



Journal of the House

State of Indiana

120th General Assembly

Second Regular Session

Twenty-Eighth Day

Thursday Morning

March 1, 2018

The invocation was offered by Reverend Alec Hensley from First General Baptist Church in Oakland City, a guest of Representative Washburne.

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

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

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

Austin	Kirchhofer <input type="checkbox"/>
Aylesworth	Klinker
Bacon	Lawson
Baird	Lehe
Bartels	Lehman
Bartlett	Leonard
Bauer	Lindauer
Behning <input type="checkbox"/>	Lucas
Beumer	Lyness
Borders	Macer
C. Brown	Mahan
T. Brown	May
Burton	Mayfield
Candelaria Reardon	McNamara
Carbaugh	Miller
Cherry	Moed
Clere	Morris
Cook	Morrison
Culver	Moseley
Davisson	Negele
DeLaney	Nisly
DeVon	Ober <input type="checkbox"/>
Dvorak	Olthoff
Eberhart	Pelath
Ellington	Pierce
Engleman	Porter
Errington	Pressel
Forestal	Pryor
Friend	Richardson
Frizzell	Saunders
Frye	Schaibley
GiaQuinta <input type="checkbox"/>	Shackleford
Goodin	Siegrist
Gutwein	Slager
Hamilton	Smaltz
Hamm	M. Smith
Harris	V. Smith
Hatfield	Soliday
Heaton	Speedy
Heine	Stemler <input type="checkbox"/>
Huston	Steuerwald <input type="checkbox"/>
Jordan	Sullivan
Judy	Summers
Karickhoff	J. Taylor
Kersey	Thompson

Torr
VanNatter
Washburne
Wesco
Wolkins

Wright
J. Young
Zent
Ziemke
Mr. Speaker

Roll Call 270: 94 present; 6 excused. The Speaker announced a quorum in attendance. [NOTE: indicates those who were excused.]

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 15

The Speaker handed down Senate Concurrent Resolution 15, sponsored by Representatives Austin and Cherry:

A CONCURRENT RESOLUTION Urging INDOT to honor the life of Deputy David Morgan of the Madison County Sheriff's Office by renaming a portion of State Road 37 the Deputy David Morgan Memorial Highway.

Whereas, Deputy Morgan was a Madison County Sheriff's deputy for 33 years after having served in the U.S. Army;

Whereas, Deputy Morgan spent many of his years on the midnight shift patrolling the northwest quadrant of Madison County on State Road 37;

Whereas, it is estimated that Deputy Morgan issued over 10,000 citations on this stretch of highway throughout his career;

Whereas, Deputy Morgan made a difference in countless lives because of his diligent traffic enforcement;

Whereas, throughout his time with the Madison County Sheriff's Department, Deputy Morgan held positions of patrol deputy, SWAT team member, and firearms instructor;

Whereas, he was an avid supporter of the Madison County 4-H, helping his children and later others raise pigs for the annual fair;

Whereas, Deputy Morgan was blessed to have an amazing family, which included his son Scott and three daughters Kathy, Shelby, and Cheyenne, as well as his parents Richard and Sue Morgan;

Whereas, Deputy Morgan passed away on September 10, 2017; and

Whereas, it is fitting that in honoring Deputy Morgan's service, the portion of State Road 37 patrolled by Deputy Morgan should be designated as the Deputy David Morgan Memorial Highway: 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 INDOT to honor Deputy David Morgan for his service to the Madison County Sheriff's office, by renaming the northwest portion of State Road 37 passing through Madison County as the Deputy David Morgan Memorial Highway.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Sue Morgan, Kathy Morgan, Scott Morgan, Shelby Morgan, Cheyenne Morgan, Bob Alderman, the Commissioner of INDOT, and Detective Brian Holtzleiter.

The resolution was read a first time and referred to the Committee on Roads and Transportaion.

House Concurrent Resolution 57

Representatives Borders and Klinker introduced House Concurrent Resolution 57:

A CONCURRENT RESOLUTION urging the legislative council to establish an interim study committee to study hysterectomy informed consent.

Whereas, Statistics show that one out of every three women will undergo a hysterectomy by the age of 60;

Whereas, Six hundred twenty thousand (620,000) hysterectomies are performed in the United States each year;

Whereas, Many of the women who underwent hysterectomies were not given the information necessary to make an informed consent decision regarding what they would or would not allow to be done to their bodies; and

Whereas, It must be ensured that all women are given the necessary information before signing a form consenting to a hysterectomy: 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 legislative council is urged to establish an interim study committee to study hysterectomy informed consent.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council, and that the committee shall issue a final report when directed to do so by the council.

The resolution was read a first time and referred to the Committee on Public Health.

House Resolution 38

Representatives Lawson and Leonard introduced House Resolution 38:

A HOUSE RESOLUTION recognizing women in law enforcement.

Whereas, Women in law enforcement make up about 15 percent of all state, municipal, and county police officers, according to the National Center for Women and Policing (NCWP);

Whereas, Women play a major role and are a respected part of the police force today, but that did not happen without a lot of persistence;

Whereas, Sergeant Darlene Breitenstein has served over 24 years with the Gary Police Department, both for the juvenile division and animal control, joining the department in 1994;

Whereas, Sergeant Breitenstein has held a leadership role in the juvenile division for 18 years and in animal control for five years, both running simultaneously;

Whereas, Sergeant Breitenstein is a mother of two and a grandmother of three;

Whereas, The Indianapolis Metropolitan Police Department (IMPD) also recognizes the great value women bring to the department;

Whereas, The following women are members of the IMPD: Deputy Chief Valerie Cunningham, administration division; Sergeant Catherine Cummings, executive officer, supervisor of Mobile Crisis Assistance Team (MCAT) and Cadet programs; Officer Christine Mannina, coordinator of Cadet and Explorer programs; Officer Melissa Lemrick, pilot project participant Mobile Crisis Assistance Team; Officer Sheila McNeal, pilot project participant MCAT; Officer Jennifer Gabel, pilot project participant MCAT; Sergeant Ida Williams, supervisor of recruiting unit and Women Behind the Badge; Officer Melody Moore, recruiting unit; Lieutenant Tammy Kaser, supervisor IMPD range; Lieutenant Sherri Horn, office of wellness and professional development; Officer Nicole Juday, office of wellness and professional development; Officer Shanan Abney, field training officer (FTO); Officer Erin Anderson, FTO; Officer Kelly Chappell, FTO; Officer Kelli Cohan, FTO; Officer Jennifer Gabel, FTO; Officer Jamie Hadley, FTO; Officer Catherine Hedges, FTO; Officer Monica Hodge, FTO; Officer Kari Pennington, FTO; Officer Angelia Poe, FTO; Officer Teresa Pritchett, FTO; Officer Sarah Romeril, FTO; Officer Tracy Ryan, FTO; Officer Tamela Snyder, FTO; Officer Tina Spall, FTO; Officer Cindy Vaughn, FTO; and Officer Heidi Wise;

Whereas, In her 25 years of service with the department, Deputy Chief Valerie Cunningham has served in an executive role since 2010 as interim chief of police (2016-2017) and deputy chief of both the patrol operations and administration division;

Whereas, Deputy Chief Cunningham rose through the ranks, working as an internal affairs investigator, a district narcotics unit supervisor, a uniform patrol supervisor, and an executive officer to a deputy chief while holding the rank of sergeant;

Whereas, As a lieutenant, Deputy Chief Cunningham worked in the Homeland Security division, traffic branch, and special events planning, and is one of only five women to serve as a motorcycle officer;

Whereas, Deputy Chief Cunningham earned a Bachelor of Arts degree in exercise physiology/movement and sports science from Purdue University and is a graduate of the 240th session of the FBI National Academy and the 48th session of the Senior Management Institute for Police;

Whereas, Deputy Chief Cunningham is an active member of IACP and FBINAA;

Whereas, Corporal Linda Potesta, Highland Police Department, began her career as the only woman on the Highland Police Department;

Whereas, Corporal Potesta has experienced the difficulties women sometimes face when entering law enforcement;

Whereas, Approaching the end of her distinguished career, Corporal Potesta has received several awards in recognition of her outstanding service to the community including recognition by Lake County Prosecutor Carter and Sheriff Buncich for making the most DUI arrests for Highland in 1995 (14) and 1996 (27), recognition for preventing a home burglary while off duty, and numerous letters of commendation for completed self-initiated investigations;

Whereas, Sergeant Marlene Starcevich, Griffith Police Department, began her career as a police dispatcher for the towns of Griffith, Dyer, and Schererville;

Whereas, In 1985 Sergeant Starcevich was hired by the Dyer Police Department as a full-time officer, achieving the rank of corporal before leaving the department for the Griffith Police Department in 1991;

Whereas, In 1992 and 1993 Governor Evan Bayh named Sergeant Starceвич as a recipient of the Lake County Task Force Against Drunk Driving Award for the most OWI arrests, an award she received again in 1995 and 1996;

Whereas, A graduate of Northwestern University's School of Police Staff and Command, Sergeant Starceвич was the Griffith Public Schools resource officer for more than a decade and taught the GREAT Program to hundreds of children;

Whereas, Detective Michelle Dvorscak is in her 19th year of service with the Lake County Sheriff's Department, serving 16 years as a detective;

Whereas, Through all these years, the work of Detective Dvorscak has been exemplary;

Whereas, Detective Dvorscak has been involved in the investigation of several murders, the discovery and charging of the individuals running a large scale, interstate dog fighting operation based in Lake County, and the apprehension of a large scale puppy breeder and broker based in Crown Point;

Whereas, Sergeant Tracy Laurinec, of the Hammond Police Department, was hired by the department on March 23, 1995, and is a graduate of the Indiana Law Enforcement Academy;

Whereas, During Sergeant Laurinec's time with the department, she has served as a patrol officer, field training officer, DARE officer, narcotics detective, and a certified firearms instructor;

Whereas, Sergeant Laurinec is recognized as one of the most dedicated officers in the Hammond Police Department and has reached the rank of sergeant;

Whereas, Major Nila Miller-Cronk, an Indiana State Police officer, recently completed 31 years of service and holds the distinction of being the highest ranking female officer in the agency;

Whereas, Major Miller-Cronk is the commander of the professional standards section where she is responsible for internal affairs, ethics compliance, and sexual harassment training, and serves as an EEO officer;

Whereas, Another outstanding State Police officer is Sergeant Jennifer Barnes, a 22 year veteran whose primary role is conducting forensic examinations on a number of digital devices to search for evidence;

Whereas, Sergeant Barnes is the longest serving and most tenured examiner within the unit and is recognized throughout the United States for her skill as a forensic examiner and expert witness;

Whereas, Officer Mika Season Jackson has been employed with the Madison Police Department since July 2006, and currently holds the position of school resource officer;

Whereas, Officer Season Jackson is well respected by the students and staff at the local elementary and junior high school;

Whereas, Fort Wayne Police Officer Angela Reed has served the department since August 1994;

Whereas, Officer Reed is a school resource officer, an assignment she has had since 2012;

Whereas, Officer Reed has received four letters of commendation and two awards of excellence during her outstanding career and is active with the Special Olympics and the FWPD Summer Junior Police Day Camp; and

Whereas, With Women's History Month celebrated during March, it is proper and just that we now pay special homage to these brave women working in law enforcement: Therefore,

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

SECTION 1. That the Indiana House of Representatives recognizes the many women working in law enforcement and the sacrifices they have made and continue to make to keep us safe.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to each of these brave, dedicated women.

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

House Resolution 39

Representative Summers introduced House Resolution 39:

A HOUSE RESOLUTION recognizing the Indiana Association of Career and Technical Education Districts.

Whereas, The Indiana Association of Career and Technical Education Districts (IAC TED) is a professional organization of Indiana area Career and Technical Education (CTE) districts that promotes, facilitates, and supports the continued improvement of career and technical education in Indiana;

Whereas, The IAC TED has 50 member districts representing over 95 percent of Indiana's public school corporations;

Whereas, The vision of IAC TED is to lead the nation in providing the highest quality career and technical education programs for Indiana students and to provide relevant professional development for CTE teachers, counselors, and directors;

Whereas, The IAC TED believes that CTE education is the best way to prepare all students at all ability levels for life after high school;

Whereas, The IAC TED works with state and federal governments to help assure that government policies and procedures support and fully fund CTE education;

Whereas, IAC TED proposes academic integration, alignment of core academic and CTE standards, dual credit opportunities, and certifications in all CTE programs to ultimately create state supported programs of study;

Whereas, IAC TED stresses accountability for its programs and the continued gathering and evaluation of usable data to guide decision-making for CTE programs; and

Whereas, The IAC TED continues to work to equip all students with the knowledge, skills, and desire to promote career choices, lifelong wellness, and prosperity: Therefore,

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

SECTION 1. That the Indiana House of Representatives acknowledges the outstanding work performed by the Indiana Association of Career and Technical Education Districts.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the executive board of the Indiana Association of Career and Technical Education Districts.

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

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

ENGROSSED SENATE BILLS ON SECOND READING

Pursuant to House Rule 143.1, the following bills which had no amendments filed, were read a second time by title and ordered engrossed: Engrossed Senate Bills 43, 119, 261, 281, 296 and 373.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 6

Representative J. Young called down Engrossed Senate Bill 6 for third reading:

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

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

Roll Call 271: yeas 89, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

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

Engrossed Senate Bill 74

Pursuant to House Rule 146.3, the sponsor of Engrossed Senate Bill 74, Representative Steuerwald, granted consent to the cosponsor, Representative Hatfield, to call the bill down 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 272: yeas 91, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 126

Representative Wolkins called down Engrossed Senate Bill 126 for third reading:

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

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

Roll Call 273: yeas 90, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

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

Engrossed Senate Bill 156

Representative Frye called down Engrossed Senate Bill 156 for third reading:

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

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

Roll Call 274: yeas 91, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

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

Engrossed Senate Bill 158

Representative Frizzell called down Engrossed Senate Bill 158 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 275: yeas 82, nays 11. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representatives Behning and Clere, who had been present, are now excused.

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

Engrossed Senate Bill 178

Representative Pelath called down Engrossed Senate Bill 178 for third reading:

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

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

Roll Call 276: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

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

Engrossed Senate Bill 179

Representative Mayfield called down Engrossed Senate Bill 179 for third reading:

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

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

Roll Call 277: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

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

Engrossed Senate Bill 188

Representative T. Brown called down Engrossed Senate Bill 188 for third reading:

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

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

Roll Call 278: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 189

Representative Siegrist called down Engrossed Senate Bill 189 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education and to make an appropriation.

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

Roll Call 279: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 197

Representative Ober called down Engrossed Senate Bill 197 for third reading:

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

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

Roll Call 280: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 221

Representative Smaltz called down Engrossed Senate Bill 221 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 281: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 225

Representative Kirchhofer called down Engrossed Senate Bill 225 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 282: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 230

Representative Olthof called down Engrossed Senate Bill 230 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 283: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

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

Engrossed Senate Bill 240

Representative Siegrist called down Engrossed Senate Bill 240 for third reading:

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

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

Roll Call 284: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 247

Pursuant to House Rule 146.3, the sponsor of Engrossed Senate Bill 247, Representative Steuerwald, granted consent to the cosponsor, Representative DeLaney, to call the bill down 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 285: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 266

Representative Frye called down Engrossed Senate Bill 266 for third reading:

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

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

Roll Call 286: yeas 94, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 299

Representative Lyness called down Engrossed Senate Bill 299 for third reading:

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

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

Roll Call 287: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

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

Engrossed Senate Bill 362

Representative Ober called down Engrossed Senate Bill 362 for third reading:

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

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

Roll Call 288: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

The Speaker Pro Tempore yielded the gavel to the Speaker.

