt; or**

**(B) the customer's average annual consumption of electricity on the premises; and**

**(4) interconnected and operated in parallel with the electricity supplier's facilities in accordance with the commission's approved interconnection standards.**

**(b) The term does not include electricity produced by the following:**

**(1) An electric generator used exclusively for emergency purposes.**

**(2) A net metering facility (as defined in 170 IAC 4-4.2-1(k)) operating under a net metering tariff.**

**Sec. 4. (a) As used in this chapter, "electricity supplier" means a public utility (as defined in IC 8-1-2-1) that furnishes retail electric service to customers in Indiana.**

**(b) The term does not include a utility that is:**

**(1) a municipally owned utility (as defined in IC 8-1-2-1(h));**

**(2) a corporation organized under IC 8-1-13; or**

**(3) a corporation organized under IC 23-17 that is an electric cooperative and that has at least one (1) member that is a corporation organized under**

**IC 8-1-13.**

**Sec. 5.** As used in this chapter, "excess distributed generation" means the difference between:

- (1) the electricity that is supplied by an electricity supplier to a customer that produces distributed generation; and
- (2) the electricity that is supplied back to the electricity supplier by the customer.

**Sec. 6.** As used in this chapter, "marginal price of electricity" means the hourly market price for electricity as determined by a regional transmission organization of which the electricity supplier serving a customer is a member.

**Sec. 7.** As used in this chapter, "net metering tariff" means a tariff that:

- (1) an electricity supplier offers for net metering under 170 IAC 4-4.2; and
- (2) is in effect on January 1, 2017.

**Sec. 8.** As used in this chapter, "premises" means a single tract of land on which a customer consumes electricity for residential, business, or other purposes.

**Sec. 9.** As used in this chapter, "regional transmission organization" has the meaning set forth in IC 8-1-37-9.

**Sec. 10.** Subject to sections 13 and 14 of this chapter, a net metering tariff of an electricity supplier must remain available to the electricity supplier's customers until the earlier of the following:

- (1) January 1 of the first calendar year after the calendar year in which the aggregate amount of net metering facility nameplate capacity under the electricity supplier's net metering tariff equals at least one and one-half percent (1.5%) of the most recent summer peak load of the electricity supplier.
- (2) July 1, 2022.

Before July 1, 2022, if an electricity supplier reasonably anticipates, at any point in a calendar year, that the aggregate amount of net metering facility nameplate capacity under the electricity supplier's net metering tariff will equal at least one and one-half percent (1.5%) of the most recent summer peak load of the electricity supplier, the electricity supplier shall, in accordance with section 16 of this chapter, petition the commission for approval of a rate for the procurement of excess distributed generation.

**Sec. 11.** (a) Except as provided in sections 12 and 21(b) of this chapter, before July 1, 2047:

- (1) an electricity supplier may not seek to change the terms and conditions of the electricity supplier's net metering tariff; and
- (2) the commission may not approve changes to an electricity supplier's net metering tariff.

(b) Except as provided in sections 13 and 14 of this chapter, after June 30, 2022:

- (1) an electricity supplier may not make a net metering tariff available to customers; and
- (2) the terms and conditions of a net metering tariff offered by an electricity supplier before July 1, 2022, expire and are unenforceable.

**Sec. 12.** (a) Before January 1, 2018, the commission shall amend 170 IAC 4-4.2-4, and an electricity supplier shall

amend the electricity supplier's net metering tariff, to do the following:

(1) Increase the allowed limit on the aggregate amount of net metering facility nameplate capacity under the net metering tariff to one and one-half percent (1.5%) of the most recent summer peak load of the electricity supplier.

(2) Modify the required reservation of capacity under the limit described in subdivision (1) to require the reservation of:

- (A) forty percent (40%) of the capacity for participation by residential customers; and
- (B) fifteen percent (15%) of the capacity for participation by customers that install a net metering facility that uses a renewable energy resource described in IC 8-1-37-4(a)(5).

(b) In amending 170 IAC 4-4.2-4, as required by subsection (a), the commission may adopt emergency rules in the manner provided by IC 4-22-2-37.1. Notwithstanding IC 4-22-2-37.1(g), an emergency rule adopted by the commission under this section and in the manner provided by IC 4-22-2-37.1 expires on the date on which a rule that supersedes the emergency rule is adopted by the commission under IC 4-22-2-24 through IC 4-22-2-36.

**Sec. 13.** (a) This section applies to a customer that installs a net metering facility (as defined in 170 IAC 4-4.2-1(k)) on the customer's premises:

- (1) after June 30, 2017; and
- (2) before the date on which the net metering tariff of the customer's electricity supplier terminates under section 10(1) or 10(2) of this chapter.

(b) A customer that is participating in an electricity supplier's net metering tariff on the date on which the electricity supplier's net metering tariff terminates under section 10(1) or 10(2) of this chapter shall continue to be served under the terms and conditions of the net metering tariff until:

- (1) the customer no longer owns, occupies, or resides at the premises on which the net metering facility (as defined in 170 IAC 4-4.2-1(k)) is located; or
- (2) July 1, 2032;

whichever occurs earlier.

**Sec. 14.** (a) This section applies to a customer that installs a net metering facility (as defined in 170 IAC 4-4.2-1(k)) on the customer's premises before July 1, 2017.

(b) A customer that is participating in an electricity supplier's net metering tariff on July 1, 2017, shall continue to be served under the terms and conditions of the net metering tariff until:

- (1) the customer no longer owns, occupies, or resides at the premises on which the net metering facility (as defined in 170 IAC 4-4.2-1(k)) is located; or
- (2) July 1, 2047;

whichever occurs earlier.

**Sec. 15.** An electricity supplier shall procure the excess distributed generation produced by a customer at a rate approved by the commission under section 17 of this chapter. Amounts credited to a customer by an electricity supplier for

excess distributed generation shall be recognized in the electricity supplier's fuel adjustment proceedings under IC 8-1-2-42.

Sec. 16. Not later than March 1, 2021, an electricity supplier shall file with the commission a petition requesting a rate for the procurement of excess distributed generation by the electricity supplier. After an electricity supplier's initial rate for excess distributed generation is approved by the commission under section 17 of this chapter, the electricity supplier shall submit on an annual basis, not later than March 1 of each year, an updated rate for excess distributed generation in accordance with the methodology set forth in section 17 of this chapter.