Engrossed Senate Bill 380

Representative Bartels called down Engrossed Senate Bill 380 for third reading:

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

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

Roll Call 289: yeas 88, nays 6. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

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

Engrossed Senate Bill 386

Representative Porter called down Engrossed Senate Bill 386 for third reading:

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

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

Roll Call 290: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 393

Representative Pressel called down Engrossed Senate Bill 393 for third reading:

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

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

Roll Call 291: yeas 93, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 402

Representative McNamara called down Engrossed Senate Bill 402 for third reading:

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

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

Roll Call 292: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 411

Representative VanNatter called down Engrossed Senate Bill 411 for third reading:

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

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

Roll Call 293: yeas 95, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 431

Pursuant to House Rule 146.3, the sponsor of Engrossed Senate Bill 431, Representative Steuerwald, granted consent to the cosponsor, Representative Mahan, to call the bill down for third reading:

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

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

Roll Call 294: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 436

Representative Lehman called down Engrossed Senate Bill 436 for third reading:

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

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

Roll Call 295: yeas 70, nays 26. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 2:07 p.m. with the Speaker in the Chair.

Upon request of Representative Forestal, the Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum. Roll Call 296: 67 present. The Speaker declared a quorum present.

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

Representative C. Brown, who had been present, is now excused.

**ENGROSSED SENATE BILLS
ON SECOND READING****Engrossed Senate Bill 419**

Representative Morris called down Engrossed Senate Bill 419 for second reading. The bill was read a second time by title.

**HOUSE MOTION
(Amendment 419-1)**

Mr. Speaker: I move that Engrossed Senate Bill 419 be amended to read as follows:

Page 1, line 7, after "is" insert "is".

Page 1, line 7, strike "a".

Page 1, line 8, after "(A)" insert "a".

Page 1, line 9, after "(B)" insert "a".

Page 1, line 11, delete "States as provided by 8" and insert "**States; and**".

Page 1, delete line 12.

(Reference is to ESB 419 as printed February 27, 2018.)

CLERE

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 399

Representative Wesco called down Engrossed Senate Bill 399 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 399-2)

Mr. Speaker: I move that Engrossed Senate Bill 399 be amended to read as follows:

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

"SECTION 1. IC 4-22-2-28, AS AMENDED BY P.L.237-2017, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 28. (a) The following definitions apply throughout this section:

(1) "Ombudsman" refers to the small business ombudsman designated under IC 5-28-17-6.

(2) "Total estimated economic impact" means the direct annual economic impact of a rule on all regulated persons after the rule is fully implemented under subsection (g).

(b) The ombudsman:

(1) shall review **the following:**

(A) A proposed rule that:

~~(A)~~ (i) imposes requirements or costs on small businesses (as defined in IC 4-22-2.1-4); and

~~(B)~~ (ii) is referred to the ombudsman by an agency under IC 4-22-2.1-5(c). ~~and~~

(B) A proposed rule that imposes an occupational regulation (as defined by IC 4-22-2.1-2.5) on a person; and

(2) may review a proposed rule that imposes requirements or costs on businesses other than small businesses (as defined in IC 4-22-2.1-4).

After conducting a review under subdivision (1) or (2), the ombudsman may suggest alternatives to reduce any regulatory burden that the proposed rule imposes on small businesses or other businesses. The agency that intends to adopt the proposed rule shall respond in writing to the ombudsman concerning the ombudsman's comments or suggested alternatives before adopting the proposed rule under section 29 of this chapter.

(c) Subject to subsection (e) and not later than fifty (50) days before the public hearing for a proposed rule required by section 26 of this chapter, an agency shall submit the proposed rule to the office of management and budget for a review under subsection (d), if the agency proposing the rule determines that the rule will have a total estimated economic impact greater than five hundred thousand dollars (\$500,000) on all regulated persons. In determining the total estimated economic impact under this subsection, the agency shall consider any applicable information submitted by the regulated persons affected by the rule. To assist the office of management and budget in preparing the fiscal impact statement required by subsection (d), the agency shall submit, along with the proposed rule, the data used and assumptions made by the agency in determining the total estimated economic impact of the rule.

(d) Except as provided in subsection (e), before the adoption of the rule, and not more than forty-five (45) days after receiving a proposed rule under subsection (c), the office of management and budget shall prepare, using the data and assumptions provided by the agency proposing the rule, along with any other data or information available to the office of management and budget, a fiscal impact statement concerning the effect that compliance with the proposed rule will have on:

(1) the state; and

(2) all persons regulated by the proposed rule.

The fiscal impact statement must contain the total estimated economic impact of the proposed rule and a determination concerning the extent to which the proposed rule creates an unfunded mandate on a state agency or political subdivision. The fiscal impact statement is a public document. The office of management and budget shall make the fiscal impact statement

available to interested parties upon request and to the agency proposing the rule. The agency proposing the rule shall consider the fiscal impact statement as part of the rulemaking process and shall provide the office of management and budget with the information necessary to prepare the fiscal impact statement, including any economic impact statement prepared by the agency under IC 4-22-2.1-5. The office of management and budget may also receive and consider applicable information from the regulated persons affected by the rule in preparation of the fiscal impact statement.

(e) With respect to a proposed rule subject to IC 13-14-9:

(1) the department of environmental management shall give written notice to the office of management and budget of the proposed date of preliminary adoption of the proposed rule not less than sixty-six (66) days before that date; and

(2) the office of management and budget shall prepare the fiscal impact statement referred to in subsection (d) not later than twenty-one (21) days before the proposed date of preliminary adoption of the proposed rule.

(f) In determining whether a proposed rule has a total estimated economic impact greater than five hundred thousand dollars (\$500,000), the agency proposing the rule shall consider the impact of the rule on any regulated person that already complies with the standards imposed by the rule on a voluntary basis.

(g) For purposes of this section, a rule is fully implemented after:

(1) the conclusion of any phase-in period during which:

(A) the rule is gradually made to apply to certain regulated persons; or

(B) the costs of the rule are gradually implemented; and

(2) the rule applies to all regulated persons that will be affected by the rule.

In determining the total estimated economic impact of a proposed rule under this section, the agency proposing the rule shall consider the annual economic impact on all regulated persons beginning with the first twelve (12) month period after the rule is fully implemented. The agency may use actual or forecasted data and may consider the actual and anticipated effects of inflation and deflation. The agency shall describe any assumptions made and any data used in determining the total estimated economic impact of a rule under this section.

(h) An agency shall provide the legislative council in an electronic format under IC 5-14-6 with any analysis, data, and description of assumptions submitted to the office of management and budget under this section or section 40 of this chapter at the same time the agency submits the information to the office of management and budget. The office of management and budget shall provide the legislative council in an electronic format under IC 5-14-6 any fiscal impact statement and related supporting documentation prepared by the office of management and budget under this section or section 40 of this chapter at the same time the office of management and budget provides the fiscal impact statement to the agency proposing the rule. Information submitted under this subsection must identify the rule to which the information is related by document control number assigned by the publisher.

(i) An agency shall provide the legislative council in an electronic format under IC 5-14-6 with any economic impact or fiscal impact statement, including any supporting data, studies, or analysis, prepared for a rule proposed by the agency or subject to readoption by the agency to comply with:

(1) a requirement in section 19.5 of this chapter to minimize the expenses to regulated entities that are required to comply with the rule;

(2) a requirement in section 24 of this chapter to publish a justification of any requirement or cost that is imposed on a regulated entity under the rule;

(3) a requirement in IC 4-22-2.1-5 to prepare a statement

that describes the annual economic impact of a rule, ~~on all small businesses~~ after the rule is fully implemented, **on all small businesses or persons subject to the rule;**

(4) a requirement in IC 4-22-2.5-3.1 to conduct a review to consider whether there are any alternative methods of achieving the purpose of the rule that are less costly or less intrusive, or that would otherwise minimize the economic impact of the proposed rule on **small businesses or persons subject to the rule;**

(5) a requirement in IC 13-14-9-3 or IC 13-14-9-4 to publish information concerning the fiscal impact of a rule or alternatives to a rule subject to these provisions; or

(6) a requirement under any other law to conduct an analysis of the cost, economic impact, or fiscal impact of a rule;

regardless of whether the total estimated economic impact of the proposed rule is more than five hundred thousand dollars (\$500,000), as soon as practicable after the information is prepared. Information submitted under this subsection must identify the rule to which the information is related by document control number assigned by the publisher.

(j) The ombudsman shall presume that market competition and private remedies are sufficient to protect consumers when conducting an analysis of an occupational regulation under subsection (b)(1)(B). However, if the ombudsman finds credible empirical evidence of a systematic problem that justifies the adoption of an occupational regulation to protect consumers, the ombudsman shall determine if the least restrictive regulation that addresses the problem is used in the occupational regulation. The ombudsman shall use the following guidelines when analyzing an occupational regulation:

(1) If the need is to protect consumers against fraud, the ombudsman's comment to the agency must recommend a rule that prohibits specific deceptive trade practices or requires disclosures that will reduce misleading attributes of the specific good or service.

(2) If the need is to protect consumers against unsanitary facilities or to promote general health and safety, the ombudsman's comment to the agency must recommend a rule that requires periodic inspections of the person's facility.

(3) If the need is to protect consumers against potential damages from a person's failure to complete a contract fully or to specific standards, the ombudsman's comment to the agency must recommend a rule that requires the person to be bonded.

(4) If the need is to protect a person who is not party to a contract between the person and consumer, the ombudsman's comment to the agency must recommend a rule that requires the person to have insurance.

(5) If the need is to protect consumers against potential damages by a transient or deceitful person not domiciled in the state, the ombudsman's comment to the agency must recommend a rule that requires the person to register the person's business with the secretary of state.

(6) If the need is to protect consumers against an imbalance of knowledge about the goods or services relative to the seller's knowledge, the ombudsman's comment to the agency must recommend a rule that requires voluntary private or government certification.

(7) If the need is to qualify persons of new or highly specialized medical services for reimbursement by the state, the ombudsman's comment to the agency must recommend a rule that requires a specialty license for medical reimbursement.

(8) If the need is to address a permanent failure that prevents the average consumer from obtaining sufficient information to judge the quality of a person of complex services, the ombudsman's comment to the

agency must recommend a rule that requires an occupational license.

(k) After analyzing the occupational regulation under subsection (j), the ombudsman shall either approve or deny the occupational regulation. If the ombudsman denies the occupational regulation, the ombudsman shall inform the agency of the part of the occupational regulation that does not use the least restrictive regulation.

SECTION 2. IC 4-22-2-32, AS AMENDED BY P.L.1-2006, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 32. (a) The attorney general shall review each rule submitted under section 31 of this chapter for legality.

(b) In the review, the attorney general shall determine whether the rule adopted by the agency complies with the requirements under section 29 of this chapter. The attorney general shall consider the following:

(1) The extent to which all persons affected by the adopted rule should have understood from the published rule or rules that their interests would be affected.

(2) The extent to which the subject matter of the adopted rule or the issues determined in the adopted rule are different from the subject matter or issues that were involved in the published rule or rules.

(3) The extent to which the effects of the adopted rule differ from the effects that would have occurred if the published rule or rules had been adopted instead.

(4) If the adopted rule is necessary but would displace competition, the least restrictive regulation (as defined by IC 4-22-2.1-2.2) that would protect consumers from present, significant, and substantiated harms that threaten public health and safety.

In the review, the attorney general shall consider whether the adopted rule may constitute the taking of property without just compensation to an owner.

(c) Except as provided in subsections (d) and (h), the attorney general shall disapprove a rule under this section only if it:

(1) has been adopted without statutory authority;

(2) has been adopted without complying with this chapter;

(3) does not comply with requirements under section 29 of this chapter; ~~or~~

(4) violates another law; ~~or~~

(5) violates federal antitrust laws.

Otherwise, the attorney general shall approve the rule without making a specific finding of fact concerning the subjects.

(d) If an agency submits a rule to the attorney general without complying with section 20(a)(2) of this chapter, the attorney general may:

(1) disapprove the rule; or

(2) return the rule to the agency without disapproving the rule.

(e) If the attorney general returns a rule under subsection (d)(2), the agency may bring the rule into compliance with section 20(a)(2) of this chapter and resubmit the rule to the attorney general without readopting the rule.

(f) If the attorney general determines in the course of the review conducted under subsection (b) that a rule may constitute a taking of property, the attorney general shall advise the following:

(1) The governor.

(2) The agency head.

Advice given under this subsection shall be regarded as confidential attorney-client communication.

(g) The attorney general has forty-five (45) days from the date that an agency:

(1) submits a rule under section 31 of this chapter; or

(2) resubmits a rule under subsection (e);

to approve or disapprove the rule. If the attorney general neither approves nor disapproves the rule, the rule is deemed approved, and the agency may submit it to the governor for approval under

section 33 of this chapter without the approval of the attorney general.

(h) For rules adopted under IC 13-14-9, the attorney general:

(1) shall determine whether the rule adopted by the agency under IC 13-14-9-9(2) is a logical outgrowth of the proposed rule as published under IC 13-14-9-5(a)(2) and of testimony presented at the board meeting held under IC 13-14-9-5(a)(3); and

(2) may disapprove a rule under this section only if the rule:

(A) has been adopted without statutory authority;

(B) has been adopted without complying with this chapter or IC 13-14-9;

(C) is not a logical outgrowth of the proposed rule as published under IC 13-14-9-5(a)(2) and of the testimony presented at the board meeting held under IC 13-14-9-5(a)(3); or

(D) violates another law."

Page 1, line 3, delete "UPON PASSAGE]:" and insert "MARCH 15, 2018 (RETROACTIVE)]:".

Page 1, line 4, delete "2018, and before" and insert "2018."

Page 1, delete lines 5 through 17.

Page 2, delete lines 1 through 17, begin a new paragraph and insert:

"(b) As used in this section, "occupational regulation" has the meaning set forth in IC 4-22-2.1-2.5.

(c) Notwithstanding section 36 of this chapter or any other law, an occupational regulation that is adopted under this chapter during:

(1) an odd-numbered year may not become effective until March 15 during the subsequent year; or

(2) an even-numbered year may not become effective until May 1 during the subsequent year.

SECTION 4. IC 4-22-2.1-2.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 2.2. As used in this chapter, "least restrictive regulation" means, from least restrictive to most restrictive, the following types of regulation:**

(1) Market competition.

(2) Third party or consumer created ratings and reviews.

(3) Private certification.

(4) Voluntary bonding or insurance.

(5) Specific private civil cause of action to remedy consumer harm.

(6) Prohibiting deceptive trade practices.

(7) Mandatory disclosure of attributes of specific goods or services.

(8) Regulating the process of providing specific goods or services.

(9) Government inspection.

(10) Required bonding.

(11) Required insurance.

(12) Required registration.

(13) Government certification.

(14) Specialty occupational license for medical reimbursement that allows an individual to qualify for payment or reimbursement from a government agency for the nonexclusive provision of medical services based on the individual meeting certain qualifications.

(15) Required occupational license.

SECTION 5. IC 4-22-2.1-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 2.5. (a) As used in this chapter, "occupational regulation" refers to a rule adopted under IC 4-22-2, procedure, policy, or other official action of a board governing a regulated occupation that:**

(1) allows a person to work, or prohibits a person from working, in a regulated occupation, including issuing

a cease and desist letter or seeking an injunction against a person; or

(2) affects a person's ability to obtain a license, certification, registration, or permit to work in a regulated occupation.

(b) The term does not include the following:

(1) A business license, a facility license, a regulation concerning a building permit, a regulation concerning zoning or land use, or an emergency rule adopted under IC 4-22-2-37.1, unless the board's action relates to an individual's qualifications to perform a regulated occupation.

(2) A disciplinary action regarding an individual who is in a regulated occupation for a violation of a duty or standard of practice under IC 25-1.

(3) A rule of a board governing a regulated occupation that does not restrict or prohibit a person who is not licensed by the board from engaging in the occupation without an occupational license.

(4) An occupational regulation that was submitted for publication in the Indiana Register under IC 4-22-2-24 before July 1, 2019.

SECTION 6. IC 4-22-2.1-3.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 3.1. As used in this chapter, "regulated occupation" means an occupation in which a person is licensed, certified, registered, or issued a permit by one (1) of the entities described in IC 25-0.5-8.**

SECTION 7. IC 4-22-2.1-5, AS AMENDED BY P.L.109-2015, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 5. (a) If an agency intends to adopt a rule under IC 4-22-2 that will impose requirements or costs on small businesses, or on persons subject to the rule if the rule is an occupational regulation, the agency shall prepare a statement that describes the annual economic impact of a the rule on all small businesses or persons subject to the occupational regulation after the rule is fully implemented as described in subsection (b). The statement required by this section must include the following:**

(1) An estimate of the number of small businesses or persons in the regulated occupation, classified by industry sector, that will be subject to the proposed rule.

(2) An estimate of the average annual reporting, record keeping, and other administrative costs that small businesses or persons in the regulated occupation will incur to comply with the proposed rule.

(3) An estimate of the total annual economic impact that compliance with the proposed rule will have on all small businesses or persons in the regulated occupation subject to the rule. The agency is not required to submit the proposed rule to the office of management and budget for a fiscal analysis under IC 4-22-2-28 unless the estimated economic impact of the rule is greater than five hundred thousand dollars (\$500,000) on all regulated entities, as set forth in IC 4-22-2-28.

(4) A statement justifying any requirement or cost that is:

(A) imposed on small businesses or persons in the regulated occupation by the rule; and

(B) not expressly required by:

(i) the statute authorizing the agency to adopt the rule; or

(ii) any other state or federal law.

The statement required by this subdivision must include a reference to any data, studies, or analyses relied upon by the agency in determining that the imposition of the requirement or cost is necessary.

(5) A regulatory flexibility analysis that considers any less intrusive or less costly alternative methods of achieving the purpose of the proposed rule. The analysis under this subdivision must consider the following methods of

minimizing the economic impact of the proposed rule on small businesses **or persons in the regulated occupation, as applicable:**

- (A) The establishment of less stringent compliance or reporting requirements for small businesses **or regulated occupations.**
- (B) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses **or regulated occupations.**
- (C) The consolidation or simplification of compliance or reporting requirements for small businesses **or regulated occupations.**
- (D) The establishment of performance standards for small businesses **or regulated occupations** instead of design or operational standards imposed on other regulated entities by the rule.
- (E) The exemption of small businesses **or persons in the regulated occupation** from part or all of the requirements or costs imposed by the rule.
- (F) **The establishment of the least restrictive regulation that is necessary to regulate the occupation or protect consumers.**

If the agency has made a preliminary determination not to implement one (1) or more of the alternative methods considered, the agency shall include a statement explaining the agency's reasons for the determination, including a reference to any data, studies, or analyses relied upon by the agency in making the determination.

(b) For purposes of subsection (a), a proposed rule will be fully implemented with respect to small businesses **or regulated occupations** after:

- (1) the conclusion of any phase-in period during which:
 - (A) the rule is gradually made to apply to small businesses, **or** certain types of small businesses, **or regulated occupations;** or
 - (B) the costs of the rule are gradually implemented; and
- (2) the rule applies to all small businesses, **or to regulated occupations,** that will be affected by the rule.

In determining the total annual economic impact of the rule under subsection (a)(3), the agency shall consider the annual economic impact on all small businesses **or on regulated occupations,** beginning with the first twelve (12) month period after the rule is fully implemented. The agency may use actual or forecasted data and may consider the actual and anticipated effects of inflation and deflation. The agency shall describe any assumptions made and any data used in determining the total annual economic impact of a rule under subsection (a)(3).

(c) The agency shall:

- (1) publish the statement required under subsection (a) in the Indiana Register as required by IC 4-22-2-24; and
- (2) deliver a copy of the statement, along with the proposed rule, to the small business ombudsman not later than the date of publication under subdivision (1).

(d) The agency shall presume that market competition and private remedies are sufficient to protect consumers when conducting an analysis of an occupation regulation under subsection (a)(5). However, if the agency finds credible empirical evidence of a systematic problem that justifies the adoption of an occupational regulation to protect consumers, the agency shall recommend the least restrictive regulation that addresses the problem. The agency shall use the guidelines under IC 4-22-2-28(j)(1) through IC 4-22-2-28(j)(8) when analyzing an occupational regulation.

SECTION 8. IC 4-22-2.1-6, AS AMENDED BY P.L.109-2015, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. (a) Not later than seven (7) days before the date of the public hearing set forth in the agency's notice under IC 4-22-2-24, the small business ombudsman shall do the following:

(1) Review the proposed rule and economic impact statement submitted to the small business ombudsman by the agency under section 5(c) of this chapter.

(2) Submit written comments to the agency on the proposed rule and the economic impact statement prepared by the agency under section 5 of this chapter. The small business ombudsman's comments may:

- (A) recommend that the agency implement one (1) or more of the regulatory alternatives considered by the agency under section 5(a)(5) of this chapter;
- (B) suggest regulatory alternatives not considered by the agency under section 5(a)(5) of this chapter;
- (C) recommend any other changes to the proposed rule that would minimize the economic impact of the proposed rule on small businesses; **or**
- (D) recommend that the agency abandon or delay the rulemaking action until:

- (i) more data on the impact of the proposed rule on small businesses can be gathered and evaluated; or
- (ii) less intrusive or less costly alternative methods of achieving the purpose of the proposed rule can be effectively implemented with respect to small businesses; **or**

(E) make a determination regarding whether the occupational regulation is the least restrictive occupational regulation under IC 4-22-2-28.

(b) Upon receipt of the small business ombudsman's written comments under subsection (a), the agency shall make the comments available:

- (1) for public inspection and copying at the offices of the agency under IC 5-14-3;
- (2) electronically through the electronic gateway administered under IC 4-13.1-2-2(a)(5) by the office of technology; and
- (3) for distribution at the public hearing required by IC 4-22-2-26.

(c) Before finally adopting a rule under IC 4-22-2-29, and in the same manner that the agency considers public comments under IC 4-22-2-27, the agency must fully consider the comments submitted by the small business ombudsman under subsection (a). After considering the comments under this subsection, the agency may:

- (1) adopt any version of the rule permitted under IC 4-22-2-29; or
- (2) abandon or delay the rulemaking action as recommended by the small business ombudsman under subsection (a)(2)(D), if applicable.

SECTION 9. IC 4-22-2.1-8, AS AMENDED BY P.L.53-2014, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 8. (a) This section applies to a small business, **or a person who is subject to a rule concerning a regulated occupation,** that is adversely affected or aggrieved by a rule that:

- (1) is subject to this chapter;
- (2) is finally adopted by an agency under IC 4-22-2-29; and
- (3) has taken effect under IC 4-22-2-36.

(b) Subject to subsection (c), a small business **or person** described in subsection (a) may file, in a court having jurisdiction, an action seeking a determination of the agency's compliance with the requirements of this chapter during the rulemaking process. Upon receipt of a complaint under this section, the court shall, at the earliest date possible, hear evidence on the matter and make a determination as to the agency's compliance with this chapter during the rulemaking process. If the court determines that the agency failed to comply with one (1) or more requirements of this chapter, the court may issue an order or injunction enjoining the agency from enforcing the rule with respect to the complaining small business **or person** and any similarly situated small businesses **or persons.**

A determination of the court under this section is final, subject to the right of direct appeal by either party.

(c) A small business **or person** that seeks a determination by a court under subsection (b) must file the action described in subsection (b) not later than one (1) year (+) after the date the rule described in subsection (a) takes effect under IC 4-22-2-36.

SECTION 10. IC 4-22-2.5-3.1, AS ADDED BY P.L.188-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3.1. (a) This section applies to a rule that:

- (1) expires under this chapter after June 30, 2005; and
- (2) imposes requirements or costs on small businesses **or, if the rule is an occupational regulation, on persons subject to the occupational regulation.**

(b) ~~As used in this section, "small business" has the meaning~~ **The definitions set forth in IC 4-22-2.1-4. IC 4-22-2.1 apply to this section.**

(c) Before an agency may act under section 3 of this chapter to readopt a rule described in subsection (a), the agency shall conduct a review to consider whether there are any alternative methods of achieving the purpose of the rule that are less costly or less intrusive, or that would otherwise minimize the economic impact of the proposed rule on small businesses **or on persons subject to the occupational regulation.** In reviewing a rule under this section, the agency shall consider the following:

- (1) The continued need for the rule.
- (2) The nature of any complaints or comments received from the public, including small businesses **or, if the rule is an occupational regulation, persons subject to the occupational regulation,** concerning the rule or the rule's implementation by the agency.
- (3) The complexity of the rule, including any difficulties encountered by:
 - (A) the agency in administering the rule; or
 - (B) small businesses **or, if the rule is an occupational regulation, persons subject to the occupational regulation** in complying with the rule.
- (4) The extent to which the rule overlaps, duplicates, or conflicts with other federal, state, or local laws, rules, regulations, or ordinances.
- (5) The length of time since the rule was last reviewed under this section or otherwise evaluated by the agency, and the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule since that time.

(d) This subsection applies to a rule that was adopted through a rulemaking action initiated by the agency under IC 4-22-2-23 after June 30, 2005. In reviewing the rule under this section, the agency shall reexamine the most recent economic impact statement prepared by the agency under IC 4-22-2.1-5. The agency shall consider **the following:**

- (1) The degree to which the factors analyzed in the statement have changed since the statement was prepared. ~~and~~
- (2) Whether:
 - (A) any regulatory alternatives included in the statement under IC 4-22-2.1-5(a)(5); or
 - (B) any regulatory alternatives not considered by the agency at the time the statement was prepared; could be implemented to replace one (1) or more of the rule's existing requirements.
- (3) **Whether the agency used the least restrictive regulation (as defined by IC 4-22-2.1-2.2) for the occupational regulation (as defined by IC 4-22-2.1-2.5). The agency shall use the guidelines under IC 4-22-2-28(j)(1) through IC 4-22-2-28(j)(8) when analyzing an occupational regulation.**

(e) After conducting the review required by this section, the agency shall:

(1) readopt the rule without change, if no alternative regulatory methods exist that could minimize the economic impact of the rule on small businesses **or, if the rule is an occupational regulation, on persons subject to the occupational regulation,** while still achieving the purpose of the rule;

(2) amend the rule to implement alternative regulatory methods that will minimize the economic impact of the rule on small businesses **or, if the rule is an occupational regulation, on persons subject to the occupational regulation;** or

(3) repeal the rule, if the need for the rule no longer exists.

SECTION 11. IC 5-28-17-6, AS ADDED BY P.L.237-2017, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. The corporation shall designate an employee to be the small business ombudsman. The small business ombudsman shall carry out the following duties:

- (1) Work with state agencies to permit increased enforcement flexibility and the ability to grant common sense exemptions for first time offenders of state rules and policies, including, notwithstanding any other law, policies for the compromise of interest and penalties related to a listed tax (as defined in IC 6-8.1-1-1) and other taxes and fees collected or administered by a state agency.
- (2) Work with state agencies to seek ways to consolidate forms and eliminate the duplication of paperwork, harmonize data, and coordinate due dates.
- (3) Coordinate with OMB (as defined in IC 4-3-22-3) to perform cost benefit analyses.
- (4) Work with state agencies to monitor any outdated, ineffective, or overly burdensome information requests from state agencies to small businesses.
- (5) Carry out the duties specified under IC 4-22-2-28 and IC 4-22-2.1 to review proposed rules and participate in rulemaking actions that affect small businesses **or regulated occupations (as defined by IC 4-22-2.1-3.1).**
- (6) Coordinate with the ombudsman designated under IC 13-28-3-2 and the office of voluntary compliance established by IC 13-28-1-1 to coordinate the provision of services required under IC 4-22-2-28.1 and IC 13-28-3.
- (7) Prepare written and electronic information for periodic distribution to small businesses describing the small business services provided by coordinators (as defined in IC 4-3-22-16) and work with the office of technology established by IC 4-13.1-2-1 to place information concerning the availability of these services on state Internet web sites that the small business ombudsman or a state agency determines are most likely to be visited by small business owners and managers.
- (8) Assist in training agency coordinators who will be assigned to rules under IC 4-22-2-28.1(e).
- (9) Investigate and attempt to resolve any matter regarding compliance by a small business with a law, rule, or policy administered by a state agency, either as a party to a proceeding or as a mediator.

State agencies **and governing boards of regulated occupations that are subject to IC 4-22-2** shall cooperate with the small business ombudsman to carry out the purpose of this section. The department of state revenue and the department of workforce development shall establish a program to distribute the information described in subdivision (7) to small businesses that are required to file returns or information with these state agencies."

Renumber all SECTIONS consecutively.
(Reference is to ESB 399 as printed February 26, 2018.)
T. BROWN

Motion prevailed.

HOUSE MOTION
(Amendment 399-3)

Mr. Speaker: I move that Engrossed Senate Bill 399 be amended to read as follows:

Page 4, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 3. IC 25-8-5-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 8. (a) The board may approve the request of a beauty culture school licensed under this chapter to add an addition to the facility, including the addition of a separate structure, if the following conditions are met:**

- (1) **The addition to the facility has the same address as the beauty culture school's original license.**
- (2) **The addition to the facility and the original licensed facility are under the same ownership.**
- (3) **The addition to the facility is used for classroom instruction.**
- (4) **The addition to the facility is on the same plat of land as the original licensed facility.**

(b) A beauty culture school is not required to obtain a separate license for an addition to a facility that has been approved under subsection (a)."

Renumber all SECTIONS consecutively.
(Reference is to ESB 399 as printed February 26, 2018.)
AUSTIN

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 387

Representative Behning called down Engrossed Senate Bill 387 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Representatives Eberhart, Lawson and Ober, who had been present, is now excused.

Engrossed Senate Bill 327

Representative Richardson called down Engrossed Senate Bill 327 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 327-3)

Mr. Speaker: I move that Engrossed Senate Bill 327 be amended to read as follows:

Page 2, line 1, delete "JANUARY 1, 2019]:" and insert "JULY 1, 2018]:".

Page 2, line 6, delete "must" and insert "**may**".