Sec. 17. (a) Subject to subsection (b), the commission shall review a petition filed under section 16 of this chapter by an electricity supplier and, after notice and a public hearing, shall approve a rate to be credited to participating customers by the electricity supplier for excess distributed generation if the commission finds that the rate requested by the electricity supplier was accurately calculated and equals the product of:

- (1) the average marginal price of electricity paid by the electricity supplier during the most recent calendar year; multiplied by
- (2) one and twenty-five hundredths (1.25).

(b) In a petition filed under section 16 of this chapter, an electricity supplier may request that the rate to be credited to a customer for excess distributed generation be set by the commission at a rate equal to the average marginal price of electricity during the most recent calendar year. The commission shall approve a rate requested under this subsection if the commission determines that the break even cost of excess distributed generation effectively competes with the cost of generation produced by the electricity supplier.

Sec. 18. An electricity supplier shall compensate a customer from whom the electricity supplier procures excess distributed generation (at the rate approved by the commission under section 17 of this chapter) through a credit on the customer's monthly bill. Any excess credit shall be carried forward and applied against future charges to the customer for as long as the customer receives retail electric service from the electricity supplier at the premises.

Sec. 19. (a) To ensure that customers that produce distributed generation are properly charged for the costs of the electricity delivery system through which an electricity supplier:

- (1) provides retail electric service to those customers; and
- (2) procures excess distributed generation from those customers;

the electricity supplier may request approval by the commission of the recovery of energy delivery costs attributable to serving customers that produce distributed generation.

(b) The commission may approve a request for cost recovery submitted by an electricity supplier under subsection (a) if the commission finds that the request:

- (1) is reasonable; and
- (2) does not result in a double recovery of energy delivery costs from customers that produce distributed generation.

Sec. 20. (a) An electricity supplier shall provide and maintain the metering equipment necessary to carry out the procurement of excess distributed generation from customers in accordance with this chapter.

(b) The commission shall recognize in the electricity supplier's basic rates and charges an electricity supplier's reasonable costs for the metering equipment required under subsection (a).

Sec. 21. (a) Subject to subsection (b) and sections 10 and 11 of this chapter, after June 30, 2017, the commission's rules and standards set forth in:

- (1) 170 IAC 4-4.2 (concerning net metering); and
- (2) 170 IAC 4-4.3 (concerning interconnection);

remain in effect and apply to net metering under an electricity supplier's net metering tariff and to distributed generation under this chapter.

(b) After June 30, 2017, the commission may adopt changes under IC 4-22-2, including emergency rules in the manner provided by IC 4-22-2-37.1, to the rules and standards described in subsection (a) only as necessary to:

- (1) update fees or charges;
- (2) adopt revisions necessitated by new technologies; or
- (3) reflect changes in safety, performance, or reliability standards.

Notwithstanding IC 4-22-2-37.1(g), an emergency rule adopted by the commission under this subsection and in the manner provided by IC 4-22-2-37.1 expires on the date on which a rule that supersedes the emergency rule is adopted by the commission under IC 4-22-2-24 through IC 4-22-2-36.

Sec. 22. A customer that produces distributed generation shall comply with applicable safety, performance, and reliability standards established by the following:

- (1) The commission.
- (2) An electricity supplier, subject to approval by the commission.
- (3) The National Electric Code.
- (4) The National Electrical Safety Code.
- (5) The Institute of Electrical and Electronics Engineers.
- (6) Underwriters Laboratories.
- (7) The Federal Energy Regulatory Commission.
- (8) Local regulatory authorities.

Sec. 23. (a) A customer that produces distributed generation has the following rights regarding the installation and ownership of distributed generation equipment:

- (1) The right to know that the attorney general is authorized to enforce this section, including by receiving complaints concerning the installation and ownership of distributed generation equipment.
- (2) The right to know the expected amount of electricity that will be produced by the distributed generation equipment that the customer is purchasing.

(3) The right to know all costs associated with installing distributed generation equipment, including any taxes for which the customer is liable.

(4) The right to know the value of all federal, state, or local tax credits or other incentives or rebates that the customer may receive.

(5) The right to know the rate at which the customer will be credited for electricity produced by the customer's distributed generation equipment and delivered to a public utility (as defined in IC 8-1-2-1).

(6) The right to know if a provider of distributed generation equipment insures the distributed generation equipment against damage or loss and, if applicable, any circumstances under which the provider does not insure against or otherwise cover damage to or loss of the distributed generation equipment.

(7) The right to know the responsibilities of a provider of distributed generation equipment with respect to installing or removing distributed generation equipment.

(b) The attorney general, in consultation with the commission, shall adopt rules under IC 4-22-2 that the attorney general considers necessary to implement and enforce this section, including a rule requiring written disclosure of the rights set forth in subsection (a) by a provider of distributed generation equipment to a customer. In adopting the rules required by this subsection, the attorney general may adopt emergency rules in the manner provided by IC 4-22-2-37.1. Notwithstanding IC 4-22-2-37.1(g), an emergency rule adopted by the attorney general under this subsection and in the manner provided by IC 4-22-2-37.1 expires on the date on which a rule that supersedes the emergency rule is adopted by the attorney general under IC 4-22-2-24 through IC 4-22-2-36."

Delete pages 7 through 11.

Re-number all SECTIONS consecutively.

(Reference is to SB 309 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 2.

MERRITT, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Utilities, to which was referred Senate Bill 472, 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 8-1-26-5.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 5.2. As used in this chapter, "design information notice" means a notification that:

(1) is voluntarily submitted to the association under section 16.5 of this chapter by a person providing professional services in connection with:

(A) a construction project; or

(B) any other project or operation;

that will involve an excavation or demolition operation described in section 14 of this chapter;

(2) is made in preparation for bidding, preconstruction engineering, or other advance planning efforts in connection with the project or operation described in subdivision (1); and

(3) is separate from and does not supplant the notice required under section 16 of this chapter before the commencement of the excavation or demolition operation."

Page 1, line 15, delete "voluntary notices of preliminary engineering studies or" and insert "design information notices under section 16.5 of this chapter."

Page 1, delete lines 16 through 17.

Page 2, delete lines 15 through 42, begin a new paragraph and insert:

"SECTION 3. IC 8-1-26-16.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 16.5. (a) A person responsible for:

(1) a construction project; or

(2) any other project or operation;

that will involve an excavation or demolition operation described in section 14 of this chapter may voluntarily, before commencing preliminary engineering studies or construction planning activities in the project area that will be affected by the excavation or demolition, serve a design information notice on the association of the person's intent to conduct the preliminary engineering studies or construction planning activities. However, not more than two (2) design information notices for the same project and from the same person or source may be submitted in any given one hundred eighty (180) day period.