Page 16, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 16. IC 3-11.5-4-11, AS AMENDED BY P.L.169-2015, SECTION 138, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 11. (a) Except as provided in subsection (b), (c), or (d), at any time after the couriers return the certificate under section 9 of this chapter, absentee ballot counters appointed under section 22 of this chapter, in the presence of the county election board, shall, except for a ballot rejected under section 13 of this chapter:**

- (1) **open the outer or carrier envelope containing an absentee ballot envelope and application;**
- (2) **announce the absentee voter's name; and**
- (3) **compare the signature upon the application with the signature upon the affidavit on the ballot envelope or transmitted affidavit.**

(b) This subsection applies to a county (other than a county described in subsection (c) or (d)) that:

- (1) **has adopted an order to use an electronic poll book under IC 3-7-29-6(a)(1); or**
- (2) **is a vote center county under IC 3-11-18.1.**

Immediately after the electronic poll books used at each polling place or vote center have been updated to indicate that the county received, not later than noon on election day, an absentee ballot from a voter, the absentee ballot counters shall, in a central counting location designated by the county election board, count the absentee ballot votes cast for each candidate for each office and on each public question in the precinct.

(c) This subsection applies to a county having a consolidated city, if the county:

- (1) **has adopted an order to use an electronic poll book under IC 3-7-29-6(a)(1); or**
- (2) **is a vote center county under IC 3-11-18.1.**

After the receipt and processing required under section 12 of this chapter to process an absentee ballot from a voter and after ensuring that the electronic poll books used in each polling place or vote center have been updated to reflect all absentee ballots received by the county not later than 12:01 a.m. on election day, the absentee ballot counters shall, at any time after 6:00 a.m. on election day, in a central counting location designated by the county election board, count the absentee ballot votes cast for each candidate, for each office, and on each public question.

(d) This subsection applies to a county other than a county having a consolidated city, if the county election board has adopted a resolution by the unanimous vote of the entire membership of the board to use procedures set forth in this subsection, and the county:

- (1) **has adopted an order to use an electronic poll book under IC 3-7-29-6(a)(1); or**
- (2) **is a vote center county under IC 3-11-18.1.**

After the receipt and processing required under section 12 of this chapter to process an absentee ballot from a voter and after ensuring that the electronic poll books used in each polling place or vote center have been updated to reflect all absentee ballots received by the county not later than 12:01 a.m. on election day, the absentee ballot counters shall, at any time after 6:00 a.m. on election day, in a central counting location designated by the county election board, count the absentee ballot votes cast for each candidate, for each office, and on each public question.

(e) A resolution adopted under subsection (d) may be repealed or amended only by the unanimous vote of the entire membership of the county election board.

SECTION 17. IC 3-11.5-4-12, AS AMENDED BY P.L.225-2011, SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 12. (a) Notwithstanding any provision to the contrary in this chapter, in a county described by subsection (e) or (f), the signature review process described in this section may be conducted at any time after receipt of an absentee ballot by the county election board.**

(b) If the absentee ballot counters find under section 11 of this chapter that:

- (1) **the affidavit is properly executed;**
- (2) **the signatures correspond;**
- (3) **the absentee voter is a qualified voter of the precinct;**
- (4) **the absentee voter is registered and is not required to file additional information with the county voter registration office under IC 3-7-33-4.5; and**
- (5) **in case of a primary election, if the absentee voter has not previously voted, the absentee voter has executed the proper declaration relative to age and qualifications and the political party with which the absentee voter intends to affiliate;**

the absentee ballot counters shall open the envelope containing the absentee ballots so as not to deface or destroy the affidavit and take out each ballot enclosed without unfolding or permitting a ballot to be unfolded or examined.

~~(b)~~ **(c) If the absentee ballot counters find under subsection (a) (b) that the voter has not filed the additional information**

required to be filed with the county voter registration office under IC 3-7-33-4.5, but that all of the other findings listed under subsection ~~(a)~~ **(b)** apply, the absentee ballot shall be processed as a provisional ballot under IC 3-11.7.

~~(c)~~ **(d)** The absentee ballot counters shall then deposit the ballots in a secure envelope with the name of the precinct set forth on the outside of the envelope. After the absentee ballot counters or the county election board has made the findings described in subsection ~~(a)~~ **(b)** or section 13 of this chapter for all absentee ballots of the precinct, the absentee ballot counters shall remove all the ballots deposited in the envelope under this section for counting under IC 3-11.5-5 or IC 3-11.5-6.

(e) This subsection applies to a county having a consolidated city. For an absentee ballot cast in person by a voter under IC 3-11-10-25, IC 3-11-10-26, or IC 3-11-10-26.3, the absentee ballot counters may, but are not required to, make the findings required under subsection (b)(2) or (b)(3) of this section.

(f) This subsection applies to a county:

- (1) that does not have a consolidated city; and**
- (2) when the county election board has adopted a resolution by the unanimous vote of its entire membership to use the procedures set forth in this subsection.**

For an absentee ballot cast in person by a voter under IC 3-11-10-25, IC 3-11-10-26, or IC 3-11-10-26.3, the absentee ballot counters may, but are not required to, make the findings required under subsection (b)(2) or (b)(3) of this section.

(g) A resolution adopted under subsection (f) may be repealed or amended only by the unanimous vote of the entire membership of the county election board.

SECTION 18. IC 3-11.5-6-3, AS AMENDED BY P.L.169-2015, SECTION 145, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. (a) Except as provided in subsection (b), (c), or (d), immediately after:

- (1) the couriers have returned the certificate from a precinct under IC 3-11.5-4-9; and
- (2) the absentee ballot counters or the county election board has made the findings required under IC 3-11-10 and IC 3-11.5-4 for the absentee ballots cast by voters of the precinct and deposited the accepted absentee ballots in the envelope required under IC 3-11.5-4-12;

the absentee ballot counters shall, in a central counting location designated by the county election board, count the absentee ballot votes for each candidate for each office and on each public question in the precinct with the assistance of any persons required for the operation of the automatic tabulating machine.

(b) This subsection does not apply to a county having a consolidated city. This subsection applies to a county that:

- (1) has adopted an order to use an electronic poll book under IC 3-7-29-6(a)(1); or
- (2) is a vote center county under IC 3-11-18.1.

Immediately after the electronic poll books used at each polling place or vote center have been updated to indicate that the county received, not later than noon on election day, an absentee ballot from a voter, the absentee ballot counters shall, in a central counting location designated by the county election board, count the absentee ballot votes cast for each candidate for each office and on each public question in the precinct.

(c) This subsection applies to a county having a consolidated city, if the county:

- (1) has adopted an order to use an electronic poll book under IC 3-7-29-6(a)(1); or**
- (2) is a vote center county under IC 3-11-18.1.**

After the receipt and processing required under IC 3-11.5-4-11(c) to process an absentee ballot from a voter and after ensuring that the electronic poll books used in each polling place or vote center have been updated to reflect all absentee ballots received by the county not later

than 12:01 a.m. on election day, the absentee ballot counters shall, at any time after 6:00 a.m. on election day, in a central counting location designated by the county election board, count the absentee ballot votes cast for each candidate, for each office, and on each public question.

(d) This subsection applies to a county other than a county having a consolidated city, if the county election board has adopted a resolution by the unanimous vote of the entire membership of the board to use procedures set forth in this subsection, and the county:

(1) has adopted an order to use an electronic poll book under IC 3-7-29-6(a)(1); or

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

After the receipt and processing required under IC 3-11.5-4-11(d) to process an absentee ballot from a voter and after ensuring that the electronic poll books used in each polling place or vote center have been updated to reflect all absentee ballots received by the county not later than 12:01 a.m. on election day, the absentee ballot counters shall, at any time after 6:00 a.m. on election day, in a central counting location designated by the county election board, count the absentee ballot votes cast for each candidate, for each office, and on each public question.

(e) A resolution adopted under subsection (d) may be repealed or amended only by the unanimous vote of the entire membership of the county election board.

SECTION 19. IC 3-11.5-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. **(a) This subsection does not apply to a county having a consolidated city. To minimize delay, the absentee ballot counters shall continue to count without interruption until all absentee ballots for the precinct are canvassed and the certificates required by this chapter are prepared and delivered to the person entitled to receive the certificates.**

(b) This subsection applies to a county having a consolidated city. To minimize delay, the absentee ballot counters shall continue to count without interruption until all absentee ballots that are not required to be remade and have been accepted by the absentee ballot counters under IC 3-11.5-4-12 are canvassed, and the certificates required by this chapter are prepared and delivered to the person entitled to receive the certificates.

SECTION 20. IC 3-11.5-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 5. **(a) This section does not apply to a county having a consolidated city.**

(b) The absentee ballot counters shall determine if the ballot cards are properly grouped and arranged so that all similar cards from a precinct are together before the ballots are counted on an automatic tabulating machine.

SECTION 21. IC 3-11.5-6-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 21. **(a) As soon as the ballots have been counted, the absentee ballot counters shall, in the presence of the county election board, do the following:**

- (1) Place in a strong paper envelope or bag the following:
 - (A) All ballots, voted and not voted, together with all protested and uncounted ballots.
 - (B) One (1) copy of each of the certificates prepared under IC 3-11.5-4-1 and IC 3-11.5-4-8.
 - (C) The tally papers.
- (2) Securely seal the envelope or bag.
- (3) Have both absentee ballot counters initial the envelope or bag.
- (4) Plainly mark on the outside of the envelope or bag, in ink, the precinct for which the absentee ballots were cast.
- (5) Deliver the envelope or bag to the circuit court clerk.
- (6) Notify the circuit court clerk of the number of ballots placed in the envelope or bag.

(b) This subsection applies to a county having a consolidated city. Notwithstanding subsection (a)(4), the absentee ballots may be stored in the order in which the absentee ballots were counted and not in order by precinct."

Renumber all SECTIONS consecutively.
(Reference is to ESB 327 as printed February 23, 2018.)

M. SMITH

Motion prevailed.

HOUSE MOTION
(Amendment 327-2)

Mr. Speaker: I move that Engrossed Senate Bill 327 be amended to read as follows:

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

"SECTION 1. IC 2-1.5 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]:

ARTICLE 1.5. REDISTRICTING OF GENERAL ASSEMBLY AND CONGRESSIONAL DISTRICTS

Chapter 1. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Agency" refers to the legislative services agency established by IC 2-5-1.1-7.

Sec. 3. "Appointing authority" refers to any of the following:

- (1) The speaker of the house of representatives.
- (2) The minority leader of the house of representatives.
- (3) The president pro tempore of the senate.
- (4) The minority leader of the senate.

Sec. 4. "Bureau" refers to the United States Department of Commerce, Bureau of the Census.

Sec. 5. "Census data" means the population data that the bureau is required to provide to the state under 13 U.S.C. 141.

Sec. 6. "Census year" refers to the year in which a federal decennial census is conducted.

Sec. 7. "Commission" refers to the redistricting commission established by IC 2-1.5-2-1.

Sec. 8. "Federal decennial census" refers to a federal decennial census conducted under 13 U.S.C. 141.

Sec. 9. "House of representatives" refers to the house of representatives of the general assembly.

Sec. 10. "Ideal district population" for a plan refers to the number equal to the quotient of the following, rounded to the nearest whole number:

- (1) The numerator is the population of Indiana as reported by the most recent federal decennial census.
- (2) The denominator is the number of districts required by this article for the plan.

Sec. 11. "Nominating authority" refers to any of the following:

- (1) The chief justice of the supreme court.
- (2) The president of Ball State University.
- (3) The president of Indiana University.
- (4) The president of Purdue University.
- (5) The president of Indiana State University.
- (6) The president of University of Southern Indiana.

Sec. 12. (a) "Plan" refers to any of the following:

- (1) A plan for districts for the house of representatives.
- (2) A plan for districts for the senate.
- (3) A plan for congressional districts.

(b) A plan includes maps and written descriptions of the maps that define all the districts that a plan is required to have under this article.

Sec. 13. "Political subdivision" means a city, county, town, or township.

Sec. 14. "Redistricting year" refers to the year immediately following a census year.

Sec. 15. "Senate" refers to the senate of the general assembly.

Chapter 2. Redistricting Commission

Sec. 1. As provided in this chapter, a redistricting commission consisting of nine (9) members is established.

Sec. 2. (a) Not later than January 15 of a redistricting year, four (4) members of the commission shall be selected by each of the appointing authorities:

- (1) appointing one (1) individual to be a commission member; and
- (2) certifying to the executive director of the agency the appointment of the individual to the commission.

(b) Four (4) members of the commission shall be selected as follows:

(1) Not later than January 15 of a redistricting year, a pool of eighteen (18) candidates for appointment to the commission shall be established. The pool is created by each of the nominating authorities:

- (A) selecting three (3) individuals as candidates for membership on the commission; and
- (B) certifying the following to the executive director of the agency:

(i) The name and contact information for each of the three (3) individuals selected by that nominating authority as candidates for membership on the commission.

(ii) That each of the individuals identified in item (i) has agreed to serve if the individual is appointed as a member of the commission.

(iii) That the nominating authority believes that each of the individuals identified in item (i) will, if appointed as a member of the commission, faithfully comply with this article, including specifically IC 2-1.5-4-10(b).

(2) Not later than February 1 of a redistricting year, each of the four (4) members of the commission appointed under subsection (a) shall:

(A) appoint one (1) of the candidates from the pool established under subdivision (1) as a member of the commission; and

(B) certify to the executive director of the agency the appointment of the individual as a member of the commission.

(c) Not later than February 15 of a redistricting year, the members appointed under subsections (a) and (b) shall meet and appoint the commission's chair. The member appointed by the speaker of the house of representatives shall call and preside during the meeting. The chair may be a member appointed to the commission under subsection (b)(2) or another individual chosen by the commission, but may not be a member appointed to the commission under subsection (a)(1). If the commission selects as the chair a member appointed to the commission under subsection (b)(2), the commission shall appoint by majority vote another candidate from the pool established under subsection (b)(1) as a member of the commission. The commission shall certify to the executive director of the agency the appointment of the commission's chair and the commission member, if any, selected under this subsection.

(d) In selecting candidates for appointment under subsection (b)(1) and in making the appointments under subsections (a), (b), and (c), the nominating authorities, the appointing authorities, and the members of the commission shall seek to optimize the geographic, minority, and gender diversity of the commission.

Sec. 3. To serve on the commission, an individual must be a resident of Indiana.

Sec. 4. (a) The definitions in IC 3-5-2 apply throughout this section.

(b) An individual may not serve on the commission if the individual has been any of the following at any time less than six (6) years before the individual's appointment to the commission:

- (1) A member of the general assembly or the Congress of the United States.
- (2) A candidate for election to the general assembly or the Congress of the United States.
- (3) The holder of a state office (as defined in IC 3-5-2-48).
- (4) An appointed public official.
- (5) An employee of any of the following:
 - (A) The general assembly.
 - (B) A member of the Congress of the United States from Indiana.
 - (C) A United States senator representing Indiana.
- (6) The chairman or treasurer of a candidate's committee of a candidate for election to the general assembly or the Congress of the United States as required by IC 3-9-1 or federal law.
- (7) A precinct committeeman or a precinct vice committeeman.
- (8) A member of a candidate's committee.
- (9) A member of a central committee.
- (10) A member of a national committee of a political party.
- (11) An employee or an agent of a political party or of an entity described in any of subdivisions (8) through (10).
- (12) An individual who is either of the following:
 - (A) A paid consultant of an entity described in any of subdivisions (8) through (11).
 - (B) An employee of a paid consultant of an entity described in any of subdivisions (8) through (11).
- (13) An individual registered as a lobbyist under IC 2-7.