(b) A person that serves a design information notice on the association under this section shall ensure that white lining is performed in the project area that will be affected by the proposed excavation or demolition if the person is unable to provide to the association the physical location of the proposed excavation or demolition by one (1) of the following means:

(1) A street address.

(2) A legal description of the location.

(3) A highway location using highway mile markers or cross streets.

(c) A design information notice under this section must be received by the association at least ten (10) full working days but not more than twenty (20) calendar days before the commencement of the preliminary engineering studies or construction planning activities. Upon receiving the design information notice, the association shall immediately:

(1) notify each operator that has underground facilities located in the project area that will be affected by the proposed excavation or demolition; and

(2) provide the person serving the design information notice a list of the identified operators receiving the notice under subdivision (1).

A person responsible for conducting the preliminary engineering studies or construction planning activities may commence work before the elapse of ten (10) full working days if all affected operators have notified the person providing the design information notice that the location of all the affected operators' facilities have been marked or that the affected operators have no facilities in the project area that will be affected by the proposed excavation or demolition.

(d) A county recorder who receives an inquiry from a person seeking to provide a design information notice under this section shall refer the person to the association. Upon receiving the design information notice, the association shall immediately:

- (1) provide notice of the preliminary engineering studies or construction planning activities to each member operator that has underground facilities located in the project area that will be affected by the proposed excavation or demolition; and
- (2) provide the person serving the design information notice a list of the identified operators receiving the notice under subdivision (1).

(e) A design information notice under this section must contain the following information:

- (1) The name, address, and telephone number of the person serving the notice and, if different, contact information for the person responsible for the preliminary engineering studies or construction planning activities.
- (2) The name of and contact information for the person that will perform the proposed excavation or demolition in connection with the project, if known.
- (3) The starting date, anticipated duration, and type of engineering studies or construction planning activities, if known.
- (4) The location of the proposed excavation or demolition within the project area.
- (5) Whether white lining will be performed at the site of the proposed excavation or demolition within the project area.

(f) Subject to subsection (g), upon receiving notice from the association under subsection (c) or (d), an operator shall contact the person serving the design information notice within the time specified in section 18(b) of this chapter and shall do one (1) or more of the following:

- (1) Provide to the person serving the design information notice a description of all of the operator's underground facilities in the project area that will be affected by the proposed excavation or demolition, along with information as to the location of the facilities. The description and location information provided under this subdivision may include:
  - (A) drawings marked with a scale;
  - (B) dimensions;
  - (C) reference points for underground facilities already existing in the area; or
  - (D) other facility records that are maintained by the operator.

(2) Allow:

- (A) the person serving the design information notice; or
- (B) another authorized person;

to inspect, at a location that is acceptable to the operator, drawings or other records for all of the operator's underground facilities within the project area that will be affected by the proposed excavation or demolition.

(3) Designate with temporary facility markers the location of all of the operator's underground facilities within the project area that will be affected by the proposed excavation or demolition, as identified in the design information notice.

(g) An operator may reject a design information notice served under this section:

- (1) based upon security considerations; or
- (2) if producing the information set forth in subsection (f) will place the operator at a competitive disadvantage;

pending the operator obtaining additional information concerning the legitimacy of the design information notice. If an operator rejects a design information notice under this subsection, the operator shall provide notice of the rejection to, and may request additional information from, the person serving the design information notice.

(h) The submission of a design information notice under this section does not relieve a person responsible for the excavation or demolition operation involved in the project from providing the notice required under section 16 of this chapter before commencing the excavation or demolition operation."

Page 3, delete lines 1 through 40.

Page 4, line 36, delete "voluntary notices of preliminary engineering studies or" and insert "design information notices under section 16.5 of this chapter."

Page 4, delete line 37.

Page 5, between lines 9 and 10, begin a new paragraph and insert:

"(e) The association shall develop and adopt policies and procedures for processing design information notices under section 16.5 of this chapter. The policies and procedures adopted under this subsection must require the association to do the following upon receiving a design information notice under section 16.5 of this chapter:

- (1) Immediately notify each operator that has underground facilities located in the project area that will be affected by the proposed excavation or demolition, in accordance with section 16.5(c) or 16.5(d) of this chapter.
- (2) Immediately provide the person serving the design information notice a list of the identified operators receiving the notice under subdivision (1), in accordance with section 16.5(c) or 16.5(d) of this chapter."

Page 5, delete lines 27 through 42, begin a new paragraph and insert:

"(b) Each operator notified under section 16.5 of this chapter of preliminary engineering studies or construction planning activities shall, not later than ten (10) full working days after receiving the design information notice, contact the person serving the design information notice and shall do the following:

(1) Do one (1) or more of the following, in accordance with section 16.5(f) of this chapter:

(A) Provide to the person serving the design information notice the approximate location and a description of all the operator's underground facilities that are located in the project area that will be affected by the proposed excavation or demolition.

(B) Allow:

(i) the person serving the design information notice; or

(ii) another authorized person;

to inspect, at a location that is acceptable to the operator, drawings or other records for all of the operator's underground facilities within the project area that will be affected by the proposed excavation or demolition.

(C) Designate with temporary facility markers the location of all of the operator's underground facilities within the project area that will be affected by the proposed excavation or demolition, as identified in the design information notice.

(2) Using maps when appropriate, provide to the person serving the design information notice the location and a description of all facility markers indicating the approximate location of the underground facilities, if applicable.

(3) Using maps when appropriate, provide to the person serving the design information notice any other information that would assist a person in locating the underground facilities during the engineering studies or construction planning activities."

Page 6, delete lines 1 through 2.

Page 6, line 39, after "the" insert "design information".

Page 6, line 41, delete "the notice" and insert "the design information notice".

Renumber all SECTIONS consecutively.

(Reference is to SB 472 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

MERRITT, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Utilities, to which was referred Senate Bill 478, 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 5, delete "This chapter applies only to an electricity supplier as" and insert "This chapter applies only to the following:

(1) An electricity supplier (as defined in section 6 of this chapter).

(2) A communications service provider (as defined in IC 8-1-32.5-4), exclusively with respect to a telecommunications easement (as defined in section 13(a) of this chapter) held by the communications service provider."

Page 1, delete line 6.