Sec. 5. (a) Before undertaking duties as a commission member, an individual appointed under section 2 or 8 of this chapter must do each of the following:

- (1) Take an oath of office.
- (2) Make an affirmation that the individual will:
 - (A) apply the provisions of this article in an honest and independent manner; and
 - (B) uphold public confidence in the integrity of the redistricting process.
- (3) Make a written pledge that the individual will not be a candidate for:
 - (A) election to the general assembly; or
 - (B) selection to fill a vacancy in the general assembly;
 at any time before the second election for members of the general assembly after the individual's appointment to the commission.
- (4) Make a written pledge that the individual will not do any of the following until plans are adopted as provided in this article:
 - (A) Make a contribution (as defined in IC 3-5-2-15).
 - (B) Attend any function relating to the election of a candidate.
 - (C) Serve in any capacity described in section 4 of this chapter.

(b) A member's oath, affirmation, and pledge shall be filed with the agency.

Sec. 6. An individual serves as a commission member until the earliest of the following:

- (1) The individual resigns the individual's membership on the commission.
- (2) The individual is removed as a member of the commission under section 7 of this chapter.
- (3) The appointment of a new commission under this chapter following a federal decennial census.

Sec. 7. (a) A commission member may be removed from office for any of the following:

- (1) Substantial neglect of duty.
- (2) Gross misconduct in office.
- (3) Inability to discharge the duties of a member of the commission.
- (4) Becoming a candidate in violation of the commission member's pledge under section 5(a)(3) of this chapter.
- (5) Taking an action in violation of the commission member's pledge under section 5(a)(4) of this chapter.
- (6) Ceasing to be a resident of Indiana as required by section 3 of this chapter.
- (7) Being convicted of an action that would result in the removal of a public officer under IC 5-8-1-38 or IC 5-8-3-1.

(b) The supreme court has original and exclusive jurisdiction to remove a commission member. Any resident of Indiana may seek to remove a commission member by filing a verified complaint with the clerk of the supreme court and serving the agency with a copy. The agency shall immediately transmit a copy of the complaint to all members of the commission by electronic mail or by a faster method, if available.

(c) The supreme court may decide the matter by summary disposition, or after a hearing, if necessary, under such procedures as the supreme court establishes by rule or order to resolve the matter. The supreme court shall decide the matter as expeditiously as possible, but not later than seven (7) days after the date the complaint is filed, in order to permit the commission to complete its duties under the schedule established by IC 2-1.5-3.

Sec. 8. (a) If a vacancy occurs in the position of a commission member who was appointed under section 2(a) of this chapter, the leader of the caucus whose leader appointed the member whose position is vacant shall appoint an individual to fill the vacancy:

- (1) not later than fifteen (15) days after the vacancy occurs; and
- (2) in the same manner described in section 2(a) of this chapter.

(b) If a vacancy occurs during a redistricting year in the position of a commission member who was appointed under section 2(b) of this chapter, the commission shall:

- (1) not later than fifteen (15) days after the vacancy occurs either:
 - (A) appoint a candidate from the pool established under section 2(b)(1) of this chapter to fill the vacancy; or
 - (B) if no candidate described in clause (A) meets the qualifications of this article or is available to serve, appoint an individual to fill the vacancy; and
- (2) certify to the executive director of the agency the appointment of the individual to the commission.

(c) If a vacancy occurs during a year that is not a redistricting year in the position of a commission member who was appointed under section 2(b) of this chapter, the commission:

- (1) shall appoint an individual to fill the vacancy not later than fifteen (15) days after the vacancy occurs; and
- (2) shall certify to the executive director of the agency the appointment of the individual to the commission.

(d) If the position of commission chair becomes vacant, the commission shall appoint an individual to fill the vacancy:

- (1) not later than fifteen (15) days after the vacancy occurs; and
- (2) in the same manner:
 - (A) described in section 2(c) of this chapter, if the vacancy occurs during a redistricting year; or

(B) described in subsection (c), if the vacancy occurs during a year that is not a redistricting year.

Sec. 9. The affirmative vote of seven (7) commission members is necessary for the commission to take official action.

Sec. 10. Each commission member is entitled to receive the same per diem, mileage, and travel allowances paid to members of the general assembly serving on interim study committees established by the legislative council.

Sec. 11. (a) The agency shall provide the commission with staff and administrative services.

(b) The expenses of the commission shall be paid out of amounts appropriated to the legislative council (created under IC 2-5-1.1-1) and the agency, including the costs of litigation (if any).

Sec. 12. (a) The definitions in IC 3-5-2 apply throughout this section.

(b) A commission member who has communicated, directly or indirectly, regarding redistricting with any of the following other than during a public meeting of the commission shall take the action described in subsection (c):

- (1) A member of the Congress of the United States.
- (2) A member of the general assembly.
- (3) An individual who holds any other public office.
- (4) An individual who has held a public office described in subdivisions (1) through (3).
- (5) A candidate for a public office described in subdivisions (1) through (3).
- (6) An individual otherwise described in section 4 of this chapter, other than an employee of the agency acting within the scope of the employee's responsibilities under section 11 of this chapter.

(c) If a commission member communicates regarding redistricting with an individual described in subsection (b), the commission member shall do the following:

- (1) If the communication is written or electronic material, the commission member shall instruct that the written or electronic material be placed in the commission's public records not later than five (5) days after the commission member reads the written or electronic material.
- (2) If the communication is other than written or electronic material, the commission member shall place a verified written description of the communication in the commission's public records not later than five (5) days after the communication occurs. The verified written description must include the following information:
 - (A) The name of the individual with whom the communication occurred.
 - (B) The date and approximate time of the communication.
 - (C) A description of the nature and substance of the communication.

(d) A commission member who fails to comply with this section commits gross misconduct in office and is subject to removal from the commission under section 7 of this chapter.

Chapter 3. Redistricting Procedure

Sec. 1. (a) Before January 1 of a redistricting year, the agency shall do the following:

- (1) Acquire any hardware, software, and supplies necessary to assist the commission in the performance of the commission's duties under this article.
- (2) Establish an Internet based redistricting portal to:
 - (A) assist the public in drawing maps and providing input on the redistricting process; and
 - (B) allow members of the public to upload their own maps.

(b) At any time, the agency may acquire additional hardware, software, and supplies the executive director of

the agency considers necessary to assist the commission in performance of the commission's duties under this article.

Sec. 2. (a) Not later than March 15 of a redistricting year, the commission's chair shall convene the commission to do the following:

- (1) Organize the commission.
- (2) Receive reports from the agency concerning the following:
 - (A) Information relating to the receipt of census data from the bureau.
 - (B) The readiness of the agency to assist the commission's work.
 - (C) Any other matter on which a report is requested by the commission.
- (3) Provide initial instructions to the agency regarding the commission's work.
- (4) Schedule hearings required or permitted under section 5 of this chapter.
- (5) Schedule other meetings the commission considers necessary.
- (6) Schedule the receipt of maps from the public.

(b) IC 5-14-1.5 (the open door law) applies to the commission's meetings.

(c) Records of the commission shall be made available for inspection and copying in accordance with IC 5-14-3.

Sec. 3. If the agency must make a decision on a question for which no clearly applicable provision of this article or instruction of the commission provides an answer, the executive director of the agency shall submit a written request to the commission for direction.

Sec. 4. (a) The agency shall do the following:

- (1) Create maps of legislative district plans and congressional district plans that conform to this article and the commission's instructions.
 - (2) Prepare written descriptions of the maps created under subdivision (1).
 - (3) Evaluate maps submitted by the public for conformance with the standards set forth in IC 2-1.5-4.
- (b) The agency shall produce as many different plans as the commission instructs:
- (1) not earlier than May 1 of a redistricting year; and
 - (2) not later than May 15 of the redistricting year.
- (c) The agency shall publish the maps and descriptions:
- (1) prepared for the commission by the agency; and
 - (2) submitted to the commission from the public;

as directed by the commission not later than May 15 of a redistricting year.

Sec. 5. (a) As directed by the commission, the agency shall receive for the commission written public comments regarding the plans after publication of the plans.

(b) The commission shall provide for at least one (1) public hearing in each Indiana congressional district, and an additional meeting in Marion County, as determined by the commission. At least two (2) commission members shall be present at each public hearing, and a commission member shall preside and conduct the hearing. The hearings shall be held not later than June 30 of a redistricting year, and shall be recorded and made available live and archived for public viewing on the Internet.

(c) The commission may hold hearings in addition to the hearings required by subsection (b).

(d) The commission shall do the following at any hearing held under this section:

- (1) Explain the redistricting procedure.
- (2) Present the plans prepared for the commission by the agency.
- (3) Have available the plans submitted by the public and the agency's evaluation of those plans.
- (4) Hear public comments and suggestions.

(e) The commission may take other actions the commission considers appropriate to do the following:

(1) Explain the redistricting procedure or the plans to the public.

(2) Receive public comments and suggestions.

(f) The commission may modify, with or without additional public hearings under this section, the maps published under section 4 of this chapter to:

(1) incorporate any public comments and suggestions adopted by the commission; or

(2) comply with the federal Voting Rights Act in accordance with IC 2-1.5-4-10(b).

The commission shall adopt any modifications made under this subsection in a public meeting.

(g) The commission shall give public notice of a meeting held under this section not later than ten (10) days before the date of the meeting.

Sec. 6. (a) Not later than August 1 of a redistricting year, the commission shall meet to adopt a report to the general assembly. The report must include the following:

(1) A summary of the commission's and the agency's preparation for the commission's work.

(2) A description of the hearings held under section 5 of this chapter.

(3) A summary of the public comments and suggestions received in writing and at the hearings.

(4) The commission's recommendation to the general assembly for each of the following:

(A) A district plan for the house of representatives.

(B) A district plan for the senate.

(C) A congressional district plan.

(5) Maps for each plan, including both a statewide map and a map for each district.

(6) A bill that would enact each of the plans.

(b) The commission shall recommend to the general assembly the plan the commission considers the best in meeting the standards set forth in IC 2-1.5-4.

(c) The commission may include any other information in the report the commission considers useful to explain the commission's work or recommendations.

(d) The report required by this section must be submitted to the legislative council in an electronic format under IC 5-14-6.

Sec. 7. (a) If, for any reason, an appointing authority, a nominating authority, the agency, the commission, or the general assembly is unable to complete a duty required under this article or IC 2-2.1-1-2.7 before the deadline specified by law, the appointing authority, nominating authority, agency, commission, or general assembly, as applicable, shall expedite completion of the requirement as soon as practicable after the deadline.

(b) If a court invalidates a plan after October 1 of a redistricting year, the commission and the general assembly shall take all necessary action to expedite the adoption of a plan to replace the invalidated plan.

Chapter 4. Redistricting Standards

Sec. 1. Districts created for the house of representatives, the senate, and the United States House of Representatives must comply with the standards of this chapter.

Sec. 2. (a) A plan for house of representatives districts must provide for one hundred (100) districts.

(b) A plan for senate districts must provide for fifty (50) districts.

(c) A plan for congressional districts must provide for as many districts as are allocated to Indiana under 2 U.S.C. 2a.

Sec. 3. Districts must be established on the basis of population.

Sec. 4. Except as provided by section 10 of this chapter, the population of a district of the house of representatives or the senate may not deviate from the ideal district population by more than two percent (2%) of the ideal district population.

Sec. 5. (a) Districts must be composed of contiguous territory.

(b) Areas that meet only at the point of adjoining corners are not considered contiguous.

Sec. 6. Districts must be as compact as possible to the extent practicable while considering other provisions of this chapter and the federal Voting Rights Act.

Sec. 7. Districts must not breach precinct boundaries.

Sec. 8. To the extent possible consistent with sections 3 through 7 of this chapter, district boundaries must seek to coincide with the boundaries of Indiana political subdivisions as follows:

(1) The commission shall seek to minimize the number of counties and cities divided among more than one (1) district.

(2) Except as provided in subdivision (3), if there is a choice between political subdivisions to be divided, a more populous political subdivision shall be divided before a less populous political subdivision is divided.

(3) Subdivision (2) does not apply to a district boundary drawn along a county line that passes through a municipality that lies in more than one (1) county.

Sec. 9. A plan for senate districts may not include a senate district that includes the residence address of two (2) or more senators, one (1) or more of whose term of office expires at the second general election held after the redistricting year.

Sec. 10. (a) In evaluating plans for recommendation, the commission shall consider the effect that a plan has on language minority groups and racial minority groups as required by the federal Voting Rights Act.

(b) Except as provided in this subsection, the commission and the agency may not consider past election results in preparing proposed maps of legislative district plans and congressional district plans. After the maps have been published under IC 2-1.5-3-4, the agency shall review past election results to evaluate the proposed maps for compliance with the federal Voting Rights Act, and if necessary, shall recommend to the commission one (1) or more modifications to the maps to bring the maps into compliance with the federal Voting Rights Act. The modifications recommended under this subsection may include population deviations greater than those imposed under section 4 of this chapter. However, the population deviations may not exceed ten percent (10%).

SECTION 2. IC 2-2.1-1-2.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2.7. (a) The definitions in IC 2-1.5-1 apply throughout this section.

(b) Before October 1 of a redistricting year, the general assembly shall convene and enact bills to establish the following:

(1) House of representatives districts.

(2) Senate districts.

(3) Congressional districts.

(c) A bill to enact a redistricting plan recommended by the redistricting commission under IC 2-1.5-3 must be introduced in, considered by, and voted on by each house of the general assembly, without amendment, except amendments of a technical nature.

(d) If the general assembly does not enact the redistricting plan recommended by the redistricting commission under IC 2-1.5-3, the general assembly shall provide, not later than two (2) days after the general assembly fails to enact the recommended plan, written comments to the redistricting commission concerning the reason or reasons why the recommended plan was not enacted.

(e) Not later than fifteen (15) days after receiving the general assembly's comments under subsection (d), the redistricting commission shall recommend to the general assembly a second redistricting plan. The second redistricting plan recommended by the redistricting commission must be introduced in, considered by, and voted on by each house of the general assembly, without amendment, except amendments of a technical nature.

(f) Unless the general assembly has enacted bills described in subsection (b) at:

(1) a session convened under another section of this chapter; or

(2) a special session called by the governor;

the general assembly may not consider a matter that is not relevant to the legislation described in subsection (b) during a session convened under this section.

SECTION 3. IC 3-3-2 IS REPEALED [EFFECTIVE JULY 1, 2018]. (Redistricting Commission).

SECTION 4. IC 3-3-5-10, AS ADDED BY P.L.215-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 10. Beginning November 6, 2012, the 2001 Congressional District Plan:

(1) adopted by the redistricting commission under IC 3-3-2 (before its repeal); and

(2) published in the governor's executive order 01-11 in the Indiana Register at 24 IR 3293-3298;

is void."

Page 1, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 6. IC 3-8-2-8, AS AMENDED BY P.L.169-2015, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 8. (a) A declaration of candidacy for the office of United States Senator or for the office of governor must be accompanied by a petition signed by at least four thousand five hundred (4,500) voters of the state, including at least five hundred (500) voters from each congressional district.

(b) Each petition must contain the following:

(1) The signature of each petitioner.

(2) The name of each petitioner legibly printed.

(3) The residence address of each petitioner as set forth on the petitioner's voter registration record.

(c) Except as provided in this subsection, the signature, printed name, and residence address of the petitioner must be made in writing by the petitioner. If a petitioner with a disability is unable to write this information on the petition, the petitioner may authorize an individual to do so on the petitioner's behalf. The individual acting under this subsection shall execute an affidavit of assistance for each such petitioner, in a form prescribed by the election division. The form must set forth the name and address of the individual providing assistance, and the date the individual provided the assistance. The form must be submitted with the petition.