Page 2, line 3, after "easement" insert "that provides".

Page 2, line 4, delete "an" and insert "the".

Page 2, line 10, delete "ordinance," and insert "any conflicting ordinance,".

Page 2, line 12, delete "This chapter provides the exclusive remedy to a property" and insert "Except as otherwise provided by the terms of the easement or by the terms of any contractual or other agreement between an electricity supplier and a property owner, this chapter provides the exclusive remedy to a property owner with respect to the attachment or installation of communications infrastructure within an electric easement, regardless of whether the attachment or installation occurs before, contemporaneously with, or after:

(1) the granting of the easement; or

(2) the attachment or installation of electric facilities or of other communications infrastructure within the easement;

without regard to the statutory or common law basis of the property owner's claim for damages or request for relief that would otherwise apply."

Page 2, delete lines 13 through 17.

Page 2, line 26, delete "granted by a property owner to" and insert "held by".

Page 2, line 27, delete "exclusively".

Page 2, line 28, delete "whether the facilities are above or below ground and".

Page 3, line 10, delete "Unless the terms of an electric easement prohibit" and insert "Unless prohibited by the terms of an electric easement or by the terms of any contractual or other agreement between an electricity supplier and a property owner, an electricity supplier may:

(1) install, place, reconstruct, upgrade, relocate, remove, inspect, patrol, repair, maintain, operate, and use electric facilities within the electric easement to provide communications service; or

(2) grant a license or a permit to a third party to attach communications infrastructure or electric facilities to the electricity supplier's electric facilities located within an existing electric easement."

Page 3, delete lines 11 through 22.

Page 3, line 23, delete "A property owner that suffers damages as a result of the acts" and insert "Subject to section 12(b) of this chapter, a property owner that suffers damages as a result of any acts of an electricity supplier under subsection (a) may bring a cause of action under this chapter."

Page 3, delete lines 24 through 25.

Page 3, line 31, delete "properly".

Page 3, line 32, delete "easement." and insert "easement in accordance with subsection (d)."

Page 4, delete lines 4 through 41.

Page 4, line 42, delete "12." and insert "10."

Page 5, line 8, delete "must be:" and insert "must:

(1) be performed by a real estate appraiser licensed under IC 25-34.1-3-8;

(2) be conducted within the period specified in section 9 of this chapter; and

(3) take into account any increase in value to the property resulting from the availability of broadband Internet service provided through the communications infrastructure.

(b) If an electricity supplier disputes an appraisal provided by the property owner under subsection (a), the electricity supplier may:

(1) not later than thirty (30) days after the date of the electricity supplier's receipt of the property owner's appraisal, send to the property owner by certified mail a notice stating that the electricity supplier disputes the property owner's appraisal; and

(2) not later than ninety (90) days from the date on which the notice of the dispute is sent by certified mail to the property owner under subdivision (1):

(A) obtain at the electricity supplier's expense an appraisal by a real estate appraiser licensed under IC 25-34.1-3-8; and

(B) send a copy of the appraisal by certified mail to the property owner.

A property owner shall make reasonable accommodations for the electricity supplier to perform an appraisal under this subsection. If a property owner fails to make such reasonable accommodations available within the ninety (90) day period described in subdivision (2), the electricity supplier may not be found liable for any asserted reduction in property value as a result of the installation of communications infrastructure within the electric easement."

Page 5, delete lines 9 through 25.

Page 5, line 35, delete "supplier;" and insert "supplier under subsection (c);".

Page 5, line 41, delete "13." and insert "11."

Page 6, line 13, delete "entitled to damages not exceeding the statutory damages" and insert "not entitled to damages."

Page 6, delete line 14.

Page 6, line 15, delete "14." and insert "12."

Page 6, line 16, delete "easement," and insert "easement for communications infrastructure,".

Page 6, between lines 30 and 31, begin a new paragraph and insert:

"Sec. 13. (a) As used in this section, "telecommunications easement" means any recorded or unrecorded easement granted by a body corporate and politic that is an instrumentality of the state, or by the body corporate and politic's predecessor, to a communications service provider or the communications service provider's predecessor for the siting of communications infrastructure for the provision of telegraph, telephone, or communications service, whether the facilities are above or below ground and regardless of whether the easement is for the exclusive benefit of the communications service provider or the communications

service provider's predecessor.

(b) A telecommunications easement granted to permit a communications service provider or the communications service provider's predecessor to construct or place any poles, wires, cables, conduit, or other communications service infrastructure shall permit the placement of any type of communications service infrastructure or facilities, including fiber optic cable, coaxial cable, or any other technology."

(Reference is to SB 478 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 3.

MERRITT, Chair

Report adopted.

#### SENATE MOTION

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

SCR 18 Senator L. Brown

Honoring Kyle Schwarber.

HCR 27 Senator Sandlin

Recognizing the Ransom Place Neighborhood Association.

LONG

Motion prevailed.

#### RESOLUTIONS ON FIRST READING

##### Senate Concurrent Resolution 18

Senate Concurrent Resolution 18, introduced by Senator L. Brown:

A CONCURRENT RESOLUTION honoring Kyle Schwarber for his baseball career accomplishments.

*Whereas, Kyle Schwarber was born on March 5, 1993, to Greg and Donna Schwarber, and he attended Middletown High School in Middletown, Ohio;*

*Whereas, During his four years of high school, Schwarber hit .408 with 18 home runs and 103 runs batted in (RBIs);*

*Whereas, Schwarber attended Indiana University in Bloomington, Indiana, where he played baseball for the Indiana Hoosiers;*

*Whereas, As a freshman at Indiana University in 2012, Schwarber was named a freshman All-American by Louisville Slugger and the Collegiate Baseball Newspaper after hitting .300/.390/.513 with eight home runs and 47 RBIs;*

*Whereas, As a sophomore in 2013, Schwarber hit .366/.456/.647 with 18 home runs and 54 RBIs in 61 games, and he was named a first-team All-American by the National Collegiate Baseball Writers Association (NCBWA);*

*Whereas, Schwarber played for the United States collegiate national team during the summer between his junior and senior year of college;*

*Whereas, As a junior at Indiana University, Schwarber batted .348/.456/.643 with 13 home runs, and he was a finalist for the Johnny Bench Award;*

*Whereas, Schwarber was drafted by the Chicago Cubs in the first round, fourth overall, in the 2014 Major League Baseball draft, and he signed on June 11, 2014;*