(d) This subsection applies to a petition filed during the period:

(1) beginning on the date that a congressional district plan has been adopted under ~~IC 3-3~~; IC 2-1.5; and

(2) ending on the date that the part of the act or order issued under ~~IC 3-3-2~~ establishing the previous congressional district plan is repealed or superseded.

The petition must be signed by at least four thousand five hundred (4,500) voters of Indiana, including at least five hundred (500) voters from each congressional district created by the most recent congressional district plan adopted under ~~IC 3-3~~. IC 2-1.5.

SECTION 7. IC 3-8-3-2, AS AMENDED BY P.L.169-2015, SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. (a) A request filed under section 1 of this chapter must be accompanied by a petition

signed by at least four thousand five hundred (4,500) voters of the state, including at least five hundred (500) voters from each congressional district.

(b) Each petition must contain the following:

(1) The signature of each petitioner.

(2) The name of each petitioner legibly printed.

(3) The residence address of each petitioner as set forth on the petitioner's voter registration record.

(c) Except as provided in this subsection, the signature, printed name, and residence address of the petitioner must be made in writing by the petitioner. If a petitioner with a disability is unable to write this information on the petition, the petitioner may authorize an individual to do so on the petitioner's behalf. The individual acting under this subsection shall execute an affidavit of assistance for each such petitioner, in a form prescribed by the election division. The form must set forth the name and address of the individual providing assistance, and the date the individual provided the assistance. The form must be submitted with the petition.

(d) This subsection applies to a petition filed during the period:

(1) beginning on the date that a congressional district plan has been adopted under ~~IC 3-3~~; IC 2-1.5; and

(2) ending on the date that the part of the act or order issued under ~~IC 3-3-2~~ establishing the previous congressional district plan is repealed or superseded.

The petition must be signed by at least four thousand five hundred (4,500) voters of Indiana, including at least five hundred (500) voters from each congressional district created by the most recent congressional district plan adopted under ~~IC 3-3~~. IC 2-1.5."

Renumber all SECTIONS consecutively.

(Reference is to ESB 327 as printed February 23, 2018.)

HATFIELD

Representative Torr rose to a point of order, citing Rule 118, stating that the motion was attempting to incorporate into Engrossed Senate Bill 327a bill pending before the House. The Speaker ruled the point was well taken and the motion was out of order.

APPEAL OF THE RULING OF THE CHAIR

Mr. Speaker: We appeal the ruling of the Chair that amendment 2 for Senate Bill 327 violates Houe Rule 118 concerning bills pending which states that no bill may be amended by incorporating with it any other bill pending before the House of Representatives. The amendment is assuredly not pending before the House as a bill.

DVORAK

HATFIELD

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

The question was, Shall the ruling of the Chair be sustained? Roll Call 297: yeas 67, nays 22. The ruling of the Chair was sustained.

The Speaker Pro Tempore yielded the gavel to the Speaker.

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

Engrossed Senate Bill 303

Representative Behning called down Engrossed Senate Bill 303 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 303-2)

Mr. Speaker: I move that Engrossed Bill 303 be amended to read as follows:

Page 10, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 17. [EFFECTIVE UPON PASSAGE] (a) The definitions in IC 20 apply throughout this SECTION.

(b) Not later than August 1, 2019, the division (as defined in IC 20-19-3-14(a)), in consultation with the department of homeland security established by IC 10-19-2-1, shall conduct an audit of each school corporation's school safety plan and provide an onsite safety review for each school corporation and make recommendations to the school corporation of the division's findings.

(c) This SECTION expires July 1, 2020."

Renumber all SECTIONS consecutively.

(Reference is to ESB 303 as printed February 27, 2018.)

BEHNING

Motion prevailed.

HOUSE MOTION
(Amendment 303-1)

Mr. Speaker: I move that Engrossed Senate Bill 303 be amended to read as follows:

Page 10, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 16. IC 22-11-17-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Except as provided in subsections (b) and (d) and section 2.5 of this chapter, an owner of a public building shall not permit an exit to be locked or obstructed in any manner that denies the public a continuous and unobstructed means of egress while lawfully occupied by anyone who is not an officer or an employee.

(b) The commission may adopt rules under IC 4-22-2 that:

- (1) allow the owner of a public building to equip an exit with a special egress control device;
- (2) limit the circumstances under which a special egress control device may be used; and
- (3) allow an exit that was in compliance with the rules of the commission when the exit was constructed to be equipped with a special egress control device.

(c) An owner of a public building shall not permit a fire alarm to be disconnected or otherwise rendered inoperative, except in cases of routine maintenance or for repair.

(d) A school that has one (1) or more employees may barricade or block a door for a period not to exceed three (3) minutes in the event of an unplanned fire alarm activation in order for a designated school official to investigate the alarm. The school must initiate evacuation and safety procedures after the three (3) minute period expires. However, the period may be extended in the event that an active shooter has been verified to be on the school's property.

SECTION 17. [EFFECTIVE UPON PASSAGE] (a) The definitions used in IC 20 apply throughout this SECTION.

(b) On or before August 1, 2018, the state fire marshal appointed under IC 22-14-2-2, in consultation with the department, shall send written guidance to each school that has one (1) or more employees. The guidance must describe how a school may apply current fire safety requirements for an unplanned fire alarm activation in order to provide security to students and school staff in the event of a potential active shooter situation. The written guidance may be sent to a school in an electronic format."

Renumber all SECTIONS consecutively.

(Reference is to ESB 303 as printed February 27, 2018.)

FRYE

Motion prevailed.

HOUSE MOTION
(Amendment 303-5)

Mr. Speaker: I move that Engrossed Senate Bill 303 be amended to read as follows:

Page 8, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 12. IC 20-49-10 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 10. Loan Forgiveness of Common School Loans or Advances

Sec. 1. Common school fund loans or advances made to a school corporation that is:

- (1) designated as a distressed political subdivision under IC 6-1.1-20.3; or
- (2) placed under the control of a state educational institution (as defined in IC 21-7-13-32);

shall be forgiven if the common school fund loans or advances were incurred by the school corporation during the period of, or prior to, the school corporation being designated as a distressed political subdivision or placed under the control of the state educational institution."

Renumber all SECTIONS consecutively.

(Reference is to ESB 303 as printed February 27, 2018.)

ERRINGTON

Motion failed. The bill was ordered engrossed.

Engrossed Senate Bill 269

Representative Soliday called down Engrossed Senate Bill 269 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 269-2)

Mr. Speaker: I move that Engrossed Senate Bill 269 be amended to read as follows:

Page 1, line 3, strike "(a)".

Page 2, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 2. IC 8-16-15.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]:

Chapter 15.5. New Harmony and Wabash River Bridge Authority

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

- (1) "Bridge" means the White County bridge over the Wabash River that connects White County, Illinois, and Posey County, Indiana. The term includes all approaches and rights of way necessary or desirable for the operation and maintenance of the bridge.
- (2) "Bridge authority" means the New Harmony and Wabash River bridge authority created by section 2 of this chapter.
- (3) "Commission" refers to the White County bridge commission created by Congressional Act of April 12, 1941, Public Law 77-37, 55 Stat. 140.

Sec. 2. (a) The New Harmony and Wabash River bridge authority is established as a separate body corporate and politic of the state for the purposes set forth in section 6 of this chapter.

(b) The bridge authority is an entity separate from the state or any entity responsible for appointing the initial members of the bridge authority. Though separate from the state and state entities, the bridge authority's exercise of its powers constitutes an essential governmental, public, and corporate function when carrying out the purposes of this chapter.

(c) The bridge authority has the power to make and enter into any contract that may be necessary to implement this chapter. The bridge authority's contract power includes the ability to enter into an agreement or contract with the state of Illinois or any governmental entity in the state of Illinois to:

- (1) jointly form the bridge authority; or
- (2) grant to the bridge authority the power to own and operate assets in the state of Illinois that are transferred by the commission to the bridge authority.

Except as otherwise provided by this chapter, a contract made by the bridge authority is not subject to approval or ratification by any other board, body, or officer.

(d) The bridge authority may exercise its powers with respect to the assets of the commission, including the power to contract with an entity, public or private, established in Illinois, to the extent permitted by Illinois law.

Sec. 3. (a) The bridge authority shall be composed of the following five (5) individuals:

- (1) Three (3) members appointed by the governor, no more than two (2) of whom may be from the same political party.
- (2) One (1) member appointed by the appropriate county executive of Posey County.
- (3) One (1) member appointed by the appropriate town executive of New Harmony.

(b) Except as provided in subsection (c), all members must be residents of Posey County and at least eighteen (18) years of age.

(c) If the bridge authority:

- (1) forms a joint authority between:
 - (A) the state and Illinois; or
 - (B) the state and an Illinois entity; or
- (2) enters into an agreement with an Illinois entity to jointly act in implementing this chapter;

the bridge authority may determine the membership and term of office for any bridge authority member representing Illinois or an Illinois entity.

(d) Each bridge authority member, before beginning the member's duties, shall execute a bond payable to the state. The bond must:

- (1) be in the sum of fifteen thousand dollars (\$15,000);
- (2) be conditioned upon the member's faithful performance of the duties of the member's office; and
- (3) account for all monies and property that may come into the member's possession or under the member's control.

The cost of the bond shall be paid by the bridge authority.

(e) If a member ceases to be qualified under this section, the member forfeits the member's office.

(f) Bridge authority members are not entitled to salaries but may seek reimbursement for expenses incurred in the performance of their duties.

Sec. 4. (a) An appointment to the bridge authority shall be for a term of four (4) years. Each member appointed to the bridge authority:

- (1) shall hold office for the term of the appointment;
- (2) shall continue to serve after the expiration of the appointment until a qualified successor is appointed;
- (3) remains eligible for reappointment to the bridge authority if the requirements described in section 3 of this chapter remain met; and
- (4) may be removed from office by the other members of the bridge authority with or without cause.

(b) Members of the bridge authority shall fill vacancies for any unexpired term of a member or for any member appointed by the other members of the bridge authority as provided in this section.

(c) A member of the bridge authority, including a member appointed under section 3(c) of this chapter, may be reappointed.

Sec. 5. (a) The bridge authority shall hold an organizational meeting within thirty (30) days after the initial appointment of the members and every January of each subsequent year. During each organizational meeting, the bridge authority must elect the following officers from existing bridge authority membership:

- (1) A chair.
- (2) A vice chair.
- (3) A secretary treasurer.

(b) The bridge authority may adopt rules under IC 4-22-2 in order to implement this section.

Sec. 6. The bridge authority is established for the purpose of:

- (1) inheriting the assets, duties, powers, and rights of the commission;
- (2) accepting the transfer and ownership of the bridge and all interests of the commission in real and personal property;
- (3) accepting or receiving all other assets of the commission; and
- (4) equipping, financing, improving, maintaining, operating, reconstructing, rehabilitating, and restoring the bridge for use by motor vehicles, pedestrians, and other modes of transportation.

Sec. 7. (a) The bridge authority may do the following:

- (1) Accept the assets of the commission.
- (2) Hold, exchange, lease, rent, sell (by conveyance by deed, land sale contract, or other instrument), use, or otherwise dispose of property acquired for the purpose of implementing this chapter.
- (3) Prescribe the duties and regulate the compensation of the employees of the bridge authority.
- (4) Provide a pension and retirement system for employees of the bridge authority through use of the Indiana public employees' retirement fund.
- (5) Contract for the alteration, construction, extension, improvement, rehabilitation, or restoration of the bridge.
- (6) Accept grants, loans, and other forms of financial assistance from the federal government, the state government, a political subdivision (as defined in IC 36-1-2-13), a foundation, or any other source.
- (7) Establish and revise, as necessary, any charge or toll assessed for transit over the bridge.
- (8) Collect or cause to be collected any charge or toll assessed for transit over the bridge.
- (9) Borrow money, make guaranties, issue bonds, and otherwise incur indebtedness for any of the bridge authority's purposes.
- (10) Issue debentures, notes, or other evidences of indebtedness, whether secured or unsecured, to any person, as provided in this chapter.

(b) The bridge authority may exercise any of the powers authorized by this chapter in the state of Illinois to the extent provided:

- (1) under Illinois law; or
- (2) through a joint action taken with Illinois or an Illinois entity as described in section 2(c) of this chapter.

Sec. 8. (a) The bridge authority may, by resolution, issue and sell bonds or notes of the bridge authority for the purpose of providing funds to implement this chapter.

(b) Before issuing a series of bonds or notes, the bridge authority shall publish a notice of its determination to issue the bonds or notes in accordance with IC 5-3-1.

(c) No action to contest the validity of:

- (1) any contract entered into by the bridge authority before the bonds or notes are issued; or
- (2) a series of bonds or notes issued by the bridge authority;

may be brought after the thirtieth day following the

publication of the notice required by subsection (b).

(d) If an action challenging a contract, bond, or note is not brought within the time frame described in subsection (c), the contract, bond, or note shall be presumed to be fully authorized and valid under the laws of the state and no person or entity may question the authorization, validity, execution, delivery, or issuance of the contract, bond, or note.

Sec. 9. The:

(1) members of the bridge authority; and

(2) officers and employees of the bridge authority;

responsible for the approval or execution of a bond, lease, obligation, or other agreement may not be subject to personal liability or accountability for the performance of any act authorized by this chapter.

Sec. 10. (a) All bonds or notes issued under this chapter are issued by the bridge authority as a body corporate and politic of the state, but not as a state agency, and for an essential public and governmental purpose. The bonds and notes, the interest on the bonds and notes, the proceeds received by an owner from the sale of the bonds or notes to the extent of the owner's cost of acquisition, proceeds received upon redemption for maturity, proceeds received at maturity, and the receipt of the interest and proceeds are exempt from taxation for all purposes except the financial institutions tax imposed under IC 6-5.5.

(b) No bonds or notes issued by the bridge authority under this chapter constitute a debt, liability, or obligation of the state or any political subdivision or a pledge of the faith and credit of the state or any political subdivision. Each bond or note issued under this chapter must contain on its face a statement that neither the faith and credit nor the taxing power of the state or any political subdivision is pledged to the payment of the principal of or the interest on the bond or the note.

Sec. 11. Notwithstanding any other law or provision, all financial institutions, investment companies, insurance companies, insurance associations, executors, administrators, guardians, trustees, and other fiduciaries may legally invest sinking funds, money, or other funds belonging to them or within their control in bonds or notes issued under this chapter.

Sec. 12. Bonds or notes issued under this chapter are exempt from the registration requirements of IC 23-19 and any other state securities registration statutes.

Sec. 13. A pledge of proceeds of bonds or notes, investment earnings on those proceeds, or other money pledged by the bridge authority is binding from the time the pledge is made. Proceeds of bonds or notes, investment earnings on those proceeds, or other money pledged by the bridge authority and then received by the bridge authority or its trustee or fiduciary is immediately subject to the lien of the pledge without any further act, and the lien of the pledge is binding against all parties having claims of any kind in tort, contract, or otherwise against the bridge authority, regardless of whether the parties have notice of the lien. A resolution, trust agreement, or any other instrument that creates a pledge is required to be filed or recorded only in the records of the bridge authority.

Sec. 14. All property of the bridge authority is public property devoted to an essential public and governmental function and purpose and is exempt from all taxes and special assessments of the state or any political subdivision.

Sec. 15. Neither:

(1) the state; nor

(2) a political subdivision of the state, including, without limitation, Posey County and the town of New Harmony;

is liable for any action taken by the bridge authority."