*Whereas, Upon being drafted, MLB.com analyst Bernie Pleskoff profiled Schwarber as a "game-changing" power-hitter, and ESPN's Keith Law echoed a similar sentiment in his draft profile, noting, "Schwarber might have the most raw power of any prospect in the class";*

*Whereas, Schwarber made his professional debut with the Boise Hawks three days later, going 3-4 with a home run and three RBIs, and the Cubs then promoted him to the Kane County Cougars of the Class A Midwest League and the Daytona Cubs of the Class A-Advanced Florida State League before the end of the season;*

*Whereas, Schwarber began the 2015 season with the Double-A Tennessee Smokies of the Southern League, and in July 2015, he played in the All-Star Futures Game, where he was named the MVP of the game after hitting a go-ahead two-run triple for Team USA;*

*Whereas, The Cubs promoted Schwarber to the major leagues on June 16, 2015, to serve as a designated hitter for six games during interleague play;*

*Whereas, The Cubs sent Schwarber to the Triple-A Iowa Cubs of the Pacific Coast League after the six games, and on July 16, 2015, Schwarber was recalled from Triple-A Iowa, to rejoin the Cubs due to an injury to catcher Miguel Montero;*

*Whereas, On July 21, 2015, in a 5-4 extra-inning victory over the Cincinnati Reds, Schwarber hit a game-tying 2-run homer in the ninth inning and a solo go-ahead home run in the top of the 13<sup>th</sup> inning to give the Cubs the lead;*

*Whereas, Schwarber's three multihomer games are the most for a Cub rookie in his first 51 games played since 1914, and he finished the 2015 regular season having played 69 games, recording a .246 batting average with 16 home runs, 52 runs scored, and 43 RBIs;*

*Whereas, Despite having been injured in an outfield collision in April 2016, the Cubs added Schwarber to their roster for the 2016 World Series, and started him in Game 1 as their designated hitter;*

*Whereas, Schwarber hit a double off the right-field wall in the 4<sup>th</sup> inning of Game 1, and he became the first major league position player in baseball history to get his first hit of the season during the World Series;*

*Whereas, Schwarber and the Cubs defeated the Indians in seven games to claim the Cubs' first World Series championship in 108 years;*

*Whereas, During the World Series, Schwarber recorded seven hits, including one double, two RBIs, and one stolen base while batting for .412 and maintaining a .500 on-base percentage; and*

*Whereas, It is fitting that the Indiana General Assembly honor Kyle Schwarber on his baseball career accomplishments: 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 Kyle Schwarber on his baseball career accomplishments.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Kyle Schwarber, and Fred Glass, Director of Athletics at Indiana University.

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 Morris.

#### **House Concurrent Resolution 27**

House Concurrent Resolution 27, sponsored by Senator Sandlin:

A CONCURRENT RESOLUTION recognizing the Ransom Place Neighborhood Association.

*Whereas, The mission of the Ransom Place Neighborhood Association is the promotion of the area's historic legacy as one of the oldest African-American districts in Indiana, dating back to the antebellum era;*

*Whereas, The Ransom Place Neighborhood Association is a 501c3 educational organization;*

*Whereas, Founding members Lathan Frayser, Addie Jones, Wilma Bailey, Mary Frisby, Jean Spears, and Teresa Crawford-Cottingham worked to increase the public awareness of the contributions of past and present residents, most of whom were working class professionals;*

*Whereas, The Ransom Place Neighborhood Association pioneered the use of historic preservation to prevent the displacement of long-time residents and the destruction of historic homes;*

*Whereas, Working together with the Indiana Department of Natural Resources, Division of Historical Preservation and Archaeology, Indiana Landmarks, and the IUPUI Department of Anthropology, the Ransom Place Neighborhood Association obtained the district's placement in the National Register of*



*Historic Places on December 10, 1992, and the Indiana Department of Natural Resources recommended the placement on October 20, 1992, making Ransom Place the first African-American district to receive this honor statewide;*

*Whereas, Together with IUPUI IServe, a project of the Office of Community Engagement's Center for Service and Learning, the Ransom Place Neighborhood Association works to foster a greater appreciation of the neighborhood's heritage among the students;*

*Whereas, Ransom Place Archaeology is a cooperative project between IUPUI and the Ransom Place Neighborhood Association;*

*Whereas, This project uses archaeological excavations, oral historical research, and public interpretation to probe the complex confluence of African-American culture, business and consumption, and race and racism in Indiana's capital city;*

*Whereas, In summer 2005, the IUPUI Archaeology Field School conducted its sixth year of excavations in the near Westside, which included homes, businesses, and various social institutions from the mid-19th century onward;*

*Whereas, In 1996 and 1997, Indiana State archaeologist Dr. Rick Jones led excavations of 941 Camp Street that included a nine foot deep well filled in the 1930s, one of the few archaeological projects of an African-American site in the state; and*

*Whereas, Neighborhoods like Ransom Place deserve special recognition and care so that all Hoosiers may be aware of their historic legacy: 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 Ransom Place as one of the oldest African-American districts in Indiana and the Neighborhood Association's dedication to the historic legacy of Ransom Place.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the Ransom Place Neighborhood 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.

### **Senate Concurrent Resolution 21**

Senate Concurrent Resolution 21, introduced by Senator Leising:

A CONCURRENT RESOLUTION urging Governor Holcomb to recognize Grain Bin Safety Awareness Week, an annual observance that occurs the third full week of February.

*Whereas, Grain Bin Safety Awareness Week is an annual observance that occurs the third full week of February to promote grain bin safety on farms and commercial grain-handling facilities;*

*Whereas, Grain Bin Safety Awareness Week is a collaborative effort by industry leaders and agricultural professionals working together;*

*Whereas, Through education and awareness of hazards and safe work practices and procedures, Nationwide Mutual Insurance Company hopes to reduce the number of preventable injuries and deaths associated with grain handling and storage;*

*Whereas, Nationwide Mutual Insurance Company, Iowa Institute for Cooperatives, Farm Safety for Just Kids, Kansas Farmers Service Association, Grain Systems, Inc., National Education Center for Agricultural Safety, CHIS Inc., Mennell Milling, M.F. Block, The Scoular Company, Agri-Business Insurance Services, Arthur J. Gallagher & Co., Sump Saver, and the National Farm Medicine Center came together to declare the third full week of February as Grain Bin Safety Week in the State of Illinois in 2016;*

*Whereas, The members of the Indiana General Assembly consider it an honor to participate in recognizing Nationwide Agribusiness for its efforts in creating a safer work environment; and*

*Whereas, It is fitting that the Indiana General Assembly urges Governor Holcomb to recognize Grain Bin Safety Awareness Week: 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 urges Governor Holcomb to recognize Grain Bin Safety Awareness Week, an annual observance that occurs the third full week of February.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Nationwide Insurance Agribusiness Group.

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 Leonard, Friend and Lehe.

## MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bills 1002, 1324, 1344, 1386, 1395, 1408, 1415, 1431, 1488, 1513, 1523, 1527 and 1601 and the same are herewith transmitted to the Senate for further action.

M. CAROLINE SPOTTS  
Principal Clerk of the House

## SENATE MOTION

Madam President: I move that Senator Mishler be removed as second sponsor of Engrossed House Bill 1013.

MISHLER

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Ford be removed as sponsor of Engrossed House Bill 1013 and that Senator Mishler be substituted therefor.

FORD

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Long be removed as author of Senate Bill 196 and Senator Kenley be substituted therefor.

LONG

Motion prevailed.

**MESSAGE FROM THE  
PRESIDENT PRO TEMPORE**

Madam President and Members of the Senate: I have on Monday, February 20, 2017, signed House Enrolled Act: 1507.

DAVID C. LONG  
President Pro Tempore

## SENATE MOTION

Madam President: I move that Senate Bill 418 currently eligible for third reading be withdrawn from further consideration by the Senate.

WALKER

Motion prevailed.

## SENATE MOTION

Madam President: I move that Engrossed Senate Bill 43, which is eligible for third reading, be returned to second reading for purposes of amendment.

TOMES

Motion prevailed.

**REPORT OF THE SENATE  
COMMITTEE ON ETHICS**

Madam President: Pursuant to Senate Rule 97, the Senate Committee on Ethics met on February 9, 2017, to render an advisory opinion with regard to Senator Merritt's request that the Committee consider whether or not he has a conflict of interest pertaining to SB 243 which would require him to be excused from voting on this bill at any stage of the legislative process. The members in attendance were: Chairman L. Brown, Senator Eckerty, Senator Walker, Senator Lanane, and Senator Breaux.

The Senate Committee on Ethics has considered the facts presented by Senator Merritt and hereby recommends that Senator Merritt be excused from participation in all votes pertaining to Senate Bill 243 at any stage in the legislative process because of his potential conflict of interest with regard to the legislation. The vote of the Committee was 5-0.

L. BROWN, Chair

Report adopted.

**SENATE BILLS ON SECOND READING**

**Senate Bill 62**

Senator Head called up Senate Bill 62 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 108**

Senator Kruse called up Senate Bill 108 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 128**

Senator Messmer called up Senate Bill 128 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 189**

Senator Koch called up Senate Bill 189 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 224**

Senator Leising called up Senate Bill 224 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 228**

Senator M. Young called up Senate Bill 228 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 231**

Senator Crider called up Senate Bill 231 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 243**

Senator Crider called up Senate Bill 243 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 248**

Senator Raatz called up Senate Bill 248 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 294**

Senator Leising called up Senate Bill 294 for second reading. The bill was read a second time by title.

SENATE MOTION  
(Amendment 294-1)

Madam President: I move that Senate Bill 294 be amended to read as follows:

- Page 1, line 6, delete "(e)" and insert "(d)".
  - Page 1, line 17, strike "(d)".
  - Page 1, line 17, delete "Subject to subsection (e),".
  - Page 1, line 17, strike "if the funds appropriated by the".
  - Page 2, strike lines 1 through 4.
  - Page 2, line 5, delete "(e)" and insert "(d)".
  - Page 2, line 9, delete "(f)" and insert "(e)".
- (Reference is to SB 294 as printed February 17, 2017.)

LEISING

Motion prevailed. The bill was ordered engrossed.

**Senate Bill 312**

Senator Boots called up Senate Bill 312 for second reading. The bill was read a second time by title.

SENATE MOTION  
(Amendment 312-1)

Madam President: I move that Senate Bill 312 be amended to read as follows:

Page 2, after line 3, begin a new paragraph and insert:

**"Sec. 4. (a) Criminal history information for an employee or a former employee may not be introduced as evidence against an employer, an employer's agents, or an employer's employees in a civil action that is based on the conduct of the employee or the former employee if:**

- (1) the nature of the criminal history information of the employee or former employee does not bear a direct relationship to the facts underlying the civil action;**
- (2) before the acts giving rise to the civil action occurred:**

**(A) a court order sealed the record of the criminal case;**

**(B) the criminal conviction has been reversed or vacated;**

**(C) the employee or former employee received a pardon for the criminal conviction; or**

**(D) the criminal conviction has been expunged under IC 35-38-9; or**

**(3) the criminal history information concerns an arrest or a charge that did not result in a criminal conviction.**

**(b) This section does not supersede any federal or state law requirement to:**

**(1) conduct a criminal history information background investigation; or**

**(2) consider criminal history information in hiring for particular types of employment."**

(Reference is to SB 312 as printed February 17, 2017.)

PERFECT

Motion prevailed. The bill was ordered engrossed.

**Senate Bill 344**

Senator M. Young called up Senate Bill 344 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 350**

Senator Eckerty called up Senate Bill 350 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 376**

Senator Houchin called up Senate Bill 376 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 390**

Senator Stoops called up Senate Bill 390 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 400**

Senator Freeman called up Senate Bill 400 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 416**

Senator Charbonneau called up Senate Bill 416 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**Senate Bill 435**

Senator Mrvan called up Senate Bill 435 for second reading. The bill was re-read a second time by title.

SENATE MOTION  
(Amendment 435-3)

Madam President: I move that Senate Bill 435 be amended to read as follows:

Page 2, line 39, delete "." and insert "**if the written consent is received from the student's parent or guardian.**

(c)".

(Reference is to SB 435 as reprinted February 15, 2017.)

MRVAN

Motion prevailed. The bill was ordered engrossed.

## RESOLUTIONS ON FIRST READING

### House Concurrent Resolution 28

House Concurrent Resolution 28, sponsored by Senator Leising:

A CONCURRENT RESOLUTION recognizing FFA and all of its work to advance the quality of agricultural education both locally and nationally.