Page 5, after line 23, begin a new paragraph and insert:

"SECTION 6. IC 34-30-2-25.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 25.5. IC 8-16-15.5-9 (Concerning members of the New Harmony and Wabash River bridge authority).**

SECTION 7. IC 34-30-2-25.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 25.6. IC 8-16-15.5-15 (Concerning actions taken by the New Harmony and Wabash River bridge authority)."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 269 as printed February 23, 2018.)

MCNAMARA

Motion prevailed.

HOUSE MOTION

(Amendment 269-3)

Mr. Speaker: I move that Engrossed Senate Bill 269 be amended to read as follows:

Page 1, line 3, strike "(a)".

Page 2, delete lines 25 through 36, begin a new paragraph and insert:

"(b) As used in this chapter, "news media entity" means:

(1) a newspaper or locality newspaper or other publication issued at regular intervals and having a general circulation; or

(2) a licensed radio or television station that regularly broadcasts local news.

(c) Beginning January 1 of every year, the department's districts shall release a contract let list to at least one (1) news media entity servicing each county served by the district every one hundred eighty (180) days. The contract let list described in this subsection must list all of the department's scheduled construction projects in the district for the one hundred eighty (180) day period and the projected letting date for each of the listed construction projects."

(Reference is to ESB 269 as printed February 23, 2018.)

SOLIDAY

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 243

Representative T. Brown called down Engrossed Senate Bill 243 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 243-3)

Page 1, line 3, delete "hospitals" and insert "hospitals, sub-acute care hospitals, and recovery centers".

Page 2, between lines 6 and 7, begin a new line block indented and insert:

"(6) One (1) member appointed by the governor from a recommendation list submitted to the governor by AARP, Inc.

(7) The secretary of family and social services appointed under IC 12-8-1.5-2 or the secretary's designee.

(8) One (1) member appointed by the governor from a recommendation list submitted to the governor by the Indiana Minority Health Coalition."

(Reference is to **ESB 243 as printed February 26, 2018.**)

T. BROWN

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 242

Representative T. Brown called down Engrossed Senate Bill 242 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 242-1)

Mr. Speaker: I move that Engrossed Bill 242 be amended to read as follows:

Page 3, delete lines 23 through 42, begin a new paragraph and insert:

"SECTION 7. IC 4-33-12-4, AS AMENDED BY P.L.268-2017, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) A licensed owner must report:

- (1) **the daily amount of admissions taxes imposed under section 1 of this chapter (before its repeal on July 1, 2018) and supplemental wagering taxes collected to the department. The licensed owner must report the taxes collected each day for the preceding day's admissions: imposed under section 1.5 of this chapter to the department at the time the taxes are paid under subsection (b); and**
- (2) **gaming activity information to the commission daily on forms prescribed by the commission.**

This subsection expires June 30, 2018.

(b) A licensed owner shall pay the admissions taxes imposed under section 1 of this chapter (before its repeal on July 1, 2018) and supplemental wagering taxes ~~collected~~ **imposed under section 1.5 of this chapter** to the department ~~one (1) day before the last business on the twenty-fourth calendar day of each month. for the admissions and supplemental wagering taxes collected that month.~~ Any taxes ~~collected~~ **tax liability incurred** during the month but after the day on which the taxes are required to be paid to the department shall be paid to the department at the same time the following month's taxes are due.

This subsection expires June 30, 2018.

(c) **This subsection is effective July 1, 2018. A licensed owner must report:**

- (1) **the daily amount of supplemental wagering taxes imposed under section 1.5 of this chapter to the department at the time the taxes are paid under subsection (d); and**
- (2) **gaming activity information to the commission daily on forms prescribed by the commission.**

(d) **This subsection is effective July 1, 2018. A licensed owner shall pay the supplemental wagering taxes imposed under section 1.5 of this chapter to the department on the twenty-fourth calendar day of each month. Any tax liability incurred during the month but after the day on which the taxes are required to be paid to the department shall be paid to the department at the same time the following month's taxes are due.**

~~(e)~~ (e) The payment of the tax under this section must be on a form prescribed by the department.

~~(f)~~ (f) The payment of the tax under this section must be ~~an electronic funds transfer by automated clearinghouse: in a manner prescribed by the department."~~

Page 4, delete lines 1 through 4.

Page 28, line 23, delete "2017," and insert **"2017 (including any part of the rate imposed for qualified utility and insurance costs in 2017),"**

Page 37, delete lines 22 through 27, begin a new line block indented and insert:

"(23) Add an amount equal to the reduction for deferred foreign income that was claimed by the taxpayer for the taxable year under Section 965 of the Internal Revenue Code. Notwithstanding the general application of this section to taxable years beginning after December 31, 2017, the addition under this subdivision is to be made in the same taxable year that the taxpayer takes into account the increase in Subpart F income under Section 965(a) of the Internal Revenue Code and uses the reduction for deferred foreign income under Section 965 of the Internal Revenue Code, including a taxable year that begins before January 1, 2018. This subdivision does not apply to a deduction under Section 965 of the Internal Revenue Code as it existed before its amendment by the federal Tax Cuts and Jobs Act of 2017."

Page 39, delete lines 20 through 25, begin a new line block indented and insert:

"(13) Add an amount equal to the reduction for deferred foreign income that was claimed by the taxpayer for the taxable year under Section 965 of the Internal Revenue Code. Notwithstanding the general application of this section to taxable years beginning after December 31, 2017, the addition under this subdivision is to be made in the same taxable year that the taxpayer takes into account the increase in Subpart F income under Section 965(a) of the Internal Revenue Code and uses the reduction for deferred foreign income under Section 965 of the Internal Revenue Code, including a taxable year that begins before January 1, 2018. This subdivision does not apply to a deduction under Section 965 of the Internal Revenue Code as it existed before its amendment by the federal Tax Cuts and Jobs Act of 2017."

Page 42, delete lines 17 through 22, begin a new line block indented and insert:

"(12) Add an amount equal to the reduction for deferred foreign income that was claimed by the taxpayer for the taxable year under Section 965 of the Internal Revenue Code. Notwithstanding the general application of this section to taxable years beginning after December 31, 2017, the addition under this subdivision is to be made in the same taxable year that the taxpayer takes into account the increase in Subpart

F income under Section 965(a) of the Internal Revenue Code and uses the reduction for deferred foreign income under Section 965 of the Internal Revenue Code, including a taxable year that begins before January 1, 2018. This subdivision does not apply to a deduction under Section 965 of the Internal Revenue Code as it existed before its amendment by the federal Tax Cuts and Jobs Act of 2017."

Page 44, delete lines 15 through 20, begin a new line block indented and insert:

"(12) Add an amount equal to the reduction for deferred foreign income that was claimed by the taxpayer for the taxable year under Section 965 of the Internal Revenue Code. Notwithstanding the general application of this section to taxable years beginning after December 31, 2017, the addition under this subdivision is to be made in the same taxable year that the taxpayer takes into account the increase in Subpart F income under Section 965(a) of the Internal Revenue Code and uses the reduction for deferred foreign income under Section 965 of the Internal Revenue Code, including a taxable year that begins before January 1, 2018. This subdivision does not apply to a deduction under Section 965 of the Internal Revenue Code as it existed before its amendment by the federal Tax Cuts and Jobs Act of 2017."

Page 46, delete lines 21 through 26, begin a new paragraph and insert:

"(h) For purposes of determining adjusted gross income under this section, the following apply:

(1) Any interest paid by the taxpayer to an entity, other than directly related interest expenses (as defined by IC 6-3-2-20):

(A) shall be allowed as a deduction to the same extent the interest was deducted in a taxable year by the taxpayer under the Internal Revenue Code;

(B) shall be disallowed as a deduction to the same extent that the interest is disallowed as a deduction for the taxable year under the Internal Revenue Code; and

(C) to the extent disallowed for a taxable year under Section 163(j) of the Internal Revenue Code, the interest expense shall be carried forward in the same manner as provided in Section 163(j) of the Internal Revenue Code.

For purposes of this subdivision, if the computation of the limitation under Section 163(j) of the Internal Revenue Code is determined for a federal affiliated group as opposed to being determined on an entity by entity basis, any interest allowed or disallowed as a deduction for a taxpayer is the amount actually deducted by or disallowed for that taxpayer, even if the taxpayer may have otherwise been permitted an interest deduction or been disallowed an interest deduction without regard to the affiliated group.

(2) To the extent that an interest expense is a directly

related interest expense under IC 6-3-2-20, any interest expense that is determined to be directly related interest expense:

(A) shall be added back unless it satisfies an exception under IC 6-3-2-20(c);

(A) shall be determined in the taxable year in which the interest expense is incurred; and

(B) shall be carried forward to future taxable years if any interest expense that is disallowed by Section 163(j) of the Internal Revenue Code may be carried forward.

(3) The department may adopt rules or issue guidelines with regard to the allowance, disallowance, and carry forward of:

(A) directly related interest expenses that also constitute business interest otherwise subject to the limitations of Section 163(j)(1) of the Internal Revenue Code;

(B) interest attributable to individuals or entities from partnerships or S corporations; and

(C) any other circumstances in which the application of Section 163(j) of the Internal Revenue Code may lead to ambiguous, indeterminate, or inconsistent results."

Page 47, line 3, after "2018," insert **"other than the federal 21st Century Cures Act (P.L. 114-255) and the federal Disaster Tax Relief and Airport and Airway Extension Act of 2017 (P.L. 115-63),"**

Page 63, line 40, delete "adjusted".

Page 65, delete lines 37 through 42.

Delete pages 66 through 69.

Page 70, delete lines 1 through 19.

Page 70, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 39. IC 6-3-4-8.2, AS AMENDED BY P.L.182-2009(ss), SECTION 200, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 8.2. (a) Each person in Indiana who is required under the Internal Revenue Code to withhold federal tax from winnings shall deduct and retain adjusted gross income tax at the time and in the amount described in withholding instructions issued by the department.

(b) In addition to amounts withheld under subsection (a), every person engaged in a gambling operation (as defined in IC 4-33-2-10) or a gambling game (as defined in IC 4-35-2-5) and making a payment in the course of the gambling operation (as defined in IC 4-33-2-10) or a gambling game (as defined in IC 4-35-2-5) of:

(1) winnings (not reduced by the wager) valued at one thousand two hundred dollars (\$1,200) or more from slot machine play; or

(2) winnings (reduced by the wager) valued at one thousand five hundred dollars (\$1,500) or more from a keno game;

shall deduct and retain adjusted gross income tax at the time and

in the amount described in withholding instructions issued by the department. The department's instructions must provide that amounts withheld shall be paid to the department before the close of the business day following the day the winnings are paid, actually or constructively. **on the twenty-fourth calendar day of each month. Any taxes collected during the month after the day on which the taxes are required to be paid shall be paid to the department at the same time the following month's taxes are due.** Slot machine and keno winnings from a gambling operation (as defined in IC 4-33-2-10) or a gambling game (as defined in IC 4-35-2-5) that are reportable for federal income tax purposes shall be treated as subject to withholding under this section, even if federal tax withholding is not required.

(c) The adjusted gross income tax due on prize money or prizes:

- (1) received from a winning lottery ticket purchased under IC 4-30; and
- (2) exceeding one thousand two hundred dollars (\$1, 200) in value;

shall be deducted and retained at the time and in the amount described in withholding instructions issued by the department, even if federal withholding is not required.

(d) In addition to the amounts withheld under subsection (a), a qualified organization (as defined in IC 4-32.2-2-24(a)) that awards a prize under IC 4-32.2 exceeding one thousand two hundred dollars (\$1, 200) in value shall deduct and retain adjusted gross income tax at the time and in the amount described in withholding instructions issued by the department. The department's instructions must provide that amounts withheld shall be paid to the department before the close of the business day following the day the winnings are paid, actually or constructively."

Page 74, delete lines 14 through 42.

Page 75, delete lines 1 through 17.

Renumber all SECTIONS consecutively.

(Reference is to ESB 242 as printed February 27, 2018.)

T. BROWN

Motion prevailed.

HOUSE MOTION
(Amendment 242-3)

Mr. Speaker: I move that Engrossed Senate Bill 242 be amended to read as follows:

Page 71, line 31, delete "[EFFECTIVE JULY 1, 2018]:" and insert "[EFFECTIVE JANUARY 1, 2018 (RETROACTIVE)]:".

Page 74, line 13, delete "taxes." and insert **"taxes and a credit had been applied to these property taxes before January 1, 2017. Notwithstanding IC 6-3.6-3-3, the ordinance may take effect and the credit may be applied beginning in 2018 if the ordinance is adopted and delivered to the auditor of state and the department of local government finance on or before March 26, 2018. In addition, if the ordinance is adopted to provide a credit beginning in 2018, the county auditor does not have to**

comply with the deadline of March 15, 2018, for the tax duplicate under IC 6-1.1-22-3 or the abstract of property under IC 6-1.1-22-5 but shall:

- (1) prepare the tax duplicate required by IC 6-1.1-22-3; and**
- (2) deliver to the auditor of state and the county treasurer the certified copy of the abstract of property required by IC 6-1.1-22-5;**

as soon as practicable."

(Reference is to ESB 242 as printed February 27, 2018.)

THOMPSON

Motion prevailed.

HOUSE MOTION
(Amendment 242-2)

Mr. Speaker: I move that Engrossed Senate Bill 242 be amended to read as follows:

Page 71, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 40. IC 6-3.6-3-1, AS AMENDED BY P.L.180-2016, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The following is the adopting body for a county:

- (1) The local income tax council in a county in which the county income tax council adopted either:
 - (A) a county option income tax under IC 6-3.5-6 (repealed) that was in effect on January 1, 2015; or
 - (B) a county economic development income tax for the county under IC 6-3.5-7 (repealed) that was in effect on January 1, 2015.
- (2) The county fiscal body in any other county.
- (3) The county fiscal body for purposes of adopting a rate dedicated to paying for a PSAP in the county as permitted by IC 6-3.6-6-2.5.
- (4) The county fiscal body for purposes of adopting a rate dedicated to paying for correctional facilities and rehabilitation facilities in the county as permitted by IC 6-3.6-6-2.7.**

(b) A local income tax council is established for each county. The membership of each county's local income tax council consists of the fiscal body of the county and the fiscal body of each city or town that lies either partially or entirely within that county."

Page 73, between lines 37 and 38, begin a new paragraph and insert:

"SECTION 42. IC 6-3.6-6-2.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.7. (a) A county fiscal body may adopt an ordinance to impose a tax rate for correctional facilities and rehabilitation facilities in the county. The tax rate must be in increments of one-hundredth of one percent (0.01%) and may not exceed two-tenths of one percent (0.2%). The tax rate may not be in effect for more than twenty (20) years.

- (b) The revenue generated by a tax rate imposed under

this section must be distributed directly to the county before the remainder of the expenditure rate revenue is distributed. The revenue shall be maintained in a separate dedicated county fund and used by the county only for paying for correctional facilities and rehabilitation facilities in the county.

SECTION 43. IC 6-3.6-6-3, AS AMENDED BY P.L.247-2017, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Revenue raised from a tax imposed under this chapter shall be treated as follows:

(1) To make the following distributions:

(A) If an ordinance described in section 2.5 of this chapter is in effect in a county, to make a distribution to the county equal to the amount of revenue generated by the rate imposed under section 2.5 of this chapter.

(B) If an ordinance described in section 2.7 of this chapter is in effect in a county, to make a distribution to the county equal to the amount of revenue generated by the rate imposed under section 2.7 of this chapter.