*Whereas, The FFA national organization, established in 1928, and Indiana FFA, established in 1929, have prepared future generations for the challenges of feeding a growing population;*

*Whereas, National FFA encompasses 50 states and two U.S. territories, representing 629,327 members and 7,757 local chapters, and Indiana FFA has more than 11,500 members and 204 chapters;*

*Whereas, The FFA motto of "Learning to Do, Doing to Learn, Earning to Live, Living to Serve" has been upheld and applied by the organization by focusing on the individual student and providing a path to achievement in premier leadership, personal growth, and career success through agricultural education;*

*Whereas, The organization's directive is to develop agricultural leaders, increase awareness of the importance of agriculture, strengthen the confidence of the students involved, promote the choice of agriculture as a career, encourage agricultural experience programs, highlight wise management of community resources, develop members' interpersonal skills and character, promote cooperation and healthy lifestyles, and encourage excellence in scholarship; and*

*Whereas, FFA Week started in 1947 as an opportunity for members, alumni, and sponsors to advocate for agricultural education and the organization and will be celebrated this year February 21-28: 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 FFA as an integral part of agricultural education both locally and nationally.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Indiana FFA state officers Jessica Mars, president; Chaela Minor, secretary; Sneha Jogi, North Region vice president; Emily Dougherty, South Region vice president; Nathan Blume, treasurer; Leah Jacobs, reporter; and Logan Glassburn, sentinel.

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 BILLS ON SECOND READING

### Senate Bill 446

Senator Merritt called up Senate Bill 446 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

### Senate Bill 456

Senator Head called up Senate Bill 456 for second reading. The bill was read a second time by title.

SENATE MOTION  
(Amendment 456-1)

Madam President: I move that Senate Bill 456 be amended to read as follows:

Page 1, line 5, delete "land or a".

Page 1, line 6, delete "building as".

Page 1, line 7, delete "discontinue maintaining the land or building as a" and insert "**authorize the sale or donation of the**".

Page 1, line 8, delete ". A fiscal body that discontinues maintaining land or" and insert "**to an organization that is exempt from federal income taxation under Section 501(c)(3) or 501(c)(19) of the Internal Revenue Code. An organization that acquires a world war memorial under this section shall continue to operate and maintain the property as a world war memorial. Ownership of the world war memorial reverts to the city or county if the acquiring organization:**

**(1) determines that it is unable to continue operating the property as a world war memorial; or**

**(2) is dissolved or otherwise ceases to exist."**

Page 1, delete lines 9 through 14.

Page 1, line 15, delete "(d)" and insert "(c)".

Page 1, line 16, "delete "discontinue and" and insert "**authorize the sale or donation of the**".

Page 1, line 17, delete "replace a".

Page 2, delete lines 3 through 9.

Page 3, line 12, delete "land or a".

Page 3, line 13, delete "building as".

Page 3, line 14, delete "discontinue maintaining the land or building as a" and insert "**authorize the sale or donation of the**".

Page 3, line 14, delete ". A" and insert **"to an organization that is exempt from federal income taxation under Section 501(c)(3) or 501(c)(19) of the Internal Revenue Code. An organization that acquires a memorial under this section shall continue to operate and maintain the property as a memorial. Ownership of the memorial reverts to the city or county if the acquiring organization:**

**(1) determines that it is unable to continue operating the property as a memorial; or**

**(2) is dissolved or otherwise ceases to exist."**

Page 3, delete lines 15 through 20.

Page 3, line 21, delete "(d)" and insert "(c)".

Page 3, line 22, delete "discontinue and replace a" and insert **"authorize the sale or donation of the"**.

Page 3, delete lines 26 through 32.

Page 3, line 37, delete "land or a building as".

Page 3, line 38, delete "discontinue" and insert **"authorize the sale or donation of the"**.

Page 3, line 39, delete "maintaining the land or building as a".

Page 3, line 39, delete ". A fiscal body that" and insert **"to an organization that is exempt from federal income taxation under Section 501(c)(3) or 501(c)(19) of the Internal Revenue Code. An organization that acquires a memorial under this section shall continue to operate and maintain the property as a memorial. Ownership of the memorial reverts to the city if the acquiring organization:**

**(1) determines that it is unable to continue operating the property as a memorial; or**

**(2) is dissolved or otherwise ceases to exist."**

Page 3, delete lines 40 through 42.

Page 4, delete lines 1 through 9.

Page 4, line 19, delete "land or a building".

Page 4, line 20, delete "as".

Page 4, line 20, delete "discontinue" and insert **"authorize the sale or donation of the"**.

Page 4, line 21, delete "maintaining the land or building as a".

Page 4, line 21, delete ". A fiscal body that" and insert **"to an organization that is exempt from federal income taxation under Section 501(c)(3) or 501(c)(19) of the Internal Revenue Code. An organization that acquires a memorial under this section shall continue to operate and maintain the property as a memorial. Ownership of the memorial reverts to the township if the acquiring organization:**

**(1) determines that it is unable to continue operating the property as a memorial; or**

**(2) is dissolved or otherwise ceases to exist."**

Page 4, delete lines 22 through 34.

(Reference is to SB 456 as printed February 3, 2017.)

HEAD

Motion prevailed. The bill was ordered engrossed.

#### Senate Bill 494

Senator Breaux called up Senate Bill 494 for second reading. The bill was read a second time by title.

SENATE MOTION  
(Amendment 494-1)

Madam President: I move that Senate Bill 494 be amended to read as follows:

Page 3, line 7, delete ":" and insert **"is intended to be used for:**

**(A) bicycling;**

**(B) exercising;**

**(C) hiking;**

**(D) running;**

**(E) riding in or on a vehicle of any kind, regardless of the means of propelling the vehicle, or riding on any animal;**

**(F) walking; or**

**(G) any other recreational purpose."**

Page 3, delete lines 8 through 18.

Page 3, line 37, after "or" insert **"an adjacent property owner described in subsection"**.

Page 3, line 39, after "or" insert **"in the adjacent property owner under subsection"**.

Page 4, line 2, after "owner" insert **"or an adjacent property owner"**.

Page 4, line 3, after "owner's" insert **"or adjacent property owner's"**.

(Reference is to SB 494 as printed February 15, 2017.)

BREAUX

Motion prevailed. The bill was ordered engrossed.

#### Senate Bill 496

Senator Grooms called up Senate Bill 496 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Senate Bill 504

Senator Leising called up Senate Bill 504 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Senate Bill 510

Senator Merritt called up Senate Bill 510 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Senate Bill 514

Senator Hershman called up Senate Bill 514 for second reading. The bill was read a second time by title.

SENATE MOTION  
(Amendment 514-1)

Madam President: I move that Senate Bill 514 be amended to read as follows:

Page 24, line 29, after "." insert **"For purposes of this subsection, a product is under development until its first commercial application, as determined by the department."**

Page 25, line 11, after "qualified" insert "research".

Page 26, between lines 19 and 20, begin a new paragraph and insert:

**"Sec. 14. The provisions of Section 41 of the Internal Revenue Code and the regulations promulgated in respect to those provisions are applicable to the interpretation and administration by the department of the credit provided by this chapter, including the allocation and pass through of the credit to various taxpayers and the transitional rules for determination of the base period.**

**Sec. 15. In prescribing standards for determining which qualified research expenses are considered Indiana qualified research expenses for purposes of computing the credit provided by this chapter, the department may consider:**

- (1) the place where the services are performed;**
- (2) the residence or business location of the person or persons performing the services;**
- (3) the place where qualified research supplies are consumed; and**
- (4) other factors that the department determines are relevant for the determination.**

**Sec. 16. Notwithstanding Section 41 of the Internal Revenue Code, the termination date in Section 41(h) of the Internal Revenue Code does not apply to a taxpayer who is eligible for the credit under this chapter for the taxable year in which the Indiana qualified research expense is incurred."**

Page 26, line 20, delete "14." and insert "17."

Page 26, line 30, delete "15." and insert "18."

(Reference is to SB 514 as printed February 17, 2017.)

HERSHMAN

Motion prevailed. The bill was ordered engrossed.

#### **Senate Bill 516**

Senator Breaux called up Senate Bill 516 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### **Senate Bill 544**

Senator Kenley called up Senate Bill 544 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### **Senate Bill 475**

Senator Melton called up Senate Bill 475 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

### **ENGROSSED SENATE BILLS ON THIRD READING**

#### **Engrossed Senate Bill 119**

Senator Becker called up Engrossed Senate Bill 119 for third reading:

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

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

Roll Call 138: yeas 44, nays 5. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Bacon.

#### **Engrossed Senate Bill 169**

Senator M. Young called up Engrossed Senate Bill 169 for third reading:

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

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

Roll Call 139: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Steuerwald.

#### **Engrossed Senate Bill 179**

Senator Buck called up Engrossed Senate Bill 179 for third reading:

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

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

Roll Call 140: yeas 23, nays 26. The bill was declared defeated.

#### **Engrossed Senate Bill 226**

Senator Merritt called up Engrossed Senate Bill 226 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

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

Roll Call 141: yeas 39, nays 10. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Kirchhofer and Davisson.

#### **Engrossed Senate Bill 229**

Senator M. Young called up Engrossed Senate Bill 229 for third reading:

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

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

Roll Call 142: yeas 40, nays 9. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Washburne.

#### **Engrossed Senate Bill 235**

Senator Crider called up Engrossed Senate Bill 235 for third reading:

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

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

Roll Call 143: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative DeVon.

#### **Engrossed Senate Bill 265**

Senator Walker called up Engrossed Senate Bill 265 for third reading:

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

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

Roll Call 144: yeas 47, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Carbaugh, Leonard and Speedy.

#### **Engrossed Senate Bill 402**

Senator Merritt called up Engrossed Senate Bill 402 for third reading:

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

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

Roll Call 145: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the

bill. House sponsors: Representatives Kirchhofer and Davisson.

#### **Engrossed Senate Bill 408**

Senator Houchin called up Engrossed Senate Bill 408 for third reading:

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

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

Roll Call 146: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Zent, Davisson and Bacon.

#### **MESSAGE FROM THE HOUSE**

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bills 1136, 1200 and 1318 and the same are herewith transmitted to the Senate 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 House Concurrent Resolutions 28 and 29 and the same are herewith transmitted for further action.

M. CAROLINE SPOTTS  
Principal Clerk of the House

#### **SENATE MOTION**

Madam President: I move that Senator Lonnie M. Randolph be added as coauthor of Senate Bill 62.

HEAD

Motion prevailed.

#### **SENATE MOTION**

Madam President: I move that Senator Lonnie M. Randolph be added as coauthor of Senate Bill 63.

HEAD

Motion prevailed.

#### **SENATE MOTION**

Madam President: I move that Senator Lonnie M. Randolph be added as coauthor of Senate Bill 108.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator M. Young be added as coauthor of Senate Bill 179.

BUCK

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lonnie M. Randolph be added as coauthor of Senate Bill 224.

LEISING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Mrvan be added as coauthor of Senate Bill 226.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Raatz be added as second author and Senator G. Taylor be added as coauthor of Senate Bill 231.

CRIDER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lonnie M. Randolph be added as coauthor of Senate Bill 231.

CRIDER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Ford be added as coauthor of Senate Bill 246.

HOLDMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Charbonneau be added as coauthor of Senate Bill 317.

MRVAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Crane be added as third

author of Senate Bill 344.

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Niemeyer be added as second author of Senate Bill 350.

M. YOUNG

ECKERTY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lonnie M. Randolph be added as coauthor of Senate Bill 390.

STOOPS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lonnie M. Randolph be added as coauthor of Senate Bill 400.

FREEMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Grooms be added as second author and Senator Tallian be added as coauthor of Senate Bill 402.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Ford be added as coauthor of Senate Bill 408.

HOUCHIN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Glick be added as coauthor of Senate Bill 416.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lonnie M. Randolph be added as coauthor of Senate Bill 416.

CHARBONNEAU

Motion prevailed.



SENATE MOTION

Madam President: I move that Senator Messmer be removed as coauthor of Senate Bill 435.

MESSMER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Charbonneau be added as second author of Senate Bill 446.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lonnie M. Randolph be added as coauthor of Senate Bill 475.

MELTON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Stoops be added as coauthor of Senate Bill 494.

BREAUX

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lonnie M. Randolph be added as coauthor of Senate Bill 496.

GROOMS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lonnie M. Randolph be added as coauthor of Senate Bill 506.

HEAD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Charbonneau be added as second author of Senate Bill 510.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lonnie M. Randolph be added as coauthor of Senate Bill 510.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Tuesday, February 21, 2017.

LONG

Motion prevailed.

The Senate adjourned at 3:12 p.m.

JENNIFER L. MERTZ  
Secretary of the Senate

SUZANNE CROUCH  
President of the Senate