(2) After making the ~~distribution~~ **distributions** described in subdivision (1), if any, to make distributions to school corporations and civil taxing units in counties that formerly imposed a tax under IC 6-3.5-1.1 (repealed). The revenue categorized from the next twenty-five hundredths percent (0.25%) of the rate for a former tax adopted under IC 6-3.5-1.1 (repealed) shall be allocated to school corporations and civil taxing units. The amount of the allocation to a school corporation or civil taxing unit shall be determined using the allocation amounts for civil taxing units and school corporations in the county.

(3) After making the distributions described in subdivisions (1) and (2), the remaining revenue shall be treated as additional revenue (referred to as "additional revenue" in this chapter). Additional revenue may not be considered by the department of local government finance in determining:

(A) any taxing unit's maximum permissible property tax levy limit under IC 6-1.1-18.5; or

(B) the approved property tax rate for any fund.

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

outstanding bonds, leases, or other obligations that are secured by additional revenue. The information must be provided before the date of the public hearing at which the adopting body may change the allocation of additional revenue under section 4 of this chapter.

SECTION 44. IC 6-3.6-9-10, AS AMENDED BY P.L.239-2017, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. The budget agency shall also certify information concerning the part of the certified distribution that is attributable to each of the following:

(1) The tax rate imposed under IC 6-3.6-5.

(2) The tax rate imposed under IC 6-3.6-6, separately stating:

(A) the part of the distribution attributable to a tax rate imposed under IC 6-3.6-6-2.5; and

(B) the part of the distribution attributable to a tax rate imposed under IC 6-3.6-6-2.7.

(3) Each tax rate imposed under IC 6-3.6-7.

(4) In the case of Marion County, the local income taxes paid by local taxpayers described in IC 6-3.6-2-13(3).

The amount certified shall be adjusted to reflect any adjustment in the certified distribution under this chapter."

Renumber all SECTIONS consecutively.

(Reference is to ESB 242 as printed February 27, 2018.)

THOMPSON

Motion prevailed.

HOUSE MOTION
(Amendment 242-5)

Mr. Speaker: I move that Engrossed Senate Bill 242 be amended to read as follows:

Page 90, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 56. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding the effective date in P.L.181-2016, SECTION 16, for IC 6-2.5-1-19.5, as changed by P.L.217-2017, SECTION 172(a), the effective date of P.L.181-2016, SECTION 16, is July 1, 2019, and not July 1, 2018.

(b) Notwithstanding the effective date in P.L.181-2016, SECTION 19, as changed by P.L.217-2017, SECTION 172(b), for IC 6-2.5-4-4, the effective date of P.L.181-2016, SECTION 19, is July 1, 2019, and not July 1, 2018.

(c) Notwithstanding the effective date in P.L.181-2016, SECTION 20, as changed by P.L.217-2017, SECTION 172(c), for IC 6-2.5-4-4.2, the effective date of P.L.181-2016, SECTION 20, is July 1, 2019, and not July 1, 2018."

Renumber all SECTIONS consecutively.

(Reference is to ESB 242 as printed February 27, 2018.)

T. BROWN

The Speaker ordered a division of the House and appointed Representatives Lehman and Pelath to count the yeas and nays. Yeas 49, nays 43.

Motion prevailed. The bill was ordered engrossed.

Representatives Pelath and V. Smith, who had been present, are now excused.

Representatives Eberhart and Moed, who had been excused, are now present.

Engrossed Senate Bill 224

Representative Frizzell called down Engrossed Senate Bill 224 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 224-1)

Mr. Speaker: I move that Engrossed Senate Bill 224 be amended to read as follows:

Page 4, line 32, delete "chapter and the employee complies with the drug".

Page 4, delete line 33.

(Reference is to ESB 224 as printed February 26, 2018.)

TORR

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 223

Representative McNamara called down Engrossed Senate Bill 223 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 223-1)

Mr. Speaker: I move that Engrossed Senate Bill 223 be amended to read as follows:

Page 3, after line 7, begin a new paragraph and insert:

"SECTION 2. IC 25-1-9.1-12, AS ADDED BY P.L.147-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) This section does not apply to a referral made by a provider that has confirmed that the provider to which a covered individual is referred is a network provider with respect to the covered individual's health plan.

(b) A provider that makes a referral shall provide to the covered individual an electronic or paper copy of written notice that states all of the following:

(1) That an out of network provider may be called upon to render health care items or services to the covered individual during the course of treatment.

(2) That an out of network provider described in subdivision (1) is not bound by the payment provisions that apply to health care items or services rendered by a network provider under the covered individual's health plan.

(3) That the covered individual may contact the covered individual's health plan before receiving health care items or services rendered by an out of network provider described in subdivision (1):

(A) to obtain a list of network providers that may render the health care items or services; and

(B) for additional assistance.

(c) A provider that makes a referral via telephone to a

patient of record shall provide to the covered individual all of the following information:

(1) That an out of network provider may be called upon to render health care items or services to the covered individual during the course of treatment.

(2) That an out of network provider described in subdivision (1) is not bound by the payment provisions that apply to health care items or services rendered by a network provider under the covered individual's health plan.

(3) That the covered individual may contact the covered individual's health plan before receiving health care items or services rendered by an out of network provider described in subdivision (1):

(A) to obtain a list of network providers that may render the health care items or services; and

(B) for additional assistance.

(4) The provider shall note in the covered individual's medical chart:

(A) the name of the provider to whom the covered individual was referred; and

(B) that the referral was made via telephone.

SECTION 3. **An emergency is declared for this act."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 223 as printed February 26, 2018.)

CARBAUGH

Motion prevailed.

HOUSE MOTION
(Amendment 223-2)

Mr. Speaker: I move that Engrossed Senate Bill 223 be amended to read as follows:

Page 3, after line 7, begin a new line double block indented and insert:

"(E) The office of the attorney general."

(Reference is to ESB 223 as printed February 26, 2018.)

MCNAMARA

Motion prevailed. The bill was ordered engrossed.

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

Engrossed Senate Bill 50

Representative Huston called down Engrossed Senate Bill 50 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 50-4)

Mr. Speaker: I move that Engrossed Bill 50 be amended to read as follows:

Page 4, line 34, after "schools" insert **"maintained by a school corporation, a charter school, or an accredited nonpublic school"**.

(Reference is to ESB 50 as printed February 27, 2018.)

HUSTON

Motion prevailed.

HOUSE MOTION
(Amendment 50-3)

Mr. Speaker: I move that Engrossed Senate Bill 50 be amended to read as follows:

Page 5, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 3. IC 22-4.1-20-1, AS ADDED BY P.L.7-2011, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. As used in this chapter, "eligible provider" has the meaning set forth in ~~20 U.S.C. 9202.~~ **29 U.S.C. 3272.**

SECTION 4. IC 22-4.1-20-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 1.5. As used in this chapter, "work Indiana program" means the short term certification training program developed and administered by the department for individuals enrolled in adult education.**

SECTION 5. IC 22-4.1-20-4, AS AMENDED BY P.L.121-2014, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. (a) **Not less than twenty-five percent (25%) of the money appropriated by the general assembly for adult education and the work Indiana program shall be used as provided in subsections (b) and (c).**

(b) **Money described in subsection (a)** may be used ~~only~~ to reimburse an eligible provider for adult education that is provided to individuals who:

- (1) need the education to master a skill that leads to:
 - (A) the completion of grade 8; or
 - (B) an Indiana high school equivalency diploma under IC 22-4.1-18;
- (2) need the education to receive high school credit to obtain a high school diploma; or
- (3) have graduated from high school (or received a high school equivalency certificate, a general educational development (GED) diploma, or an Indiana high school equivalency diploma), but who demonstrate basic skill deficiencies in mathematics or English/language arts.

(c) **The department shall use money described in subsection (a) for adult education grants to employers. An employer is eligible for an adult education grant for each eligible employee who obtains a high school diploma or a high school equivalency diploma through a program organized or funded by the employer. The amount of the grant is the lesser of five hundred dollars (\$500) or the out-of-pocket expenditure by the employer for the costs described in subsection (e). To qualify as an eligible employee, an individual must meet all of the following criteria:**

- (1) **The individual must be at least eighteen (18) years of age and not enrolled in a school corporation's kindergarten through grade 12 educational program.**
- (2) **The individual must be a resident of Indiana for at least thirty (30) days before enrolling in a program of adult education.**

(3) The individual must be employed on a part-time or full-time basis in Indiana.

(4) When initially employed by the employer, the individual must:

- (A) have insufficient high school credits to earn a high school diploma; or**
- (B) not have failed the examination to earn a high school equivalency diploma or a general educational development (GED) diploma.**

(d) For purposes of reimbursement under this section, the eligible provider may not count an individual who is also enrolled in a school corporation's kindergarten through grade 12 educational program. An individual described in ~~subdivision (3)~~ **subsection (b)(3)** may be counted for reimbursement by the eligible provider only for classes taken in mathematics and English/language arts.

(~~b~~) (e) The council shall provide for reimbursement to an eligible provider **or employer** under this section for instructor salaries and administrative and support costs. However, the council may not allocate more than fifteen percent (15%) of the total appropriation under subsection (a) for administrative and support costs.

SECTION 6. IC 22-4.1-26 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

Chapter 26. Next Level Jobs Employer Training Grant Program

Sec. 1. As used in this chapter, "program" refers to the next level jobs employer training grant program established by section 2 of this chapter.

Sec. 2. The next level jobs employer training grant program is established to provide grants to reimburse training costs to employers for newly trained employees.

Sec. 3. The department shall administer the program.

Sec. 4. During the state fiscal year beginning July 1, 2018, the department may allocate not more than ten million dollars (\$10,000,000) from the fiscal year appropriation for career and technical education innovation and advancement for the program.

Sec. 5. Eligible employees must be trained, hired, and retained for at least six (6) months in one (1) of the following sectors:

- (1) **Advanced manufacturing.**
- (2) **Technology business services.**
- (3) **Transportation and logistics.**
- (4) **Health sciences.**
- (5) **Building and construction.**
- (6) **Agriculture.**

Sec. 6. (a) Eligible training under this chapter must be job skills training that ties to an in demand occupation.

(b) Eligible training under this chapter does not include human resource training or job shadowing.

Sec. 7. (a) The maximum grant amount provided under this chapter to an employer for any particular eligible employee is five thousand dollars (\$5,000).

(b) The maximum grant amount provided under this chapter to a particular employer is fifty thousand dollars (\$50,000)."

Renumber all SECTIONS consecutively.
(Reference is to ESB 50 as printed February 27, 2018.)

SULLIVAN

Motion prevailed.

HOUSE MOTION
(Amendment 50-6)

Mr. Speaker: I move that Engrossed Senate Bill 50 be amended to read as follows:

Page 7, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 5. [EFFECTIVE JULY 1, 2018] (a) The legislative council is urged to assign to an appropriate interim study committee for study during the 2018 interim the question of whether under the federal Workforce Innovation and Opportunity Act (WIOA) the state should submit a combined state WIOA plan instead of a unified state WIOA plan when the state is required to submit a new WIOA plan to the United States Department of Labor.

(b) This SECTION expires January 1, 2019."

Renumber all SECTIONS consecutively.
(Reference is to ESB 50 as printed February 27, 2018.)

AUSTIN

Upon request of Representatives Mahan and Karickhoff, the Speaker ordered the roll of the House to be called. Roll Call 298: yeas 90, nays 0. Motion prevailed.

Representatives Culver and Wolkins, who had been present, are now excused.

HOUSE MOTION
(Amendment 50-5)

Mr. Speaker: I move that Engrossed Senate Bill 50 be amended to read as follows:

Page 2, between lines 16 and 17, begin a new line block indented and insert:

"(5) Study policies and proposals from other states that are designed to provide free or substantially reduced tuition to students attending state colleges and universities and analyze how these types of policies could be implemented in Indiana."

Page 2, line 17, delete "(5)" and insert "(6)".
(Reference is to ESB 50 as printed February 27, 2018.)

DVORAK

Upon request of Representatives Clere and Frye, the Speaker ordered the roll of the House to be called. Roll Call 299: yeas 89, nays 0. Motion prevailed. The bill was ordered engrossed.

ENROLLED ACTS SIGNED

The Speaker announced that he had signed House Enrolled Acts 1017, 1023, 1024, 1033, 1034, 1050, 1057, 1073, 1091,

1095, 1100, 1115, 1116, 1117, 1135, 1175, 1180, 1191, 1194, 1257, 1287, 1292, 1328 and 1412 on March 1.

ENROLLED ACTS SIGNED

The Speaker announced that he had signed Senate Enrolled Acts 4, 9, 13, 24, 44, 100, 105, 165, 182, 184, 233, 246, 351 and 360 on March 1.

**MOTIONS TO DISSENT
FROM SENATE AMENDMENTS**

HOUSE MOTION

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

SIEGRIST

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1074 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

SULLIVAN

Motion prevailed.

HOUSE MOTION

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

OBER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1109 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

CARBAUGH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1227 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

BAIRD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1270 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

SIEGRIST

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1398 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

BEHNING

Motion prevailed.

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that Representative Heine be added as cosponsor of Engrossed Senate Bill 50.

HUSTON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three cosponsors and that Representatives Hatfield, Zent, and Jordan be added as cosponsors of Engrossed Senate Bill 128.

SULLIVAN

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Bartlett be added as cosponsor of Engrossed Senate Bill 327.

RICHARDSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Lindauer, Klinker and Hamilton be added as cosponsors of Engrossed Senate Bill 380.

BARTELS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three cosponsors and that

Representative Cherry be added as cosponsor of Engrossed Senate Bill 419.

MORRIS

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has concurred in the House amendments to Engrossed Senate Bills 98, 142, 180, 297, 354, 375, 428 and 438.

JENNIFER L. MERTZ

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed House Bills 1017, 1023, 1024, 1095, 1135, 1175, 1328, 1359 and 1412 and the same are herewith returned to the House.

JENNIFER L. MERTZ

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1006, 1035, 1070, 1074, 1089, 1143, 1250, 1260, 1270, 1286, 1288, 1314, 1397 and 1398 with amendments and the same are herewith returned to the House for concurrence.

JENNIFER L. MERTZ

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 15 and the same is herewith transmitted to the House for further action.

JENNIFER L. MERTZ

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 54 and 55 and the same are herewith returned to the House.

JENNIFER L. MERTZ

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators to serve as conference committee on Engrossed Senate Bill 52:

Conferees: M. Young, Chairman; and Lanane
Advisors: Tomes, Head, Tallian

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators to serve as conference committee on Engrossed Senate Bill 96:

Conferees: Delph, Chairman; and Niezgodski
Advisors: Sandlin, Ford, Mrvan

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators to serve as conference committee on Engrossed Senate Bill 186:

Conferees: Kruse, Chairman; and Randolph
Advisors: Raatz, Stoops

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators to serve as conference committee on Engrossed Senate Bill 421:

Conferees: Becker, Chairman; and Stoops
Advisors: Charbonneau, Breaux

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore David Long has made the following change in advisor appointments to Engrossed Senate Bill 421:

Add: Senator Leising as advisor

JENNIFER L. MERTZ
Principal Secretary of the Senate

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, March 5, 2018, at 11:00 a.m.

LEHMAN

The motion was adopted by a constitutional majority.

On the motion of Representative Hamilton, the House adjourned at 3:49 p.m., this first day of March, 2018, until Monday, March 5, 2018, at 11:00 a.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives