



Journal of the Senate

State of Indiana

119th General Assembly

Second Regular Session

Thirteenth Meeting Day

Thursday Afternoon

January 28, 2016

The Senate convened at 1:35 p.m., with the President Pro Tempore of the Senate, David C. Long, in the Chair.

Prayer was offered by Rev. Randy Scott - Pentecostals of South Lake.

The Pledge of Allegiance to the Flag was led by Senator Ricky N. Niemeyer.

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

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

Roll Call 65: present 50; excused 0. [Note: A indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 14

Senate Concurrent Resolution 14, introduced by Senator Bassler:

A CONCURRENT RESOLUTION urging the Indiana Department of Transportation to place signs indicating the location of the Corning Irish Heritage Center on the existing

Highway 257 Corning sign, the Highway 45/231 Alfordsville sign, and the Corning sign on Highway 50 east of Montgomery.

Whereas, The Corning Irish Heritage Center exists to preserve the cultural legacy of nineteenth-century Irish immigrants in southern Indiana through family activities, educational seminars, conferences, pictorial and written history, and genealogical material;

Whereas, The center maintains its mission by holding events such as an Apple Festival, maple syrup making, a St. Patrick's Day celebration, and its Summer Picnic to give Corning and St. Patrick community members a chance to reconnect and learn about Irish immigrant history; and

Whereas, It is fitting that the Indiana Department of Transportation acknowledges the Corning Irish Heritage Center by placing signs to indicate the center's location at the areas designated on Highway 257, Highway 45/231 and Highway 50: 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 the Indiana Department of Transportation to place signs indicating the location of the Corning Irish Heritage Center on the existing Highway 257 Corning sign, the Highway 45/231 Alfordsville sign, and the Corning sign on Highway 50 east of Montgomery.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the Commissioner of the Indiana Department of Transportation, Brandye Hendrickson, and the President of the Corning Irish Heritage Center, Michael Morris.

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

Senate Concurrent Resolution 18

Senate Concurrent Resolution 18, introduced by Senator Tomes:

A CONCURRENT RESOLUTION urging the Indiana Department of Transportation to place signage east and west bound near Exit 4 on I-64 to identify the Town of New Harmony as a "National Historic Landmark District."

Whereas, The Town of New Harmony was designated by the U.S. Department of the Interior as a National Historic Landmark

District in 1965, as it possesses exceptional value and quality in illustrating and interpreting the heritage of the United States;

Whereas, The town was the site of two early American utopian communities: The Harmonie Society, a group of German dissenters led by George Rapp, who believed Christ's second coming was imminent, so they pursued Christian perfection through every aspect of their daily conduct, creating a highly ordered and productive community; and The Owenites, founded by Welch-born social reformer Robert Owen and his partner William Maclure, who were intent on improving humanity through innovations in social theory, communal living and education, and discoveries in natural science;

Whereas, Today, New Harmony is a vibrant community where festivals, concerts and plays are held, and many choose the area for weddings, conferences and retreats;

Whereas, The National Register of Historic Places holds 90,000 places on its registry, 2,500 of them being National Historic Landmarks, with only 40 of those National Historic Landmarks located in the State of Indiana;

Whereas, The Indiana Department of Transportation's current signage for the Town of New Harmony reads, "New Harmony Historic Area," which does not adequately inform the traveling public of the historic nature of the area nor its unique significance as a National Historic Landmark; and

Whereas, It is fitting that the Indiana Department of Transportation change the signage east and west bound near Exit 4 on I-64 to inform traveling visitors of New Harmony's unique history and contribution to the nation: 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 the Indiana Department of Transportation to change the signage east and west bound on I-64 to properly identify the Town of New Harmony as a "National Historic Landmark District" to attract more of the traveling public to the town.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the Commissioner of the Indiana Department of Transportation, Brandye Hendrickson.

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

Senate Resolution 18

Senate Resolution 18, introduced by Senator Breaux:

A SENATE RESOLUTION urging the legislative council to assign to the appropriate study committee the topics of

prescription drug pricing and access to speciality prescription drugs.

Whereas, Specialty drug approvals by the FDA exceeded traditional drug approval for the first time in 2010, a trend that has continued each year since;

Whereas, The Centers for Medicare and Medicaid Services (CMS) projects sustained increases in drug spending of 6% or more annually from 2015 to 2022; and

Whereas, In 2014, U.S. spending on prescription drugs totaled nearly \$379 billion, almost one-third of which was spent on specialty drugs: Therefore,

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

SECTION 1. That the legislative council is urged to assign to the appropriate study committee the topics of prescription drug pricing and access to specialty prescription drugs.

The resolution was read in full and referred to the Committee on Health & Provider Services.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Health & Provider Services, to which was referred Senate Resolution 7, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.

Committee Vote: Yeas 10, Nays 0.

PATRICIA MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education & Career Development, to which was referred Senate Resolution 15, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.

Committee Vote: Yeas 11, Nays 0.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education & Career Development, to which was referred Senate Resolution 16, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.

Committee Vote: Yeas 11, Nays 0.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 27, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 13, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health & Provider Services, to which was referred Senate Bill 30, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 15, after "provide" insert ", **at the request of the insured or covered individual and**".

Page 2, delete lines 30 through 42.

Page 3, line 1, reset in roman "(c)".

Page 3, line 1, delete "(d)".

Page 3, between lines 3 and 4, begin a new paragraph and insert:

"(d) The commissioner shall do the following:

(1) Compile and analyze complaints received by the department concerning a denial of coverage under an accident and sickness insurance policy for:

(A) an investigational or experimental treatment; or

(B) a treatment not considered to be medically necessary for a covered individual.

(2) If the commissioner determines that a pattern of denials of coverage is evident through the analysis performed under subdivision (1), report the pattern to the legislative council in an electronic format under IC 5-14-6.

(3) Remove from a report made under subdivision (2) any information that could be used to identify an individual."

Page 4, delete lines 15 through 30.

Page 4, line 31, reset in roman "(d)".

Page 4, line 31, delete "(e)".

Page 4, between lines 33 and 34, begin a new paragraph and insert:

"(e) The commissioner shall do the following:

(1) Compile and analyze complaints received by the department concerning a denial of coverage under an individual contract or a group contract for:

(A) an investigational or experimental treatment; or

(B) a treatment not considered to be medically necessary for an enrollee.

(2) If the commissioner determines that a pattern of denials of coverage is evident through the analysis performed under subdivision (1), report the pattern to the legislative council in an electronic format under IC 5-14-6.

(3) Remove from a report made under subdivision (2) any information that could be used to identify an individual."

Page 4, line 36, after "provide" insert ", **at the request of the enrollee or subscriber and**".

(Reference is to SB 30 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

PATRICIA MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education & Career Development, to which was referred Senate Bill 63, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax & Fiscal Policy, to which was referred Senate Bill 88, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 9 through 12 with "[EFFECTIVE UPON PASSAGE]".

Page 2, delete lines 33 through 42, begin a new line block indented and insert:

"(1) This subdivision applies to a county for which the county legislative body has adopted an ordinance under IC 13-21-16-1(1) to opt out of solid waste management district property taxation in 2017 and 2018. Except as provided in IC 13-21-7-1(g) concerning outstanding bonds and other debt obligations, a district may not levy within the county a property tax that is first due and payable in 2017 or in 2018. The county fiscal body may at its discretion adopt an ordinance to provide funding for the budget year to the solid waste management district. This subdivision expires January 1, 2019.

(2) This subdivision applies to a county for which the county legislative body has adopted an ordinance under

IC 13-21-16-1(2) to opt out of solid waste management district property taxation in 2018. Except as provided in IC 13-21-7-1(g) concerning outstanding bonds and other debt obligations, a district may not levy a property tax that is first due and payable within the county in 2018. The county fiscal body may at its discretion adopt an ordinance to provide funding for the budget year to the solid waste management district. This subdivision expires January 1, 2019.

(3) Except as provided in IC 13-21-7-1(d) concerning outstanding bonds, a district may not levy a property tax that is first due and payable after December 31, 2018. A county fiscal body may at its discretion adopt an ordinance to provide funding for the budget year to the solid waste management district."

Page 3, delete lines 1 through 13.

Page 3, line 41, delete "2018);" and insert "2019);".

Page 4, line 1, delete "2018);" and insert "2019);".

Page 6, delete lines 35 through 42, begin a new paragraph and insert:

"SECTION 3. IC 13-21-3-12, AS AMENDED BY P.L.83-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. (a) Except as provided in section 14.5 of this chapter and subject to subsection (b), the powers of a district include the following:

- (1) The power to develop and implement a district solid waste management plan under IC 13-21-5.
- (2) The power to impose district fees on the final disposal of solid waste within the district under IC 13-21-13.
- (3) The power to receive and disburse money, if the primary purpose of activities undertaken under this subdivision is to carry out the provisions of this article.
- (4) The power to sue and be sued.
- (5) The power to plan, design, construct, finance, manage, own, lease, operate, and maintain facilities for solid waste management.
- (6) The power to enter with any person into a contract or an agreement that is necessary or incidental to the management of solid waste. Contracts or agreements that may be entered into under this subdivision include those for the following:

- (A) The design, construction, operation, financing, ownership, or maintenance of facilities by the district or any other person.
- (B) The managing or disposal of solid waste.
- (C) The sale or other disposition of materials or products generated by a facility.

Notwithstanding any other statute, the maximum term of a contract or an agreement described in this subdivision may not exceed forty (40) years.

- (7) The power to enter into agreements for the leasing of facilities in accordance with IC 36-1-10 or IC 36-9-30.
- (8) The power to purchase, lease, or otherwise acquire real or personal property for the management or disposal of solid waste.

(9) The power to sell or lease any facility or part of a facility to any person.

(10) The power to make and contract for plans, surveys, studies, and investigations necessary for the management or disposal of solid waste.

(11) The power to enter upon property to make surveys, soundings, borings, and examinations.

(12) The power to:

- (A) accept gifts, grants, loans of money, other property, or services from any source, public or private; and
- (B) comply with the terms of the gift, grant, or loan.

(13) **Subject to subsection (e)**, the power to levy a tax within the district to pay costs of operation in connection with solid waste management, subject to the following:

- (A) Regular budget and tax levy procedures.
- (B) Section 16 of this chapter.

However, except as provided in sections 15 and 15.5 of this chapter (**before their expiration on January 1, 2019**), a property tax rate imposed under this article may not exceed eight and thirty-three hundredths cents (\$0.0833) on each one hundred dollars (\$100) of assessed valuation of property in the district.

(14) The power to borrow in anticipation of **any of the following**:

- (A) **Subject to subsection (e), property taxes to be imposed by the district.**
- (B) **Revenue to be received from sources other than property taxes.**

(15) The power to hire the personnel necessary for the management or disposal of solid waste in accordance with an approved budget and to contract for professional services.

(16) The power to otherwise do all things necessary for the:

- (A) reduction, management, and disposal of solid waste; and
- (B) recovery of waste products from the solid waste stream;

if the primary purpose of activities undertaken under this subdivision is to carry out the provisions of this article.

(17) The power to adopt resolutions that have the force of law. However, a resolution is not effective in a municipality unless the municipality adopts the language of the resolution by ordinance or resolution. **The power of a district to adopt a resolution under this subdivision is subject to subsection (e) and IC 13-21-14-0.5.**

(18) The power to do the following:

- (A) Implement a household hazardous waste and conditionally exempt small quantity generator (as described in 40 CFR 261.5(a)) collection and disposal project.
- (B) Apply for a household hazardous waste collection and disposal project grant under IC 13-20-20 and carry out all commitments contained in a grant application.

(C) Establish and maintain a program of self-insurance for a household hazardous waste and conditionally exempt small quantity generator (as described in 40 CFR 261.5(a)) collection and disposal project, so that at the end of the district's fiscal year the unused and unencumbered balance of appropriated money reverts to the district's general fund only if the district's board specifically provides by resolution to discontinue the self-insurance fund.

(D) Apply for a household hazardous waste project grant as described in IC 13-20-22-2 and carry out all commitments contained in a grant application.

(19) The power to enter into an interlocal cooperation agreement under IC 36-1-7 to obtain:

- (A) fiscal;
- (B) administrative;
- (C) managerial; or
- (D) operational;

services from a county or municipality.

(20) The power to compensate advisory committee members for attending meetings at a rate determined by the board.

(21) The power to reimburse board and advisory committee members for travel and related expenses at a rate determined by the board.

(22) The power to pay a fee from district money to:

- (A) in a joint district, the county or counties in which a final disposal facility is located; or
- (B) a county that:
 - (i) was part of a joint district;
 - (ii) has withdrawn from the joint district as of January 1, 2008; and
 - (iii) has established its own district in which a final disposal facility is located.

(23) The power to make grants or loans of:

- (A) money;
- (B) property; or
- (C) services;

to public or private recycling programs, composting programs, or any other programs that reuse any component of the waste stream as a material component of another product, if the primary purpose of activities undertaken under this subdivision is to carry out the provisions of this article.

(24) The power to establish by resolution a nonreverting capital fund. A district's board may appropriate money in the fund for:

- (A) equipping;
- (B) expanding;
- (C) modifying; or
- (D) remodeling;

an existing facility. Expenditures from a capital fund established under this subdivision must further the goals and objectives contained in a district's solid waste

management plan. Not more than five percent (5%) of the district's total annual budget for the year may be transferred to the capital fund that year. The balance in the capital fund may not exceed twenty-five percent (25%) of the district's total annual budget. If a district's board determines by resolution that a part of a capital fund will not be needed to further the goals and objectives contained in the district's solid waste management plan, that part of the capital fund may be transferred to the district's general fund, to be used to offset tipping fees, property tax revenues, or both tipping fees and property tax revenues.

(25) The power to conduct promotional or educational programs that include giving awards and incentives that further:

- (A) the district's solid waste management plan; and
- (B) the objectives of minimum educational standards established by the department of environmental management.

(26) The power to conduct educational programs under IC 13-20-17.5 to provide information to the public concerning:

- (A) the reuse and recycling of mercury in:
 - (i) mercury commodities; and
 - (ii) mercury-added products; and
- (B) collection programs available to the public for:
 - (i) mercury commodities; and
 - (ii) mercury-added products.

(27) The power to implement mercury collection programs under IC 13-20-17.5 for the public and small businesses.

(28) The power to conduct educational programs under IC 13-20.5 to provide information to the public concerning:

- (A) reuse and recycling of electronic waste;
- (B) collection programs available to the public for the disposal of electronic waste; and
- (C) proper disposal of electronic waste.

(b) Before the county district of a county that has a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) may exercise a power set forth in subsection (a) to:

- (1) enter into a contract or other agreement to construct a final disposal facility;
- (2) enter into an agreement for the leasing of a final disposal facility;
- (3) sell or lease a final disposal facility; or
- (4) borrow in anticipation of taxes;

the county district must submit a recommendation to the county executive of the county concerning the county district's proposed exercise of the power, subject to subsections (c) and (d).

(c) In response to a recommendation submitted under subsection (b), the county executive may adopt a resolution:

- (1) confirming the authority of the county district to exercise the power or powers referred to in subsection (b), as proposed in the recommendation; or

(2) denying the county district the authority to exercise the power or powers as proposed in the recommendation; subject to subsection (d).

(d) The county district may exercise one (1) or more powers referred to in subsection (b), as proposed in a recommendation submitted to the county executive under subsection (b), if:

(1) the county executive, in response to the recommendation, adopts a confirming resolution under subsection (c)(1) authorizing the county district to exercise the power or powers; or

(2) the county executive adopts no resolution under subsection (c) within forty-five (45) calendar days after the day on which the county district submits the recommendation to the county executive under subsection (b).

(e) A district may not do any of the following:

(1) Except as provided in IC 13-21-7-1(g) concerning outstanding bonds and other debt obligations, levy a property tax that is first due and payable in 2017 or in 2018 in a county for which the county legislative body has adopted an ordinance under IC 13-21-16-1(1) to opt out of solid waste management district property taxation in 2017 and 2018.

(2) Except as provided in IC 13-21-7-1(g) concerning outstanding bonds and other debt obligations, levy a property tax that is first due and payable in 2018 in a county for which the county legislative body has adopted an ordinance under IC 13-21-16-1(2) to opt out of solid waste management district property taxation in 2018.

(3) Except as provided in IC 13-21-7-1(d) concerning outstanding bonds, levy a property tax that is first due and payable after December 31, 2018."

Delete pages 7 through 10.

Page 11, delete lines 1 through 27.

Page 12, line 9, delete "2018." and insert "2019".

Page 12, line 30, delete "2018." and insert "2019".

Page 13, delete lines 39 through 42.

Page 14, delete lines 1 through 12.

Page 14, line 23, delete "2017." and insert "2018".

Page 14, line 25, delete "2017," and insert "2018,".

Page 14, between lines 26 and 27, begin a new paragraph and insert:

"(e) Except as provided in subsection (g), if the legislative body of a county has adopted an ordinance under IC 13-21-16-1(1) to opt out of solid waste management district property taxation in 2017 and 2018, a solid waste management district may not levy within the county a property tax that is due and payable in 2017 or in 2018.

(f) Except as provided in subsection (g), if the legislative body of a county has adopted an ordinance under IC 13-21-16-1(2) to opt out of solid waste management district property taxation in 2018, a solid waste management district may not levy within the county a property tax that is due and payable in 2018.

(g) If a solid waste management district has outstanding bonds or other debt obligations payable from property taxes imposed by the district at the time the county legislative body adopts the ordinance under IC 13-21-16-1(1) to opt out of solid waste management district property taxation in 2017 and 2018 or under IC 13-21-16-1(2) to opt out of solid waste management district property taxation in 2018, the district shall continue to impose within the county the debt service tax levy necessary to pay the principal and interest on the outstanding bonds or other debt obligations."

Page 14, line 29, delete "July" and insert "April".

Page 14, line 36, after "chapter" insert "by a district".

Page 14, line 36, delete "June 30," and insert "March 31,".

Page 14, line 37, delete "July" and insert "April".

Page 14, between lines 40 and 41, begin a new paragraph and insert:

"(d) Effective April 1, 2016, the authority of a district to issue bonds under this chapter is transferred to the county or counties that are members of the district."

Page 15, line 1, after "(b)" delete "," and insert "and section 2(d) of this chapter,".

Page 15, line 9, after "section" insert "by a district".

Page 15, line 10, delete "July" and insert "April".

Page 15, line 20, after "bonds" insert "issued by a county after March 31, 2016, or bonds".

Page 15, line 39, after "bonds" insert "issued by a county after March 31, 2016, or bonds".

Page 16, line 18, delete "is first due and payable after December 31," and insert ":

(1) is a flat charge for each residence or building in use in the county or is otherwise imposed on a uniform basis on all residents or property owners; and

(2) is first due and payable after:

(A) December 31, 2016, in a county for which the county legislative body has adopted an ordinance under IC 13-21-16-1(1) to opt out of solid waste management district property taxation in 2017 and 2018;

(B) December 31, 2017, in a county for which the county legislative body has adopted an ordinance under IC 13-21-16-1(2) to opt out of solid waste management district property taxation in 2018; or

(C) December 31, 2018, in a county not described in clause (A) or (B)."

Page 16, delete lines 19 through 42, begin a new paragraph and insert:

"SECTION 14. IC 13-21-14-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. The board may fix the solid waste management fees on the basis of the following:

(1) A flat charge for each residence or building in use in the waste management district, before:

(A) December 31, 2016, in a county for which the county legislative body has adopted an ordinance under IC 13-21-16-1(1) to opt out of solid waste

management district property taxation in 2017 and 2018;

(B) December 31, 2017, in a county for which the county legislative body has adopted an ordinance under IC 13-21-16-1(2) to opt out of solid waste management district property taxation in 2018; or

(C) December 31, 2018, in a county not described in clause (A) or (B).

(2) The weight or volume of the refuse received.

(3) The average number of containers or bags of refuse received.

(4) The relative difficulty associated with the collection or management of the solid waste received.

(5) Any other criteria that the board determines to be logically related to the service.

(6) Any combination of these criteria.

SECTION 15. IC 13-21-16 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 16. County Option Concerning District Property Tax Levies in 2017 and in 2018

Sec. 1. The legislative body of a county may do one (1), but not both, of the following:

(1) Adopt an ordinance before August 1, 2016, specifying that, except as provided in IC 13-21-7-1(g) concerning outstanding bonds and other debt obligations, a district may not levy within the county a property tax that is first due and payable in 2017 or in 2018.

(2) Adopt an ordinance before August 1, 2017, specifying that, except as provided in IC 13-21-7-1(g) concerning outstanding bonds and other debt obligations, a district may not levy within the county a property tax that is first due and payable in 2018.

Sec. 2. If the legislative body of a county adopts an ordinance under section 1 of this chapter, the legislative body shall certify a copy of the ordinance to the county auditor, the department of local government finance, and the board of the district.

Sec. 3. If a county that is a member of a joint solid waste management district adopts an ordinance under section 1 of this chapter, the department of local government finance shall reduce the joint solid waste management district's maximum permissible property tax levy. The reduction shall be made beginning with the first year in which a property tax levy may not be levied in the county by the joint solid waste management district. The amount of the reduction in the joint solid waste management district's maximum permissible property tax levy is equal to the result of:

(1) the amount of the joint solid waste management district's maximum permissible property tax levy that would apply without the reduction under this section; multiplied by

(2) a fraction equal to:

(A) the certified assessed valuation for the preceding year of the county that adopted the ordinance under section 1 of this chapter; divided by

(B) the certified assessed valuation for the preceding year of all counties that are members of the joint solid waste management district.

Sec. 4. This chapter expires January 1, 2019.

SECTION 16. IC 36-2-21 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 21. County Solid Waste Management Fees

Sec. 1. (a) A county fiscal body may impose solid waste management fees as provided in this chapter.

(b) The county fiscal body may change and readjust fees as necessary.

Sec. 2. (a) A fee imposed by a county fiscal body under this chapter may not take effect before the following dates:

(1) January 1, 2017, in the case of a county for which the county legislative body has adopted an ordinance under IC 13-21-16-1(1) to opt out of solid waste management district property taxation in 2017 and 2018.

(2) January 1, 2018, in the case of a county for which the county legislative body has adopted an ordinance under IC 13-21-16-1(2) to opt out of solid waste management district property taxation in 2018.

(3) January 1, 2019, in the case of a county that:

(A) did not adopt an ordinance IC 13-21-16-1(1) to opt out of solid waste management district property taxation in 2017 and 2018 or an ordinance under IC 13-21-16-1(2) to opt out of solid waste management district property taxation in 2018; and

(B) is:

(i) designated as a county solid waste management district under IC 13-21; or

(ii) a member of a joint solid waste management district under IC 13-21.

(b) Subject to subsection (a), the county fiscal body may impose a fee under this chapter on persons generating solid waste in the county. The fee imposed under this chapter may be imposed only:

(1) as a flat charge for each residence in the county that generates solid waste and each building in the county that generates solid waste; or

(2) as a user fee on a uniform basis on all:

(A) residents; and

(B) property owners;

that use solid waste collection services or other solid waste district services within the county.

Sec. 3. The billing and collection of the fees authorized by this chapter may be made through a periodic billing system. The county fiscal body may in the ordinance imposing a fee specify that the payment of the fee shall be made to the county auditor. The fees may not be billed or otherwise

collected through the use of a taxpayer's property tax statement under IC 6-1.1-22 or IC 6-1.1-22.5.

Sec. 4. (a) A fee may be established under this chapter only by the adoption of an ordinance by the county fiscal body after public notice and a public hearing before the county fiscal body at which the public has an opportunity to be heard concerning the proposed fees."

Page 17, delete lines 1 through 23.

Page 18, line 1, after "following" delete ":" and insert ", at the discretion of the county fiscal body and after appropriation by the county fiscal body:".

Page 18, between lines 8 and 9, begin a new line double block indented and insert:

"(D) The costs of implementing a district's district plan."

Page 18, line 13, delete "of" and insert "**determined by the county fiscal body, not to exceed**".

Page 18, line 18, delete "of twenty-five dollars (\$25)" and insert "**determined by the county fiscal body (not to exceed twenty-five dollars (\$25))**".

Page 18, line 25, after "IC 36-9-23-32." insert "**However, unpaid fees and penalties may not be billed or otherwise collected through the use of a taxpayer's property tax statement under IC 6-1.1-22 or IC 6-1.1-22.5**".

Page 18, after line 30, begin a new paragraph and insert:

"SECTION 20. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to SB 88 as printed January 13, 2016.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 6.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education & Career Development, to which was referred Senate Bill 93, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 6-1.1-20.3-6.9, AS ADDED BY P.L.213-2015, SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.9. (a) The board may do the following:

(1) Hold a public hearing to review the budget, tax levies, assessed value, debt service requirements, and other financial information for the Gary Community School Corporation.

(2) After reviewing the information described in subdivision (1) and subject to subdivision (3), the board may, with the consent of the governing body of the Gary Community School Corporation, select a financial specialist to take financial control of the Gary Community

School Corporation, who shall act in consultation with the governing body of the Gary Community School Corporation and the city of Gary.

(3) In selecting a financial specialist to take financial control of the Gary Community School Corporation under subdivision (2):

(A) the board shall recommend three (3) persons as potential candidates for the financial specialist position to take financial control of the Gary Community School Corporation; and

(B) the governing body of the Gary Community School Corporation may, within twenty-one (21) days after the board makes the recommendations under clause (A), choose one (1) of the persons recommended by the board under clause (A) that the board may then select as a financial specialist to take financial control of the Gary Community School Corporation as provided in subdivision (2).

If the governing body of the Gary Community School Corporation does not choose a financial specialist as provided in clause (B) from the persons recommended by the board within twenty-one (21) days, the board's authority under this section is terminated.

(4) A financial specialist selected under this section:

(A) shall be paid out of the funds appropriated to the board;

(B) may perform the duties authorized under this section for not more than ~~twelve (12)~~ **twenty-four (24)** consecutive months; and

(C) may request the Indiana Association of School Business Officials to provide technical consulting services to the financial specialist and the Gary Community School Corporation on the following issues:

(i) Debt management.

(ii) Cash management.

(iii) Facility management.

(iv) Other school business management issues.

The Indiana Association of School Business Officials will determine the appropriate individuals to consult with the financial specialist and the Gary Community School Corporation. Any consulting expenses will be paid out of the funds appropriated to the board.

(b) The board may do any of the following if the board selects a financial specialist to take financial control of the Gary Community School Corporation under subsection (a):

(1) The board may work jointly with the city of Gary and the financial specialist to develop a financial plan for the Gary Community School Corporation.

(2) The board may delay or suspend, for a period determined by the board, any payments of principal or interest, or both, that would otherwise be due from the Gary Community School Corporation on loans or advances from the common school fund.

(3) The board may recommend to the state board of finance that the state board of finance make an interest free loan to the Gary Community School Corporation from the common school fund. If the board makes a recommendation that such a loan be made, the state board of finance may, notwithstanding IC 20-49, make such a loan for a term of not more than six (6) years."

Page 1, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 2. IC 20-20-8-8, AS AMENDED BY P.L.213-2015, SECTION 159, AND AS AMENDED BY P.L.220-2015, SECTION 2, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The report must include the following information:

- (1) Student enrollment.
- (2) Graduation rate (as defined in IC 20-26-13-6) *and the graduation rate excluding students that receive a graduation waiver under IC 20-32-4-4.*
- (3) Attendance rate.
- (4) The following test scores, including the number and percentage of students meeting academic standards:
 - (A) ~~ISTEP program test scores. All state standardized assessment scores.~~
 - (B) Scores for assessments under IC 20-32-5-21, if appropriate.
 - (C) For a freeway school, scores on a locally adopted assessment program, if appropriate.
- (5) Average class size.
- (6) *The school's performance category or designation of school improvement assigned under IC 20-31-8.*
- ~~(7)~~ (7) The number and percentage of students in the following groups or programs:
 - (A) Alternative education, if offered.
 - (B) Career and technical education.
 - (C) Special education.
 - (D) High ability.
 - ~~(E) Remediation.~~
 - ~~(F)~~ (E) Limited English language proficiency.
 - ~~(G)~~ (F) Students receiving free or reduced price lunch under the national school lunch program.
 - ~~(H) School flex program, if offered.~~
- ~~(8)~~ (8) Advanced placement, including the following:
 - (A) For advanced placement tests, the percentage of students:
 - (i) scoring three (3), four (4), and five (5); and
 - (ii) taking the test.
 - (B) For the Scholastic Aptitude Test:
 - (i) **the average** test scores for all students taking the test;
 - (ii) **the average** test scores for students completing the academic honors diploma program; and
 - (iii) the percentage of students taking the test.

~~(9)~~ (9) Course completion, including the number and percentage of students completing the following programs:

- (A) Academic honors diploma.
- (B) Core 40 curriculum.
- (C) Career and technical programs.

~~(9)~~ ~~(10)~~ ~~The percentage of grade 8 students enrolled in algebra I.~~

~~(10)~~ ~~The percentage of graduates who pursue higher education.~~

~~(11)~~ (10) *The percentage of graduates considered college and career ready in a manner prescribed by the state board.*

(11) ~~(12)~~ School safety, including:

- (A) the number of students receiving suspension or expulsion for the possession of alcohol, drugs, or weapons;
- (B) the number of incidents reported under IC 20-33-9; and
- (C) the number of bullying incidents reported under IC 20-34-6 by category.

(12) ~~(13)~~ Financial information and various school cost factors ~~including the following:~~ **required to be provided to the office of management and budget under IC 20-42.5-3-5.**

- (A) Expenditures per pupil.
- (B) Average teacher salary.
- (C) Remediation funding.

~~(13)~~ ~~Technology accessibility and use of technology in instruction.~~

~~(14)~~ ~~Interdistrict and intradistrict student mobility rates, if that information is available.~~

~~(15)~~ (13) The number and percentage of each of the following within the school corporation:

- (A) Teachers who are certificated employees (as defined in IC 20-29-2-4).
- (B) Teachers who teach the subject area for which the teacher is certified and holds a license.
- (C) Teachers with national board certification.

~~(16)~~ (14) The percentage of grade 3 students reading at grade 3 level.

~~(17)~~ (15) The number of students expelled, ~~including the number participating in other recognized education programs during their expulsion,~~ *including the percentage of students expelled by race, grade, gender, free or reduced price lunch status, and eligibility for special education.*

~~(18)~~ (16) Chronic absenteeism, which includes the number of students who have been absent from school for ten percent (10%) or more of a school year for any reason.

~~(19)~~ (17) Habitual truancy, which includes the number of students who have been absent ten (10) days or more from school within a school year without being excused or without being absent under a parental request that has been filed with the school.

~~(20)~~ **(18)** The number of students who have dropped out of school, including the reasons for dropping out, *including the percentage of students who have dropped out by race, grade, gender, free or reduced price lunch status, and eligibility for special education.*

~~(21)~~ **(19)** *The number of out of school suspensions assigned, including the percentage of students suspended by race, grade, gender, free or reduced price lunch status, and eligibility for special education.*

~~(22)~~ **(20)** *The number of in school suspensions assigned, including the percentage of students suspended by race, grade, gender, free or reduced price lunch status, and eligibility for special education.*

~~(21)~~ ~~(23)~~ **(21)** The number of student work permits revoked.

~~(22)~~ *The number of student driver's licenses revoked.*

~~(23)~~ *The number of students who have not advanced to grade 10 due to a lack of completed credits.*

~~(24)~~ *The number of students suspended for any reason.*

~~(25)~~ ~~(24)~~ **(22)** The number of students receiving an international baccalaureate diploma.

~~(26)~~ ~~(25)~~ *Other indicators of performance as recommended by the education roundtable under IC 20-19-4.*

(b) This subsection applies to schools, including charter schools, located in a county having a consolidated city, including schools located in excluded cities (as defined in IC 36-3-1-7). The information reported under subsection (a) must be disaggregated by race, grade, gender, free or reduced price lunch status, and eligibility for special education."

Page 2, delete lines 10 through 42.

Page 3, delete lines 1 through 9.

Page 3, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 5. IC 20-26-5-37 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 37. (a) This section applies to school corporations and charter schools that are required to do any of the following:**

(1) Pay to the Internal Revenue Service employer and employee taxes imposed after June 30, 2016, under FICA.

(2) Pay to the department of state revenue amounts that are deducted and withheld as taxes after June 30, 2016, under IC 6-3-4-8.

(b) As used in this section, "delinquency" or "delinquent" refers to either of the following:

(1) Failing to pay FICA taxes within thirty (30) days after the taxes are due.

(2) Failing to pay to the department of state revenue amounts that are deducted and withheld as taxes under IC 6-3-4-8 after June 30, 2016, (including any known accrued interest and penalties on those taxes) within thirty (30) days after the payment of those withheld taxes is due.

(c) As used in this section, "due date" refers to:

(1) the date by which employer and employee taxes owed by a school corporation or a charter school under FICA must be paid to the Internal Revenue Service; or
(2) the date by which amounts that are deducted and withheld as taxes under IC 6-3-4-8 must be paid to the department of state revenue;

as applicable.

(d) As used in this section, "FICA" refers to the Federal Insurance Contributions Act.

(e) As used in this section, "FICA taxes" refers to employer and employee taxes imposed after June 30, 2016, under FICA. The term includes any known accrued interest and penalties.

(f) If a school corporation or a charter school:

(1) fails to pay FICA taxes in full to the Internal Revenue Service within thirty (30) days after the due date; or

(2) fails to pay amounts that are deducted and withheld as taxes under IC 6-3-4-8 after June 30, 2016, (including any known accrued interest and penalties on those taxes) within thirty (30) days after the due date;

the school business official or school financial officer responsible for ensuring that a school corporation's or charter school's tax payments are made shall report the school corporation's or charter school's delinquency to the governing body of the school corporation or charter school not later than forty-five (45) days after the due date. The school official or school financial officer shall make a report under this subsection each time the school corporation or charter school fails to pay FICA taxes within thirty (30) days after the due date or fails to pay amounts that are deducted and withheld as taxes under IC 6-3-4-8 (including any known accrued interest and penalties on those taxes) within thirty (30) days after the due date.

(g) Not later than thirty (30) days after receiving a report under subsection (f), the governing body of the school corporation or charter school shall hold a public meeting at which:

(1) the governing body shall provide a report on the school corporation's or charter school's failure to pay:

(A) FICA taxes; or

(B) amounts that are deducted and withheld as taxes under IC 6-3-4-8;

as applicable; and

(2) interested parties are permitted to testify regarding the school corporation's or charter school's failure to pay FICA taxes or amounts that are deducted and withheld as taxes under IC 6-3-4-8 (as applicable).

(h) This subsection applies if, within a three hundred sixty-five (365) day period, a school corporation or charter school is:

(1) delinquent in paying FICA taxes two (2) or more times; or

(2) delinquent in paying amounts that are deducted and withheld as taxes under IC 6-3-4-8 after June 30, 2016, two (2) or more times.

Not later than forty-five (45) days after a school corporation or charter school is delinquent for the second or subsequent time, the school corporation or charter school shall notify the department, the budget agency, and the distressed unit appeal board of the delinquency."

Page 6, delete lines 30 through 42.

Delete page 7.

Page 8, delete lines 1 through 28, begin a new paragraph and insert:

"SECTION 11. IC 20-28-4-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 12. Unless otherwise required under this chapter, an individual may enroll in a program and receive a transition to teaching license without passing a content area examination before admission to the program.**

SECTION 12. IC 20-28-5-3, AS AMENDED BY P.L.6-2012, SECTION 135, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) The department shall designate the grade point average required for each type of license.

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

- (1) The conversion of one (1) type of license into another.
- (2) The accreditation of teacher education schools and departments.
- (3) The exchange and renewal of licenses.
- (4) The endorsement of another state's license. **In endorsing another state's license held by a practitioner, the department shall grant the practitioner an Indiana license if the practitioner:**
 - (A) has met the requirements for an Indiana license, whether or not the requirements were met in Indiana; or**
 - (B) is certified by the National Board for Professional Teaching Standards.**
- (5) The acceptance of credentials from teacher education institutions of another state.
- (6) The academic and professional preparation for each type of license.
- (7) The granting of permission to teach a high school subject area related to the subject area for which the teacher holds a license.
- (8) The issuance of licenses on credentials.
- (9) The type of license required for each school position.
- (10) The size requirements for an elementary school requiring a licensed principal.
- (11) Any other related matters.

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

(c) This subsection does not apply to an applicant for a substitute teacher license. After June 30, 2011, the department may not issue an initial practitioner license at any grade level to an applicant for an initial practitioner license unless the applicant shows evidence that the applicant:

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

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

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

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

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

(f) The department shall periodically publish bulletins regarding:

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

SECTION 13. IC 20-28-5-5, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. If a teacher who is a graduate of an accredited institution outside Indiana does not meet certain technical requirements for a license, the teacher may be granted ~~a~~ the particular type of license ~~and a reasonable amount of time to fulfill the requirements of the license granted.~~ **sought."**

Page 10, line 3, after "(B)" insert "**with the permission of each student's parent,**".

Page 10, delete lines 11 through 42, begin a new paragraph and insert:

"SECTION 14. IC 20-32-10 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 10. Work Ethic Certification

Sec. 1. Working with local employers, a local workforce investment board, or both, each school corporation may develop a program in which students develop work ethic skills necessary for success in higher education or employment, which may include the following:

- (1) Attendance and punctuality.
- (2) Academic success.
- (3) Organization and efficiency.
- (4) Initiative.
- (5) Respect for others.
- (6) Persistence.
- (7) Dependability.
- (8) Teamwork.
- (9) Community service.

Sec. 2. A graduating student who successfully completes the program shall be awarded a work ethic certificate.

Sec. 3. The department of workforce development, in consultation with the state workforce innovation council established under IC 22-4.1-22-3, shall adopt rules:

- (1) establishing model criteria for work ethic certification programs as a part of the state's college and career readiness standards; and
- (2) developing a standard work ethic certificate.

SECTION 15. [EFFECTIVE UPON PASSAGE] (a) **The following portions of rules are void:**

- (1) 511 IAC 10.1-3-3(2).
- (2) 511 IAC 10.1-3-4(2).
- (3) 511 IAC 10.1-3-5(2).
- (4) 511 IAC 10.1-3-6(2).
- (5) 511 IAC 16-4-2(b)(3).
- (6) 511 IAC 16-4-2(b)(5).
- (7) 511 IAC 16-4-2(f).

The publisher of the Indiana Administrative Code and the Indiana Register shall remove these provisions from the Indiana Administrative Code.

(b) This SECTION expires June 30, 2017.

SECTION 16. [EFFECTIVE UPON PASSAGE] (a) **The legislative council is urged to assign the following topics to an appropriate study committee during the 2016 legislative interim:**

(1) Whether a newly authorized charter school should be required to establish an escrow account for closing expenses, and, if so, the amount of the account and control of the account.

(2) Determining graduation rates, including the feasibility of amending the definition of "cohort" for purposes of determining graduation rates to exclude students who are pursuing a certificate of completion under an individualized education program.

(3) Methods to ensure opportunities for secondary school students to earn college credits while enrolled in high school and to provide incentives for a teacher to obtain a master's degree or at least eighteen (18) hours of graduate course work in the subject matter the teacher is teaching or wishes to teach as part of a dual credit course, including:

- (A) providing graduate programs that combine summer, evening, online, and weekend classes;
- (B) completing a supervised practicum while teaching;
- (C) encouraging primary and secondary schools to establish programs to mentor new teachers;
- (D) offering scholarships for returning dual credit teachers; and
- (E) providing flexibility to school corporations to establish pay scales that reflect the value of teachers with master's degrees.

(4) The feasibility of allowing a school corporation and an individual teacher to voluntarily enter into an employment contract that contains terms that differ from the terms set forth in a collective bargaining agreement, and issues related to the topic.

(5) The feasibility of allowing a school corporation to allow a student to receive elective credits for released time religious education, and the conditions under which the credits may be awarded.

(6) Issues related to the establishment of special education scholarship accounts and a special education scholarship account fund.

(b) This SECTION expires December 31, 2016.

SECTION 17. **An emergency is declared for this act."**

Delete pages 11 through 13.

Renumber all SECTIONS consecutively.

(Reference is to SB 93 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 1.

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 132, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 13, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill 151, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 36-7-30-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 9.5. (a) This section applies only to a municipal military base reuse authority in an excluded city that is located in a county with a consolidated city.**

(b) This section applies in the absence of an agreement in effect for payment by the reuse authority to the excluded city for police, fire protection, and utility services provided by the excluded city.

(c) As used in this section, "city services" means police, fire protection, and utility services.

(d) After December 31, 2016, the municipal military base reuse authority shall pay the excluded city for city services that are provided by the excluded city to the reuse area. The amount the municipal military base reuse authority shall pay for the city services is as follows:

(1) Police and fire protection services must be paid at the same property tax rate imposed on taxpayers located within the excluded city.

(2) Utility services must be paid at the same rates and charges imposed upon property owners located within the excluded city.

(Reference is to SB 151 as introduced.)
and when so amended that said bill do pass.
Committee Vote: Yeas 7, Nays 2.

HEAD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections & Criminal Law, to which was referred Senate Bill 160, has had the same under consideration and begs leave to report the same back

to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 12, delete "(a)." and insert "**(a)(1) through (a)(9).**".

Page 2, line 13, delete "If an individual described in subsection (a):" and insert "**If:**".

Page 2, line 14, after "(1)" insert "**an individual described in subsection (a)**".

Page 2, line 16, delete "was tried and".

Page 2, line 16, delete "subdivision (1)" and insert "**subsection (a)(1) through (a)(9)**".

Page 2, line 17, delete "the dismissal of the charges;" and insert "**were dismissed;**".

Page 2, line 18, after "(3)" insert "**the individual**".

Page 2, line 19, delete "(a);" and insert "**(a)(1) through (a)(9);**".

Page 2, line 20, delete "shall enter" and insert "**may withhold**".

Page 2, line 21, delete "finding that the individual is a delinquent child".

Page 2, line 22, delete "sentencing." and insert "**disposition.**".
(Reference is to SB 160 as introduced.)
and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

M. YOUNG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 161, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 13, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health & Provider Services, to which was referred Senate Bill 162, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 11, after "1." insert "**(a) This chapter is effective beginning January 1, 2017.**

(b) As used in this section, "routinely has direct contact with a patient" means routinely having any of the following:

(1) Face to face interaction with a patient of the hospital.

(2) A physical presence inside a patient room or any enclosed, non-common area of the hospital that is used exclusively for medical examinations, treatments, or procedures.

(c) "

Page 1, line 12, delete "any of the following:" and insert "IC 16-21-2."

Page 1, delete lines 13 through 16.

Page 1, line 17, after "employee" insert "or a contractor".

Page 1, line 17, after "who" insert "routinely".

Page 2, between lines 1 and 2, begin a new line block indented and insert the following:

"(3) An employee or a contractor of a hospital described in subdivision (1) who does not routinely have direct contact with a patient of the hospital."

Page 2, line 2, delete "Except as provided in" and insert "Subject to".

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

Page 2, line 3, delete "subject to obtaining an employee's consent,".

Page 2, line 4, delete "the" and insert "to an individual described in section 1(c)(2) of this chapter an immunization against the following:

- (1) Influenza.
- (2) Varicella.
- (3) Measles, mumps, and rubella.
- (4) Tetanus, diphtheria, and pertussis.

(b) Subject to section 4 of this chapter, a hospital may elect to annually administer or make available to be administered to an individual described in section 1(c)(3) of this chapter an immunization against any of the following:

- (1) Influenza.
- (2) Varicella.
- (3) Measles, mumps, and rubella.
- (4) Tetanus, diphtheria, and pertussis.

A hospital that makes an election under this subsection may determine to whom, of the individuals described in section 1(c)(3) of this chapter, the hospital will administer or make available an immunization."

Page 2, delete lines 5 through 11.

Page 2, line 12, delete "(b)" and insert "(c)".

Page 2, between lines 16 and 17, begin a new paragraph and insert the following:

"(d) A hospital may do any of the following:

- (1) Make, as a condition of employment or a contract with the hospital, a requirement that an individual have an immunization specified in this section.
- (2) Terminate the employment or contract of an individual or otherwise discipline the employee or contractor if:

(A) the individual:

- (i) did not receive the immunization listed in this section; and
- (ii) did not qualify for or seek an exemption under section 4 of this chapter at the time the immunization was to be administered or made available to the individual by the hospital; and

(B) the hospital had an adopted written policy in place before the individual's failure to receive the

immunization that permits the hospital to terminate or discipline the individual.

(e) A hospital and an employee or agent acting on behalf of the hospital is immune from any liability arising from or concerning the termination or discipline of an individual under this chapter if the hospital has complied with subsection (d)(2) before the termination or discipline of the individual."

Page 2, line 17, delete "annually".

Page 2, line 18, delete "the" and insert "an".

Page 2, line 18, delete "section 2(a)(1)" and insert "section 2".

Page 2, line 19, delete "to an employee described in section 1(2) of this".

Page 2, line 20, delete "chapter and who is employed by the hospital".

Page 2, line 21, after "October 1" insert "of each year".

Page 2, line 23, delete "the hospital's employees" and insert "an individual described in section 1 of this chapter".

Page 2, line 26, delete "employee" and insert "individual described in section 1 of this chapter".

Page 2, line 29, delete "employee's" and insert "individual's".

Page 2, line 32, delete "required under" and insert "described in section 2 of".

Page 2, line 36, delete "employee;" and insert "individual; or".

Page 2, line 37, delete "employee's" and insert "individual's".

Page 2, line 38, delete "; or" and insert ".".

Page 2, delete lines 39 through 42, begin a new paragraph and insert:

"(c) A hospital may establish a process for determining whether the tenets of the religion relied upon by an individual for purposes of the exemption in subsection (b)(3) prohibit the individual from receiving an immunization listed in section 2 of this chapter.

SECTION 3. IC 34-30-2-66.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: **Sec. 66.6. IC 16-21-13-2(e) (Concerning hospitals and immunizations).**"

(Reference is to SB 162 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

PATRICIA MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Public Policy, to which was referred Senate Bill 169, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 5, line 30, strike "eight (8)" and insert "nine (9)".

Page 5, line 40, strike "eight (8)" and insert "nine (9)".

Page 6, line 2, strike "eight (8)" and insert "**nine (9)**".
 (Reference is to SB 169 as introduced.)
 and when so amended that said bill do pass.
 Committee Vote: Yeas 8, Nays 0.

ALTING, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Public Policy, to which was referred Senate Bill 177, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 5, delete "primary".

Page 1, line 6, delete "primary".

Page 1, line 17, delete "The" and insert "**Except as provided under IC 7.1-3-21-5.6, the**".

Page 2, line 3, delete "IC 7.1-3-21-5(b)." and insert "**IC 7.1-3-21-5(b), IC 7.1-3-21-5.2(b), or IC 7.1-3-21-5.4(b).**".

Page 2, delete lines 41 through 42, begin a new paragraph and insert:

"SECTION 3. IC 7.1-3-20-18.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 18.5. (a) This section applies to the premises of a hotel that is owned by an accredited college or university (as described in IC 24-4-11-2).**

(b) Subject to subsection (c), the holder of a retailer permit that is issued for the premises of a hotel may sell or dispense, for on premise consumption only, alcoholic beverages, for which the permittee holds the appropriate permit, from a:

- (1) nonpermanent bar located on an outside patio or terrace; or**
- (2) service window located on the licensed premises that opens to an outside patio or terrace;**

that is contiguous to the main building of the licensed premises of the hotel.

(c) The holder of a retailer permit that is issued for the premises of a hotel may sell or dispense alcoholic beverages as provided under subsection (b) only if all the following conditions are met:

(1) The patio or terrace area described in subsection (b) is:

- (A) part of the licensed premises; and**
- (B) clearly delineated and completely enclosed on all sides by a fence, rail, wall, or hedge that is at least four (4) feet in height.**

(2) Access to the nonpermanent bar or service window is limited by a barrier that reasonably deters free access by minors to the bar or window.

(3) A conspicuous sign is posted by the barrier described in subdivision (2) that states that minors are not allowed to cross the barrier to enter the area near the nonpermanent bar or service window.

SECTION 4. IC 7.1-3-21-5, AS AMENDED BY P.L.107-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The commission shall not issue an alcoholic beverage retailer's ~~or dealer's~~ permit of any type to a corporation unless sixty percent (60%) of the outstanding common stock is owned by persons who have been continuous and bona fide residents of Indiana for five (5) years.

(b) The commission shall not issue an alcoholic beverage dealer's permit of any type for the premises of a package liquor store to a corporation unless:

- (1) sixty percent (60%) of the outstanding stock in the corporation is owned by persons who have been continuous and bona fide residents of Indiana for five (5) years; and**
- (2) the stock described in subdivision (1) constitutes a controlling interest in the corporation.**

~~(b)~~ **(c)** Each officer and stockholder of a corporation shall possess all other qualifications required of an individual applicant for that particular type of permit.

SECTION 5. IC 7.1-3-21-5.2, AS AMENDED BY P.L.107-2015, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.2. (a) The commission shall not issue an alcoholic beverage retailer's ~~or dealer's~~ permit of any type to a limited partnership unless at least sixty percent (60%) of the partnership interest is owned by persons who have been continuous and bona fide residents of Indiana for five (5) years.

(b) The commission shall not issue an alcoholic beverage dealer's permit of any type for the premises of a package liquor store to a limited partnership unless:

- (1) at least sixty percent (60%) of the partnership interest is owned by persons who have been continuous and bona fide residents of Indiana for five (5) years; and**
- (2) the partnership interest described in subdivision (1) constitutes a controlling interest in the limited partnership.**

~~(b)~~ **(c)** Each general partner and limited partner of a limited partnership must possess all other qualifications required of an individual applicant for that particular type of permit.

SECTION 6. IC 7.1-3-21-5.4, AS AMENDED BY P.L.107-2015, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.4. (a) The commission shall not issue an alcoholic beverage retailer's ~~or dealer's~~ permit of any type to a limited liability company unless at least sixty percent (60%) of the membership interest is owned by persons who have been continuous and bona fide residents of Indiana for five (5) years.

(b) The commission shall not issue an alcoholic beverage dealer's permit of any type for the premises of a package liquor store to a limited liability company unless:

- (1) at least sixty percent (60%) of the outstanding membership interest in the limited liability company is**

owned by persons who have been continuous and bona fide residents of Indiana for five (5) years; and (2) the membership interest described in subdivision (1) constitutes a controlling interest in the limited partnership.

(b) (c) Each manager and member of a limited liability company must possess all other qualifications required of an individual applicant for that particular type of permit.

SECTION 7. IC 7.1-3-21-5.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5.6. (a) Notwithstanding section 5, 5.2, or 5.4 of this chapter, the commission may renew or transfer ownership of a dealer's permit of any type for the holder of a dealer's permit who:**

(1) held the permit for the premises of a package liquor store before January 1, 2016; and

(2) does not qualify for the permit under section 5(b), 5.2(b), or 5.4(b) of this chapter.

(b) The commission may transfer ownership of a dealer's permit under this section only to an applicant who satisfies the Indiana resident ownership requirements under this chapter."

Delete page 3.

Page 4, delete lines 1 through 20.

Renumber all SECTIONS consecutively.

(Reference is to SB 177 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 1.

ALTING, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections & Criminal Law, to which was referred Senate Bill 178, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 14, delete "Level 1 felony,".

Page 4, line 42, delete "Level 1 or".

Page 6, line 14, delete ", Level 2,".

Page 6, line 24, delete "Level 1,".

Page 6, line 24, delete "Level 2," and insert "Level 2".

Page 7, line 27, delete "as a Level 1 or".

Page 7, line 40, delete "Level 1," and insert "Level 1".

Page 7, line 41, delete "Level 2,".

Page 8, line 38, reset in roman "(j),".

Page 8, line 38, delete "(k),".

Page 10, line 10, delete "mental" and insert "**serious mental**".

Page 10, line 11, delete "mental" and insert "**serious mental**".

Page 10, line 25, delete "mental" and insert "**serious mental**".

Page 10, line 27, delete "mental" and insert "**serious mental**".

Page 10, line 34, delete "mental" and insert "**serious mental**".

Page 10, line 36, delete "mental" and insert "**serious mental**".

Page 10, line 39, reset in roman "one (1) or more of the following:".

Page 10, line 40, reset in roman "(1) A".

Page 10, line 40, delete "a".

Page 10, reset in roman line 42.

Page 11, delete lines 1 through 8.

Page 11, line 40, delete "Level 2 felony, or Level" and insert "**or Level 2 felony**".

Page 11, line 41, delete "1 felony".

Page 13, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 7. IC 35-46-1-1, AS AMENDED BY P.L.99-2007, SECTION 210, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. As used in this chapter:

"Dependent" means:

(1) an unemancipated person who is under eighteen (18) years of age; or

(2) a person of any age who has a **serious** mental or physical disability; or

(3) an **endangered adult, if the endangered adult is under the care of another person.**

"Endangered adult" has the meaning set forth in IC 12-10-3-2.

"Support" means food, clothing, shelter, or medical care.

"Tobacco business" means a sole proprietorship, corporation, partnership, or other enterprise in which:

(1) the primary activity is the sale of tobacco, tobacco products, and tobacco accessories; and

(2) the sale of other products is incidental."

Page 13, line 27, delete "mental" and insert "**serious mental**".

Page 13, line 32, delete "(a)(3):" and insert "(a)(3)".

Page 13, line 33, delete "(A)".

Page 13, line 35, delete "or".

Page 13, delete lines 36 through 38.

Page 13, line 39, delete "disability;".

Page 13, line 39, reset in roman "and".

Page 13, run in lines 32 through 39.

Page 14, line 5, after "dependent;" insert "**and**".

Page 14, line 10, delete "mental" and insert "**serious mental**".

Page 14, line 14, delete "mental" and insert "**serious mental**".

Page 14, line 22, delete "dependent; and" and insert "**dependent**".

Page 14, delete lines 23 through 26.

Page 15, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 9. IC 35-46-1-13, AS AMENDED BY P.L.238-2015, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. (a) A person who:

(1) believes or has reason to believe that an endangered adult or person of any age who has a **serious** mental or physical disability is the victim of battery, neglect, or exploitation as prohibited by this chapter or IC 35-42-2-1; and

(2) knowingly fails to report the facts supporting that belief to the division of disability and rehabilitative services, the division of aging, the adult protective services unit designated under IC 12-10-3, or a law enforcement agency having jurisdiction over battery, neglect, or exploitation of an endangered adult;

commits a Class B misdemeanor.

(b) An officer or employee of the division or adult protective services unit who unlawfully discloses information contained in the records of the division of aging under IC 12-10-3-12 through IC 12-10-3-15 commits a Class C infraction.

(c) A law enforcement agency that receives a report that an endangered adult or person of any age who has a **serious** mental or physical disability is or may be a victim of battery, neglect, or exploitation as prohibited by this chapter or IC 35-42-2-1 shall immediately communicate the report to the adult protective services unit designated under IC 12-10-3.

(d) An individual who discharges, demotes, transfers, prepares a negative work performance evaluation, reduces benefits, pay, or work privileges, or takes other action to retaliate against an individual who in good faith makes a report under IC 12-10-3-9 concerning an endangered individual commits a Class A infraction."

Page 15, delete lines 8 through 42.

Delete pages 16 through 22.

Re-number all SECTIONS consecutively.

(Reference is to SB 178 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

M. YOUNG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health & Provider Services, to which was referred Senate Bill 186, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

PATRICIA MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 192, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

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

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

"SECTION 1. IC 12-7-2-77 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 77. "Endangered adult", for purposes of **IC 12-8-1.5-18** and IC 12-10-3, has the meaning set forth in IC 12-10-3-2.

SECTION 2. IC 12-8-1.5-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 18. (a) Before December 1, 2016, the office of the secretary of family and social services, in cooperation with the Indiana prosecuting attorneys council, shall do the following:**

(1) Prepare and submit a report as described in subsection (b) to the legislative council in an electronic format under IC 5-14-6.

(2) Present the report required under this section to the budget committee.

(b) The report must include:

(1) an estimation of the appropriate staffing levels necessary for the office of the secretary of family and social services and county prosecuting attorney offices to efficiently and effectively manage the investigations of reports of matters related to the abuse, neglect, or exploitation of endangered adults;

(2) identification of:

(A) the circumstances that should result in emergency placement in the case of an adult protective services investigation;

(B) the appropriate types of emergency placements based on those circumstances; and

(C) strategies for improving emergency placement capabilities;

(3) consideration of the benefits and cost of establishing a centralized intake system for reports of matters related to the abuse, neglect, or exploitation of endangered adults;

(4) a statement of consistent standards of care for endangered adults;

(5) a determination of the appropriate levels of training for employees of:

(A) the office of the secretary of family and social services; and

(B) a county prosecuting attorney office;

who are involved in providing adult protective services;
(6) a draft of a cooperative agreement between the office of the secretary of family and social services and the Indiana prosecuting attorneys council that sets forth the duties and responsibilities of the agencies and county prosecuting attorney offices with regard to adult protective services; and

(7) performance goals and accountability metrics for adult protective services to be incorporated in contracts and grant agreements.

(c) The budget committee shall consider the report submitted under this section in formulating the committee's budget recommendations."

Page 2, after line 23, begin a new paragraph and insert:

"SECTION 5. **An emergency is declared for this act.**"

Re-number all SECTIONS consecutively.

(Reference is to SB 192 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax & Fiscal Policy, to which was referred Senate Bill 197, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

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

Page 1, line 4, delete "Against Children" and insert "**Investigation**".

Page 1, line 6, delete "against children" and insert "**investigation**".

Page 1, line 8, delete "against children" and insert "**investigation**".

Page 1, line 13, delete "against children" and insert "**investigation**".

Page 2, delete lines 2 through 3.

Page 2, line 6, after "misdemeanors" delete ":" and insert "**that involve the use of the Internet, including crimes against children that involve the use of the Internet.**".

Page 2, delete lines 7 through 8.

Page 2, between lines 34 and 35, begin a new paragraph and insert:

"(d) The department shall before November 1, 2017, and before November 1 of each year thereafter submit a report in an electronic format under IC 5-14-6 to the legislative council concerning the uses of money in the fund and the programs and activities that were paid for by expenditures of money in the fund."

Page 3, line 26, delete "against children" and insert "**investigation**".

Page 3, line 26, after "(IC 33-37-5-34)" delete "." and insert "**, before its expiration on June 30, 2020.**".

Page 4, line 26, delete "against children" and insert "**investigation**".

Page 4, line 26, after "(\$10)." insert "**This section expires June 30, 2020.**".

Page 8, line 20, delete "against children" and insert "**investigation**".

Page 8, line 20, after "IC 33-37-5-34" delete "." and insert "**before the expiration of that fee on June 30, 2020.**".

Page 8, line 21, delete "against" and insert "**investigation fees collected before July 1, 2020,**".

Page 8, line 22, delete "children fees".

Page 8, line 22, delete "against children" and insert "**investigation**".

Page 11, line 13, delete "against children" and insert "**investigation**".

Page 11, line 13, after "IC 33-37-5-34" delete "." and insert "**before the expiration of that fee on June 30, 2020.**".

Page 11, line 15, delete "against children fees" and insert "**investigation fees collected before July 1, 2020,**".

Page 11, line 15, after "crimes" delete "against children" and insert "**investigation**".

(Reference is to SB 197 as printed January 22, 2016.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 2.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 216, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 10 through 17, begin a new paragraph and insert:

"SECTION 3. IC 9-21-18-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. **(a)** A unit and the owner or lessee of a shopping center or private business property located within the unit may contract to empower the unit to regulate by ordinance the parking of vehicles and the traffic at the shopping center or private business property, subject to approval by the fiscal body of the unit by ordinance.

(b) A unit may enforce parking and traffic ordinances on the property of a residential apartment complex if:

(1) the owner of the residential apartment complex enters into an enforcement agreement with the unit; and

(2) the fiscal body of the unit approves the enforcement agreement."

Delete page 2.

Page 3, delete lines 1 through 6.

Page 3, line 11, delete "residential apartment".

Page 3, line 12, delete "complex,".

Page 3, line 12, after "center" delete ",".

Page 3, delete lines 32 through 42.

Delete page 4.

Re-number all SECTIONS consecutively.

(Reference is to SB 216 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 1.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections & Criminal Law, to which was referred Senate Bill 220, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 35-38-1-7.1, AS AMENDED BY P.L.213-2015, SECTION 261, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7.1. (a) In determining what sentence to impose for a crime, the court may consider the following aggravating circumstances:

(1) The harm, injury, loss, or damage suffered by the victim of an offense was:

(A) significant; and

(B) greater than the elements necessary to prove the commission of the offense.

(2) The person has a history of criminal or delinquent behavior.

(3) The victim of the offense was less than twelve (12) years of age or at least sixty-five (65) years of age at the time the person committed the offense.

(4) The person:

(A) committed a crime of violence (IC 35-50-1-2); and

(B) knowingly committed the offense in the presence or within hearing of an individual who:

(i) was less than eighteen (18) years of age at the time the person committed the offense; and

(ii) is not the victim of the offense.

(5) The person violated a protective order issued against the person under IC 34-26-5 (or IC 31-1-11.5, IC 34-26-2, or IC 34-4-5.1 before their repeal), a workplace violence restraining order issued against the person under IC 34-26-6, or a no contact order issued against the person.

(6) The person has recently violated the conditions of any probation, parole, pardon, community corrections placement, or pretrial release granted to the person.

(7) The victim of the offense was:

(A) a person with a disability (as defined in IC 27-7-6-12), and the defendant knew or should have known that the victim was a person with a disability; or

(B) mentally or physically infirm.

(8) The person was in a position having care, custody, or control of the victim of the offense.

(9) The injury to or death of the victim of the offense was the result of shaken baby syndrome (as defined in IC 16-41-40-2).

(10) The person threatened to harm the victim of the offense or a witness if the victim or witness told anyone about the offense.

(11) The person:

(A) committed trafficking with an inmate under IC 35-44.1-3-5; and

(B) is an employee of the penal facility.

(12) The person committed the offense with the intent to harm or intimidate an individual because of the individual's:

(A) race;

(B) religion;

(C) color;

(D) sex;

(E) gender;

(F) disability;

(G) national origin;

(H) ancestry;

(I) sexual orientation or transgender status; or

(J) status as a veteran or member of the armed forces.

(b) The court may consider the following factors as mitigating circumstances or as favoring suspending the sentence and imposing probation:

(1) The crime neither caused nor threatened serious harm to persons or property, or the person did not contemplate that it would do so.

(2) The crime was the result of circumstances unlikely to recur.

(3) The victim of the crime induced or facilitated the offense.

(4) There are substantial grounds tending to excuse or justify the crime, though failing to establish a defense.

(5) The person acted under strong provocation.

(6) The person has no history of delinquency or criminal activity, or the person has led a law-abiding life for a substantial period before commission of the crime.

(7) The person is likely to respond affirmatively to probation or short term imprisonment.

(8) The character and attitudes of the person indicate that the person is unlikely to commit another crime.

(9) The person has made or will make restitution to the victim of the crime for the injury, damage, or loss sustained.

(10) Imprisonment of the person will result in undue hardship to the person or the dependents of the person.

(11) The person was convicted of a crime involving the use of force against a person who had repeatedly inflicted physical or sexual abuse upon the convicted person and evidence shows that the convicted person suffered from the effects of battery as a result of the past course of conduct of the individual who is the victim of the crime for which the person was convicted.

(12) The person was convicted of a crime relating to a controlled substance and the person's arrest or prosecution was facilitated in part because the person:

(A) requested emergency medical assistance; or

(B) acted in concert with another person who requested emergency medical assistance;

for an individual who reasonably appeared to be in need of medical assistance due to the use of alcohol or a controlled substance.

(13) The person has posttraumatic stress disorder, traumatic brain injury, or a postconcussive brain injury.

(c) The criteria listed in subsections (a) and (b) do not limit the matters that the court may consider in determining the sentence.

(d) A court may impose any sentence that is:

(1) authorized by statute; and

(2) permissible under the Constitution of the State of Indiana;

regardless of the presence or absence of aggravating circumstances or mitigating circumstances.

(e) If a court suspends a sentence and orders probation for a person described in subsection (b)(13), the court may require the person to receive treatment for the person's injuries.

(Reference is to SB 220 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

M. YOUNG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 221, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 5 through 15.

Page 2, delete lines 1 through 4.

Page 2, line 5, delete "2." and insert "1."

Page 2, line 7, delete "an" and insert "a financially".

Page 2, between lines 8 and 9, begin a new paragraph and insert:

"Sec. 2. As used in this chapter, "financially endangered adult" means an individual to whom one (1) or more of the following apply:

(1) The individual is at least sixty (60) years of age.

(2) The individual is:

(A) at least eighteen (18) years of age; and

(B) incapable, by reason of:

(i) mental illness;

(ii) intellectual disability;

(iii) dementia; or

(iv) other physical or mental incapacity;

of managing or directing the management of the individual's property."

Page 2, line 21, delete "an" and insert "a financially".

Page 2, line 23, after "shall" delete ":" and insert ", as required by IC 12-10-3-9(a):".

Page 2, line 27, after "may" insert ", to the extent permitted under federal law,".

Page 2, line 30, after "the" insert "financially".

Page 2, line 31, after "the" insert "financially".

Page 2, line 32, after "the" insert "financially".

Page 2, line 34, after "the" insert "financially".

Page 2, line 35, after "the" insert "financially".

Page 2, line 37, delete "or".

Page 2, line 38, after "regulations" delete "." and insert ", or customer agreement.".

Page 2, line 41, delete "an" and insert "a financially".

Page 2, line 42, delete "an" and insert "a financially".

Page 3, line 3, after "the" insert "financially".

Page 3, line 27, after "the" insert "financially".

Page 3, line 35, after "the" insert "financially".

Page 3, line 37, after "individual." insert "**However, if a broker-dealer's internal review of the facts and circumstances supports the broker-dealer's reasonable belief that the financial exploitation of the financially endangered adult has occurred, is occurring, has been attempted, or will be attempted, the commissioner shall extend the refusal of disbursement for an additional fifteen (15) business days after the expiration date that would otherwise apply under this subdivision.**"

Page 4, line 11, after "any" insert "administrative or".

Page 4, line 12, after "sections." insert "**A broker-dealer or qualified individual who, in good faith, releases or does not release copies of records under section 9 of this chapter is immune from any civil liability for release of such records or failing to release such records. This chapter does not limit or otherwise impede the authority of the commissioner to access or examine books and records of broker-dealers as otherwise provided by law.**"

Page 4, line 15, delete "an" and insert "a financially".

Page 4, line 17, after "the" insert "financially".

Page 4, line 20, delete "an" and insert "a financially".

Page 4, line 27, after "exploitation of" insert "financially".

Page 4, line 29, after "exploitation of" insert "financially".

Page 4, line 33, after "of" insert "financially".

Page 6, line 32, reset in roman "five percent (5%) of".

Page 6, reset in roman line 33.

Page 6, line 34, reset in roman "account".

Page 6, line 34, delete "the first ten percent (10%) of any and all funds recovered".

Page 6, delete line 35.

Page 6, line 36, delete "relating to violations of this article".

Page 6, line 36, reset in roman "instead".

Page 8, delete lines 15 through 31.

Page 8, line 35, after "regarding" insert "financially".

Renumber all SECTIONS consecutively.

(Reference is to SB 221 as printed January 12, 2016.)

and when so amended that said bill do pass.
Committee Vote: Yeas 13, Nays 0.

STEELE, Chair

Report adopted.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections & Criminal Law, to which was referred Senate Bill 226, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 7, Nays 2.

M. YOUNG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections & Criminal Law, to which was referred Senate Bill 248, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 7, Nays 1.

M. YOUNG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 255, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 12, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education & Career Development, to which was referred Senate Bill 268, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 10, Nays 1.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 271, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 7, Nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Health & Provider Services, to which was referred Senate Bill 272, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 33, after "a" insert "**registered**".

(Reference is to SB 272 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

PATRICIA MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections & Criminal Law, to which was referred Senate Bill 290, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 16, delete "ten (10)" and insert "**twenty-eight (28)**".

Page 3, line 11, delete "ten (10)" and insert "**twenty-eight (28)**".

Page 4, line 14, delete "ten (10)" and insert "**twenty-eight (28)**".

Page 5, line 13, delete "ten (10)" and insert "**twenty-eight (28)**".

Page 6, line 17, delete "ten (10)" and insert "**twenty-eight (28)**".

Page 7, line 13, delete "ten (10)" and insert "**twenty-eight (28)**".

(Reference is to SB 290 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 2.

M. YOUNG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Public Policy, to which was referred Senate Bill 294, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

ALTING, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 295, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 5, after "assistance" insert ", **including emergency one (1) time grants,**".

Page 2, line 29, after "provide" insert "**short term**".

Page 3, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 5. IC 10-17-12-10, AS AMENDED BY P.L.113-2010, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. The commission ~~may~~ **shall** adopt rules under IC 4-22-2 for the provision of grants under this chapter. The rules adopted under this section must address the following:

- (1) Uniform need determination procedures.
- (2) Eligibility criteria, **including income eligibility standards, asset limit eligibility standards, and other standards concerning when assistance may be provided.**
- (3) Application procedures.
- (4) Selection procedures.
- (5) ~~Coordination with~~ **A consideration of the extent to which an individual has used assistance available from other assistance programs before assistance may be provided to the individual from the fund.**
- (6) Other areas in which the department determines that rules are necessary to ensure the uniform administration of the grant program under this chapter."

Page 3, after line 42, begin a new paragraph and insert:

"SECTION 7. IC 10-17-13-3, AS AMENDED BY P.L.50-2009, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) The veterans' affairs trust fund is established **as a trust fund** to provide a self-sustaining funding source for the military family relief fund established by IC 10-17-12-8.

(b) The fund consists of the following:

- (1) Appropriations by the general assembly.
- (2) Donations, gifts, grants, and bequests to the fund.
- (3) Interest and dividends on assets of the funds.
- (4) Money transferred to the fund from other funds.
- (5) Money from any other source deposited in the fund.

(c) The fund is considered a trust fund for purposes of IC 4-9.1-1-7.

SECTION 8. IC 10-17-13-12, AS ADDED BY P.L.144-2007, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. Money in the fund at the end of a state fiscal year does not revert to the state general fund or any other fund. **However, if the balance in the fund at the end of a state fiscal year is greater than ten million dollars (\$10,000,000), the amount of earnings in that state fiscal year from money in the fund shall be transferred on July 1 of the**

following state fiscal year to the military family relief fund established by IC 10-17-12-8."

Renumber all SECTIONS consecutively.

(Reference is to SB 295 as printed January 20, 2016.)

and when so amended that said bill do pass.

Committee Vote: Yeas 13, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill 300, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 25-34.1-3-2, AS AMENDED BY P.L.127-2012, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) Except as provided in:

- (1) subsection (b);
- (2) section 8(i) of this chapter; and
- (3) section 11 of this chapter;

no person shall, for consideration, sell, buy, trade, exchange, option, lease, rent, manage, list, or appraise real estate or negotiate or offer to perform any of those acts in Indiana or with respect to real estate situated in Indiana, without a license.

(b) This article does not apply to:

- (1) acts of an attorney which constitute the practice of law;
- (2) performance by a public official of acts authorized by law;
- (3) acts of a receiver, executor, administrator, commissioner, trustee, or guardian, respecting real estate owned or leased by the person represented, performed pursuant to court order or a will;
- (4) rental, for periods of less than thirty (30) days, of rooms, lodging, or other accommodations, by any commercial hotel, motel, tourist facility, or similar establishment which regularly furnishes such accommodations for consideration;
- (5) rental of residential apartment units by an individual employed or supervised by a licensed broker;
- (6) rental of apartment units which are owned and managed by a person whose only activities regulated by this article are in relation to a maximum of twelve (12) apartment units which are located on a single parcel of real estate or on contiguous parcels of real estate;
- (7) referral of real estate business by a broker or referral company which is licensed under the laws of another state, to or from brokers licensed by this state;
- (8) acts performed by a person in relation to real estate owned by that person unless that person is licensed under

this article, in which case the article does apply to ~~him~~; **that person;**

(9) acts performed by a regular, full-time, salaried employee of a person in relation to real estate owned or leased by that person unless the employee is licensed under this article, in which case the article does apply to ~~him~~; **that person;**

(10) conduct of a sale at public auction by a licensed auctioneer pursuant to IC 25-6.1;

(11) sale, lease, or other transfer of interests in cemetery lots; ~~and~~

(12) acts of a broker, who is licensed under the laws of another state, which are performed pursuant to, and under restrictions provided by, written permission that is granted by the commission in its sole discretion, except that such a person shall comply with the requirements of section 5(c) of this chapter; **and**

(13) the performance of an evaluation of real property by an employee, an officer, a director, or a member of a credit or loan committee of a financial institution, or by any other person engaged by a financial institution, in a transaction for which the financial institution would not be required to use the services of a state licensed appraiser under regulations adopted under Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3331 et seq.)."

Renumber all SECTIONS consecutively.

(Reference is to SB 300 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

HEAD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax & Fiscal Policy, to which was referred Senate Bill 304, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 6-1.1-12-13, AS AMENDED BY P.L.293-2013(ts), SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 13. (a) Except as provided in section 40.5 of this chapter, an individual may have twenty-four thousand nine hundred sixty dollars (\$24,960) deducted from the assessed value of the taxable tangible property that the individual owns, or real property, a mobile home not assessed as real property, or a manufactured home not assessed as real property that the individual is buying under a contract that provides that the individual is to pay property taxes on the real property, mobile home, or manufactured home, if the contract or a memorandum of the contract is recorded in the county recorder's office and if:

(1) the individual served in the military or naval forces of the United States during any of its wars;

(2) the individual received an honorable discharge;

(3) the individual has a disability with a service connected disability of ~~ten~~ **twenty** percent (~~10%~~) (**20%**) or more;

(4) the individual's disability is evidenced by:

(A) a pension certificate, an award of compensation, or a disability compensation check issued by the United States Department of Veterans Affairs; or

(B) a certificate of eligibility issued to the individual by the Indiana department of veterans' affairs after the Indiana department of veterans' affairs has determined that the individual's disability qualifies the individual to receive a deduction under this section; and

(5) the individual:

(A) owns the real property, mobile home, or manufactured home; or

(B) is buying the real property, mobile home, or manufactured home under contract;

on the date the statement required by section 15 of this chapter is filed.

(b) The surviving spouse of an individual may receive the deduction provided by this section if the individual satisfied the requirements of subsection (a)(1) through (a)(4) at the time of death and the surviving spouse satisfies the requirement of subsection (a)(5) at the time the deduction statement is filed. The surviving spouse is entitled to the deduction regardless of whether the property for which the deduction is claimed was owned by the deceased veteran or the surviving spouse before the deceased veteran's death.

(c) One who receives the deduction provided by this section may not receive the deduction provided by section 16 of this chapter. However, the individual may receive any other property tax deduction which the individual is entitled to by law.

(d) An individual who has sold real property, a mobile home not assessed as real property, or a manufactured home not assessed as real property to another person under a contract that provides that the contract buyer is to pay the property taxes on the real property, mobile home, or manufactured home may not claim the deduction provided under this section against that real property, mobile home, or manufactured home.

SECTION 2. IC 6-1.1-12-14, AS AMENDED BY P.L.293-2013(ts), SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 14. (a) Except as provided in subsection (c) and except as provided in section 40.5 of this chapter, an individual may have the sum of twelve thousand four hundred eighty dollars (\$12,480) deducted from the assessed value of the tangible property that the individual owns (or the real property, mobile home not assessed as real property, or manufactured home not assessed as real property that the individual is buying under a contract that provides that the individual is to pay property taxes on the real property, mobile home, or manufactured home if the contract or

a memorandum of the contract is recorded in the county recorder's office) if:

- (1) the individual served in the military or naval forces of the United States for at least ninety (90) days;
- (2) the individual received an honorable discharge;
- (3) the individual either:
 - (A) has a total disability; or
 - (B) is at least sixty-two (62) years old and has a disability of at least ~~ten~~ **twenty percent (20%)**;
- (4) the individual's disability is evidenced by:
 - (A) a pension certificate or an award of compensation issued by the United States Department of Veterans Affairs; or
 - (B) a certificate of eligibility issued to the individual by the Indiana department of veterans' affairs after the Indiana department of veterans' affairs has determined that the individual's disability qualifies the individual to receive a deduction under this section; and
- (5) the individual:
 - (A) owns the real property, mobile home, or manufactured home; or
 - (B) is buying the real property, mobile home, or manufactured home under contract;

on the date the statement required by section 15 of this chapter is filed.

(b) Except as provided in ~~subsection~~ **subsections (c) and (d)**, the surviving spouse of an individual may receive the deduction provided by this section if the individual satisfied the requirements of subsection (a)(1) through (a)(4) at the time of death and the surviving spouse satisfies the requirement of subsection (a)(5) at the time the deduction statement is filed. The surviving spouse is entitled to the deduction regardless of whether the property for which the deduction is claimed was owned by the deceased veteran or the surviving spouse before the deceased veteran's death.

(c) No one is entitled to the deduction provided by this section if the assessed value of the individual's tangible property, as shown by the tax duplicate, exceeds ~~one hundred forty-three thousand one hundred sixty dollars (\$143,160)~~: **the assessed value limit specified in subsection (d)**.

(d) For the January 1, 2017, assessment date, the assessed value limit for purposes of subsection (c) is one hundred seventy-five thousand dollars (\$175,000). For the January 1, 2018, assessment date and for each assessment date thereafter, the assessed value limit for purposes of subsection (c) is equal to the result of:

- (1) the assessed value limit applicable under this subsection for the preceding assessment date; multiplied by**
- (2) the assessed value growth quotient under IC 6-1.1-18.5-2 that is calculated in the year preceding the year in which the assessment date occurs.**

~~(d)~~ **(e)** An individual who has sold real property, a mobile home not assessed as real property, or a manufactured home not assessed as real property to another person under a contract that

provides that the contract buyer is to pay the property taxes on the real property, mobile home, or manufactured home may not claim the deduction provided under this section against that real property, mobile home, or manufactured home.

SECTION 3. IC 6-1.1-12-14.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: **Sec. 14.5. (a) As used in this section, "homestead" has the meaning set forth in IC 6-1.1-12-37.**

(b) An individual may claim a deduction from the assessed value of the individual's homestead if:

- (1) the individual served in the military or naval forces of the United States for at least ninety (90) days;**
- (2) the individual received an honorable discharge;**
- (3) the individual has a disability of at least fifty percent (50%);**
- (4) the individual's disability is evidenced by:**

(A) a pension certificate or an award of compensation issued by the United States Department of Veterans Affairs; or

(B) a certificate of eligibility issued to the individual by the Indiana department of veterans' affairs after the Indiana department of veterans' affairs has determined that the individual's disability qualifies the individual to receive a deduction under this section; and

- (5) the homestead was conveyed without charge to the individual who is the owner of the homestead by an organization that is exempt from income taxation under the federal Internal Revenue Code.**

(c) If an individual is entitled to a deduction from assessed value under subsection (b) for the individual's homestead, the amount of the deduction is determined as follows:

(1) If the individual is totally disabled, the deduction is equal to one hundred percent (100%) of the assessed value of the homestead.

(2) If the individual has a disability of at least ninety percent (90%) but the individual is not totally disabled, the deduction is equal to ninety percent (90%) of the assessed value of the homestead.

(3) If the individual has a disability of at least eighty percent (80%) but less than ninety percent (90%), the deduction is equal to eighty percent (80%) of the assessed value of the homestead.

(4) If the individual has a disability of at least seventy percent (70%) but less than eighty percent (80%), the deduction is equal to seventy percent (70%) of the assessed value of the homestead.

(5) If the individual has a disability of at least sixty percent (60%) but less than seventy percent (70%), the deduction is equal to sixty percent (60%) of the assessed value of the homestead.

(6) If the individual has a disability of at least fifty percent (50%) but less than sixty percent (60%), the

deduction is equal to fifty percent (50%) of the assessed value of the homestead.

(d) An individual who claims a deduction under this section for an assessment date may not also claim a deduction under section 13 or 14 of this chapter for that same assessment date.

(e) An individual who desires to claim the deduction under this section must claim the deduction in the manner specified by the department of local government finance.

SECTION 4. IC 6-1.1-12-37, AS AMENDED BY P.L.148-2015, SECTION 7, AS AMENDED BY P.L.207-2015, SECTION 1, AND AS AMENDED BY P.L.245-2015, SECTION 6, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 37. (a) The following definitions apply throughout this section:

- (1) "Dwelling" means any of the following:
 - (A) Residential real property improvements that an individual uses as the individual's residence, including a house or garage.
 - (B) A mobile home that is not assessed as real property that an individual uses as the individual's residence.
 - (C) A manufactured home that is not assessed as real property that an individual uses as the individual's residence.
- (2) "Homestead" means an individual's principal place of residence:
 - (A) that is located in Indiana;
 - (B) that:
 - (i) the individual owns;
 - (ii) the individual is buying under a contract; recorded in the county recorder's office, that provides that the individual is to pay the property taxes on the residence, *and that obligates the owner to convey title to the individual upon completion of all of the individual's contract obligations;*
 - (iii) the individual is entitled to occupy as a tenant-stockholder (as defined in 26 U.S.C. 216) of a cooperative housing corporation (as defined in 26 U.S.C. 216); or
 - (iv) is a residence described in section 17.9 of this chapter that is owned by a trust if the individual is an individual described in section 17.9 of this chapter; and
 - (C) that consists of a dwelling and the real estate, not exceeding one (1) acre, that immediately surrounds that dwelling.

Except as provided in subsection (k), the term does not include property owned by a corporation, partnership, limited liability company, or other entity not described in this subdivision.

(b) Each year a homestead is eligible for a standard deduction from the assessed value of the homestead for an assessment date. Except as provided in subsection (p), the deduction provided by this section applies to property taxes first due and payable for an

assessment date only if an individual has an interest in the homestead described in subsection (a)(2)(B) on:

- (1) the assessment date; or
- (2) any date in the same year after an assessment date that a statement is filed under subsection (e) or section 44 of this chapter, if the property consists of real property.

If more than one (1) individual or entity qualifies property as a homestead under subsection (a)(2)(B) for an assessment date, only one (1) standard deduction from the assessed value of the homestead may be applied for the assessment date. Subject to subsection (c), the auditor of the county shall record and make the deduction for the individual or entity qualifying for the deduction.

(c) Except as provided in section 40.5 of this chapter, the total amount of the deduction that a person may receive under this section for a particular year is the lesser of:

- (1) sixty percent (60%) of the assessed value of the real property, mobile home not assessed as real property, or manufactured home not assessed as real property; or
- (2) forty-five thousand dollars (\$45,000).

(d) A person who has sold real property, a mobile home not assessed as real property, or a manufactured home not assessed as real property to another person under a contract that provides that the contract buyer is to pay the property taxes on the real property, mobile home, or manufactured home may not claim the deduction provided under this section with respect to that real property, mobile home, or manufactured home.

(e) Except as provided in sections 17.8 and 44 of this chapter and subject to section 45 of this chapter, an individual who desires to claim the deduction provided by this section must file a certified statement in duplicate, on forms prescribed by the department of local government finance, with the auditor of the county in which the homestead is located. The statement must include:

- (1) the parcel number or key number of the property and the name of the city, town, or township in which the property is located;
- (2) the name of any other location in which the applicant or the applicant's spouse owns, is buying, or has a beneficial interest in residential real property;
- (3) the names of:

- (A) the applicant and the applicant's spouse (if any):
 - (i) as the names appear in the records of the United States Social Security Administration for the purposes of the issuance of a Social Security card and Social Security number; or
 - (ii) that they use as their legal names when they sign their names on legal documents;

if the applicant is an individual; or
 (B) each individual who qualifies property as a homestead under subsection (a)(2)(B) and the individual's spouse (if any):

- (i) as the names appear in the records of the United States Social Security Administration for the

purposes of the issuance of a Social Security card and Social Security number; or

(ii) that they use as their legal names when they sign their names on legal documents;

if the applicant is not an individual; and

(4) either:

(A) the last five (5) digits of the applicant's Social Security number and the last five (5) digits of the Social Security number of the applicant's spouse (if any); or

(B) if the applicant or the applicant's spouse (if any) does not have a Social Security number, any of the following for that individual:

(i) The last five (5) digits of the individual's driver's license number.

(ii) The last five (5) digits of the individual's state identification card number.

(iii) If the individual does not have a driver's license or a state identification card, the last five (5) digits of a control number that is on a document issued to the individual by the *federal United States* government and determined by the department of local government finance to be acceptable.

If a form or statement provided to the county auditor under this section, IC 6-1.1-22-8.1, or IC 6-1.1-22.5-12 includes the telephone number or part or all of the Social Security number of a party or other number described in subdivision (4)(B) of a party, the telephone number and the Social Security number or other number described in subdivision (4)(B) included are confidential. The statement may be filed in person or by mail. If the statement is mailed, the mailing must be postmarked on or before the last day for filing. The statement applies for that first year and any succeeding year for which the deduction is allowed. With respect to real property, the statement must be completed and dated in the calendar year for which the person desires to obtain the deduction and filed with the county auditor on or before January 5 of the immediately succeeding calendar year. With respect to a mobile home that is not assessed as real property, the person must file the statement during the twelve (12) months before March 31 of the year for which the person desires to obtain the deduction.

(f) If an individual who is receiving the deduction provided by this section or who otherwise qualifies property for a deduction under this section:

(1) changes the use of the individual's property so that part or all of the property no longer qualifies for the deduction under this section; or

(2) is no longer eligible for a deduction under this section on another parcel of property because:

(A) the individual would otherwise receive the benefit of more than one (1) deduction under this chapter; or

(B) the individual maintains the individual's principal place of residence with another individual who receives a deduction under this section;

the individual must file a certified statement with the auditor of the county, notifying the auditor of the change of use, not more than sixty (60) days after the date of that change. An individual who fails to file the statement required by this subsection is liable for any additional taxes that would have been due on the property if the individual had filed the statement as required by this subsection plus a civil penalty equal to ten percent (10%) of the additional taxes due. The civil penalty imposed under this subsection is in addition to any interest and penalties for a delinquent payment that might otherwise be due. One percent (1%) of the total civil penalty collected under this subsection shall be transferred by the county to the department of local government finance for use by the department in establishing and maintaining the homestead property data base under subsection (i) and, to the extent there is money remaining, for any other purposes of the department. This amount becomes part of the property tax liability for purposes of this article.

(g) The department of local government finance *shall* may adopt rules or guidelines concerning the application for a deduction under this section.

(h) This subsection does not apply to property in the first year for which a deduction is claimed under this section if the sole reason that a deduction is claimed on other property is that the individual or married couple maintained a principal residence at the other property on ~~March~~ *the assessment date* in the same year in which an application for a deduction is filed under this section or, if the application is for a homestead that is assessed as personal property, on ~~March~~ *the assessment date* in the immediately preceding year and the individual or married couple is moving the individual's or married couple's principal residence to the property that is the subject of the application. Except as provided in subsection (n), the county auditor may not grant an individual or a married couple a deduction under this section if:

(1) the individual or married couple, for the same year, claims the deduction on two (2) or more different applications for the deduction; and

(2) the applications claim the deduction for different property.

(i) The department of local government finance shall provide secure access to county auditors to a homestead property data base that includes access to the homestead owner's name and the numbers required from the homestead owner under subsection (e)(4) for the sole purpose of verifying whether an owner is wrongly claiming a deduction under this chapter or a credit under IC 6-1.1-20.4, IC 6-1.1-20.6, or IC 6-3.5.

(j) A county auditor may require an individual to provide evidence proving that the individual's residence is the individual's principal place of residence as claimed in the certified statement filed under subsection (e). The county auditor may limit the evidence that an individual is required to submit to a state income tax return, a valid driver's license, or a valid voter registration card showing that the residence for which the deduction is claimed is the individual's principal place of residence. The department of local government finance shall

work with county auditors to develop procedures to determine whether a property owner that is claiming a standard deduction or homestead credit is not eligible for the standard deduction or homestead credit because the property owner's principal place of residence is outside Indiana.

(k) As used in this section, "homestead" includes property that satisfies each of the following requirements:

- (1) The property is located in Indiana and consists of a dwelling and the real estate, not exceeding one (1) acre, that immediately surrounds that dwelling.
- (2) The property is the principal place of residence of an individual.
- (3) The property is owned by an entity that is not described in subsection (a)(2)(B).
- (4) The individual residing on the property is a shareholder, partner, or member of the entity that owns the property.
- (5) The property was eligible for the standard deduction under this section on March 1, 2009.

(l) If a county auditor terminates a deduction for property described in subsection (k) with respect to property taxes that are:

- (1) imposed for an assessment date in 2009; and
- (2) first due and payable in 2010;

on the grounds that the property is not owned by an entity described in subsection (a)(2)(B), the county auditor shall reinstate the deduction if the taxpayer provides proof that the property is eligible for the deduction in accordance with subsection (k) and that the individual residing on the property is not claiming the deduction for any other property.

(m) For assessment dates after 2009, the term "homestead" includes:

- (1) a deck or patio;
- (2) a gazebo; or
- (3) another residential yard structure, as defined in rules *that may be* adopted by the department of local government finance (other than a swimming pool);

that is assessed as real property and attached to the dwelling.

(n) A county auditor shall grant an individual a deduction under this section regardless of whether the individual and the individual's spouse claim a deduction on two (2) different applications and each application claims a deduction for different property if the property owned by the individual's spouse is located outside Indiana and the individual files an affidavit with the county auditor containing the following information:

- (1) The names of the county and state in which the individual's spouse claims a deduction substantially similar to the deduction allowed by this section.
- (2) A statement made under penalty of perjury that the following are true:
 - (A) That the individual and the individual's spouse maintain separate principal places of residence.
 - (B) That neither the individual nor the individual's spouse has an ownership interest in the other's principal place of residence.

(C) That neither the individual nor the individual's spouse has, for that same year, claimed a standard or substantially similar deduction for any property other than the property maintained as a principal place of residence by the respective individuals.

A county auditor may require an individual or an individual's spouse to provide evidence of the accuracy of the information contained in an affidavit submitted under this subsection. The evidence required of the individual or the individual's spouse may include state income tax returns, excise tax payment information, property tax payment information, driver license information, and voter registration information.

(o) If:

- (1) a property owner files a statement under subsection (e) to claim the deduction provided by this section for a particular property; and
- (2) the county auditor receiving the filed statement determines that the property owner's property is not eligible for the deduction;

the county auditor shall inform the property owner of the county auditor's determination in writing. If a property owner's property is not eligible for the deduction because the county auditor has determined that the property is not the property owner's principal place of residence, the property owner may appeal the county auditor's determination to the county property tax assessment board of appeals as provided in IC 6-1.1-15. The county auditor shall inform the property owner of the owner's right to appeal to the county property tax assessment board of appeals when the county auditor informs the property owner of the county auditor's determination under this subsection.

(p) An individual is entitled to the deduction under this section for a homestead for a particular assessment date if:

(1) either:

- (A) the individual's interest in the homestead as described in subsection (a)(2)(B) is conveyed to the individual after the assessment date, but within the calendar year in which the assessment date occurs; or
- (B) the individual contracts to purchase the homestead after the assessment date, but within the calendar year in which the assessment date occurs;

(2) on the assessment date:

- (A) the property on which the homestead is currently located was vacant land; or
- (B) the construction of the dwelling that constitutes the homestead was not completed;

(3) either:

- (A) the individual files the certified statement required by subsection (e) on or before December 31 of the calendar year in which the assessment date occurs to claim the deduction under this section; or
- (B) a sales disclosure form that meets the requirements of section 44 of this chapter is submitted to the county assessor on or before December 31 of the calendar year for the individual's purchase of the homestead; and

(4) the individual files with the county auditor on or before December 31 of the calendar year in which the assessment date occurs a statement that:

(A) lists any other property for which the individual would otherwise receive a deduction under this section for the assessment date; and

(B) cancels the deduction described in clause (A) for that property.

An individual who satisfies the requirements of subdivisions (1) through (4) is entitled to the deduction under this section for the homestead for the assessment date, even if on the assessment date the property on which the homestead is currently located was vacant land or the construction of the dwelling that constitutes the homestead was not completed. The county auditor shall apply the deduction for the assessment date and for the assessment date in any later year in which the homestead remains eligible for the deduction. A homestead that qualifies for the deduction under this section as provided in this subsection is considered a homestead for purposes of section 37.5 of this chapter and IC 6-1.1-20.6. *The county auditor shall cancel the deduction under this section for any property that is located in the county and is listed on the statement filed by the individual under subdivision (4). If the property listed on the statement filed under subdivision (4) is located in another county, the county auditor who receives the statement shall forward the statement to the county auditor of that other county, and the county auditor of that other county shall cancel the deduction under this section for that property.*

(q) This subsection applies to an application for the deduction provided by this section that is filed for an assessment date occurring after December 31, 2013. Notwithstanding any other provision of this section, an individual buying a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property under a contract providing that the individual is to pay the property taxes on the mobile home or manufactured home is not entitled to the deduction provided by this section unless the parties to the contract comply with IC 9-17-6-17.

(r) This subsection:

(1) applies to an application for the deduction provided by this section that is filed for an assessment date occurring after December 31, 2013; and

(2) does not apply to an individual described in subsection (q).

The owner of a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property must attach a copy of the owner's title to the mobile home or manufactured home to the application for the deduction provided by this section.

(s) For assessment dates after 2013, the term "homestead" includes property that is owned by an individual who:

(1) is serving on active duty in any branch of the armed forces of the United States;

(2) was ordered to transfer to a location outside Indiana; and

(3) was otherwise eligible, without regard to this subsection, for the deduction under this section for the property for the assessment date immediately preceding the transfer date specified in the order described in subdivision (2).

For property to qualify under this subsection for the deduction provided by this section, the individual described in subdivisions (1) through (3) must submit to the county auditor a copy of the individual's transfer orders or other information sufficient to show that the individual was ordered to transfer to a location outside Indiana. The property continues to qualify for the deduction provided by this section until the individual ceases to be on active duty, the property is sold, or the individual's ownership interest is otherwise terminated, whichever occurs first. Notwithstanding subsection (a)(2), the property remains a homestead regardless of whether the property continues to be the individual's principal place of residence after the individual transfers to a location outside Indiana. **However, The property continues to qualify as a homestead under this subsection if the property is leased while the individual is away from Indiana and is serving on active duty, if the individual has lived at the property at any time during the past ten (10) years. Otherwise,** the property ceases to qualify as a homestead under this subsection if the property is leased while the individual is away from Indiana. Property that qualifies as a homestead under this subsection shall also be construed as a homestead for purposes of section 37.5 of this chapter.

SECTION 5. [EFFECTIVE JANUARY 1, 2017] **(a) IC 6-1.1-12-14.5, as added by this act, and IC 6-1.1-12-13, IC 6-1.1-12-14, and IC 6-1.1-12-37, all as amended by this act, apply to assessment dates after December 31, 2016.**

(b) This SECTION expires January 1, 2020."

Delete pages 2 through 6.

(Reference is to SB 304 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 13, Nays 0.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education & Career Development, to which was referred Senate Bill 307, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 3, delete lines 6 through 16, begin a new paragraph and insert:

"Sec. 5. (a) Whenever a petitioner:

(1) obtains the signatures of twenty percent (20%) of the legal voters residing in each school corporation situated in a particular county that is part of a proposed consolidation under this chapter; and

(2) prepares a resolution; the petitioner shall submit certified copies of the resolution and petition to the governing bodies of each school corporation contained in the proposed consolidation. Each governing body named in the resolution shall hold a public meeting within sixty (60) days of the date that the proposed resolution and petition are submitted to the governing body to discuss the proposed consolidation. If, after thirty (30) days after the date of the public meeting, the petitioner does not withdraw the petition, each governing body petitioned shall call the school election provided for in each school corporation."

Page 4, line 14, delete "staffing." and insert "staffing, including staffing for business functions and curricular services."

Page 4, line 21, delete "body with an assistant superintendent" and insert "body."

Page 4, delete line 22.

Page 5, line 3, delete "." and insert "at a general or primary election in which voters of each school corporation will vote."

Page 6, line 39, delete "reorganize on" and insert "organize in the manner set forth in IC 20-26-4-1."

Page 6, delete line 40.

Page 6, line 41, delete "is changed."

Run in lines 39 through 41.

Page 8, delete lines 24 through 28, begin a new paragraph and insert:

"Sec. 13. Upon receipt of the resolution under section 12 of this chapter, the department of local government finance shall set:

- (1) new maximum levies under IC 20-46-4 and IC 20-46-5, which may not be less than the sum of the existing maximum levies adjusted for assessed value growth; and
- (2) a new maximum rate under IC 20-46-6, which equals an amount determined as follows:

STEP ONE: Determine the maximum amount that may be levied under each subunit's maximum capital projects fund tax rate.

STEP TWO: Determine the sum of the STEP ONE amounts.

STEP THREE: Determine the certified net assessed values for the subunits.

STEP FOUR: Divide the STEP TWO amount by the STEP THREE amount (rounded to the nearest ten-thousandth (0.0001))."

(Reference is to SB 307 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax & Fiscal Policy, to which was referred Senate Bill 309, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 14, delete lines 1 through 25, begin a new paragraph and insert:

"SECTION 14. IC 6-2.5-1-14.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]: Sec. 14.7. "Construction material" means any tangible personal property to be converted into real property.

SECTION 15. IC 6-2.5-1-14.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]: Sec. 14.9. "Contractor" means any person engaged in converting construction material into real property on behalf of another person. The term includes, but is not limited to, general or prime contractors, subcontractors, and specialty contractors.

SECTION 16. IC 6-2.5-1-27.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]: Sec. 27.7. "Time and material contract" means a contract in which the cost of construction material and the cost of labor or other charges are stated separately.

SECTION 17. IC 6-2.5-3-2, AS AMENDED BY P.L.13-2013, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]: Sec. 2. (a) An excise tax, known as the use tax, is imposed on the storage, use, or consumption of tangible personal property in Indiana if the property was acquired in a retail transaction, regardless of the location of that transaction or of the retail merchant making that transaction.

(b) The use tax is also imposed on the storage, use, or consumption of a vehicle, an aircraft, or a watercraft, if the vehicle, aircraft, or watercraft:

- (1) is acquired in a transaction that is an isolated or occasional sale; and
- (2) is required to be titled, licensed, or registered by this state for use in Indiana.

(c) The use tax is imposed on the addition of tangible personal property to a structure or facility; if, after its addition, the property becomes part of the real estate on which the structure or facility is located: a contractor's conversion of construction material into real property if that construction material was purchased by the contractor. However, the use tax does not apply to additions conversions of tangible personal property construction material described in this subsection, if:

- (1) the state gross retail or use tax has been previously imposed on the sale contractor's acquisition or use of that property; or construction material;

(2) the ~~ultimate purchaser or recipient of that property would have been~~ **person for whom the construction material is being converted could have purchased the material** exempt from the state gross retail and use taxes, **as evidenced by a properly issued exemption certificate**, if that ~~purchaser or recipient person~~ had directly purchased the property from the supplier for addition to the structure or facility: **construction material from a retail merchant in a retail transaction; or**

(3) the conversion of the construction material into real property is governed by a time and material contract as described in IC 6-2.5-4-9(b).

(d) The use tax is imposed on a person who:

(1) manufactures, fabricates, or assembles tangible personal property from materials either within or outside Indiana; and

(2) uses, stores, distributes, or consumes tangible personal property in Indiana.

(e) Notwithstanding any other provision of this section, the use tax is not imposed on the keeping, retaining, or exercising of any right or power over tangible personal property, if:

(1) the property is delivered into Indiana by or for the purchaser of the property;

(2) the property is delivered in Indiana for the sole purpose of being processed, printed, fabricated, or manufactured into, attached to, or incorporated into other tangible personal property; and

(3) the property is subsequently transported out of state for use solely outside Indiana.

(f) As used in subsection (g) and IC 6-2.5-5-42:

(1) "completion work" means the addition of tangible personal property to or reconfiguration of the interior of an aircraft, if the work requires the issuance of an airworthiness certificate from the:

(A) Federal Aviation Administration; or

(B) equivalent foreign regulatory authority;

due to the change in the type certification basis of the aircraft resulting from the addition to or reconfiguration of the interior of the aircraft;

(2) "delivery" means the physical delivery of the aircraft regardless of who holds title; and

(3) "prepurchase evaluation" means an examination of an aircraft by a potential purchaser for the purpose of obtaining information relevant to the potential purchase of the aircraft.

(g) Notwithstanding any other provision of this section, the use tax is not imposed on the keeping, retaining, or exercising of any right or power over an aircraft, if:

(1) the aircraft is or will be titled, registered, or based (as defined in IC 6-6-6.5-1(m)) in another state or country;

(2) the aircraft is delivered to Indiana by or for a nonresident owner or purchaser of the aircraft;

(3) the aircraft is delivered to Indiana for the sole purpose of being repaired, refurbished, remanufactured, or

subjected to completion work or a prepurchase evaluation; and

(4) after completion of the repair, refurbishment, remanufacture, completion work, or prepurchase evaluation, the aircraft is transported to a destination outside Indiana.

(h) The amendments made to this section by P.L.153-2012 shall be interpreted to specify and not to change the general assembly's intent with respect to this section.

SECTION 18. IC 6-2.5-4-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010 (RETROACTIVE)]: Sec. 9. (a) A person is a retail merchant making a retail transaction when the person sells tangible personal property which:

(1) is to be added to a structure or facility by the purchaser; and

(2) after its addition to the structure or facility, would become a part of the real estate property on which the structure or facility is located.

(b) ~~Notwithstanding subsection (a); a transaction described in subsection (a) is not a retail transaction, if the ultimate purchaser or recipient of the property to be added to the structure or facility would be exempt from the state gross retail and use taxes if that purchaser or recipient had directly purchased the property from the supplier for addition to the structure or facility. A contractor is a retail merchant making a retail transaction when the~~ **contractor:**

(1) disposes of tangible personal property; or

(2) converts tangible personal property into real property;

under a time and material contract. As such a retail merchant, a contractor described in this subsection shall collect, as an agent of the state, the state gross retail tax on the resale of the construction material and remit the state gross retail tax as provided in this article.

SECTION 19. IC 6-2.5-5-3, AS AMENDED BY P.L.250-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 3. (a) For purposes of this section:

(1) the:

(A) retreading of tires; **and**

~~(B) cutting of steel bars into billets; and~~

~~(C) (B) felling of trees for further use in production or for sale in the ordinary course of business;~~

shall be treated as the processing of tangible personal property; and

(2) commercial printing shall be treated as the production and manufacture of tangible personal property.

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

the purpose of transporting materials into such activities from an onsite location.

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

Page 15, line 2, delete "or the owner of the" and insert ".".

Page 15, delete line 3.

Page 16, line 14, reset in roman "151(c)(1)(B)".

Page 16, line 14, delete "151(c)".

Page 16, line 15, delete "Code;" and insert "Code".

Page 16, line 15, reset in roman "(as effective January 1, 2004);".

Page 16, line 15, strike "and".

Page 16, between lines 15 and 16, begin a new line double block indented and insert:

"(B) one thousand five hundred dollars (\$1,500) for each exemption allowed under Section 151(c) of the Internal Revenue Code for an individual:

(i) who is less than nineteen (19) years of age or is a full-time student who is less than twenty-four (24) years of age;

(ii) for whom the taxpayer is the legal guardian; and

(iii) for whom the taxpayer does not claim an exemption under clause (A); and".

Page 16, line 16, strike "(B)" and insert "(C)".

Page 54, delete lines 16 through 42.

Delete page 55.

Page 56, delete lines 1 through 8.

Page 66, delete lines 33 through 36, begin a new paragraph and insert:

"SECTION 72. [EFFECTIVE UPON PASSAGE] (a) For any taxpayer predominately engaged in the business of cutting steel bars owned by others into billets, IC 6-2.5-5-3(a)(1)(B), as amended by P.L.250-2015, SECTION 10 (as in effect January 1, 2016), shall be applied retroactively as if it were in effect on January 1, 2011. However, a taxpayer predominantly engaged in the business of cutting steel bars owned by others into billets is not entitled to a refund of state gross retail or use taxes paid for any tax period beginning December 31, 2010, and before January 1, 2016, if that refund is based on a claim that applies IC 6-2.5-5-3(a)(1)(B).

(b) This SECTION expires January 1, 2020."

Re-number all SECTIONS consecutively.

(Reference is to SB 309 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 4.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill 310, has had the

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

Page 6, line 14, delete "This subsection does not apply if the petitioner is a political".

Page 6, line 15, delete "subdivision (as defined in IC 36-1-2-13)".

Page 6, line 15, strike "Unless the county auditor".

Page 6, strike line 16.

Page 6, line 17, strike "4.7 of this chapter,".

Page 6, line 17, delete "a" and insert "A".

Page 6, line 17, strike "must" and insert "**may**".

Page 6, line 30, delete "This subsection does not apply if the petitioner is a political".

Page 6, line 31, delete "subdivision (as defined in IC 36-1-2-13)".

Page 6, line 32, strike "fails to include" and insert "**includes**".

Page 6, line 33, strike "does not constitute" and insert "**constitutes**".

Page 10, line 32, after "(a)" insert "**This section applies only in Lake County as a three (3) year pilot program to obtain experience with the method of disposing of real property set forth in this section.**

(b)".

Page 10, line 38, delete "(b)" and insert "**(c)**".

Page 11, line 28, delete "(c)" and insert "**(d)**".

Page 11, line 29, delete "(b)," and insert "**(c),**".

Page 11, line 31, delete "(d)" and insert "**(e)**".

Page 12, between lines 14 and 15, begin a new paragraph and insert:

"(f) This section expires July 1, 2019."

Page 12, delete lines 15 through 42.

Delete pages 13 through 14.

Page 15, delete lines 1 through 10.

Re-number all SECTIONS consecutively.

(Reference is to SB 310 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

HEAD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health & Provider Services, to which was referred Senate Bill 313, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, delete lines 15 through 37.

Page 2, line 38, delete "2." and insert "**1.**".

Page 3, line 2, delete "3." and insert "**2.**".

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

Page 3, line 13, delete "and social workers" and insert "**social workers, and others**".

Page 3, line 17, delete "5." and insert "4."

Page 3, delete lines 24 through 28.

Page 3, line 29, delete "(4)" and insert "(2)".

Page 3, line 31, delete "(5)" and insert "(3)".

Page 3, delete lines 35 through 37.

Page 3, line 38, delete "7." and insert "5."

Page 3, line 39, delete "in the United States. The" and insert **"and programs in Indiana. The state department may include on the list perinatal hospice providers and programs in other states that provide care to Indiana residents."**

Page 3, delete lines 40 through 41.

Page 3, line 42, delete "Indiana residents."

Page 4, line 1, after "providers" insert **"and programs"**.

Page 4, delete lines 3 through 13, begin a new paragraph and insert:

"Sec. 6. (a) The state department shall develop a form on which a pregnant woman certifies, at the time of receiving a diagnosis that the pregnant woman's unborn child has a lethal fetal anomaly, that the pregnant woman has received the following:

(1) A copy of the perinatal hospice brochure developed under this chapter.

(2) A list of the perinatal hospice providers and programs developed under section 5 of this chapter.

(b) The provider diagnosing the pregnant woman's unborn child with the lethal fetal anomaly shall, at the time of diagnosis:

(1) provide the pregnant woman with a written copy of:

(A) the perinatal brochure developed under this chapter; and

(B) the certification form developed by the state department under subsection (a); and

(2) have the pregnant woman complete the certification form."

Page 4, line 14, delete "9." and insert "7."

Page 9, line 11, delete "twenty-four (24)" and insert **"eighteen (18)"**.

Page 9, line 12, delete "referring".

Page 9, line 13, delete "physician or the".

Page 9, line 18, delete "IC 16-25-4.5-5" and insert **"IC 16-25-4.5-4"**.

Page 9, line 18, after "providers" insert **"and programs"**.

Page 9, line 19, delete "IC 16-25-4.5-7," and insert **"IC 16-25-4.5-5,"**.

Page 9, line 25, delete "IC 16-25-4.5-8," and insert **"IC 16-25-4.5-6, at least eighteen (18) hours"**.

Page 9, line 26, delete ":" and insert **"been provided the information described in subsection (c) in the manner required by subsection (c)."**

Page 9, delete lines 27 through 31.

Page 10, line 22, after "(C)" insert **"The gender of the fetus, if detectable.**

(D)".

Page 10, line 25, delete "(D)" and insert **"(E)"**.

Page 12, line 2, after "1." insert **"(a)"**.

Page 12, line 6, delete "disability or retardation." and insert **"or intellectual disability."**

Page 12, between lines 13 and 14, begin a new paragraph and insert:

"(b) The term does not include a lethal fetal anomaly."

Page 13, line 29, delete "death and medical malpractice." and insert **"death."**

Page 16, delete lines 41 through 42.

Delete pages 17 through 19, begin a new paragraph and insert:
"SECTION 15. IC 35-46-5-1, AS AMENDED BY P.L.158-2013, SECTION 570, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. ~~(a) As used in this section, "fetal tissue" means tissue from an infant or a fetus who is stillborn or aborted:~~

~~(b) (a) As used in this section, "human organ" means the kidney, liver, heart, lung, cornea, eye, bone marrow, bone, pancreas, or skin of a human body.~~

~~(c) (b) As used in this section, "item of value" means money, real estate, funeral related services, and personal property. "Item of value" does not include:~~

~~(1) the reasonable payments associated with the removal, transportation, implantation, processing, preservation, quality control, and storage of a human organ; or~~

~~(2) the reimbursement of travel, housing, lost wages, and other expenses incurred by the donor of a human organ related to the donation of the human organ.~~

~~(d) (c) A person who intentionally acquires, receives, sells, or transfers, in exchange for an item of value,~~

~~(1) a human organ for use in human organ transplantation or~~

~~(2) fetal tissue;~~

~~commits unlawful transfer of human tissue; organs, a Level 5 felony.~~

SECTION 16. IC 35-46-5-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 1.5. (a) As used in this section, "aborted" means the termination of human pregnancy with an intention other than to produce a live birth or to remove a dead fetus. The term includes abortions by surgical procedures and by abortion inducing drugs.**

(b) As used in this section, "fetal tissue" includes tissue, organs, or any other part of an aborted fetus.

(c) This section does not apply to the proper medical disposal of fetal tissue.

(d) A person who intentionally acquires, receives, sells, or transfers fetal tissue commits unlawful transfer of fetal tissue, a Level 5 felony.

(e) A person may not alter the timing, method, or procedure used to terminate a pregnancy for the purpose of obtaining or collecting fetal tissue. A person who violates this subsection commits the unlawful collection of fetal tissue, a Level 5 felony.

SECTION 17. IC 35-46-5-3, AS AMENDED BY P.L.158-2013, SECTION 572, IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) As used in this section, "qualified third party" means a fertility clinic or similar medical facility that:

- (1) is accredited by an entity approved by the medical licensing board;
- (2) is registered under 21 CFR 1271 with the United States Food and Drug Administration; and
- (3) employs a physician licensed under IC 25-22.5 who:
 - (A) is board certified in obstetrics and gynecology; and
 - (B) performs oocyte cryopreservation at the facility.
- (b) A person who knowingly or intentionally purchases or sells a human ovum, zygote, embryo, or fetus commits unlawful transfer of a human organism, a Level 5 felony.
- (c) This section does not apply to the following:
 - (1) The transfer to or receipt by either a woman donor of an ovum or a qualified third party of an amount for:
 - (A) earnings lost due to absence from employment;
 - (B) travel expenses;
 - (C) hospital expenses;
 - (D) medical expenses; and
 - (E) recovery time in an amount not to exceed four thousand dollars (\$4,000);
 concerning a treatment or procedure to enhance human reproductive capability through in vitro fertilization, gamete intrafallopian transfer, or zygote intrafallopian transfer.
 - (2) The following types of stem cell research:
 - (A) Adult stem cell.
 - (B) Fetal stem cell (as defined in IC 16-18-2-128.5), as long as the biological parent has given written consent for the use of the fetal stem cells.
 - (3) **The transfer or receipt of a fetus if a biological parent has requested, in writing, the transfer of the fetus for purposes of either of the following:**
 - (A) **Research.**
 - (B) **Transplantation.**
- (d) Any person who recklessly, knowingly, or intentionally uses a human embryo created with an ovum provided to a qualified third party under this section for purposes of embryonic stem cell research commits unlawful use of an embryo, a Level 5 felony."

Renumber all SECTIONS consecutively.
 (Reference is to SB 313 as introduced.)
 and when so amended that said bill do pass.
 Committee Vote: Yeas 7, Nays 4.

PATRICIA MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health & Provider Services, to which was referred Senate Bill 315, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

PATRICIA MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax & Fiscal Policy, to which was referred Senate Bill 323, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:
 A BILL FOR AN ACT concerning taxation.

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

"SECTION 1. [EFFECTIVE UPON PASSAGE] (a) **The legislative services agency shall do the following:**

- (1) **Study the combined reporting approach to apportioning income for income tax purposes.**
- (2) **Submit a report before October 1, 2016, to the legislative council (in an electronic format under IC 5-14-6) and to the interim study committee on fiscal policy established by IC 2-5-1.3-4 containing the results of the legislative services agency's study under this SECTION. The report must include at least the following:**
 - (A) **A review of the practices in other states regarding combined reporting.**
 - (B) **A review of the administrative costs of implementing combined reporting, including information on the administrative costs incurred by other states that have implemented combined reporting.**
 - (C) **A review of studies and reports that have been prepared on the issue of combined reporting.**
 - (D) **An estimate of the fiscal impact of implementing combined reporting in Indiana.**

(b) **The interim study committee on fiscal policy shall hold at least one (1) public hearing at which the legislative services agency presents the results of the study under this SECTION.**

(c) **The legislative services agency may request the department of state revenue to furnish information necessary to complete the study required by this SECTION. The department of state revenue shall cooperate with the legislative services agency in providing the requested information. The legislative services agency shall adhere to the department of state revenue's requirements and procedures concerning the confidential nature of the information.**

(d) **This SECTION expires December 31, 2016.**
SECTION 2. An emergency is declared for this act."
 Delete pages 2 through 37.
 Renumber all SECTIONS consecutively.

(Reference is to SB 323 as introduced.)
and when so amended that said bill do pass.
Committee Vote: Yeas 10, Nays 0.

HOLDMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill 324, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 3 with "[EFFECTIVE JANUARY 1, 2017]".

Page 2, line 4, delete "410 IAC 6-1" and insert "**410 IAC 6-2**".

Page 2, line 24, after "8." insert "(a)".

Page 2, line 25, delete "do one (1) of the following:" and insert "**notify the applicant not later than the next business day of all the following:**

- (1) **The assigned project number.**
- (2) **Instructions on submitting any required documentation.**
- (3) **The contact information for the person performing the plan review, including any person, entity, or local health department that is delegated a plan review as provided in section 12 of this chapter.**

(b) **Not later than thirty (30) business days after the date a complete application is received by the department, the department shall:**

- (1) **conduct a plan review; and**
- (2) **notify the applicant that:**
 - (A) **the plans and specifications have been approved; or**
 - (B) **a construction permit will not be issued until the applicant submits corrections to the plans or specifications.**

If the plans and specifications are approved, the department shall issue the construction permit to the applicant not later than the thirty-first business day after the application is received.

Sec. 9. If the department does not notify an applicant under section 8 of this chapter within thirty (30) business days after the application is received:

- (1) **the application is approved as submitted; and**
- (2) **the department shall, not later than the thirty-first business day after the date the application is received, provide the construction permit to the applicant."**

Page 2, delete lines 26 through 42.

Page 3, delete lines 1 through 19.

Page 3, line 21, delete "9(2)" and insert "**8(b)(2)(B)**".

Page 4, line 2, delete "9(2)" and insert "**8(b)(2)(B)**".

Page 4, line 12, after "12." insert "(a)".

Page 4, between lines 13 and 14, begin a new paragraph and insert:

"(b) A person, entity, or local health department under subsection (a) that performs a plan review delegated by the department under this chapter is subject to this chapter to the same extent as the department. If the person, entity, or local health department fails to meet the required plan review and notification deadlines under this chapter, the department shall approve the application as submitted and issue the applicant a construction permit."

Page 4, delete lines 41 through 42, begin a new paragraph and insert:

"SECTION 4. IC 22-13-2-4.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4.1. (a) This section applies only to a fee based plan review performed:

- (1) **before construction of a Class 1 structure; and**
- (2) **to determine compliance with the rules of the commission.**

(b) A fee based plan review may be a prerequisite only for the issuance of a design release. A fee based plan review may not be a prerequisite or condition for the issuance of a building permit, improvement permit, or any other permit issued by a state agency or a political subdivision.

(c) A fee based plan review must be:

- (1) **authorized under IC 22-15-3; and**
- (2) **performed in compliance with the rules and objective criteria adopted by the commission under IC 22-15-3-1.**

(d) With regard to any application for a design release, a fee based plan review may be performed only by either of the following, but not both:

- (1) **The division.**
- (2) **A political subdivision that has the authority under IC 22-15-3 to perform a fee based plan review.**

SECTION 5. IC 22-13-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The commission shall adopt building rules that allow a person to convert a building or other structure, in whole or in part, from one (1) class of occupancy and use established under the commission's rules to another without complying with all of the commission's rules governing new construction.

(b) The rules adopted under this section must protect the public from significant health hazards and safety hazards.

(c) Subject to subsection (b), the rules must promote the following:

- (1) **The preservation of architecturally significant and historically significant parts of buildings and other structures.**
- (2) **The economically efficient reuse of buildings and other structures.**
- (3) **After June 30, 2016, the preservation and use of commercial buildings located within:**
 - (A) **the downtown of a local unit; and**
 - (B) **a designated historic district.**

Before the effective date of the commission's emergency rules authorized under subsection (e), the commission's policies must promote the preservation and use of commercial buildings as set forth in subdivision (3).

(d) The rules adopted under this section may condition an exemption upon:

- (1) passing an inspection conducted by the department; and
- (2) paying the fee set under IC 22-12-6-6.

(e) The commission shall adopt emergency rules under IC 4-22-2-37.1 to implement this section. An emergency rule adopted under this subsection expires on the earlier of the following dates:

- (1) The date specified in the emergency rule.**
- (2) The date the emergency rule is amended or repealed by a later rule adopted under IC 4-22-2.**

SECTION 6. IC 22-13-5-2, AS amended BY P.L.218-2014, SECTION 8, IS amended TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 2. (a) **Except as provided under subsection (c),** upon the written request of an interested person, the state building commissioner of the division of fire and building safety shall issue a written interpretation of a building law or a fire safety law not later than ten (10) business days after the date of receiving a request. An interpretation issued by the state building commissioner must be consistent with building laws and fire safety laws enacted by the general assembly or adopted by the commission.

(b) The state building commissioner shall issue a written interpretation of a building law or fire safety law under subsection (a) whether or not the county or municipality has taken any action to enforce the building law or fire safety law.

(c) If:

- (1) an interested person submits a written request to the building commissioner for a written interpretation of a building law or fire safety law applicable to a Class 2 structure; and**
- (2) the building commissioner is absent and unable to issue a written interpretation within the time specified under subsection (a);**

the chair of the commission, or, if the chair is absent, the vice chair of the commission, shall issue the written interpretation not later than ten (10) business days after the date of receiving the request.

SECTION 7. IC 22-15-3-1, AS amended BY P.L.218-2014, SECTION 12, IS amended TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) The state building commissioner shall issue a design release for **the following:**

- (1) The construction of a Class 1 structure to an applicant who qualifies under section 2 or 3 of this chapter. ~~and~~
- (2) The fabrication of an industrial building system or mobile structure under section 4 of this chapter.
- (3) The construction of a health care facility in accordance with:**

- (A) the rules of the commission; and**
- (B) if applicable, the most recent edition, including addenda, of the Guidelines for the Design and**

Construction of Hospitals and Outpatient Facilities, published by the Facilities Guidelines Institute.

(b) The state building commissioner may issue a design release based on a plan review performed by a city, town, or county if:

- (1) the state building commissioner has certified that the city, town, or county is competent; and
- (2) the city, town, or county has adopted the rules of the commission under IC 22-13-2-3.

(c) A design release issued under this chapter expires on the date specified in the rules adopted by the commission.

(d) Not later than July 1, 2015, the commission shall establish objective criteria for certifying the competency of a city, town, or county to perform plan reviews under subsection (b).

(e) The commission shall certify a city, town, or county as qualified to issue design releases under the commission's objective criteria. A certified city, town, or county may issue design releases in accordance with the commission's objective criteria."

Delete pages 5 through 9.

Page 10, delete lines 1 through 11.

Page 10, line 13, delete "[EFFECTIVE" and insert "[EFFECTIVE JANUARY 1, 2017]:".

Page 10, line 14, delete "JULY 1, 2016]:".

Page 10, delete lines 28 through 42.

Page 11, line 6, delete "June 30, 2016," and insert "**December 31, 2016,**".

Page 11, delete lines 23 through 29.

Renumber all SECTIONS consecutively.

(Reference is to SB 324 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

HEAD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill 327, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 5-14-3.8-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 3.5. (a) As used in this section, "contract" includes all pages of a contract and any attachments to the contract.**

(b) A political subdivision shall scan and upload the digital image of a contract to the Indiana transparency Internet web site during each year that the contract amount to be paid by the political subdivision for that year exceeds the lesser of:

- (1) ten percent (10%) of the political subdivision's property tax levy for that year; or**

(2) fifty thousand dollars (\$50,000).

(c) Nothing in this section prohibits the political subdivision from withholding any information in the contract that the political subdivision shall or may withhold from disclosure under IC 5-14-3.

(Reference is to SB 327 as introduced.)
and when so amended that said bill do pass.
Committee Vote: Yeas 7, Nays 0.

HEAD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education & Career Development, to which was referred Senate Bill 328, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

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

Page 1, delete lines 1 through 16.

Page 2, line 3, delete "and Fund".

Page 2, line 5, delete "equivalent".

Page 2, line 5, delete "of a resident" and insert ".".

Page 2, delete lines 6 through 10.

Page 2, line 11, delete "3." and insert "2.".

Page 2, line 12, delete "6" and insert "4".

Page 2, line 13, delete "4." and insert "3.".

Page 2, line 14, delete "a subject matter" and insert "an".

Page 2, line 17, after "elementary" insert "(as defined in IC 20-18-2-4)".

Page 2, line 17, after "school" insert "(as defined in IC 20-18-2-7)".

Page 2, line 17, delete "." and insert "or practitioners".

Page 2, delete lines 18 through 37.

Page 2, line 38, delete "6." and insert "4.".

Page 2, line 41, delete "training" and insert "preparation or speech-language".

Page 3, line 8, delete "8" and insert "6".

Page 3, line 10, delete "teacher training program;" and insert "postsecondary educational institution;".

Page 3, line 16, delete "." and insert ", subject to resources available to fund the grant."

Page 3, line 18, delete "shall" and insert "may, subject to resources available to fund the grant,".

Page 3, line 35, delete "training" and insert "preparation or speech-language".

Page 3, line 42, delete "7." and insert "5.".

Page 4, line 1, delete "training" and insert "preparation or speech-language".

Page 4, line 12, delete "8." and insert "6. (a)".

Page 4, between lines 17 and 18, begin a new paragraph and insert:

"(b) If a grant recipient who fails to be employed by a public school submits a petition to the commission requesting deferment of repayment and the commission makes a determination that extenuating circumstances exist, the commission shall defer repayment of the grant."

Page 4, line 18, delete "9." and insert "7.".

Page 4, line 18, delete "is eligible to" and insert "may".

Page 4, delete lines 21 through 27.

Page 4, line 28, delete "11." and insert "8.".

Page 4, line 29, after "governing" insert "academic and financial qualifications and".

Re-number all SECTIONS consecutively.

(Reference is to SB 328 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

KRUSE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 333, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

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

"SECTION 1. IC 4-10-22-1, AS AMENDED BY P.L.213-2015, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) After the end of the state fiscal year beginning July 1, 2015, and ending June 30, 2016, and after the end of each odd-numbered state fiscal year thereafter, the office of management and budget shall calculate in the customary manner the total amount of state reserves as of the end of the state fiscal year. The office of management and budget shall make the calculation not later than July 31, 2016, and not later than July 31 of each odd-numbered year thereafter.

(b) The office of management and budget may not consider a balance in the state tuition reserve account established by IC 4-12-1-15.7 when making the calculation required by subsection (a) in 2017 and in an odd-numbered year thereafter.

SECTION 2. IC 4-10-22-2, AS AMENDED BY P.L.160-2012, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. If:

(1) the total amount of state reserves calculated by the office of management and budget exceeds:

(A) eleven and five-tenths percent (11.5%) of the general revenue appropriations for the current state fiscal year, in the case of a calculation made in calendar year 2016; or

(B) twelve and five-tenths percent (12.5%) of the general revenue appropriations for the current state

fiscal year, **in the case of a calculation made in 2017 and in an odd-numbered year thereafter;** and

(2) the accounts payable by the state at the end of the preceding state fiscal year are not unusually large as a percentage of the total amount of state reserves (as compared to recent history);

the governor shall make a presentation to the state budget committee regarding the disposition of excess state reserves under section 3 of this chapter. The presentation must be made not later **than September 30, 2016, and not later than September 30, 2017, and not later than** September 30 of each odd-numbered year **thereafter.**

SECTION 3. IC 4-10-22-3, AS AMENDED BY P.L.91-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. **(a) This subsection does not apply in calendar year 2016.** If, after completing the presentation to the state budget committee described in section 2 of this chapter, the amount of the excess reserves is fifty million dollars (\$50,000,000) or more, the governor shall do the following:

(1) If the year is calendar year 2013, transfer one hundred percent (100%) of the excess reserves to the pension stabilization fund established by IC 5-10.4-2-5 for the purposes of the pension stabilization fund. If the year is calendar year 2014 or **the calendar year is 2017 or an odd-numbered year** thereafter, transfer fifty percent (50%) of any excess reserves to the pension stabilization fund established by IC 5-10.4-2-5 for the purposes of the pension stabilization fund.

(2) If the year is calendar year 2014 or **the calendar year is 2017 or an odd-numbered year** thereafter, use fifty percent (50%) of any excess reserves for the purposes of providing an automatic taxpayer refund under section 4 of this chapter.

(b) This subsection applies in calendar year 2016. If excess reserves exist, and after completing the calculation required in section 1 of this chapter and the presentation to the state budget committee described in section 2 of this chapter, the governor shall transfer one hundred percent (100%) of the excess reserves to the state highway fund for road and bridge repair. This transfer shall be made from the state general fund."

Page 2, delete lines 1 through 31.

Page 3, delete lines 5 through 13, begin a new paragraph and insert:

"SECTION 5. IC 8-14.5-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. Except as provided in sections 2 and 5 of this chapter, the authority may, by resolution, issue and sell bonds or notes of the authority for the purpose of providing funds to carry out the provisions of this article with respect to the construction of a project or projects or the refunding of any bonds or notes, together with any reasonable costs associated with a refunding. However, the authority may not issue any bonds or notes for the construction of a project

after July 1, 2007, and before May 1, 2017. The authority may issue bonds or notes after April 30, 2017, for the construction of a project."

Renumber all SECTIONS consecutively.

(Reference is to SB 333 as printed January 13, 2016.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 334, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 2 through 7 with "[EFFECTIVE JULY 1, 2017]".

Page 3, line 8, after "corporation." insert "**However, if an eligible choice scholarship student changes schools during the school year after the December 1 count under IC 20-43-7-1 of eligible pupils enrolled in special education programs and the eligible choice scholarship student enrolls in a different eligible school, any choice scholarship amounts paid to the eligible choice scholarship student for the remainder of the school year after the eligible choice scholarship student enrolls in the different eligible school shall not include amounts that a school corporation would receive under IC 20-43-7 for the eligible choice scholarship student if the eligible choice scholarship student attended the school corporation.**"

Page 5, line 38, reset in roman "4(1)(A)".

Page 5, line 38, after "4(1)(A)" insert "**of this chapter (before January 1, 2017) or in section"**.

Page 5, line 38, after "chapter" delete "." and insert "**(after December 31, 2016).**".

Page 6, line 2, after "year." insert "**If:**

(1) an eligible choice scholarship student who is receiving a choice scholarship for a school year changes schools during the school year after signing the form to endorse distributions for that school year; and

(2) the eligible choice scholarship student enrolls in a different eligible school that has not signed the form to endorse distributions for that school year;

the eligible choice scholarship student (or the parent of the eligible choice scholarship student) and the eligible school must sign the form prescribed by the department to endorse distributions for the particular school year."

(Reference is to SB 334 as printed January 22, 2016.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 2.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Public Policy, to which was referred Senate Bill 339, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 14, delete "who" and insert "**who:**

(1)".

Page 1, line 16, delete "public." and insert "**public; and**

(2) requires cash or a cash equivalent as an entry fee to be paid by a member of the general public who participates in a paid fantasy sports game.".

Page 2, between lines 27 and 28, begin a new line block indented and insert:

"(4) The statistical results of the performance of individuals under subdivision (2) are not based on college or high school sports."

Page 3, line 23, delete "state general fund. Money deposited under this subsection is" and insert "**fantasy sports regulation and administration fund.**".

Page 3, delete lines 24 through 25.

Page 3, line 26, delete "before".

Page 3, line 27, delete "beginning".

Page 4, line 13, delete "state general fund. Money deposited under this subsection is" and insert "**fantasy sports regulation and administration fund.**".

Page 4, delete lines 14 through 15.

Page 6, line 2, delete "state general fund." and insert "**fantasy sports regulation and administration fund.**".

Page 6, delete lines 3 through 4.

Page 6, after line 13, begin a new paragraph and insert:

"Sec. 26. (a) The fantasy sports regulation and administration fund is established to provide for the administration of this chapter.

(b) The fund consists of:

(1) any fees and civil penalties deposited in the fund under this chapter;

(2) any money appropriated to the fund by the general assembly; and

(3) any earnings on amounts in the fund.

(c) The commission shall administer the fund.

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

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund but remains in the fund to be used exclusively for purposes of this chapter.

SECTION 2. [EFFECTIVE JULY 1, 2016] (a) Money in the fantasy sports regulation and administration fund established by IC 4-31-14-26 is appropriated for the state fiscal year beginning July 1, 2016, and ending June 30, 2017, for the use by the Indiana horse racing commission in administering IC 4-31-14.

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

(Reference is to SB 339 as introduced.)
and when so amended that said bill do pass.
Committee Vote: Yeas 8, Nays 0.

ALTING, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Rules & Legislative Procedure, to which was referred Senate Bill 344, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 4, between lines 21 and 22, begin a new paragraph and insert:

"(h) A person providing adoption services or crisis pregnancy services, organized with the primary purpose to encourage the carrying of pregnancies to full term, is exempt from the provisions of this chapter related to sexual orientation.

(i) A nonprofit corporation or association organized with the primary purpose of offering religious-centered programs is exempt from the provisions of this chapter related to sexual orientation."

Page 19, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 23. IC 34-13-9 IS REPEALED [EFFECTIVE UPON PASSAGE] (Religious Freedom Restoration).

SECTION 24. IC 34-28-10 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 10. Religion, Thought, Speech, and Assembly Claims

Sec. 1. A court shall use the material burden analysis set forth in Price v. State, 622 N.E.2d 954 (Ind. 1993) and City Chapel Evangelical Free INC., a/k/a City Chapel Evangelical Free Church v. City of South Bend, Indiana, 744 N.E.2d 443 (Ind. 2001) in reviewing claims involving the following:

(1) The right to worship under Article 1, Section 2 of the Constitution of the State of Indiana.

(2) The right to free exercise and enjoyment of religious opinions and the right of conscience under Article 1, Section 3 of the Constitution of the State of Indiana.

(3) The right to freedom of religion under Article 1, Section 4 of the Constitution of the State of Indiana.

(4) The right to freedom of thought, speech, writing, and printing under Article 1, Section 9 of the Constitution of the State of Indiana.

(5) The right to assemble under Article 1, Section 31 of the Constitution of the State of Indiana."

Renumber all SECTIONS consecutively.

(Reference is to SB 344 as introduced.)
and when so amended that said bill do pass.
Committee Vote: Yeas 7, Nays 5.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 352, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 4, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 4. IC 3-10-1-19, AS AMENDED BY P.L.77-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 19. (a) The ballot for a primary election shall be printed in substantially the following form described in this section for all the offices for which candidates have qualified under IC 3-8.

(b) The following shall be printed as the heading for the ballot for a political party:

"OFFICIAL PRIMARY BALLOT

_____ Party (insert the name of the political party)".

(c) The following shall be printed immediately below the heading required by subsection (b):

(1) For paper ballots, print: To vote for a person, make a voting mark (X or ✓) on or in the box before the person's name in the proper column.

(2) For optical scan ballots, print: To vote for a person, darken or shade in the circle, oval, or square (or draw a line to connect the arrow) that precedes the person's name in the proper column.

(3) For optical scan ballots that do not contain a candidate's name, print: To vote for a person, darken or shade in the oval that precedes the number assigned to the person's name in the proper column.

(4) For electronic voting systems, print: To vote for a person, touch the screen (or press the button) in the location indicated.

Vote for one (+) only

Representative in Congress

- ☐ (+) AB _____
☐ (+) CD _____
☐ (+) EF _____
☐ (+) GH _____

(b) Subject to section 19.1 of this chapter, local public questions shall be placed on the primary election ballot after the voting instructions described in subsection (a) and before the offices described in subsection (e).

(c) The local public questions described in subsection (b) shall be placed:

- (1) in a separate column on the ballot if voting is by paper ballot;
(2) after the voting instructions described in subsection (a) and before the offices described in subsection (e), in the

form specified in IC 3-11-13-11 if voting is by ballot card; or

(3) as provided by either of the following if voting is by an electronic voting system:

- (A) On a separate screen for a public question.
(B) After the voting instructions described in subsection (a) and before the offices described in subsection (e), in the form specified in IC 3-11-14-3.5.

(d) A public question shall be placed on the primary election ballot in the following form:

(The explanatory text for the public question, if required by law.)

"Shall (insert public question)?"

- ☐ YES
☐ NO

(e) The offices with candidates for nomination shall be placed on the primary election ballot in the following order:

- (1) Federal and state offices:
(A) President of the United States.
(B) United States Senator.
(C) Governor.
(D) United States Representative.
(2) Legislative offices:
(A) State senator.
(B) State representative.
(3) Circuit offices and county judicial offices:
(A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.
(B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.
(C) Judge of the probate court.
(D) Prosecuting attorney.
(E) Circuit court clerk.
(4) County offices:
(A) County auditor.
(B) County recorder.
(C) County treasurer.
(D) County sheriff.
(E) County coroner.
(F) County surveyor.
(G) County assessor.
(H) County commissioner. This clause applies only to a county that is not subject to IC 36-2-2.5.
(I) Single county executive. This clause applies only to a county that is subject to IC 36-2-2.5.
(J) County council member.
(5) Township offices:
(A) Township assessor (only in a township referred to in IC 36-6-5-1(d)).
(B) Township trustee.
(C) Township board member.
(D) Judge of the small claims court.

(E) Constable of the small claims court.

(6) City offices:

(A) Mayor.

(B) Clerk or clerk-treasurer.

(C) Judge of the city court.

(D) City-county council member or common council member.

(7) Town offices:

(A) Clerk-treasurer.

(B) Judge of the town court.

(C) Town council member.

(f) The political party offices with candidates for election shall be placed on the primary election ballot in the following order after the offices described in subsection (e):

(1) Precinct committeeman.

(2) State convention delegate.

(g) The local offices to be elected at the primary election shall be placed on the primary election ballot after the offices described in subsection (f).

(h) The offices described in subsection (g) shall be placed:

(1) in a separate column on the ballot if voting is by paper ballot;

(2) after the offices described in subsection (f) in the form specified in IC 3-11-13-11 if voting is by ballot card; or

(3) either:

(A) on a separate screen for each office or public question; or

(B) after the offices described in subsection (f) in the form specified in IC 3-11-14-3.5;

if voting is by an electronic voting system.

SECTION 5. IC 3-10-1-19.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: **Sec. 19.1. (a) This section applies only to a public question concerning the retention in office of a judge of the Marion County Superior Court under IC 33-33-49 who:**

(1) files a statement under IC 33-33-49-13.2(b); and

(2) in the statement claims affiliation with a political party required to hold a primary election under this chapter.

(b) The question of the retention of the judge at a primary election under IC 33-33-49 shall be placed only on the ballot of the political party with which the judge claims affiliation as provided in section 19 of this chapter.

SECTION 6. IC 3-11-2-10, AS AMENDED BY P.L.219-2013, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: **Sec. 10. (a) Public questions shall be placed on the general election ballot in the following order after the statement described in section 7 of this chapter, and the instructions described in subsections (d) and (e) and section 8 of this chapter:**

(1) Ratification of a state constitutional amendment.

(2) Local public questions.

Subject to section 10.1 of this chapter, each public question shall be placed in a separate column on the ballot.

(b) The name or title of the political party or independent ticket described in section 6 of this chapter shall be placed on the general election ballot after the public questions described in subsection (a). The device of the political party or independent ticket shall be placed immediately under the name of the political party or independent ticket. The instructions for voting a straight party ticket shall be placed to the right of the device.

(c) The instructions for voting a straight party ticket must conform as nearly as possible to the following: "To vote a straight (insert political party name) ticket for all (insert political party name) candidates on this ballot, make a voting mark on or in this circle and do not make any other marks on this ballot. If you wish to vote for a candidate seeking a nonpartisan office or on a public question, you must make another voting mark on the appropriate place on this ballot."

(d) If the ballot contains an independent ticket described in section 6 of this chapter and at least one (1) other independent candidate, the ballot must also contain a statement that reads substantially as follows: "A vote cast for an independent ticket will only be counted for the candidates for President and Vice President or governor and lieutenant governor comprising that independent ticket. This vote will NOT be counted for any OTHER independent candidate appearing on the ballot."

(e) The ballot must also contain a statement that reads substantially as follows: "A write-in vote will NOT be counted unless the vote is for a DECLARED write-in candidate. To vote for a write-in candidate, you must make a voting mark on or in the square to the left of the name you have written in or your vote will not be counted."

(f) **Subject to section 10.1 of this chapter,** the list of candidates of the political party shall be placed immediately under the instructions for voting a straight party ticket. The names of the candidates shall be placed three-fourths (3/4) of an inch apart from center to center of the name. The name of each candidate must have, immediately on its left, a square three-eighths (3/8) of an inch on each side.

(g) The circuit court clerk may authorize the printing of ballots containing a ballot variation code to ensure that the proper version of a ballot is used within a precinct.

SECTION 7. IC 3-11-2-10.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: **Sec. 10.1. (a) This section applies only to a public question concerning the retention in office of a judge of the Marion County Superior Court under IC 33-33-49 who satisfies either of the following:**

(1) The judge's retention has been approved in a primary election as provided in IC 33-33-49-13.2.

(2) The question of the judge's retention is required to be placed on the general election ballot under IC 33-33-49-13.2(d).

(b) The question of the retention of the judge at the general election shall be placed on the ballot:

(1) immediately under the instructions for voting a straight party ticket; and

(2) above the candidates of the political party with which the judge has claimed affiliation.

(c) If a judge does not claim affiliation with a political party, the question of the judge's retention shall be placed on the ballot at the same row or column level of the ballot where the question of other judges is placed on the ballot but in a column or row where independent candidates are placed on the ballot.

SECTION 8. IC 3-13-6-1, AS AMENDED BY P.L.194-2013, SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 1. (a) As used in this section, "judge" refers to a judge of a circuit, superior, or probate court.

(b) If a judge wants to resign from office, the judge must resign as provided in IC 5-8-3.5.

(c) A vacancy that occurs because of the death of a judge may be certified to the governor under IC 5-8-6.

(d) A vacancy that occurs, other than by resignation or death of a judge, shall be certified to the governor by the circuit court clerk of the county in which the judge resided.

(e) A vacancy in the office of judge of a circuit court shall be filled by the governor as provided by Article 5, Section 18 of the Constitution of the State of Indiana. However, the governor may not fill a vacancy that occurs because of the death of a judge until the governor receives notice of the death under IC 5-8-6.

(f) The person who is appointed holds the office until:

- (1) the end of the unexpired term; or
- (2) a successor is elected at the next general election for the office, and qualified;

whichever occurs first.

(g) Except as provided in this subsection, the office of judge of the circuit court shall be elected at the next general election following the date any vacancy occurred. If a vacancy occurs in the office of judge of the circuit court after noon seventy-four (74) days before a general election, the office shall be elected at the second general election following the date any vacancy occurred.

(h) The person elected at the general election following an appointment to fill the vacancy, upon being qualified, holds office for the six (6) year term prescribed by Article 7, Section 7 of the Constitution of the State of Indiana and until a successor is elected and qualified.

(i) A vacancy in the office of judge of a superior or probate court shall be filled by the governor subject to the following:

- (1) IC 33-33-2-39.
- (2) IC 33-33-2-43.
- (3) IC 33-33-45-38.
- (4) IC 33-33-71-40.
- (5) IC 33-33-49-13.3.**

However, the governor may not fill a vacancy that occurs because of the death of a judge until the governor receives notice of the death under IC 5-8-6. The person who is appointed holds office for the remainder of the unexpired term."

Page 5, line 33, delete "sixteen (16)" and insert "**twenty (20)**".

Page 5, line 42, delete "eight (8)" and insert "**four (4)**".

Page 5, line 42, delete "twenty (20)" and insert "**sixteen (16)**".

Page 6, line 3, delete "four (4)" and insert "**eight (8)**".

Page 6, line 6, delete "eight (8)" and insert "**four (4)**".

Page 6, delete lines 37 through 42, begin a new paragraph and insert:

"(b) A judge who wishes to be retained in office shall file a statement with the clerk during the period described in IC 3-8-2-4 during which a declaration of candidacy must be filed in the year in which the judge's term expires. The judge's statement must include the following information:

(1) A statement indicating that the judge wishes to have the question of the judge's retention placed on the ballot.

(2) A statement of the judge's name as:

(A) the judge wants the judge's name to appear on the ballot; and

(B) a candidate's name is permitted to appear on the ballot under IC 3-5-7.

(3) If the judge is affiliated with a political party, the name of that political party. The judge may indicate in the statement that the judge is not affiliated with a political party. For purposes of this subdivision, a judge's affiliation with a political party is determined as provided in IC 3-8-2-7(a)(4).

(4) A statement that the judge requests the name on the judge's voter registration record be the same as the name the judge uses on the statement. If there is a difference between the name on the judge's statement and the name on the judge's voter registration record, the clerk shall change the name on the judge's voter registration record to be the same as the name on the judge's statement.

If a judge does not file a statement under this subsection, the clerk shall, not later than March 1, notify the Marion County judicial selection committee in writing that the judge does not wish to continue in office after the end of the judge's term of office.

(e) If a judge claims affiliation with a political party required to conduct a primary election under IC 3-10-1, the question of the judge's retention shall be placed on the primary election ballot as provided in IC 3-10-1.

(d) This subsection applies to a judge who does not claim affiliation with a political party required to conduct a primary election under IC 3-10-1. A public question regarding retention of the judge shall be placed on the general election ballot as provided in 3-11-2 and this chapter.

(e) This subsection applies to a judge:

(1) who does not file a statement under subsection (b); and

(2) whose term expires during the year in which the question of the retention of the judge would have been placed on the general election ballot.

The term of a judge expires December 31 of the year in which the question of the judge's retention would have been placed on the ballot.

(f) This section applies to a judge:

- (1) who files a statement under subsection (b); and
- (2) whose retention is rejected by the electorate during the primary election or general election.

The term of a judge whose retention is rejected by the electorate during the primary election or general election ends when the judge's term expires. However, if the judge has filed a petition for a recount under IC 3-12-6, the term of the judge does not end until the recount commission has issued a certificate under IC 3-12-6-22 stating that the electorate has rejected the retention of the judge.

(g) This subsection applies only to the question of the retention of a judge placed on a primary election ballot. The question of approval or rejection of a judge shall be placed on the primary election ballot in the form prescribed by IC 3-10-1 and must state:

"Shall Judge (insert here the name of the judge as stated under subsection (b)(2)) be retained in office?".

If a majority of the ballots cast by the electors voting on the question in the primary election is "Yes", a public question on the retention of the judge shall be placed on the general election ballot as provided in subsection (h). If a majority of the ballots cast by the electors voting on the question is not "Yes", the following apply:

- (1) The judge whose name appeared on the question is rejected.
- (2) A public question on the retention of the judge may not be placed on the general election ballot.
- (3) The clerk shall, not later than July 1, notify the Marion County judicial selection committee in writing that the judge is not eligible to have the question of the judge's retention placed on the general election ballot.
- (4) The office of the judge becomes an open judicial seat on January 1 following the general election.
- (5) The open judicial seat shall be filled by appointment by the committee under section 13.3 of this chapter.

(h) This subsection applies only to the question of the retention of a judge placed on a general election ballot. If the question of a judge's retention is required to be on the ballot at a general election, the question of approval or rejection of the judge shall be placed on the general election ballot in the form prescribed by IC 3-11-2 and must state:

"Shall Judge (insert here the name of the judge as stated under subsection (b)(2)) be retained in office?".

If a majority of the ballots cast by the electors voting on the question is "Yes", the judge whose name appeared on the question shall be approved for a six (6) year term beginning January 1 following the general election as provided in section 13.1 of this chapter. If a majority of the ballots cast by the electors voting on the question is not "Yes", the following apply:

- (1) The judge whose name appeared on the question is rejected.
- (2) The office of the rejected judge becomes an open judicial seat on January 1 following the rejection.

(3) The open judicial seat shall be filled by appointment by the committee under section 13.3 of this chapter."

Delete page 7.

Page 8, delete lines 1 through 3.

Re-number all SECTIONS consecutively.

(Reference is to SB 352 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 5, Nays 2.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill 355, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

HEAD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 357, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health & Provider Services, to which was referred Senate Bill 361, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 10 through 15, begin a new paragraph and insert:

"(c) "Eligible medical condition" means Crohn's disease or ulcerative colitis."

Page 2, line 1, after "2." insert "(a)".

Page 2, line 1, delete "toilet" and insert "restroom".

Page 2, line 5, delete "toilet" and insert "restroom".

Page 2, line 7, delete "toilet" and insert "restroom".

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

Page 2, line 10, delete ";" and insert **"for which the individual holds a written certification of the eligible medical condition by the individual's treating health care provider for the condition;"**.

Page 2, line 14, delete "toilet" and insert "restroom".

Page 2, line 17, delete "toilet" and insert "restroom".

Page 2, line 21, delete "toilet" and insert "restroom".

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

"(b) A customer with an eligible medical condition who uses a retail establishment's restroom facility under this chapter is responsible for leaving the restroom facility in the same condition as when the customer entered the restroom facility."

Page 2, line 28, delete "toilet" and insert **"restroom"**.

Page 2, line 37, delete "toilet" and insert **"restroom"**.

Page 3, line 1, delete "toilet" and insert **"restroom"**.

(Reference is to SB 361 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 3.

PATRICIA MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health & Provider Services, to which was referred Senate Bill 364, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning Medicaid.

Delete everything after the enacting clause and insert the following:

SECTION 1. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "office" refers to the office of Medicaid policy and planning.

(b) The office shall establish a work group consisting of:

(1) office employees; and

(2) multiple Indiana Medicaid providers, representing various Medicaid reimbursable health care services;

to discuss the policies and procedures used in the performance of Medicaid provider audits and possible improvements to the audit process.

(c) Before December 1, 2016, the office shall submit a written report of the work group's findings and any statutory recommendations to the legislative council in an electronic format under IC 5-14-6.

(d) This SECTION expires December 31, 2016.

SECTION 2. An emergency is declared for this act.

(Reference is to SB 364 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

PATRICIA MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill 367, has had the same under consideration and begs leave to report the same back

to the Senate with the recommendation that said bill be amended as follows:

Page 2, delete lines 38 through 39, begin a new paragraph and insert:

"Sec. 7. As used in this chapter, "contribution" refers to a contribution as defined in IC 3-5-2-15 but only if the contribution is reportable under IC 3-9."

Page 3, delete lines 29 through 33, begin a new paragraph and insert:

"Sec. 13. (a) During the period described in subsection (b), a contractor and an affiliated person of the contractor may not make a contribution to an individual who holds an elected office of the political subdivision awarding the contract if both of the following apply:

(1) The individual is also a member of the legislative or executive branch of that political subdivision that has final approval of the contract.

(2) The legislative or executive branch of that political subdivision has supervisory authority over the agency issuing the solicitation."

Page 3, line 36, delete "later" and insert **"earlier"**.

Page 3, line 37, delete "Four (4)" and insert **"Two (2)"**.

Page 3, delete lines 41 through 42, begin a new paragraph and insert:

"Sec. 14. (a) As used in this section, "person" refers only to:

(1) a person who has no contracts but has an offer pending; and

(2) an affiliated person of the person described in subdivision (1).

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

(1) The individual is also a member of the legislative or executive branch of that political subdivision that has final approval of the contract.

(2) The legislative or executive branch of that political subdivision has supervisory authority over the agency issuing the solicitation."

Page 4, delete lines 1 through 5.

Page 4, line 6, delete "(b)" and insert "(c)".

Page 5, line 4, delete "three (3)" and insert **"two (2)"**.

Page 5, line 7, delete "nonresponsive" and insert **"nonresponsible"**.

Page 5, line 7, delete "three (3)" and insert **"two (2)"**.

(Reference is to SB 367 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

HEAD, Chair

Report adopted.

SENATE MOTION

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

SCR 16 Senator Zakas
Congratulating Penn High School's Varsity Baseball Team.

SCR 17 Senator Zakas
Congratulating Penn High School's Spell Bowl Team.

LONG

Motion prevailed.

RESOLUTIONS ON FIRST READING**Senate Concurrent Resolution 16**

Senate Concurrent Resolution 16, introduced by Senators Zakas, Mishler, and Broden:

A CONCURRENT RESOLUTION congratulating Penn High School's Varsity Baseball team on its Class 4A State Championship title.

Whereas, The Penn High School's Varsity Baseball team (26-9) won the IHSAA Class 4A state championship game 3-2 against Terre Haute North on June 20, 2015 at Victory Field in Indianapolis;

Whereas, The win secured the program's fourth championship title in its history with previous wins occurring in 1994, 1998 and 2001;

Whereas, Following the game, senior catcher Tim Lira was named the IHSAA L. V. Phillips Attitude Award winner, which honors a senior nominated by their principal and coach who has excelled in mental attitude, scholarship, leadership and athletic ability;

Whereas, This championship win was the last for Penn High School's retiring athletic director Ben Karasiak; and

Whereas, In celebration of the victory, the high school invited students and community members to honor the team as they brought back the trophy on June 22 at the school: 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 Senate congratulates the Penn High School Varsity Baseball team on its IHSAA championship title.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to Penn High School's Principal Steve Hope, Penn High School's Baseball Coach Greg Dikos, and the members of the 2014-2015 Varsity Baseball team.

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

Senate Concurrent Resolution 17

Senate Concurrent Resolution 17, introduced by Senators Zakas, Mishler, and Broden:

A CONCURRENT RESOLUTION congratulating the Penn High School's Spell Bowl Team on its 15th State Championship title.

Whereas, Penn High School's Spell Bowl Team won its 15th state championship title 90-89 on November 14, 2015 at the Indiana Association of School Principals (IASP) Hoosier Spell Bowl at Purdue University;

Whereas, The win capped off a historic season for the team who recorded a total of six perfect scores of 90, and only missed three out of 810 words spelled during the entire season, setting a school record;

Whereas, The 10 perfect spellers at the state finals from the team were Kanika Arora, Faihaan Arif, Muqsit Buchh, Maggie Finnessy, Presto George, Hannah McGinness, Hannah Smith, Athreya Sundaram, Michelle Tapp and Chris Yun; and

Whereas, Kanika Arora was honored by the IASP at the state finals for correctly spelling every word in both regional and state finals for all four years of her high school career: 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 Senate congratulates the Penn High School Spell Bowl Team on its 15th state championship title and continued dedication to excellence.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Penn High School Principal Steve Hope, Spell Bowl Team Coach Joe DeKever, and all 2015 team members.

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

Senate Concurrent Resolution 19

Senate Concurrent Resolution 19, introduced by Senator Charbonneau:

A CONCURRENT RESOLUTION recognizing the tremendous success of the Healthy Indiana Plan (HIP) since its

initial enactment and commemorating the one year anniversary of the approval of the HIP 2.0 waiver.

Whereas, The Indiana General Assembly successfully passed the Healthy Indiana Plan (HIP) in 2007 with bipartisan support and the leadership of Senator Patricia Miller, Representative Tim Brown, and Representative Charlie Brown, making Indiana the first state in the nation to apply the consumer-driven model to a Medicaid population;

Whereas, The initial HIP program demonstrated remarkable success, serving low-income Hoosiers for seven years through the promotion of healthy lifestyles and the appropriate utilization of healthcare services, increasing preventative care and decreasing inappropriate use of hospital emergency departments;

Whereas, Then in 2010, the Indiana General Assembly followed its original enactment with Senate Enrolled Act 461, calling for HIP to be the coverage vehicle for the newly eligible Medicaid expansion population under the Patient Protection and Affordable Care Act;

Whereas, One year ago, the federal government approved a landmark waiver, HIP 2.0, to provide quality healthcare to thousands of uninsured Hoosiers and to offer low-income Hoosiers an option to receive assistance in purchasing private-market insurance through their employers;

Whereas, Since the waiver's approval, Indiana has enrolled 355,000 Hoosiers in the program, providing them access to affordable healthcare service;

Whereas, HIP 2.0 ended traditional Medicaid for all non-disabled Hoosiers between the ages of 19 and 64, replacing it with Indiana's successful consumer-driven HIP model for all low-income populations; and

Whereas, HIP 2.0 has brought together government, healthcare providers, and doctors for the betterment of Hoosiers all across the state: 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 recognizes the tremendous success of the Healthy Indiana Plan since its initial enactment and commemorates the one year anniversary of the approval of the HIP 2.0 waiver.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to Senator Patricia Miller, Representative Tim Brown, Representative Charlie Brown, and the Secretary of FSSA, John J. Wernert, M.D.

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

SENATE BILLS ON SECOND READING

Senate Bill 1

Senator Steele called up Senate Bill 1 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 10

Senator Raatz called up Senate Bill 10 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 10-1)

Madam President: I move that Senate Bill 10 be amended to read as follows:

Page 3, line 15, before "In" insert "**The superintendent or the superintendent's designee shall prepare a written explanation for the decision to supplement a teacher's pay. The explanation must include supporting documentation based on the education and instructional benefit received by the school corporation. The explanation shall be filed in the teacher's personnel file. The school corporation shall present this information to the governing body in either a public meeting or an executive session, at the discretion of the governing body.**".

(Reference is to SB 10 as printed January 22, 2016.)

KENLEY

Motion prevailed.

SENATE MOTION (Amendment 10-4)

Madam President: I move that Senate Bill 10 be amended to read as follows:

Page 2, delete lines 21 through 42, begin a new paragraph and insert:

"SECTION 2. IC 20-28-9-1.5, AS AMENDED BY P.L.213-2015, SECTION 179, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.5. (a) This ~~subsection~~ **section** governs salary increases for a teacher employed by a school corporation. Compensation attributable to additional degrees or graduate credits earned before the effective date of a local compensation plan created under this chapter before July 1, 2015, shall continue for school years beginning after June 30, 2015. Compensation attributable to additional degrees for which a teacher has started course work before July 1, 2011, and completed course work before September 2, 2014, shall also continue for school years beginning after June 30, 2015.

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

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

(+) (A) a dual credit course; or

(+) (B) another course;

taught by the teacher.

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

(3) **For school years beginning after June 30, 2016, to attract or retain a teacher as needed.**

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

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

In addition, an amount determined under the policies adopted by the governing body but not exceeding fifty percent (50%) of the amount of a supplemental payment to an individual teacher in a particular state fiscal year beginning after June 30, 2016, becomes a permanent part of and increases the base salary of the teacher receiving the supplemental payment for school years beginning after the state fiscal year in which the supplemental payment is received. A supplement supplemental payment or an addition to a teacher's base salary provided under this subsection is not subject to collective bargaining, but a discussion of the supplement supplemental payment or addition to a teacher's base salary must be held. Such A supplement supplemental payment under this subsection is in addition to any increase permitted under subsection (b)- (c).

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

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

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

(B) The attainment of either:

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

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

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

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

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

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

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

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

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

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

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

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

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

Delete pages 2 through 4.

Re-number all SECTIONS consecutively.

(Reference is to SB 10 as printed January 22, 2016.)

RAATZ

Motion prevailed. The bill was ordered engrossed.

Senate Bill 28

Senator Steele called up Senate Bill 28 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 40

Senator Pete Miller called up Senate Bill 40 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 40–1)

Madam President: I move that Senate Bill 40 be amended to read as follows:

Page 1, line 6, reset in roman "Twenty-five".
 Page 1, line 6, delete "Fifty".
 Page 1, line 6, reset in roman "\$25,000".
 Page 1, line 6, delete "\$50,000".
 Page 1, line 8, reset in roman "fifty".
 Page 1, line 8, delete "one hundred".
 Page 1, line 9, reset in roman "\$50,000".
 Page 1, line 9, delete "\$100,000".
 Page 2, line 1, reset in roman "twenty-five".
 Page 2, line 2, delete "fifty".
 Page 2, line 2, reset in roman "\$25,000".
 Page 2, line 2, delete "\$50,000".
 Page 2, line 4, reset in roman "Fifty".
 Page 2, line 4, delete "One hundred".
 Page 2, line 4, reset in roman "\$50,000".
 Page 2, line 4, delete "\$100,000".
 Page 2, line 15, delete "Seventy-five" and insert "**Fifty**".
 Page 2, line 15, delete "\$75,000" and insert "**(\$50,000)**".
 Page 2, line 17, delete "seventy-five" and insert "**fifty**".
 Page 2, line 18, delete "\$75,000." and insert "**(\$50,000).**".
 Page 2, line 35, reset in roman "twenty-five".
 Page 2, line 35, delete "fifty".
 Page 2, line 36, reset in roman "\$25,000".
 Page 2, line 36, delete "\$50,000".
 Page 2, line 40, reset in roman "Fifty".
 Page 2, line 40, delete "One hundred".
 Page 2, line 40, reset in roman "\$50,000".
 Page 2, line 40, delete "\$100,000".
 Page 3, after line 13, begin a new paragraph and insert:
 "SECTION 5. [EFFECTIVE JULY 1, 2016] **(a)**
Notwithstanding IC 9-25-2-3, IC 9-25-4-5, IC 9-25-4-10, and IC 9-25-6-5, all as amended by this act, IC 9-25-2-3, IC 9-25-4-5, IC 9-25-4-10, and IC 9-25-6-5, all as amended by this act, apply beginning July 1, 2017.
(b) This SECTION expires December 31, 2017.
 (Reference is to SB 40 as printed January 26, 2016.)

PETE MILLER

Motion prevailed. The bill was ordered engrossed.

Senate Bill 41

Senator Crider called up Senate Bill 41 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 41–2)

Madam President: I move that Senate Bill 41 be amended to read as follows:

Page 1, line 3, delete "(a) As used in this section, "clinical practice".

Page 1, delete lines 4 through 6.

Page 1, line 7, delete "(b)" and insert "**(a)**".

Page 1, delete lines 9 through 10.

Page 1, line 11, delete "(d)" and insert "**(b)**".

Page 2, line 1, delete "(e)" and insert "**(c)**".

Page 2, line 10, delete "(f)" and insert "**(d)**".

Page 2, line 21, delete "(g)" and insert "**(e)**".

Page 2, line 29, delete "(h)" and insert "**(f)**".

Page 2, delete lines 33 through 42.

Page 3, delete lines 1 through 39.

Page 3, line 40, delete "(k)" and insert "**(g)**".

Page 4, delete lines 13 through 17.

Page 4, line 18, delete "(4)" and insert "**(3)**".

Page 4, line 21, delete "Following the step therapy protocol" and insert "**A preceding prescription drug**".

Page 4, line 42, delete "(5)" and insert "**(4)**".

Page 5, line 5, delete "(l)" and insert "**(h)**".

Page 5, delete lines 17 through 18.

Page 5, line 21, delete "(a) As used in this section, "clinical practice".

Page 5, delete lines 22 through 26.

Page 5, line 27, delete "(c)" and insert "**(a)**".

Page 5, line 30, delete "(d)" and insert "**(b)**".

Page 5, line 34, delete "(e)" and insert "**(c)**".

Page 5, line 41, delete "(f)" and insert "**(d)**".

Page 6, line 2, delete "(g)" and insert "**(e)**".

Page 6, line 12, delete "(h)" and insert "**(f)**".

Page 6, line 22, delete "(i)" and insert "**(g)**".

Page 6, delete lines 26 through 42.

Page 7, delete lines 1 through 30.

Page 7, line 31, delete "(l)" and insert "**(h)**".

Page 8, delete lines 2 through 5.

Page 8, line 6, delete "(4)" and insert "**(3)**".

Page 8, line 9, delete "Following the step therapy protocol" and insert "**A preceding prescription drug**".

Page 8, line 30, delete "(5)" and insert "**(4)**".

Page 8, line 34, delete "(m)" and insert "**(i)**".

Page 9, delete lines 4 through 5.

Page 9, line 8, delete "(a) As used in this section, "clinical practice".

Page 9, delete lines 9 through 11.

Page 9, line 12, delete "(b)" and insert "**(a)**".

Page 9, line 14, delete "(c)" and insert "**(b)**".

Page 9, line 21, delete "(d)" and insert "**(c)**".

Page 9, line 23, delete "(e)" and insert "**(d)**".

Page 9, line 30, delete "(f)" and insert "**(e)**".

Page 9, line 39, delete "(g)" and insert "**(f)**".

Page 10, line 8, delete "(h)" and insert "**(g)**".

Page 10, delete lines 12 through 42.

Page 11, delete lines 1 through 18.

Page 11, line 19, delete "(k)" and insert "(h)".

Page 11, delete lines 34 through 38.

Page 11, line 39, delete "(4)" and insert "(3)".

Page 11, line 42, delete "Following the step therapy protocol" and insert "A preceding prescription drug".

Page 12, line 21, delete "(5)" and insert "(4)".

Page 12, line 26, delete "(m)" and insert "(i)".

Page 12, delete lines 38 through 39.

(Reference is to SB 41 as printed January 22, 2016.)

CRIDER

Motion prevailed. The bill was ordered engrossed.

Senate Bill 45

Senator Glick called up Senate Bill 45 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 57

Senator Steele called up Senate Bill 57 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 61

Senator Walker called up Senate Bill 61 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 61-1)

Madam President: I move that Senate Bill 61 be amended to read as follows:

Page 2, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 2. IC 3-11-2-12, AS AMENDED BY P.L.77-2014, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. The following offices shall be placed on the general election ballot in the following order after the public questions described in section 10(a) of this chapter:

- (1) Federal and state offices:
 - (A) President and Vice President of the United States.
 - (B) United States Senator.
 - (C) Governor and lieutenant governor.
 - (D) Secretary of state.
 - (E) Auditor of state.
 - (F) Treasurer of state.
 - (G) Attorney general.
 - (H) Superintendent of public instruction.
 - (I) United States Representative.
- (2) Legislative offices:
 - (A) State senator.
 - (B) State representative.
- (3) Circuit offices and county judicial offices:

(A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.

(B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.

(C) Judge of the probate court.

(D) Prosecuting attorney.

(E) Clerk of the circuit court.

(4) County offices:

(A) County auditor.

(B) County recorder.

(C) County treasurer.

(D) County sheriff.

(E) County coroner.

(F) County surveyor.

(G) County assessor.

(H) County commissioner. This clause applies only to a county that is not subject to IC 36-2-2.5.

(I) Single county executive. This clause applies only to a county that is subject to IC 36-2-2.5.

(J) County council member, **except as provided in section 12.4 of this chapter.**

(5) Township offices:

(A) Township assessor (only in a township referred to in IC 36-6-5-1(d)).

(B) Township trustee.

(C) Township board member, **except as provided in section 12.4 of this chapter.**

(D) Judge of the small claims court.

(E) Constable of the small claims court.

(6) City offices:

(A) Mayor.

(B) Clerk or clerk-treasurer.

(C) Judge of the city court.

(D) City-county council member or common council member, **except as provided in section 12.4 of this chapter.**

(7) Town offices:

(A) Clerk-treasurer.

(B) Judge of the town court.

(C) Town council member, **except as provided in section 12.4 of this chapter.**

SECTION 3. IC 3-11-2-12.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12.2. (a) Whenever candidates are to be elected to an office that includes more than one (1) district, the districts shall be placed on the ballot in alphabetical or numerical order, according to the designation given to the district.

(b) ~~Whenever candidates are to be elected to an office that includes both an at-large member and a member representing a district, the candidates seeking election as an at-large member shall be placed on the ballot before candidates seeking election to represent a district.~~

SECTION 4. IC 3-11-2-12.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 12.4. (a) This section applies whenever more than one (1) candidate may be elected to an office.**

(b) The office shall be placed on the general election ballot after the offices described in section 12 of this chapter and before the offices described in section 12.9 of this chapter.

(c) The ballot shall contain a statement reading substantially as follows above the name of the first candidate: "To vote for any candidate for this office, you must make a voting mark for each candidate you wish to vote for. A straight party vote will not count as a vote for any candidate for this office."

SECTION 5. IC 3-11-2-12.9, AS AMENDED BY P.L.194-2013, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12.9. (a) School board offices to be elected at the general election shall be placed on the general election ballot after the offices described in section ~~12~~ **12.4** of this chapter with each candidate for the office designated as "nonpartisan".

(b) If the ballot contains a candidate for a school board office, the ballot must also contain a statement that reads substantially as follows: "To vote for a candidate for this office, make a voting mark on or in the square to the left of the candidate's name.".

Page 7, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 13. IC 3-11-13-11, AS AMENDED BY P.L.194-2013, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) The ballot information, whether placed on the ballot card or on the marking device, must be in the order of arrangement provided for ballots under this section.

(b) Each county election board shall have the names of all candidates for all elected offices, political party offices, and public questions printed on a ballot card as provided in this chapter. The county may:

- (1) print all offices and questions on a single ballot card; and
- (2) include a ballot variation code to ensure that the proper version of a ballot is used within a precinct.

(c) Each type of ballot card must be of uniform size and of the same quality and color of paper (except as permitted under IC 3-10-1-17).

(d) The nominees of a political party or an independent candidate or independent ticket (described in IC 3-11-2-6) nominated by petitioners shall be listed on the ballot with the name and device set forth on the certification or petition. The circle containing the device may be of any size that permits a voter to readily identify the device. IC 3-11-2-5 applies if the certification or petition does not include a name or device, or if the same device is selected by two (2) or more parties or petitioners.

(e) The offices and public questions on the general election ballot must be placed on the ballot in the order listed in

IC 3-11-2-12, IC 3-11-2-12.2, **IC 3-11-2-12.4**, IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a), IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and IC 3-11-2-14(d). The offices and public questions may be listed in a continuous column either vertically or horizontally and on a number of separate pages.

(f) The name of each office must be printed in a uniform size in bold type. A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate:

- (1) "Vote for one (1) only.", if only one (1) candidate is to be elected to the office.
- (2) "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office.", if more than one (1) candidate is to be elected to the office.

(g) Below the name of the office and the statement required by subsection (f), the names of the candidates for each office must be grouped together in the following order:

- (1) The major political party whose candidate received the highest number of votes in the county for secretary of state at the last election is listed first.
- (2) The major political party whose candidate received the second highest number of votes in the county for secretary of state is listed second.
- (3) All other political parties listed in the order that the parties' candidates for secretary of state finished in the last election are listed after the party listed in subdivision (2).
- (4) If a political party did not have a candidate for secretary of state in the last election or a nominee is an independent candidate or independent ticket (described in IC 3-11-2-6), the party or candidate is listed after the parties described in subdivisions (1), (2), and (3).
- (5) If more than one (1) political party or independent candidate or ticket described in subdivision (4) qualifies to be on the ballot, the parties, candidates, or tickets are listed in the order in which the party filed its petition of nomination under IC 3-8-6-12.
- (6) A space for write-in voting is placed after the candidates listed in subdivisions (1) through (5), if required by law.
- (7) The name of a write-in candidate may not be listed on the ballot.

(h) The names of the candidates grouped in the order established by subsection (g) must be printed in type with uniform capital letters and have a uniform space between each name. The name of the candidate's political party, or the word "Independent" if the:

- (1) candidate; or
- (2) ticket of candidates for:
 - (A) President and Vice President of the United States; or
 - (B) governor and lieutenant governor;

is independent, must be placed immediately below or beside the name of the candidate and must be printed in a uniform size and type.

(i) All the candidates of the same political party for election to at-large seats on the fiscal or legislative body of a political subdivision must be grouped together:

- (1) under the name of the office that the candidates are seeking;
- (2) in the order established by subsection (g); and
- (3) within the political party, in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) of ANY party for this office."

(j) Candidates for election to at-large seats on the governing body of a school corporation must be grouped:

- (1) under the name of the office that the candidates are seeking; and
- (2) in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office."

(k) The following information must be placed at the top of the ballot before the first public question is listed:

- (1) The cautionary statement described in IC 3-11-2-7.
- (2) The instructions described in IC 3-11-2-8, IC 3-11-2-10(d), and IC 3-11-2-10(e).

(l) The ballot must include a single connectable arrow, circle, oval, or square, or a voting position for voting a straight party or an independent ticket (described in IC 3-11-2-6) by one (1) mark as required by section 14 of this chapter, and the single connectable arrow, circle, oval, or square, or the voting position for casting a straight party or an independent ticket ballot must be identified by:

- (1) the name of the political party or independent ticket (described in IC 3-11-2-6); and
- (2) immediately below or beside the political party's or independent ticket's name, the device of that party or ticket (described in IC 3-11-2-5).

The name and device of each political party or independent ticket must be of uniform size and type and arranged in the order established by subsection (g) for listing candidates under each office. The instructions described in IC 3-11-2-10(c) for voting a straight party ticket and the statement concerning presidential electors required under IC 3-10-4-3 may be placed on the ballot beside or above the names and devices within the voting booth in a location that permits the voter to easily read the instructions.

(m) A public question must be in the form described in IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a single connectable arrow, a circle, or an oval may be used instead of a square. Except as expressly authorized or required by statute, a county election board may not print a ballot card that contains language concerning the public question other than the language authorized by a statute.

(n) The requirements in this section:

- (1) do not replace; and
- (2) are in addition to;

any other requirements in this title that apply to optical scan ballots.

(o) The procedure described in IC 3-11-2-16 must be used when a ballot does not comply with the requirements imposed by this title or contains another error or omission that might result in confusion or mistakes by voters.

(p) This subsection applies to an optical scan ballot that does not list:

- (1) the names of political parties or candidates; or
- (2) the text of public questions;

on the face of the ballot. The ballot must be prepared in accordance with this section, except that the ballot must include a numbered circle or oval to refer to each political party, candidate, or public question."

Page 9, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 16. IC 3-11-14-3.5, AS AMENDED BY P.L.76-2014, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.5. (a) Each county election board shall have the names of all candidates for all elected offices, political party offices, and public questions printed on ballot labels for use in an electronic voting system as provided in this chapter.

(b) The county may:

- (1) print all offices and public questions on a single ballot label; and
- (2) include a ballot variation code to ensure that the proper version of a ballot label is used within a precinct.

(c) Each type of ballot label must be of uniform size and of the same quality and color of paper (except as permitted under IC 3-10-1-17).

(d) The nominees of a political party or an independent candidate or independent ticket (described in IC 3-11-2-6) nominated by petitioners must be listed on the ballot label with the name and device set forth on the certification or petition. The circle containing the device may be of any size that permits a voter to readily identify the device. IC 3-11-2-5 applies if the certification or petition does not include a name or device, or if the same device is selected by two (2) or more parties or petitioners.

(e) The ballot labels must list the offices and public questions on the general election ballot in the order listed in IC 3-11-2-12, IC 3-11-2-12.2, **IC 3-11-2-12.4**, IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a), IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and IC 3-11-2-14(d). Each office and public question may have a separate screen, or the offices and public questions may be listed in a continuous column either vertically or horizontally.

(f) The name of each office must be printed in a uniform size in bold type. A statement reading substantially as follows must

be placed immediately below the name of the office and above the name of the first candidate:

(1) "Vote for one (1) only.", if only one (1) candidate is to be elected to the office.

(2) "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office.", if more than one (1) candidate is to be elected to the office.

(g) Below the name of the office and the statement required by subsection (f), the names of the candidates for each office must be grouped together in the following order:

(1) The major political party whose candidate received the highest number of votes in the county for secretary of state at the last election is listed first.

(2) The major political party whose candidate received the second highest number of votes in the county for secretary of state is listed second.

(3) All other political parties listed in the order that the parties' candidates for secretary of state finished in the last election are listed after the party listed in subdivision (2).

(4) If a political party did not have a candidate for secretary of state in the last election or a nominee is an independent candidate or independent ticket (described in IC 3-11-2-6), the party or candidate is listed after the parties described in subdivisions (1), (2), and (3).

(5) If more than one (1) political party or independent candidate or ticket described in subdivision (4) qualifies to be on the ballot, the parties, candidates, or tickets are listed in the order in which the party filed its petition of nomination under IC 3-8-6-12.

(6) A space for write-in voting is placed after the candidates listed in subdivisions (1) through (5), if required by law. A space for write-in voting for an office is not required if there are no declared write-in candidates for that office. However, procedures must be implemented to permit write-in voting for candidates for federal offices.

(7) The name of a write-in candidate may not be listed on the ballot.

(h) The names of the candidates grouped in the order established by subsection (g) must be printed in type with uniform capital letters and have a uniform space between each name. The name of the candidate's political party, or the word "Independent", if the:

(1) candidate; or

(2) ticket of candidates for:

(A) President and Vice President of the United States; or

(B) governor and lieutenant governor;

is independent, must be placed immediately below or beside the name of the candidate and must be printed in uniform size and type.

(i) All the candidates of the same political party for election to at-large seats on the fiscal or legislative body of a political subdivision must be grouped together:

(1) under the name of the office that the candidates are seeking;

(2) in the party order established by subsection (g); and

(3) within the political party, in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) of ANY party for this office."

(j) Candidates for election to at-large seats on the governing body of a school corporation must be grouped:

(1) under the name of the office that the candidates are seeking; and

(2) in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office."

(k) The cautionary statement described in IC 3-11-2-7 must be placed at the top or beginning of the ballot label before the first public question is listed.

(l) The instructions described in IC 3-11-2-8, IC 3-11-2-10(d), and IC 3-11-2-10(e) may be:

(1) placed on the ballot label; or

(2) posted in a location within the voting booth that permits the voter to easily read the instructions.

(m) The ballot label must include a touch sensitive point or button for voting a straight political party or independent ticket (described in IC 3-11-2-6) by one (1) touch, and the touch sensitive point or button must be identified by:

(1) the name of the political party or independent ticket; and

(2) immediately below or beside the political party's or independent ticket's name, the device of that party or ticket (described in IC 3-11-2-5).

The name and device of each party or ticket must be of uniform size and type, and arranged in the order established by subsection (g) for listing candidates under each office. The instructions described in IC 3-11-2-10(c) for voting a straight party ticket and the statement concerning presidential electors required under IC 3-10-4-3 may be placed on the ballot label or in a location within the voting booth that permits the voter to easily read the instructions.

(n) A public question must be in the form described in IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a touch sensitive point or button must be used instead of a square. Except as expressly authorized or required by statute, a county election board may not print a ballot label that contains language concerning the public question other than the language authorized by a statute.

(o) The requirements in this section:

(1) do not replace; and

(2) are in addition to;

any other requirements in this title that apply to ballots for electronic voting systems.

(p) The procedure described in IC 3-11-2-16 must be used when a ballot label does not comply with the requirements imposed by this title or contains another error or omission that might result in confusion or mistakes by voters."

Renumber all SECTIONS consecutively.

(Reference is to SB 61 as printed January 26, 2016.)

PETE MILLER

Motion prevailed.

SENATE MOTION
(Amendment 61-2)

Madam President: I move that Senate Bill 61 be amended to read as follows:

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

"SECTION 1. IC 3-7-14-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 2. (a) Except as provided in subsection (b) and (c), the definitions in IC 9-13-2 apply to this chapter.

(b) A reference to an "application" in this chapter is a reference to an application to obtain or renew a motor vehicle driver's license or permit or an identification card unless otherwise stated.

~~(b) (c)~~ A reference to the "commission" in this chapter is a reference to the Indiana election commission unless otherwise stated.

SECTION 2. IC 3-7-14-4, AS AMENDED BY P.L.128-2015, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 4. **(a) An application to obtain or renew a motor vehicle driver's license, permit, or identification card serves as an application for voter registration:**

(1) under this article; and

(2) as provided in 52 U.S.C. 20504(a)(1). ~~unless the applicant fails to sign~~

(b) An individual's signature on an application is considered the individual's signature for the individual's voter registration application.

SECTION 3. IC 3-7-14-5, AS AMENDED BY P.L.128-2015, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 5. ~~As provided in 52 U.S.C. 20504(c)(1);~~ The bureau of motor vehicles commission shall **design each application form to include the information required for a voter registration application form as a part of the application for a driver's license prescribed under IC 9-24- required by Indiana law.**

SECTION 4. IC 3-7-14-6, AS AMENDED BY P.L.169-2015, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 6. The **bureau of motor vehicles commission and the election division shall prescribe the jointly design of the registration application form required under section 5 of this chapter.**

SECTION 5. IC 3-7-14-7 IS REPEALED [EFFECTIVE JANUARY 1, 2017]. ~~Sec. 7. As provided in 52 U.S.C.~~

~~20504(c)(2); the registration form described in section 5 of this chapter must meet the following requirements:~~

~~(1) The form may not require information that duplicates information required in the driver's license application part of the form; except as set forth in subdivision (3);~~

~~(2) The form may require only the minimum amount of information necessary to do the following:~~

~~(A) Prevent duplication of voter registrations;~~

~~(B) Permit the circuit court clerk or board of registration to:~~

~~(i) assess the eligibility of the applicant; and~~

~~(ii) administer the election and voter registration system;~~

~~(3) The form must include a statement that does the following:~~

~~(A) Sets forth each eligibility requirement for registration (including citizenship);~~

~~(B) Contains an attestation that the applicant meets each of the eligibility requirements;~~

~~(C) Requires the signature of the applicant; under penalty of perjury;~~

~~(4) The form must include the following; in print that is identical to the print used in the attestation part of the application:~~

~~(A) Information setting forth the penalties provided by law for submission of a false voter registration application;~~

~~(B) A statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes;~~

~~(C) A statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes;~~

SECTION 6. IC 3-7-14-7.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: **Sec. 7.1. The application form described in section 5 of this chapter must meet the following requirements:**

(1) The form must obtain all information required for a driver's license or permit or an identification card.

(2) The form may require only the minimum amount of information necessary to do the following:

(A) Prevent duplication of voter registrations.

(B) Permit the circuit court clerk or board of registration to:

(i) assess the eligibility of the applicant; and

(ii) administer the election and voter registration system.

(3) The form must set forth each eligibility requirement for voter registration, including citizenship.

(4) The form must contain each of the following options, one (1) of which an applicant may select as provided on the form:

(A) The applicant meets the eligibility requirements for voter registration and wishes to register to vote or to update the applicant's voter registration record.

(B) The applicant does not wish to register to vote or update the applicant's voter registration record.

(5) The form must inform the applicant that if the applicant does not select an option set forth under subdivision (4), the applicant will be considered to have chosen the option that the applicant:

(A) meets the eligibility requirements for voter registration; and

(B) wishes to register to vote or to update the applicant's voter registration record.

(6) The form must require the signature of the applicant, under the penalties for perjury.

(7) The form must include the following, in print that is identical to the print used in the attestation part of the application:

(A) Information setting forth the penalties provided by law for submission of a false voter registration application.

(B) A statement that, regardless of the applicant's decision regarding registration to vote or updating the applicant's voter registration record, that fact will remain confidential and will be used only for voter registration purposes.

SECTION 7. IC 3-7-14-8 IS REPEALED [EFFECTIVE JANUARY 1, 2017]. Sec. 8. To register under this chapter, an individual must do the following while on the premises of the license branch:

(1) Complete the voter registration application under section 4 of this chapter.

(2) Present the application to an employee of the license branch.

SECTION 8. IC 3-7-14-9, AS AMENDED BY P.L.164-2006, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 9. (a) An employee of the bureau of motor vehicles commission who provides an individual with a driver's license or identification card an application shall do the following:

(1) Inform each individual who applies for a driver's license or an identification card seeks to complete an application that the information the individual provides on the individual's application will be used to register the individual to vote unless any of the following applies:

(A) The individual is not eligible to vote.

(B) The individual declines to register to vote. or fails to complete the voter registration part of the application; or The employee must explain to the individual that if the individual does not select an option set forth under section 7.1(4) of this chapter, the individual will be considered to have selected the option that the individual:

(i) meets the eligibility requirements for voter registration; and

(ii) wishes to register to vote or to update the individual's voter registration record.

(C) The individual answers "no" to either question described by IC 3-7-22-5(3) or IC 3-7-22-5(4).

(2) Provide each individual who indicates a desire to register or transfer registration with assistance in filling out the voter registration application if requested to do so by the individual.

(3) Check the completed voter registration form for legibility and completeness.

(4) Inform the individual that the individual will receive a mailing from the county voter registration office of the county where the individual resides concerning the disposition of the voter registration application.

(5) Inform each individual who submits a change of address for a driver's license or identification card that the information serves as notice of a change of address for voter registration unless the applicant states in writing indicates on the form that the change of address is not for voter registration purposes.

(b) The bureau of motor vehicles commission shall transmit a voter registration form information to the election division for transmittal to the appropriate county voter registration office in accordance with IC 3-7-26.3.

SECTION 9. IC 3-7-14-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 10. If an individual is registering to vote completes an application after the twenty-ninth day before the date that a primary, general, municipal, or special election is scheduled in the precinct where the voter individual resides, the employee of the bureau of motor vehicles commission who provides an individual with a driver's license or an identification card application shall do the following:

(1) Inform the individual that license branch registration will not permit the individual to vote in the next election.

(2) Inform the individual of other procedures the individual may follow to vote in the next election.

SECTION 10. IC 3-7-14-11, AS AMENDED BY P.L.164-2006, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 11. Unless the applicant declines to register under section 7.1 of this chapter, whenever an applicant completes a voter registration an application under section 4 of this chapter, the bureau of motor vehicles commission shall provide the applicant with a written acknowledgment that the applicant has completed a voter registration application at a license branch. The acknowledgment:

(1) may be:

(A) a detachable part; or

(B) an electronic version;

of the registration application form prescribed designed under section 4 5 of this chapter; and

(2) must set forth the name and residential address of the applicant and the date that the application was completed.

SECTION 11. IC 3-7-14-12, AS AMENDED BY P.L.128-2015, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 12. (a) An applicant who completes a voter registration application under section 4 of this chapter is not required to submit the application to a county voter registration office.

(b) The bureau of motor vehicles commission shall forward the voter registration part of information on the application to the election division for transmittal to the appropriate county voter registration office on an expedited basis in accordance with IC 3-7-26.3, IC 9-24-2.5, and 52 U.S.C. 20504(c)(2)(E).

SECTION 12. IC 3-7-14-14, AS AMENDED BY P.L.128-2015, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 14. Except as provided in section 15 of this chapter, an application under section 4 of this chapter authorizes a county voter registration office to update the voter registration record of the applicant:

- (1) under 52 U.S.C. 20504(a)(2) unless the applicant fails to sign declines the voter registration application as provided under section 7.1 of this chapter; or
- (2) in a manner authorized under IC 3-7-26.3.

SECTION 13. IC 3-7-14-15, AS AMENDED BY P.L.128-2015, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 15. As provided in 52 U.S.C. 20504(d), a circuit court clerk or board of registration may update the address in the voter registration of an applicant, unless the applicant indicates on an application to obtain or renew a motor vehicle driver's license or any other change of address form submitted to the clerk or board by the bureau of motor vehicles commission that the change of address of the applicant is not for voter registration purposes.

SECTION 14. IC 3-7-33-3, AS AMENDED BY P.L.128-2015, SECTION 112, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 3. (a) This section applies to a voter registration application that is:

- (1) completed as part of a driver's license application under IC 3-7-14; or
- (2) submitted at a voter registration agency under this article.

(b) As provided in 52 U.S.C. 20507(a)(1), an eligible applicant whose application is accepted by the bureau of motor vehicles or a voter registration agency not later than twenty-nine (29) days before the election shall be registered to vote in the election."

Page 15, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 31. IC 9-24-2.5-4, AS AMENDED BY P.L.128-2015, SECTION 223, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 4. (a) As required under 52 U.S.C. 20504(e)(1), the manager or designated license branch employee shall transmit a copy of the completed voter registration portion of information from each application

or renewal for a driver's license or an identification card for nondrivers issued under this article to the county voter registration office of the county in which the individual's residential address (as indicated on the application) is located.

(b) The voter registration application information shall be transmitted to the county voter registration office in an electronic format and on an expedited basis (as defined by IC 3-5-2-23.2) using the computerized list established under IC 3-7-26.3. Except in the case of applications submitted online under IC 3-7-26.7, the paper copy of the application shall be transmitted under subsection (a) to the county voter registration office not later than five (5) days after the application is accepted at the license branch.

SECTION 32. IC 9-24-2.5-6, AS AMENDED BY P.L.64-2014, SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 6. (a) A manager or an employee may use any of the following methods to transmit paper copies of voter registration applications under section 4 of this chapter:

- (1) Hand delivery to the county voter registration office.
 - (2) Delivery by the United States Postal Service, using first class mail.
- (b) A county voter registration office
- (1) shall process a voter registration application information transmitted in electronic format from a license branch, and
 - (2) is not required to receive the paper copy of a voter registration application from a license branch before:
 - (A) approving or denying the application; and
 - (B) mailing a notice of approval or denial to the applicant.

(c) After January 1, 2015, a county voter registration office shall scan an image of the paper copy of the registration application form into the computerized list established under IC 3-7-26.3."

Renumber all SECTIONS consecutively.

(Reference is to SB 61 as printed January 26, 2016.)

TALLIAN

Motion failed.

SENATE MOTION
(Amendment 61-3)

Madam President: I move that Senate Bill 61 be amended to read as follows:

Page 7, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 9. IC 3-11-10-26.3, AS AMENDED BY P.L.169-2015, SECTION 123, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 26.3. (a) A county election board may adopt a resolution to authorize the circuit court clerk to establish satellite offices in the county where voters may cast absentee ballots before an absentee voter board.

(b) To be adopted under this section, a resolution must be adopted by the unanimous majority vote of the board's entire membership.

(c) A resolution adopted under this section must do the following:

- (1) State the locations of the satellite offices.
- (2) State the hours at which absentee voting may occur at the satellite offices.

(d) The resolution may contain other provisions the board considers useful.

(e) If a resolution is adopted under this section for a primary election, the locations of the satellite offices and the hours at which absentee voting may occur at the satellite offices established for the primary election must be used for the subsequent general or municipal election.

(f) If a resolution is adopted under this section, the procedure for casting an absentee ballot at a satellite office must, except as provided in this section, be substantially the same as the procedure for casting an absentee ballot in the office of the circuit court clerk under section 26 of this chapter.

(g) A voter casting an absentee ballot under this section is entitled to cast the voter's ballot in accordance with IC 3-11-9.

(h) A satellite office established by a circuit court clerk under this section must comply with the polling place accessibility requirements of IC 3-11-8.

(i) A resolution adopted under this section expires January 1 of the year immediately after the year in which the resolution is adopted."

Renumber all SECTIONS consecutively.
(Reference is to SB 61 as printed January 26, 2016.)

TALLIAN

Motion failed.

SENATE MOTION
(Amendment 61-4)

Madam President: I move that Senate Bill 61 be amended to read as follows:

Page 15, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 17. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "legislative council" refers to the legislative council created by IC 2-5-1.1-1.

(b) As used in this SECTION, "study committee" means either of the following:

- (1) A statutory committee established under IC 2-5.
- (2) An interim study committee.

(c) The legislative council is urged to assign to the appropriate study committee the topic of offsite electronic voting.

(d) If the topic described in subsection (c) is assigned to a study committee, the study committee shall issue a final report on the topic to the legislative council in an electronic format under IC 5-14-6 not later than November 1, 2016.

(e) This SECTION expires December 31, 2016."

Renumber all SECTIONS consecutively.
(Reference is to SB 61 as printed January 26, 2016.)

TALLIAN

Motion failed.

SENATE MOTION
(Amendment 61-5)

Madam President: I move that Senate Bill 61 be amended to read as follows:

- Page 1, delete lines 1 through 17.
- Delete page 2.
- Page 3, delete lines 1 through 24.
- Page 6, delete lines 41 through 42.
- Delete pages 7 through 9.
- Page 10, delete lines 1 through 7.
- Page 11, delete lines 6 through 36.
- Page 13, line 2, after "counted" insert ".".
- Page 13, line 2, reset in roman "The straight party ticket vote cast".
- Page 13, reset in roman lines 3 through 8.
- Page 13, line 9, reset in roman "straight party ticket votes for the office may not be counted".
- Page 13, line 9, delete "unless the".
- Page 13, delete lines 10 through 11.
- Page 13, line 12, delete "for the office shall not be counted".
- Page 15, delete lines 4 through 19.
- Renumber all SECTIONS consecutively.
(Reference is to SB 61 as printed January 26, 2016.)

TAYLOR

Motion failed. The bill was ordered engrossed.

Senate Bill 128

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

Senate Bill 147

Senator Boots called up Senate Bill 147 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 163

Senator Patricia Miller called up Senate Bill 163 for second reading. The bill was re-read a second time by title.

SENATE MOTION
(Amendment 163-2)

Madam President: I move that Senate Bill 163 be amended to read as follows:

- Page 5, delete lines 37 through 42.
- Page 6, delete lines 1 through 23.

Renumber all SECTIONS consecutively.
(Reference is to SB 163 as printed January 15, 2016.)

PATRICIA MILLER

Motion prevailed. The bill was ordered engrossed.

Senate Bill 167

Senator Kenley called up Senate Bill 167 for second reading.
The bill was read a second time by title.

SENATE MOTION
(Amendment 167-1)

Madam President: I move that Senate Bill 167 be amended to read as follows:

Page 2, between lines 9 and 10, begin a new line block indented and insert:

"(6) The state educational institution may not invest in a privately held entity that:

(A) performs work or provides services that are within the scope of IC 4-13.5, IC 4-13.6, IC 5-16, IC 8-23-2-4.1, or IC 36-1-12; or

(B) performs work or provides services in the private sector that are similar in scope to work and services contemplated by IC 4-13.5, IC 4-13.6, IC 5-16, IC 8-23-2-4.1, or IC 36-1-12."

(Reference is to SB 167 as printed January 26, 2016.)

KENLEY

Motion prevailed. The bill was ordered engrossed.

Senate Bill 171

Senator Becker called up Senate Bill 171 for second reading.
The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 204

Senator Merritt called up Senate Bill 204 for second reading.
The bill was read a second time by title.

SENATE MOTION
(Amendment 204-1)

Madam President: I move that Senate Bill 204 be amended to read as follows:

Page 1, delete lines 1 through 8.

Page 4, after line 32, begin a new paragraph and insert:

"SECTION 2. IC 35-43-4-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 9. (a) This section applies only to real property in foreclosure.**

(b) The following definitions apply throughout this section:

(1) "Damages, permanently removes an object from, or defaces real property" means to damage, permanently remove, or deface one (1) or more of the following:

(A) Fixtures (as defined in IC 26-1-2.1-309) of the real property.

(B) A component or subsystem of the heating, ventilation, or air conditioning system of the real property.

(C) Wiring of the real property.

(D) Pipes, fittings, or another part of the plumbing system of the real property.

(E) The structure, including the roof and foundation, of the real property.

(F) The windows of the real property.

(G) The floors, ceilings, walls, or doors of the real property.

(H) The landscaping of the real property.

(I) An unattached structure, carport, patio, fence, or swimming pool located on the real property.

(2) "Real property in foreclosure" means real property with respect to which a foreclosure action has been filed or joined by a person having a security interest in the property that is used to secure:

(A) a mortgage;

(B) a land contract; or

(C) another agreement similar to a mortgage or a land contract.

The term does not include property that is the subject of a foreclosure action brought by a person having any other type of security interest in the property, including a mechanic's lien, a tax lien, or a lien placed by a homeowners association, unless the property is also the subject of a foreclosure action described in clauses (A) through (C).

(c) A person who knowingly or intentionally damages, permanently removes an object from, or defaces real property in foreclosure commits foreclosure mischief, a Class B misdemeanor. However, the offense is:

(1) a Class A misdemeanor if the pecuniary loss is at least seven hundred fifty dollars (\$750) but less than fifty thousand dollars (\$50,000); and

(2) a Level 6 felony if the pecuniary loss is at least fifty thousand dollars (\$50,000).

(d) It is a defense to a prosecution under this section that the damage, removal, or defacement was the result of repair, renovation, replacement, or maintenance performed in good faith."

Renumber all SECTIONS consecutively.

(Reference is to SB 204 as printed January 26, 2016.)

BRAY

Motion prevailed. The bill was ordered engrossed.

Senate Bill 214

Senator Hershman called up Senate Bill 214 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 217

Senator Hershman called up Senate Bill 217 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 219

Senator Glick called up Senate Bill 219 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 225

Senator Eckerty called up Senate Bill 225 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 225-1)

Madam President: I move that Senate Bill 225 be amended to read as follows:

Page 6, line 32, delete ", by itself".
(Reference is to SB 225 as printed January 26, 2016.)

ECKERTY

Motion prevailed. The bill was ordered engrossed.

Senate Bill 232

Senator Lanane called up Senate Bill 232 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 232-1)

Madam President: I move that Senate Bill 232 be amended to read as follows:

Page 7, line 21, delete "shall" and insert "**may**".
Page 9, delete lines 15 through 42.
Page 10, delete lines 1 through 19.
Page 10, line 20, delete "19." and insert "**18.**".
Page 10, line 29, delete "20." and insert "**19.**".
Page 10, line 31, delete "21." and insert "**20.**".
Page 10, line 34, delete "sixty" and insert "**forty-eight (48)**".
Page 10, line 35, delete "(60)".
Page 10, line 38, delete "22." and insert "**21.**".
Page 10, line 40, delete "23." and insert "**22.**".
Page 10, line 42, delete "24." and insert "**23.**".
Page 11, line 10, delete "IC 36-7-38-24" and insert "**IC 36-7-38-23**".
(Reference is to SB 232 as printed January 22, 2016.)

LANANE

Motion prevailed. The bill was ordered engrossed.

Senate Bill 234

Senator Lanane called up Senate Bill 234 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 238

Senator Glick called up Senate Bill 238 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 242

Senator Walker called up Senate Bill 242 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 242-1)

Madam President: I move that Senate Bill 242 be amended to read as follows:

Page 1, line 17, reset in roman "either by itself or when added to the".
Page 2, reset in roman lines 1 through 2.
Page 2, line 3, reset in roman "any purpose".
Page 2, line 8, delete "the restrictions" and insert "**12 CFR 215.5 (Regulation O)**".
Page 2, delete lines 9 through 10.
Page 2, strike lines 11 through 33.
Page 2, line 34, strike "(c)" and insert "**(b)**".
Page 2, line 40, strike "(d)" and insert "**(c)**".
(Reference is to SB 242 as printed January 26, 2016.)

WALKER

Motion prevailed. The bill was ordered engrossed.

Senate Bill 250

Senator Buck called up Senate Bill 250 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 253

Senator Waltz called up Senate Bill 253 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 256

Senator Charbonneau called up Senate Bill 256 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 279

Senator Stoops called up Senate Bill 279 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 280

Senator Brown called up Senate Bill 280 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 291

Senator Leising called up Senate Bill 291 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 302

Senator Kenley called up Senate Bill 302 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 308

Senator Hershman called up Senate Bill 308 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 308-3)

Madam President: I move that Senate Bill 308 be amended to read as follows:

Page 2, line 39, after "occurs" delete "," and insert "**for which data is available**,".

Page 6, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 6. IC 6-1.1-4-43.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 43.5. (a)**

This section applies to a real property assessment for:

(1) the 2016 assessment date and assessment dates thereafter; and

(2) real property that is:

(A) a limited market or special purpose property that would commonly be regarded as a big box retail building under standard appraisal practices and is at least fifty thousand (50,000) square feet; and

(B) occupied by the original owner or by a tenant for which the improvement was built.

(b) If a taxpayer files a notice under IC 6-1.1-15 after March 31, 2016, requesting a review of the assessment of the taxpayer's real property that is subject to this section, and the effective age of the improvements is ten (10) years or less under the rules of the department, a taxpayer must provide to the appropriate county or township assessing official information concerning the actual construction costs for the real property. Notwithstanding IC 6-1.1-15, if a taxpayer does not provide all relevant and reasonably available information concerning the actual construction costs for the real property before the hearing scheduled by the county property tax assessment board of appeals regarding the assessment of the real property, the appeal may not be reviewed until all the information is provided. If a taxpayer does provide the information concerning the actual construction costs for the real property, and the construction costs for the real property are greater than the cost values determined by using the cost tables under the rules and guidelines of the department of local government finance,

then for purposes of applying the cost approach the depreciation and obsolescence shall be deducted from the construction costs rather than the cost values determined by using the cost tables under the rules and guidelines of the department of local government finance."

Page 27, line 15, delete "The value in exchange of an improved property does not" and insert "**With respect to the assessment of an improved property, a valuation does not reflect the true tax value of the improved property if the purportedly comparable sale properties supporting the valuation have a different market or submarket than the current use of the improved property, based on a market segmentation analysis.**".

Page 27, delete lines 16 through 18.

Page 27, line 19, delete "use of the improved property."

Page 50, line 11, delete "section" and insert "**subsection**".

Renumber all SECTIONS consecutively.

(Reference is to SB 308 as printed January 22, 2016.)

HERSHMAN

Motion prevailed.

SENATE MOTION
(Amendment 308-4)

Madam President: I move that Senate Bill 308 be amended to read as follows:

Page 11, delete lines 7 through 42.

Delete pages 12 through 17.

Page 18, delete line 1.

Page 34, delete lines 17 through 42.

Delete pages 35 through 40.

Page 51, delete lines 9 through 20.

Renumber all SECTIONS consecutively.

(Reference is to SB 308 as printed January 22, 2016.)

HERSHMAN

Motion prevailed. The bill was ordered engrossed.

Senate Bill 321

Senator Pete Miller called up Senate Bill 321 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 321-2)

Madam President: I move that Senate Bill 321 be amended to read as follows:

Page 31, delete lines 4 through 42, begin a new paragraph and insert:

"SECTION 25. IC 12-29-1-1, AS AMENDED BY P.L.117-2015, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) The county executive of a county may authorize the furnishing of financial assistance to a community intellectual disability and other developmental disabilities center that is located or will be located in the county.

(b) Assistance authorized under this section shall be used for the following purposes:

- (1) Constructing a center.
- (2) Operating a center.

(c) Upon request of the county executive, the county fiscal body may appropriate annually from the county's general fund the money to provide financial assistance for the purposes described in subsection (b). **For property taxes first due and payable before January 1, 2017**, the appropriation may not exceed the amount that could be collected from an annual tax levy of not more than three and thirty-three hundredths cents (\$0.0333) on each one hundred dollars (\$100) of taxable property within the county.

(d) For property taxes first due and payable after December 31, 2016, the maximum allowable appropriation for the purposes described in subsection (b) is equal to the result of:

- (1) the maximum allowable appropriation by the county for the preceding year; multiplied by**
- (2) the assessed value growth quotient determined under IC 6-1.1-18.5-2 for the year.**

~~(d)~~ (e) For purposes of this subsection, "first calendar year" refers to the first calendar year after 2008 in which the county imposes an ad valorem property tax levy for the county general fund to provide financial assistance under this chapter. If a county did not provide financial assistance under this chapter in 2008, the county for a following calendar year:

- (1) may propose a financial assistance budget; and
- (2) shall refer its proposed financial assistance budget for the first calendar year to the department of local government finance before the tax levy is advertised.

The ad valorem property tax levy to fund the budget for the first calendar year is subject to review and approval under IC 6-1.1-18.5-10.

SECTION 26. IC 12-29-1-2, AS AMENDED BY P.L.117-2015, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) If a community intellectual disability and other developmental disabilities center is organized to provide services to at least two (2) counties, the county executive of each county may authorize the furnishing of financial assistance for the purposes described in section 1(b) of this chapter.

(b) Upon the request of the county executive of the county, the county fiscal body of each county may appropriate annually from the county's general fund the money to provide financial assistance for the purposes described in section 1(b) of this chapter. **For property taxes first due and payable before January 1, 2017**, the appropriation of each county may not exceed the amount that could be collected from an annual tax levy of three and thirty-three hundredths cents (\$0.0333) on each one hundred dollars (\$100) of taxable property within the county.

(c) For property taxes first due and payable after December 31, 2016, the maximum allowable appropriation by each county for the purposes described in section 1(b) of this chapter is equal to the result of:

- (1) the maximum allowable appropriation by the county for the preceding year; multiplied by**
- (2) the assessed value growth quotient determined under IC 6-1.1-18.5-2 for the year.**

SECTION 27. IC 12-29-1-3, AS AMENDED BY P.L.117-2015, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) The county executive of each county whose residents may receive services from a community intellectual disability and other developmental disabilities center may authorize the furnishing of a share of financial assistance for the purposes described in section 1(b) of this chapter if the following conditions are met:

- (1) The facilities for the center are located in a state adjacent to Indiana.
- (2) The center is organized to provide services to Indiana residents.

(b) Upon the request of the county executive of a county, the county fiscal body of the county may appropriate annually from the county's general fund the money to provide financial assistance for the purposes described in section 1(b) of this chapter. **For property taxes first due and payable before January 1, 2017**, the appropriations of the county may not exceed the amount that could be collected from an annual tax levy of three and thirty-three hundredths cents (\$0.0333) on each one hundred dollars (\$100) of taxable property within the county.

(c) For property taxes first due and payable after December 31, 2016, the maximum allowable appropriation by the county for the purposes described in section 1(b) of this chapter is equal to the result of:

- (1) the maximum allowable appropriation by the county for the preceding year; multiplied by**
- (2) the assessed value growth quotient determined under IC 6-1.1-18.5-2 for the year."**

Delete page 32.

Page 33, delete lines 1 through 5.

Page 33, delete lines 13 through 42, begin a new paragraph and insert:

"SECTION 29. IC 12-29-2-2, AS AMENDED BY P.L.153-2014, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) A county shall fund the operation of community mental health centers in the amount determined under subsection (b), unless a lower tax levy amount will be adequate to fulfill the county's financial obligations under this chapter in any of the following situations:

- (1) If the total population of the county is served by one (1) center.
- (2) If the total population of the county is served by more than one (1) center.
- (3) If the partial population of the county is served by one (1) center.
- (4) If the partial population of the county is served by more than one (1) center.

(b) The amount of funding under subsection (a) for taxes first due and payable in a calendar year is ~~the following:~~

(1) For 2004, the amount is the amount determined under STEP THREE of the following formula:

STEP ONE: Determine the amount that was levied within the county to comply with this section from property taxes first due and payable in 2002.

STEP TWO: Multiply the STEP ONE result by the county's assessed value growth quotient for the ensuing year 2003, as determined under IC 6-1.1-18.5-2.

STEP THREE: Multiply the STEP TWO result by the county's assessed value growth quotient for the ensuing year 2004, as determined under IC 6-1.1-18.5-2.

(2) Except as provided in subsection (c), for 2005 and each year thereafter, the result equal to:

(A) (1) the **maximum** amount that **was could have been** levied in the county to comply with this section from property taxes first due and payable in the calendar year immediately preceding the ensuing calendar year, **as previously determined under this section by using the amount calculated under this section in 2004 as the base amount**; multiplied by

(B) (2) the ~~county's~~ assessed value growth quotient for the ensuing calendar year, as determined under IC 6-1.1-18.5-2.

(c) This subsection applies only to property taxes first due and payable after December 31, 2007. This subsection applies only to a county for which:

(1) a county adjusted gross income tax rate is first imposed or is increased in a particular year under IC 6-3.5-1.1-24; or

(2) a county option income tax rate is first imposed or is increased in a particular year under IC 6-3.5-6-30;

to provide property tax relief in the county. Notwithstanding any provision in this section or any other section of this chapter, for a county subject to this subsection, the county's maximum property tax levy under this section to fund the operation of community mental health centers for the ensuing calendar year is equal to the county's maximum property tax levy to fund the operation of community mental health centers for the current calendar year.

(d) Except as provided in subsection (h), the county shall pay to the division of mental health and addiction the part of the funding determined under subsection (b) that is appropriated solely for funding the operations of a community health center. The funding required under this section for operations of a community health center shall be paid by the county to the division of mental health and addiction. These funds shall be used solely for satisfying the non-federal share of medical assistance payments to community mental health centers serving the county for:

(1) allowable administrative services; and

(2) community mental health rehabilitation services.

All other funding appropriated for the purposes allowed under section 1.2(b)(1) of this chapter shall be paid by the county

directly to the community mental health center semiannually at the times that the payments are made under subsection (e).

(e) The county shall appropriate and disburse the funds for operations semiannually not later than December 1 and June 1 in an amount equal to the amount determined under subsection (b) and requested in writing by the division of mental health and addiction. The total funding amount paid to the division of mental health and addiction for a county for each calendar year may not exceed the amount that is calculated in subsection (b) and set forth in writing by the division of mental health and addiction for the county. Funds paid to the division of mental health and addiction by the county shall be submitted by the county in a timely manner after receiving the written request from the division of mental health and addiction, to ensure current year compliance with the community mental health rehabilitation program and any administrative requirements of the program.

(f) The division of mental health and addiction shall ensure that the non-federal share of funding received from a county under this program is applied only for matching federal funds for the designated community mental health centers to the extent a center is eligible to receive county funding under IC 12-21-2-3(5)(D).

(g) The division of mental health and addiction:

(1) shall first apply state funding to a community mental health center's non-federal share of funding under this program; and

(2) may next apply county funding received under this section to any remaining non-federal share of funding for the community mental health center.

The division shall distribute any excess state funds that exceed the community mental health rehabilitation services non-federal share applied to a community mental health center that is entitled to the excess state funds.

(h) The health and hospital corporation of Marion County created by IC 16-22-8-6 may make payments to the division for the operation of a community mental health center as described in this chapter."

Delete page 34.

Page 35, delete lines 1 through 25.

Page 37, after line 19, begin a new paragraph and insert:

"SECTION 31. IC 36-7-14-39, AS AMENDED BY P.L.87-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 39. (a) As used in this section:

"Allocation area" means that part of a redevelopment project area to which an allocation provision of a declaratory resolution adopted under section 15 of this chapter refers for purposes of distribution and allocation of property taxes.

"Base assessed value" means the following:

(1) If an allocation provision is adopted after June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing an economic development area:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

(2) If an allocation provision is adopted after June 30, 1997, in a declaratory resolution or an amendment to a declaratory resolution establishing a redevelopment project area:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the declaratory resolution, as adjusted under subsection (h); plus

(B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

(3) If:

(A) an allocation provision adopted before June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing a redevelopment project area expires after June 30, 1997; and

(B) after June 30, 1997, a new allocation provision is included in an amendment to the declaratory resolution; the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision adopted after June 30, 1997, as adjusted under subsection (h).

(4) Except as provided in subdivision (5), for all other allocation areas, the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h).

(5) If an allocation area established in an economic development area before July 1, 1995, is expanded after June 30, 1995, the definition in subdivision (1) applies to the expanded part of the area added after June 30, 1995.

(6) If an allocation area established in a redevelopment project area before July 1, 1997, is expanded after June 30, 1997, the definition in subdivision (2) applies to the expanded part of the area added after June 30, 1997.

Except as provided in section 39.3 of this chapter, "property taxes" means taxes imposed under IC 6-1.1 on real property. However, upon approval by a resolution of the redevelopment commission adopted before June 1, 1987, "property taxes" also includes taxes imposed under IC 6-1.1 on depreciable personal

property. If a redevelopment commission adopted before June 1, 1987, a resolution to include within the definition of property taxes, taxes imposed under IC 6-1.1 on depreciable personal property that has a useful life in excess of eight (8) years, the commission may by resolution determine the percentage of taxes imposed under IC 6-1.1 on all depreciable personal property that will be included within the definition of property taxes. However, the percentage included must not exceed twenty-five percent (25%) of the taxes imposed under IC 6-1.1 on all depreciable personal property.

(b) A declaratory resolution adopted under section 15 of this chapter on or before the allocation deadline determined under subsection (i) may include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. A declaratory resolution previously adopted may include an allocation provision by the amendment of that declaratory resolution on or before the allocation deadline determined under subsection (i) in accordance with the procedures required for its original adoption. A declaratory resolution or amendment that establishes an allocation provision must include a specific finding of fact, supported by evidence, that the adoption of the allocation provision will result in new property taxes in the area that would not have been generated but for the adoption of the allocation provision. For an allocation area established before July 1, 1995, the expiration date of any allocation provisions for the allocation area is June 30, 2025, or the last date of any obligations that are outstanding on July 1, 2015, whichever is later. A declaratory resolution or an amendment that establishes an allocation provision after June 30, 1995, must specify an expiration date for the allocation provision. For an allocation area established before July 1, 2008, the expiration date may not be more than thirty (30) years after the date on which the allocation provision is established. For an allocation area established after June 30, 2008, the expiration date may not be more than twenty-five (25) years after the date on which the first obligation was incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues. However, with respect to bonds or other obligations that were issued before July 1, 2008, if any of the bonds or other obligations that were scheduled when issued to mature before the specified expiration date and that are payable only from allocated tax proceeds with respect to the allocation area remain outstanding as of the expiration date, the allocation provision does not expire until all of the bonds or other obligations are no longer outstanding. The allocation provision may apply to all or part of the redevelopment project area. The allocation provision must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the allocation area be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

(A) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) The excess of the proceeds of the property taxes imposed for the assessment date with respect to which the allocation and distribution is made that are attributable to taxes imposed after being approved by the voters in a referendum or local public question conducted after April 30, 2010, not otherwise included in subdivision (1) shall be allocated to and, when collected, paid into the funds of the taxing unit for which the referendum or local public question was conducted.

(3) Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivisions (1) and (2) shall be allocated to the redevelopment district and, when collected, paid into an allocation fund for that allocation area that may be used by the redevelopment district only to do one (1) or more of the following:

(A) Pay the principal of and interest on any obligations payable solely from allocated tax proceeds which are incurred by the redevelopment district for the purpose of financing or refinancing the redevelopment of that allocation area.

(B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area.

(C) Pay the principal of and interest on bonds payable from allocated tax proceeds in that allocation area and from the special tax levied under section 27 of this chapter.

(D) Pay the principal of and interest on bonds issued by the unit to pay for local public improvements that are physically located in or physically connected to that allocation area.

(E) Pay premiums on the redemption before maturity of bonds payable solely or in part from allocated tax proceeds in that allocation area.

(F) Make payments on leases payable from allocated tax proceeds in that allocation area under section 25.2 of this chapter.

(G) Reimburse the unit for expenditures made by it for local public improvements (which include buildings, parking facilities, and other items described in section 25.1(a) of this chapter) that are physically located in or physically connected to that allocation area.

(H) Reimburse the unit for rentals paid by it for a building or parking facility that is physically located in or physically connected to that allocation area under any lease entered into under IC 36-1-10.

(I) For property taxes first due and payable before January 1, 2009, pay all or a part of a property tax

replacement credit to taxpayers in an allocation area as determined by the redevelopment commission. This credit equals the amount determined under the following STEPS for each taxpayer in a taxing district (as defined in IC 6-1.1-1-20) that contains all or part of the allocation area:

STEP ONE: Determine that part of the sum of the amounts under IC 6-1.1-21-2(g)(1)(A), IC 6-1.1-21-2(g)(2), IC 6-1.1-21-2(g)(3), IC 6-1.1-21-2(g)(4), and IC 6-1.1-21-2(g)(5) (before their repeal) that is attributable to the taxing district.

STEP TWO: Divide:

(i) that part of each county's eligible property tax replacement amount (as defined in IC 6-1.1-21-2 (before its repeal)) for that year as determined under IC 6-1.1-21-4 (before its repeal) that is attributable to the taxing district; by

(ii) the STEP ONE sum.

STEP THREE: Multiply:

(i) the STEP TWO quotient; times

(ii) the total amount of the taxpayer's taxes (as defined in IC 6-1.1-21-2 (before its repeal)) levied in the taxing district that have been allocated during that year to an allocation fund under this section.

If not all the taxpayers in an allocation area receive the credit in full, each taxpayer in the allocation area is entitled to receive the same proportion of the credit. A taxpayer may not receive a credit under this section and a credit under section 39.5 of this chapter (before its repeal) in the same year.

(J) Pay expenses incurred by the redevelopment commission for local public improvements that are in the allocation area or serving the allocation area. Public improvements include buildings, parking facilities, and other items described in section 25.1(a) of this chapter.

(K) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:

(i) in the allocation area; and

(ii) on a parcel of real property that has been classified as industrial property under the rules of the department of local government finance.

However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the industrial facilities described in this clause. The reimbursements under this clause must be made within three (3) years after the date on which the investments that are the basis for the increment financing are made.

(L) Pay the costs of carrying out an eligible efficiency project (as defined in IC 36-9-41-1.5) within the unit that established the redevelopment commission. However, property tax proceeds may be used under this

clause to pay the costs of carrying out an eligible efficiency project only if those property tax proceeds exceed the amount necessary to do the following:

- (i) Make, when due, any payments required under clauses (A) through (K), including any payments of principal and interest on bonds and other obligations payable under this subdivision, any payments of premiums under this subdivision on the redemption before maturity of bonds, and any payments on leases payable under this subdivision.
- (ii) Make any reimbursements required under this subdivision.
- (iii) Pay any expenses required under this subdivision.
- (iv) Establish, augment, or restore any debt service reserve under this subdivision.

(M) Expend money and provide financial assistance as authorized in section 12.2(a)(27) of this chapter.

The allocation fund may not be used for operating expenses of the commission.

(4) Except as provided in subsection (g), before ~~July~~ **June 15** of each year, the commission shall do the following:

(A) Determine the amount, if any, by which the assessed value of the taxable property in the allocation area for the most recent assessment date minus the base assessed value, when multiplied by the estimated tax rate of the allocation area, will exceed the amount of assessed value needed to produce the property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision (3), plus the amount necessary for other purposes described in subdivision (3).

(B) Provide a written notice to the county auditor, the fiscal body of the county or municipality that established the department of redevelopment, the officers who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for each of the other taxing units that is wholly or partly located within the allocation area, and (in an electronic format) the department of local government finance. The notice must:

- (i) state the amount, if any, of excess assessed value that the commission has determined may be allocated to the respective taxing units in the manner prescribed in subdivision (1); or
- (ii) state that the commission has determined that there is no excess assessed value that may be allocated to the respective taxing units in the manner prescribed in subdivision (1).

The county auditor shall allocate to the respective taxing units the amount, if any, of excess assessed value determined by the commission. The commission may not authorize an allocation of assessed value to the respective taxing units under this subdivision if to do so would endanger the interests of the holders of bonds

described in subdivision (3) or lessors under section 25.3 of this chapter.

(C) If:

- (i) the amount of excess assessed value determined by the commission is expected to generate more than two hundred percent (200%) of the amount of allocated tax proceeds necessary to make, when due, principal and interest payments on bonds described in subdivision (3); plus
- (ii) the amount necessary for other purposes described in subdivision (3);

the commission shall submit to the legislative body of the unit its determination of the excess assessed value that the commission proposes to allocate to the respective taxing units in the manner prescribed in subdivision (1). The legislative body of the unit may approve the commission's determination or modify the amount of the excess assessed value that will be allocated to the respective taxing units in the manner prescribed in subdivision (1).

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the allocation area that is annexed by any taxing unit after the effective date of the allocation provision of the declaratory resolution is the lesser of:

- (1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or
- (2) the base assessed value.

(d) Property tax proceeds allocable to the redevelopment district under subsection (b)(3) may, subject to subsection (b)(4), be irrevocably pledged by the redevelopment district for payment as set forth in subsection (b)(3).

(e) Notwithstanding any other law, each assessor shall, upon petition of the redevelopment commission, reassess the taxable property situated upon or in, or added to, the allocation area, effective on the next assessment date after the petition.

(f) Notwithstanding any other law, the assessed value of all taxable property in the allocation area, for purposes of tax limitation, property tax replacement, and formulation of the budget, tax rate, and tax levy for each political subdivision in which the property is located is the lesser of:

- (1) the assessed value of the property as valued without regard to this section; or
- (2) the base assessed value.

(g) If any part of the allocation area is located in an enterprise zone created under IC 5-28-15, the unit that designated the allocation area shall create funds as specified in this subsection. A unit that has obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish an allocation fund for the purposes specified in subsection (b)(3) and a special zone fund. Such a unit shall, until the end of the enterprise zone phase out period, deposit each year in the special zone fund any amount in the allocation fund derived from

property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise zone that exceeds the amount sufficient for the purposes specified in subsection (b)(3) for the year. The amount sufficient for purposes specified in subsection (b)(3) for the year shall be determined based on the pro rata portion of such current property tax proceeds from the part of the enterprise zone that is within the allocation area as compared to all such current property tax proceeds derived from the allocation area. A unit that has no obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish a special zone fund and deposit all the property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) in the fund derived from property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise zone. The unit that creates the special zone fund shall use the fund (based on the recommendations of the urban enterprise association) for programs in job training, job enrichment, and basic skill development that are designed to benefit residents and employers in the enterprise zone or other purposes specified in subsection (b)(3), except that where reference is made in subsection (b)(3) to allocation area it shall refer for purposes of payments from the special zone fund only to that part of the allocation area that is also located in the enterprise zone. Those programs shall reserve at least one-half (1/2) of their enrollment in any session for residents of the enterprise zone.

(h) The state board of accounts and department of local government finance shall make the rules and prescribe the forms and procedures that they consider expedient for the implementation of this chapter. After each general reassessment of real property in an area under IC 6-1.1-4-4 and after each reassessment in an area under a reassessment plan prepared under IC 6-1.1-4-4.2, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the reassessment of the real property in the area on the property tax proceeds allocated to the redevelopment district under this section. After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the redevelopment district under this section. However, the adjustments under this subsection:

- (1) may not include the effect of phasing in assessed value due to property tax abatements under IC 6-1.1-12.1;
- (2) may not produce less property tax proceeds allocable to the redevelopment district under subsection (b)(3) than would otherwise have been received if the general reassessment, the reassessment under the reassessment plan, or the annual adjustment had not occurred; and
- (3) may decrease base assessed value only to the extent that assessed values in the allocation area have been decreased due to annual adjustments or the reassessment under the reassessment plan.

Assessed value increases attributable to the application of an abatement schedule under IC 6-1.1-12.1 may not be included in the base assessed value of an allocation area. The department of local government finance may prescribe procedures for county and township officials to follow to assist the department in making the adjustments.

(i) The allocation deadline referred to in subsection (b) is determined in the following manner:

- (1) The initial allocation deadline is December 31, 2011.
- (2) Subject to subdivision (3), the initial allocation deadline and subsequent allocation deadlines are automatically extended in increments of five (5) years, so that allocation deadlines subsequent to the initial allocation deadline fall on December 31, 2016, and December 31 of each fifth year thereafter.
- (3) At least one (1) year before the date of an allocation deadline determined under subdivision (2), the general assembly may enact a law that:
 - (A) terminates the automatic extension of allocation deadlines under subdivision (2); and
 - (B) specifically designates a particular date as the final allocation deadline.

SECTION 32. IC 36-7-14-48, AS AMENDED BY P.L.87-2015, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 48. (a) Notwithstanding section 39(a) of this chapter, with respect to the allocation and distribution of property taxes for the accomplishment of a program adopted under section 45 of this chapter, "base assessed value" means the net assessed value of all of the property, other than personal property, as finally determined for the assessment date immediately preceding the effective date of the allocation provision, as adjusted under section 39(h) of this chapter.

(b) The allocation fund established under section 39(b) of this chapter for the allocation area for a program adopted under section 45 of this chapter may be used only for purposes related to the accomplishment of the program, including the following:

- (1) The construction, rehabilitation, or repair of residential units within the allocation area.
- (2) The construction, reconstruction, or repair of any infrastructure (including streets, sidewalks, and sewers) within or serving the allocation area.
- (3) The acquisition of real property and interests in real property within the allocation area.
- (4) The demolition of real property within the allocation area.
- (5) The provision of financial assistance to enable individuals and families to purchase or lease residential units within the allocation area. However, financial assistance may be provided only to those individuals and families whose income is at or below the county's median income for individuals and families, respectively.
- (6) The provision of financial assistance to neighborhood development corporations to permit them to provide

financial assistance for the purposes described in subdivision (5).

(7) For property taxes first due and payable before January 1, 2009, providing each taxpayer in the allocation area a credit for property tax replacement as determined under subsections (c) and (d). However, the commission may provide this credit only if the municipal legislative body (in the case of a redevelopment commission established by a municipality) or the county executive (in the case of a redevelopment commission established by a county) establishes the credit by ordinance adopted in the year before the year in which the credit is provided.

(c) The maximum credit that may be provided under subsection (b)(7) to a taxpayer in a taxing district that contains all or part of an allocation area established for a program adopted under section 45 of this chapter shall be determined as follows:

STEP ONE: Determine that part of the sum of the amounts described in IC 6-1.1-21-2(g)(1)(A) and IC 6-1.1-21-2(g)(2) through IC 6-1.1-21-2(g)(5) (before their repeal) that is attributable to the taxing district.

STEP TWO: Divide:

(A) that part of each county's eligible property tax replacement amount (as defined in IC 6-1.1-21-2) (before its repeal) for that year as determined under IC 6-1.1-21-4(a)(1) (before its repeal) that is attributable to the taxing district; by

(B) the amount determined under STEP ONE.

STEP THREE: Multiply:

(A) the STEP TWO quotient; by

(B) the taxpayer's taxes (as defined in IC 6-1.1-21-2) (before its repeal) levied in the taxing district allocated to the allocation fund, including the amount that would have been allocated but for the credit.

(d) The commission may determine to grant to taxpayers in an allocation area from its allocation fund a credit under this section, as calculated under subsection (c). Except as provided in subsection (g), one-half (1/2) of the credit shall be applied to each installment of taxes (as defined in IC 6-1.1-21-2) (before its repeal) that under IC 6-1.1-22-9 are due and payable in a year. The commission must provide for the credit annually by a resolution and must find in the resolution the following:

(1) That the money to be collected and deposited in the allocation fund, based upon historical collection rates, after granting the credit will equal the amounts payable for contractual obligations from the fund, plus ten percent (10%) of those amounts.

(2) If bonds payable from the fund are outstanding, that there is a debt service reserve for the bonds that at least equals the amount of the credit to be granted.

(3) If bonds of a lessor under section 25.2 of this chapter or under IC 36-1-10 are outstanding and if lease rentals are payable from the fund, that there is a debt service reserve for those bonds that at least equals the amount of the credit to be granted.

If the tax increment is insufficient to grant the credit in full, the commission may grant the credit in part, prorated among all taxpayers.

(e) Notwithstanding section 39(b) of this chapter, the allocation fund established under section 39(b) of this chapter for the allocation area for a program adopted under section 45 of this chapter may only be used to do one (1) or more of the following:

(1) Accomplish one (1) or more of the actions set forth in section 39(b)(3)(A) through 39(b)(3)(H) and 39(b)(3)(J) of this chapter for property that is residential in nature.

(2) Reimburse the county or municipality for expenditures made by the county or municipality in order to accomplish the housing program in that allocation area.

The allocation fund may not be used for operating expenses of the commission.

(f) Notwithstanding section 39(b) of this chapter, the commission shall, relative to the allocation fund established under section 39(b) of this chapter for an allocation area for a program adopted under section 45 of this chapter, do the following before **July + June 15** of each year:

(1) Determine the amount, if any, by which the assessed value of the taxable property in the allocation area for the most recent assessment date minus the base assessed value, when multiplied by the estimated tax rate of the allocation area, will exceed the amount of assessed value needed to produce the property taxes necessary to:

(A) make the distribution required under section 39(b)(2) of this chapter;

(B) make, when due, principal and interest payments on bonds described in section 39(b)(3) of this chapter;

(C) pay the amount necessary for other purposes described in section 39(b)(3) of this chapter; and

(D) reimburse the county or municipality for anticipated expenditures described in subsection (e)(2).

(2) Provide a written notice to the county auditor, the fiscal body of the county or municipality that established the department of redevelopment, the officers who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for each of the other taxing units that is wholly or partly located within the allocation area, and (in an electronic format) the department of local government finance. The notice must:

(A) state the amount, if any, of excess property taxes that the commission has determined may be paid to the respective taxing units in the manner prescribed in section 39(b)(1) of this chapter; or

(B) state that the commission has determined that there is no excess assessed value that may be allocated to the respective taxing units in the manner prescribed in subdivision (1).

The county auditor shall allocate to the respective taxing units the amount, if any, of excess assessed value determined by the commission.

(3) If:

(A) the amount of excess assessed value determined by the commission is expected to generate more than two hundred percent (200%) of the amount of allocated tax proceeds necessary to make, when due, principal and interest payments on bonds described in subdivision (1); plus

(B) the amount necessary for other purposes described in subdivision (1);

the commission shall submit to the legislative body of the unit its determination of the excess assessed value that the commission proposes to allocate to the respective taxing units in the manner prescribed in subdivision (2). The legislative body of the unit may approve the commission's determination or modify the amount of the excess assessed value that will be allocated to the respective taxing units in the manner prescribed in subdivision (2).

(g) This subsection applies to an allocation area only to the extent that the net assessed value of property that is assessed as residential property under the rules of the department of local government finance is not included in the base assessed value. If property tax installments with respect to a homestead (as defined in IC 6-1.1-12-37) are due in installments established by the department of local government finance under IC 6-1.1-22-9.5, each taxpayer subject to those installments in an allocation area is entitled to an additional credit under subsection (d) for the taxes (as defined in IC 6-1.1-21-2) (before its repeal) due in installments. The credit shall be applied in the same proportion to each installment of taxes (as defined in IC 6-1.1-21-2) (before its repeal).

SECTION 33. IC 36-7-14-52, AS AMENDED BY P.L.87-2015, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 52. (a) Notwithstanding section 39(a) of this chapter, with respect to the allocation and distribution of property taxes for the accomplishment of the purposes of an age-restricted housing program adopted under section 49 of this chapter, "base assessed value" means the net assessed value of all of the property, other than personal property, as finally determined for the assessment date immediately preceding the effective date of the allocation provision, as adjusted under section 39(h) of this chapter.

(b) The allocation fund established under section 39(b) of this chapter for the allocation area for an age-restricted housing program adopted under section 49 of this chapter may be used only for purposes related to the accomplishment of the purposes of the program, including, but not limited to, the following:

- (1) The construction of any infrastructure (including streets, sidewalks, and sewers) or local public improvements in, serving, or benefiting the allocation area.
- (2) The acquisition of real property and interests in real property within the allocation area.
- (3) The preparation of real property in anticipation of development of the real property within the allocation area.
- (4) To do any of the following:

(A) Pay the principal of and interest on bonds or any other obligations payable from allocated tax proceeds in the allocation area that are incurred by the redevelopment district for the purpose of financing or refinancing the age-restricted housing program established under section 49 of this chapter for the allocation area.

(B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in the allocation area.

(C) Pay the principal of and interest on bonds payable from allocated tax proceeds in the allocation area and from the special tax levied under section 27 of this chapter.

(D) Pay the principal of and interest on bonds issued by the unit to pay for local public improvements that are physically located in or physically connected to the allocation area.

(E) Pay premiums on the redemption before maturity of bonds payable solely or in part from allocated tax proceeds in the allocation area.

(F) Make payments on leases payable from allocated tax proceeds in the allocation area under section 25.2 of this chapter.

(G) Reimburse the unit for expenditures made by the unit for local public improvements (which include buildings, parking facilities, and other items described in section 25.1(a) of this chapter) that are physically located in or physically connected to the allocation area.

(c) Notwithstanding section 39(b) of this chapter, the commission shall, relative to the allocation fund established under section 39(b) of this chapter for an allocation area for an age-restricted housing program adopted under section 49 of this chapter, do the following before ~~July~~ **June 15** of each year:

(1) Determine the amount, if any, by which the assessed value of the taxable property in the allocation area for the most recent assessment date minus the base assessed value, when multiplied by the estimated tax rate of the allocation area, will exceed the amount of assessed value needed to produce the property taxes necessary to:

(A) make the distribution required under section 39(b)(2) of this chapter;

(B) make, when due, principal and interest payments on bonds described in section 39(b)(3) of this chapter;

(C) pay the amount necessary for other purposes described in section 39(b)(3) of this chapter; and

(D) reimburse the county or municipality for anticipated expenditures described in subsection (b)(2).

(2) Provide a written notice to the county auditor, the fiscal body of the county or municipality that established the department of redevelopment, the officers who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for each of the other taxing units that is wholly or partly located within the allocation area, and (in

an electronic format) the department of local government finance. The notice must:

- (A) state the amount, if any, of excess property taxes that the commission has determined may be paid to the respective taxing units in the manner prescribed in section 39(b)(1) of this chapter; or
- (B) state that the commission has determined that there is no excess assessed value that may be allocated to the respective taxing units in the manner prescribed in subdivision (1).

The county auditor shall allocate to the respective taxing units the amount, if any, of excess assessed value determined by the commission.

SECTION 34. IC 36-7-15.1-26, AS AMENDED BY P.L.87-2015, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 26. (a) As used in this section:

"Allocation area" means that part of a redevelopment project area to which an allocation provision of a resolution adopted under section 8 of this chapter refers for purposes of distribution and allocation of property taxes.

"Base assessed value" means the following:

- (1) If an allocation provision is adopted after June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing an economic development area:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

- (2) If an allocation provision is adopted after June 30, 1997, in a declaratory resolution or an amendment to a declaratory resolution establishing a redevelopment project area:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

- (3) If:

(A) an allocation provision adopted before June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing a redevelopment project area expires after June 30, 1997; and

(B) after June 30, 1997, a new allocation provision is included in an amendment to the declaratory resolution; the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision adopted after June 30, 1997, as adjusted under subsection (h).

(4) Except as provided in subdivision (5), for all other allocation areas, the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h).

(5) If an allocation area established in an economic development area before July 1, 1995, is expanded after June 30, 1995, the definition in subdivision (1) applies to the expanded part of the area added after June 30, 1995.

(6) If an allocation area established in a redevelopment project area before July 1, 1997, is expanded after June 30, 1997, the definition in subdivision (2) applies to the expanded part of the area added after June 30, 1997.

Except as provided in section 26.2 of this chapter, "property taxes" means taxes imposed under IC 6-1.1 on real property. However, upon approval by a resolution of the redevelopment commission adopted before June 1, 1987, "property taxes" also includes taxes imposed under IC 6-1.1 on depreciable personal property. If a redevelopment commission adopted before June 1, 1987, a resolution to include within the definition of property taxes, taxes imposed under IC 6-1.1 on depreciable personal property that has a useful life in excess of eight (8) years, the commission may by resolution determine the percentage of taxes imposed under IC 6-1.1 on all depreciable personal property that will be included within the definition of property taxes. However, the percentage included must not exceed twenty-five percent (25%) of the taxes imposed under IC 6-1.1 on all depreciable personal property.

(b) A resolution adopted under section 8 of this chapter on or before the allocation deadline determined under subsection (i) may include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. A resolution previously adopted may include an allocation provision by the amendment of that resolution on or before the allocation deadline determined under subsection (i) in accordance with the procedures required for its original adoption. A declaratory resolution or amendment that establishes an allocation provision must include a specific finding of fact, supported by evidence, that the adoption of the allocation provision will result in new property taxes in the area that would not have been generated but for the adoption of the allocation provision. For an allocation area established before July 1, 1995, the expiration date of any allocation provisions for the allocation area is June 30, 2025, or the last date of any

obligations that are outstanding on July 1, 2015, whichever is later. However, an expiration date imposed by this subsection does not apply to an allocation area identified as the Consolidated Allocation Area in the report submitted in 2013 to the fiscal body under section 36.3 of this chapter. A declaratory resolution or an amendment that establishes an allocation provision after June 30, 1995, must specify an expiration date for the allocation provision. For an allocation area established before July 1, 2008, the expiration date may not be more than thirty (30) years after the date on which the allocation provision is established. For an allocation area established after June 30, 2008, the expiration date may not be more than twenty-five (25) years after the date on which the first obligation was incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues. However, with respect to bonds or other obligations that were issued before July 1, 2008, if any of the bonds or other obligations that were scheduled when issued to mature before the specified expiration date and that are payable only from allocated tax proceeds with respect to the allocation area remain outstanding as of the expiration date, the allocation provision does not expire until all of the bonds or other obligations are no longer outstanding. The allocation provision may apply to all or part of the redevelopment project area. The allocation provision must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the allocation area be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

(A) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) The excess of the proceeds of the property taxes imposed for the assessment date with respect to which the allocation and distribution is made that are attributable to taxes imposed after being approved by the voters in a referendum or local public question conducted after April 30, 2010, not otherwise included in subdivision (1) shall be allocated to and, when collected, paid into the funds of the taxing unit for which the referendum or local public question was conducted.

(3) Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivisions (1) and (2) shall be allocated to the redevelopment district and, when collected, paid into a special fund for that allocation area that may be used by the redevelopment district only to do one (1) or more of the following:

(A) Pay the principal of and interest on any obligations payable solely from allocated tax proceeds that are incurred by the redevelopment district for the purpose of

financing or refinancing the redevelopment of that allocation area.

(B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area.

(C) Pay the principal of and interest on bonds payable from allocated tax proceeds in that allocation area and from the special tax levied under section 19 of this chapter.

(D) Pay the principal of and interest on bonds issued by the consolidated city to pay for local public improvements that are physically located in or physically connected to that allocation area.

(E) Pay premiums on the redemption before maturity of bonds payable solely or in part from allocated tax proceeds in that allocation area.

(F) Make payments on leases payable from allocated tax proceeds in that allocation area under section 17.1 of this chapter.

(G) Reimburse the consolidated city for expenditures for local public improvements (which include buildings, parking facilities, and other items set forth in section 17 of this chapter) that are physically located in or physically connected to that allocation area.

(H) Reimburse the unit for rentals paid by it for a building or parking facility that is physically located in or physically connected to that allocation area under any lease entered into under IC 36-1-10.

(I) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:

(i) in the allocation area; and

(ii) on a parcel of real property that has been classified as industrial property under the rules of the department of local government finance.

However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the industrial facilities described in this clause. The reimbursements under this clause must be made within three (3) years after the date on which the investments that are the basis for the increment financing are made.

(J) Pay the costs of carrying out an eligible efficiency project (as defined in IC 36-9-41-1.5) within the unit that established the redevelopment commission. However, property tax proceeds may be used under this clause to pay the costs of carrying out an eligible efficiency project only if those property tax proceeds exceed the amount necessary to do the following:

(i) Make, when due, any payments required under clauses (A) through (I), including any payments of principal and interest on bonds and other obligations payable under this subdivision, any payments of

premiums under this subdivision on the redemption before maturity of bonds, and any payments on leases payable under this subdivision.

(ii) Make any reimbursements required under this subdivision.

(iii) Pay any expenses required under this subdivision.

(iv) Establish, augment, or restore any debt service reserve under this subdivision.

(K) Expend money and provide financial assistance as authorized in section 7(a)(21) of this chapter.

The special fund may not be used for operating expenses of the commission.

(4) Before ~~July~~ **June 15** of each year, the commission shall do the following:

(A) Determine the amount, if any, by which the assessed value of the taxable property in the allocation area for the most recent assessment date minus the base assessed value, when multiplied by the estimated tax rate of the allocation area will exceed the amount of assessed value needed to provide the property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision (3) plus the amount necessary for other purposes described in subdivision (3) and subsection (g).

(B) Provide a written notice to the county auditor, the legislative body of the consolidated city, the officers who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for each of the other taxing units that is wholly or partly located within the allocation area, and (in an electronic format) the department of local government finance. The notice must:

(i) state the amount, if any, of excess assessed value that the commission has determined may be allocated to the respective taxing units in the manner prescribed in subdivision (1); or

(ii) state that the commission has determined that there is no excess assessed value that may be allocated to the respective taxing units in the manner prescribed in subdivision (1).

The county auditor shall allocate to the respective taxing units the amount, if any, of excess assessed value determined by the commission. The commission may not authorize an allocation to the respective taxing units under this subdivision if to do so would endanger the interests of the holders of bonds described in subdivision (3).

(C) If:

(i) the amount of excess assessed value determined by the commission is expected to generate more than two hundred percent (200%) of the amount of allocated tax proceeds necessary to make, when due,

principal and interest payments on bonds described in subdivision (3); plus

(ii) the amount necessary for other purposes described in subdivision (3) and subsection (g);

the commission shall submit to the legislative body of the unit the commission's determination of the excess assessed value that the commission proposes to allocate to the respective taxing units in the manner prescribed in subdivision (1). The legislative body of the unit may approve the commission's determination or modify the amount of the excess assessed value that will be allocated to the respective taxing units in the manner prescribed in subdivision (1).

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the allocation area that is annexed by any taxing unit after the effective date of the allocation provision of the resolution is the lesser of:

(1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(2) the base assessed value.

(d) Property tax proceeds allocable to the redevelopment district under subsection (b)(3) may, subject to subsection (b)(4), be irrevocably pledged by the redevelopment district for payment as set forth in subsection (b)(3).

(e) Notwithstanding any other law, each assessor shall, upon petition of the commission, reassess the taxable property situated upon or in, or added to, the allocation area, effective on the next assessment date after the petition.

(f) Notwithstanding any other law, the assessed value of all taxable property in the allocation area, for purposes of tax limitation, property tax replacement, and formulation of the budget, tax rate, and tax levy for each political subdivision in which the property is located is the lesser of:

(1) the assessed value of the property as valued without regard to this section; or

(2) the base assessed value.

(g) If any part of the allocation area is located in an enterprise zone created under IC 5-28-15, the unit that designated the allocation area shall create funds as specified in this subsection. A unit that has obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish an allocation fund for the purposes specified in subsection (b)(3) and a special zone fund. Such a unit shall, until the end of the enterprise zone phase out period, deposit each year in the special zone fund the amount in the allocation fund derived from property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise zone that exceeds the amount sufficient for the purposes specified in subsection (b)(3) for the year. A unit that has no obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish a special zone fund and deposit all the property tax proceeds in excess of those described in

subsection (b)(1) and (b)(2) in the fund derived from property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise zone. The unit that creates the special zone fund shall use the fund, based on the recommendations of the urban enterprise association, for one (1) or more of the following purposes:

(1) To pay for programs in job training, job enrichment, and basic skill development designed to benefit residents and employers in the enterprise zone. The programs must reserve at least one-half (1/2) of the enrollment in any session for residents of the enterprise zone.

(2) To make loans and grants for the purpose of stimulating business activity in the enterprise zone or providing employment for enterprise zone residents in the enterprise zone. These loans and grants may be made to the following:

(A) Businesses operating in the enterprise zone.

(B) Businesses that will move their operations to the enterprise zone if such a loan or grant is made.

(3) To provide funds to carry out other purposes specified in subsection (b)(3). However, where reference is made in subsection (b)(3) to the allocation area, the reference refers for purposes of payments from the special zone fund only to that part of the allocation area that is also located in the enterprise zone.

(h) The state board of accounts and department of local government finance shall make the rules and prescribe the forms and procedures that they consider expedient for the implementation of this chapter. After each general reassessment of real property in an area under IC 6-1.1-4-4 and after each reassessment under a reassessment plan prepared under IC 6-1.1-4-4.2, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the reassessment of the real property in the area on the property tax proceeds allocated to the redevelopment district under this section. After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the redevelopment district under this section. However, the adjustments under this subsection may not include the effect of property tax abatements under IC 6-1.1-12.1, and these adjustments may not produce less property tax proceeds allocable to the redevelopment district under subsection (b)(3) than would otherwise have been received if the general reassessment, reassessment under the reassessment plan, or annual adjustment had not occurred. The department of local government finance may prescribe procedures for county and township officials to follow to assist the department in making the adjustments.

(i) The allocation deadline referred to in subsection (b) is determined in the following manner:

(1) The initial allocation deadline is December 31, 2011.

(2) Subject to subdivision (3), the initial allocation deadline and subsequent allocation deadlines are automatically extended in increments of five (5) years, so that allocation deadlines subsequent to the initial allocation deadline fall on December 31, 2016, and December 31 of each fifth year thereafter.

(3) At least one (1) year before the date of an allocation deadline determined under subdivision (2), the general assembly may enact a law that:

(A) terminates the automatic extension of allocation deadlines under subdivision (2); and

(B) specifically designates a particular date as the final allocation deadline.

SECTION 35. IC 36-7-15.1-35, AS AMENDED BY P.L.87-2015, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 35. (a) Notwithstanding section 26(a) of this chapter, with respect to the allocation and distribution of property taxes for the accomplishment of a program adopted under section 32 of this chapter, "base assessed value" means the net assessed value of all of the land as finally determined for the assessment date immediately preceding the effective date of the allocation provision, as adjusted under section 26(h) of this chapter. However, "base assessed value" does not include the value of real property improvements to the land.

(b) The special fund established under section 26(b) of this chapter for the allocation area for a program adopted under section 32 of this chapter may be used only for purposes related to the accomplishment of the program, including the following:

(1) The construction, rehabilitation, or repair of residential units within the allocation area.

(2) The construction, reconstruction, or repair of infrastructure (such as streets, sidewalks, and sewers) within or serving the allocation area.

(3) The acquisition of real property and interests in real property within the allocation area.

(4) The demolition of real property within the allocation area.

(5) To provide financial assistance to enable individuals and families to purchase or lease residential units within the allocation area. However, financial assistance may be provided only to those individuals and families whose income is at or below the county's median income for individuals and families, respectively.

(6) To provide financial assistance to neighborhood development corporations to permit them to provide financial assistance for the purposes described in subdivision (5).

(7) For property taxes first due and payable before 2009, to provide each taxpayer in the allocation area a credit for property tax replacement as determined under subsections (c) and (d). However, this credit may be provided by the commission only if the city-county legislative body

establishes the credit by ordinance adopted in the year before the year in which the credit is provided.

(c) The maximum credit that may be provided under subsection (b)(7) to a taxpayer in a taxing district that contains all or part of an allocation area established for a program adopted under section 32 of this chapter shall be determined as follows:

STEP ONE: Determine that part of the sum of the amounts described in IC 6-1.1-21-2(g)(1)(A) and IC 6-1.1-21-2(g)(2) through IC 6-1.1-21-2(g)(5) (before their repeal) that is attributable to the taxing district.

STEP TWO: Divide:

(A) that part of each county's eligible property tax replacement amount (as defined in IC 6-1.1-21-2 (before its repeal)) for that year as determined under IC 6-1.1-21-4(a)(1) (before its repeal) that is attributable to the taxing district; by

(B) the amount determined under STEP ONE.

STEP THREE: Multiply:

(A) the STEP TWO quotient; by

(B) the taxpayer's taxes (as defined in IC 6-1.1-21-2 (before its repeal)) levied in the taxing district allocated to the allocation fund, including the amount that would have been allocated but for the credit.

(d) Except as provided in subsection (g), the commission may determine to grant to taxpayers in an allocation area from its allocation fund a credit under this section, as calculated under subsection (c), by applying one-half (1/2) of the credit to each installment of taxes (as defined in IC 6-1.1-21-2 (before its repeal)) that under IC 6-1.1-22-9 are due and payable in a year. Except as provided in subsection (g), one-half (1/2) of the credit shall be applied to each installment of taxes (as defined in IC 6-1.1-21-2 (before its repeal)). The commission must provide for the credit annually by a resolution and must find in the resolution the following:

(1) That the money to be collected and deposited in the allocation fund, based upon historical collection rates, after granting the credit will equal the amounts payable for contractual obligations from the fund, plus ten percent (10%) of those amounts.

(2) If bonds payable from the fund are outstanding, that there is a debt service reserve for the bonds that at least equals the amount of the credit to be granted.

(3) If bonds of a lessor under section 17.1 of this chapter or under IC 36-1-10 are outstanding and if lease rentals are payable from the fund, that there is a debt service reserve for those bonds that at least equals the amount of the credit to be granted.

If the tax increment is insufficient to grant the credit in full, the commission may grant the credit in part, prorated among all taxpayers.

(e) Notwithstanding section 26(b) of this chapter, the special fund established under section 26(b) of this chapter for the allocation area for a program adopted under section 32 of this chapter may only be used to do one (1) or more of the following:

(1) Accomplish one (1) or more of the actions set forth in section 26(b)(3)(A) through 26(b)(3)(H) of this chapter.

(2) Reimburse the consolidated city for expenditures made by the city in order to accomplish the housing program in that allocation area.

The special fund may not be used for operating expenses of the commission.

(f) Notwithstanding section 26(b) of this chapter, the commission shall, relative to the special fund established under section 26(b) of this chapter for an allocation area for a program adopted under section 32 of this chapter, do the following before ~~July~~ **June 15** of each year:

(1) Determine the amount, if any, by which the assessed value of the taxable property in the allocation area, when multiplied by the estimated tax rate of the allocation area, will exceed the amount of assessed value needed to produce the property taxes necessary to:

(A) make the distribution required under section 26(b)(2) of this chapter;

(B) make, when due, principal and interest payments on bonds described in section 26(b)(3) of this chapter;

(C) pay the amount necessary for other purposes described in section 26(b)(3) of this chapter; and

(D) reimburse the consolidated city for anticipated expenditures described in subsection (e)(2).

(2) Provide a written notice to the county auditor, the legislative body of the consolidated city, the officers who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for each of the other taxing units that is wholly or partly located within the allocation area, and (in an electronic format) the department of local government finance. The notice must:

(A) state the amount, if any, of excess assessed value that the commission has determined may be allocated to the respective taxing units in the manner prescribed in section 26(b)(1) of this chapter; or

(B) state that the commission has determined that there is no excess assessed value that may be allocated to the respective taxing units in the manner prescribed in section 26(b)(1) of this chapter.

The county auditor shall allocate to the respective taxing units the amount, if any, of excess assessed value determined by the commission.

(g) This subsection applies to an allocation area only to the extent that the net assessed value of property that is assessed as residential property under the rules of the department of local government finance is not included in the base assessed value. If property tax installments with respect to a homestead (as defined in IC 6-1.1-20.9-1 (before its repeal)) are due in installments established by the department of local government finance under IC 6-1.1-22-9.5, each taxpayer subject to those installments in an allocation area is entitled to an additional credit under subsection (d) for the taxes (as defined in IC 6-1.1-21-2 (before its repeal)) due in installments. The credit shall be applied in the same

proportion to each installment of taxes (as defined in IC 6-1.1-21-2 (before its repeal)).

SECTION 36. IC 36-7-15.1-53, AS AMENDED BY P.L.87-2015, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 53. (a) As used in this section:

"Allocation area" means that part of a redevelopment project area to which an allocation provision of a resolution adopted under section 40 of this chapter refers for purposes of distribution and allocation of property taxes.

"Base assessed value" means:

- (1) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus
- (2) to the extent that it is not included in subdivision (1), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

Except as provided in section 55 of this chapter, "property taxes" means taxes imposed under IC 6-1.1 on real property.

(b) A resolution adopted under section 40 of this chapter on or before the allocation deadline determined under subsection (i) may include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. A resolution previously adopted may include an allocation provision by the amendment of that resolution on or before the allocation deadline determined under subsection (i) in accordance with the procedures required for its original adoption. A declaratory resolution or an amendment that establishes an allocation provision must be approved by resolution of the legislative body of the excluded city and must specify an expiration date for the allocation provision. For an allocation area established before July 1, 2008, the expiration date may not be more than thirty (30) years after the date on which the allocation provision is established. For an allocation area established after June 30, 2008, the expiration date may not be more than twenty-five (25) years after the date on which the first obligation was incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues. However, with respect to bonds or other obligations that were issued before July 1, 2008, if any of the bonds or other obligations that were scheduled when issued to mature before the specified expiration date and that are payable only from allocated tax proceeds with respect to the allocation area remain outstanding as of the expiration date, the allocation provision does not expire until all of the bonds or other obligations are no longer outstanding. The allocation provision may apply to all or part of the redevelopment project area. The allocation provision must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of

property taxes on taxable property in the allocation area be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

- (A) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or
- (B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) The excess of the proceeds of the property taxes imposed for the assessment date with respect to which the allocation and distribution is made that are attributable to taxes imposed after being approved by the voters in a referendum or local public question conducted after April 30, 2010, not otherwise included in subdivision (1) shall be allocated to and, when collected, paid into the funds of the taxing unit for which the referendum or local public question was conducted.

(3) Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivisions (1) and (2) shall be allocated to the redevelopment district and, when collected, paid into a special fund for that allocation area that may be used by the redevelopment district only to do one (1) or more of the following:

- (A) Pay the principal of and interest on any obligations payable solely from allocated tax proceeds that are incurred by the redevelopment district for the purpose of financing or refinancing the redevelopment of that allocation area.
- (B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area.
- (C) Pay the principal of and interest on bonds payable from allocated tax proceeds in that allocation area and from the special tax levied under section 50 of this chapter.
- (D) Pay the principal of and interest on bonds issued by the excluded city to pay for local public improvements that are physically located in or physically connected to that allocation area.
- (E) Pay premiums on the redemption before maturity of bonds payable solely or in part from allocated tax proceeds in that allocation area.
- (F) Make payments on leases payable from allocated tax proceeds in that allocation area under section 46 of this chapter.
- (G) Reimburse the excluded city for expenditures for local public improvements (which include buildings, park facilities, and other items set forth in section 45 of this chapter) that are physically located in or physically connected to that allocation area.
- (H) Reimburse the unit for rentals paid by it for a building or parking facility that is physically located in

or physically connected to that allocation area under any lease entered into under IC 36-1-10.

(I) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:

- (i) in the allocation area; and
- (ii) on a parcel of real property that has been classified as industrial property under the rules of the department of local government finance.

However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the industrial facilities described in this clause. The reimbursements under this clause must be made within three (3) years after the date on which the investments that are the basis for the increment financing are made.

The special fund may not be used for operating expenses of the commission.

(4) Before ~~July~~ **June 15** of each year, the commission shall do the following:

(A) Determine the amount, if any, by which the assessed value of the taxable property in the allocation area for the most recent assessment date minus the base assessed value, when multiplied by the estimated tax rate of the allocation area, will exceed the amount of assessed value needed to provide the property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision (3) plus the amount necessary for other purposes described in subdivision (3) and subsection (g).

(B) Provide a written notice to the county auditor, the fiscal body of the county or municipality that established the department of redevelopment, the officers who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for each of the other taxing units that is wholly or partly located within the allocation area, and (in an electronic format) the department of local government finance. The notice must:

- (i) state the amount, if any, of excess assessed value that the commission has determined may be allocated to the respective taxing units in the manner prescribed in subdivision (1); or
- (ii) state that the commission has determined that there is no excess assessed value that may be allocated to the respective taxing units in the manner prescribed in subdivision (1).

The county auditor shall allocate to the respective taxing units the amount, if any, of excess assessed value determined by the commission. The commission may not authorize an allocation to the respective taxing units under this subdivision if to do so would endanger the interests of the holders of bonds described in subdivision (3).

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the allocation area that is annexed by any taxing unit after the effective date of the allocation provision of the resolution is the lesser of:

- (1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or
- (2) the base assessed value.

(d) Property tax proceeds allocable to the redevelopment district under subsection (b)(3) may, subject to subsection (b)(4), be irrevocably pledged by the redevelopment district for payment as set forth in subsection (b)(3).

(e) Notwithstanding any other law, each assessor shall, upon petition of the commission, reassess the taxable property situated upon or in, or added to, the allocation area, effective on the next assessment date after the petition.

(f) Notwithstanding any other law, the assessed value of all taxable property in the allocation area, for purposes of tax limitation, property tax replacement, and formulation of the budget, tax rate, and tax levy for each political subdivision in which the property is located, is the lesser of:

- (1) the assessed value of the property as valued without regard to this section; or
- (2) the base assessed value.

(g) If any part of the allocation area is located in an enterprise zone created under IC 5-28-15, the unit that designated the allocation area shall create funds as specified in this subsection. A unit that has obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish an allocation fund for the purposes specified in subsection (b)(3) and a special zone fund. Such a unit shall, until the end of the enterprise zone phase out period, deposit each year in the special zone fund the amount in the allocation fund derived from property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise zone that exceeds the amount sufficient for the purposes specified in subsection (b)(3) for the year. A unit that has no obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(3) shall establish a special zone fund and deposit all the property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) in the fund derived from property tax proceeds in excess of those described in subsection (b)(1) and (b)(2) from property located in the enterprise zone. The unit that creates the special zone fund shall use the fund, based on the recommendations of the urban enterprise association, for one (1) or more of the following purposes:

- (1) To pay for programs in job training, job enrichment, and basic skill development designed to benefit residents and employers in the enterprise zone. The programs must reserve at least one-half (1/2) of the enrollment in any session for residents of the enterprise zone.
- (2) To make loans and grants for the purpose of stimulating business activity in the enterprise zone or providing

employment for enterprise zone residents in an enterprise zone. These loans and grants may be made to the following:

(A) Businesses operating in the enterprise zone.

(B) Businesses that will move their operations to the enterprise zone if such a loan or grant is made.

(3) To provide funds to carry out other purposes specified in subsection (b)(3). However, where reference is made in subsection (b)(3) to the allocation area, the reference refers, for purposes of payments from the special zone fund, only to that part of the allocation area that is also located in the enterprise zone.

(h) The state board of accounts and department of local government finance shall make the rules and prescribe the forms and procedures that they consider expedient for the implementation of this chapter. After each general reassessment of real property in an area under IC 6-1.1-4-4 or reassessment under a county's reassessment plan prepared under IC 6-1.1-4-4.2, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the reassessment of the real property in the area on the property tax proceeds allocated to the redevelopment district under this section. After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the redevelopment district under this section. However, the adjustments under this subsection may not include the effect of property tax abatements under IC 6-1.1-12.1, and these adjustments may not produce less property tax proceeds allocable to the redevelopment district under subsection (b)(3) than would otherwise have been received if the general reassessment, reassessment under the county's reassessment plan, or annual adjustment had not occurred. The department of local government finance may prescribe procedures for county and township officials to follow to assist the department in making the adjustments.

(i) The allocation deadline referred to in subsection (b) is determined in the following manner:

(1) The initial allocation deadline is December 31, 2011.

(2) Subject to subdivision (3), the initial allocation deadline and subsequent allocation deadlines are automatically extended in increments of five (5) years, so that allocation deadlines subsequent to the initial allocation deadline fall on December 31, 2016, and December 31 of each fifth year thereafter.

(3) At least one (1) year before the date of an allocation deadline determined under subdivision (2), the general assembly may enact a law that:

(A) terminates the automatic extension of allocation deadlines under subdivision (2); and

(B) specifically designates a particular date as the final allocation deadline.

SECTION 37. IC 36-7-15.1-62, AS AMENDED BY P.L.87-2015, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 62. (a) Notwithstanding section 26(a) of this chapter, with respect to the allocation and distribution of property taxes for the accomplishment of the purposes of an age-restricted housing program adopted under section 59 of this chapter, "base assessed value" means the net assessed value of all of the property, other than personal property, as finally determined for the assessment date immediately preceding the effective date of the allocation provision, as adjusted under section 26(h) of this chapter.

(b) The allocation fund established under section 26(b) of this chapter for the allocation area for an age-restricted housing program adopted under section 59 of this chapter may be used only for purposes related to the accomplishment of the purposes of the program, including, but not limited to, the following:

(1) The construction of any infrastructure (including streets, sidewalks, and sewers) or local public improvements in, serving, or benefiting the allocation area.

(2) The acquisition of real property and interests in real property within the allocation area.

(3) The preparation of real property in anticipation of development of the real property within the allocation area.

(4) To do any of the following:

(A) Pay the principal of and interest on bonds or any other obligations payable from allocated tax proceeds in the allocation area that are incurred by the redevelopment district for the purpose of financing or refinancing the age-restricted housing program established under section 59 of this chapter for the allocation area.

(B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in the allocation area.

(C) Pay the principal of and interest on bonds payable from allocated tax proceeds in the allocation area and from the special tax levied under section 19 of this chapter.

(D) Pay the principal of and interest on bonds issued by the unit to pay for local public improvements that are physically located in or physically connected to the allocation area.

(E) Pay premiums on the redemption before maturity of bonds payable solely or in part from allocated tax proceeds in the allocation area.

(F) Make payments on leases payable from allocated tax proceeds in the allocation area under section 17.1 of this chapter.

(G) Reimburse the unit for expenditures made by the unit for local public improvements (which include buildings, parking facilities, and other items described in section 17(a) of this chapter) that are physically located in or physically connected to the allocation area.

(c) Notwithstanding section 26(b) of this chapter, the commission shall, relative to the allocation fund established under section 26(b) of this chapter for an allocation area for an age-restricted housing program adopted under section 59 of this chapter, do the following before ~~July~~ **June 15** of each year:

(1) Determine the amount, if any, by which the assessed value of the taxable property in the allocation area for the most recent assessment date minus the base assessed value, when multiplied by the estimated tax rate of the allocation area, will exceed the amount of assessed value needed to produce the property taxes necessary to:

(A) make the distribution required under section 26(b)(2) of this chapter;

(B) make, when due, principal and interest payments on bonds described in section 26(b)(3) of this chapter;

(C) pay the amount necessary for other purposes described in section 26(b)(3) of this chapter; and

(D) reimburse the county or municipality for anticipated expenditures described in subsection (b)(2).

(2) Provide a written notice to the county auditor, the fiscal body of the county or municipality that established the department of redevelopment, the officers who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 for each of the other taxing units that is wholly or partly located within the allocation area, and (in an electronic format) the department of local government finance. The notice must:

(A) state the amount, if any, of excess property taxes that the commission has determined may be paid to the respective taxing units in the manner prescribed in section 26(b)(1) of this chapter; or

(B) state that the commission has determined that there is no excess assessed value that may be allocated to the respective taxing units in the manner prescribed in subdivision (1).

The county auditor shall allocate to the respective taxing units the amount, if any, of excess assessed value determined by the commission.

SECTION 38. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to SB 321 as printed January 22, 2016.)

PETE MILLER

Motion prevailed. The bill was ordered engrossed.

Senate Bill 325

Senator Messmer called up Senate Bill 325 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 329

Senator Mishler called up Senate Bill 329 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 330

Senator Mishler called up Senate Bill 330 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 331

Senator Zakas called up Senate Bill 331 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 335

Senator Becker called up Senate Bill 335 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 336

Senator Becker called up Senate Bill 336 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 347

Senator Charbonneau called up Senate Bill 347 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 353

Senator Head called up Senate Bill 353 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 366

Senator Brown called up Senate Bill 366 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 366-5)

Madam President: I move that Senate Bill 366 be amended to read as follows:

Page 2, after line 29, begin a new paragraph and insert:

"SECTION 2. IC 13-21-3-12, AS AMENDED BY P.L.83-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. (a) Except as provided in section 14.5 of this chapter and subject to subsection (b), the powers of a district include the following:

(1) The power to develop and implement a district solid waste management plan under IC 13-21-5.

(2) The power to impose district fees on the final disposal of solid waste within the district under IC 13-21-13.

(3) The power to receive and disburse money, if the primary purpose of activities undertaken under this subdivision is to carry out the provisions of this article.

(4) The power to sue and be sued.

(5) The power to plan, design, construct, finance, manage, own, lease, operate, and maintain facilities for solid waste management.

(6) The power to enter with any person into a contract or an agreement that is necessary or incidental to the management of solid waste. Contracts or agreements that may be entered into under this subdivision include those for the following:

(A) The design, construction, operation, financing, ownership, or maintenance of facilities by the district or any other person.

(B) The managing or disposal of solid waste.

(C) The sale or other disposition of materials or products generated by a facility.

Notwithstanding any other statute, the maximum term of a contract or an agreement described in this subdivision may not exceed forty (40) years.

(7) The power to enter into agreements for the leasing of facilities in accordance with IC 36-1-10 or IC 36-9-30.

(8) The power to purchase, lease, or otherwise acquire real or personal property for the management or disposal of solid waste.

(9) The power to sell or lease any facility or part of a facility to any person.

(10) The power to make and contract for plans, surveys, studies, and investigations necessary for the management or disposal of solid waste.

(11) The power to enter upon property to make surveys, soundings, borings, and examinations.

(12) The power to:

(A) accept gifts, grants, loans of money, other property, or services from any source, public or private; and

(B) comply with the terms of the gift, grant, or loan.

(13) The power to levy a tax within the district to pay costs of operation in connection with solid waste management, subject to the following:

(A) Regular budget and tax levy procedures.

(B) Section 16 of this chapter.

However, except as provided in sections 15 and 15.5 of this chapter, a property tax rate imposed under this article may not exceed eight and thirty-three hundredths cents (\$.0833) on each one hundred dollars (\$100) of assessed valuation of property in the district.

(14) The power to borrow in anticipation of taxes.

(15) The power to hire the personnel necessary for the management or disposal of solid waste in accordance with an approved budget and to contract for professional services.

(16) The power to otherwise do all things necessary for the:

(A) reduction, management, and disposal of solid waste; and

(B) recovery of waste products from the solid waste stream;

if the primary purpose of activities undertaken under this subdivision is to carry out the provisions of this article.

(17) The power to ~~adopt resolutions that have the force of law. However, a resolution is not effective in a municipality unless the municipality adopts the language of the resolution by ordinance or resolution.~~ **recommend the adoption of ordinances to the county legislative body.**

(18) The power to do the following:

(A) Implement a household hazardous waste and conditionally exempt small quantity generator (as described in 40 CFR 261.5(a)) collection and disposal project.

(B) Apply for a household hazardous waste collection and disposal project grant under IC 13-20-20 and carry out all commitments contained in a grant application.

(C) Establish and maintain a program of self-insurance for a household hazardous waste and conditionally exempt small quantity generator (as described in 40 CFR 261.5(a)) collection and disposal project, so that at the end of the district's fiscal year the unused and unencumbered balance of appropriated money reverts to the district's general fund only if the district's board specifically provides by resolution to discontinue the self-insurance fund.

(D) Apply for a household hazardous waste project grant as described in IC 13-20-22-2 and carry out all commitments contained in a grant application.

(19) The power to enter into an interlocal cooperation agreement under IC 36-1-7 to obtain:

(A) fiscal;

(B) administrative;

(C) managerial; or

(D) operational;

services from a county or municipality.

(20) The power to compensate advisory committee members for attending meetings at a rate determined by the board.

(21) The power to reimburse board and advisory committee members for travel and related expenses at a rate determined by the board.

(22) The power to pay a fee from district money to:

(A) in a joint district, the county or counties in which a final disposal facility is located; or

(B) a county that:

(i) was part of a joint district;

(ii) has withdrawn from the joint district as of January 1, 2008; and

(iii) has established its own district in which a final disposal facility is located.

(23) The power to make grants or loans of:

(A) money;

(B) property; or

(C) services;

to public or private recycling programs, composting programs, or any other programs that reuse any component of the waste stream as a material component of another product, if the primary purpose of activities undertaken under this subdivision is to carry out the provisions of this article.

(24) The power to establish by resolution a nonreverting capital fund. A district's board may appropriate money in the fund for:

- (A) equipping;
- (B) expanding;
- (C) modifying; or
- (D) remodeling;

an existing facility. Expenditures from a capital fund established under this subdivision must further the goals and objectives contained in a district's solid waste management plan. Not more than five percent (5%) of the district's total annual budget for the year may be transferred to the capital fund that year. The balance in the capital fund may not exceed twenty-five percent (25%) of the district's total annual budget. If a district's board determines by resolution that a part of a capital fund will not be needed to further the goals and objectives contained in the district's solid waste management plan, that part of the capital fund may be transferred to the district's general fund, to be used to offset tipping fees, property tax revenues, or both tipping fees and property tax revenues.

(25) The power to conduct promotional or educational programs that include giving awards and incentives that further:

- (A) the district's solid waste management plan; and
- (B) the objectives of minimum educational standards established by the department of environmental management.

(26) The power to conduct educational programs under IC 13-20-17.5 to provide information to the public concerning:

- (A) the reuse and recycling of mercury in:
 - (i) mercury commodities; and
 - (ii) mercury-added products; and
- (B) collection programs available to the public for:
 - (i) mercury commodities; and
 - (ii) mercury-added products.

(27) The power to implement mercury collection programs under IC 13-20-17.5 for the public and small businesses.

(28) The power to conduct educational programs under IC 13-20.5 to provide information to the public concerning:

- (A) reuse and recycling of electronic waste;
- (B) collection programs available to the public for the disposal of electronic waste; and
- (C) proper disposal of electronic waste.

(b) Before the county district of a county that has a population of more than four hundred thousand (400,000) but less than

seven hundred thousand (700,000) may exercise a power set forth in subsection (a) to:

- (1) enter into a contract or other agreement to construct a final disposal facility;
- (2) enter into an agreement for the leasing of a final disposal facility;
- (3) sell or lease a final disposal facility; or
- (4) borrow in anticipation of taxes;

the county district must submit a recommendation to the county executive of the county concerning the county district's proposed exercise of the power, subject to subsections (c) and (d).

(c) In response to a recommendation submitted under subsection (b), the county executive may adopt a resolution:

- (1) confirming the authority of the county district to exercise the power or powers referred to in subsection (b), as proposed in the recommendation; or
- (2) denying the county district the authority to exercise the power or powers as proposed in the recommendation;

subject to subsection (d).

(d) The county district may exercise one (1) or more powers referred to in subsection (b), as proposed in a recommendation submitted to the county executive under subsection (b), if:

- (1) the county executive, in response to the recommendation, adopts a confirming resolution under subsection (c)(1) authorizing the county district to exercise the power or powers; or
- (2) the county executive adopts no resolution under subsection (c) within forty-five (45) calendar days after the day on which the county district submits the recommendation to the county executive under subsection (b)."

Renumber all SECTIONS consecutively.

(Reference is to SB 366 as printed January 26, 2016.)

BROWN

Motion prevailed.

SENATE MOTION
(Amendment 366-2)

Madam President: I move that Senate Bill 366 be amended to read as follows:

Page 2, delete lines 16 through 29, begin a new paragraph and insert:

"(f) After June 30, 2017, a county may do the following:

(1) Dissolve the county solid waste management district of the county through:

(A) the adoption by the county executive of an ordinance in favor of the dissolution of the district; and

(B) the action of the county legislative body according to the procedure set forth in IC 36-1-8-17.7, including the adoption of:

(i) a plan concerning the dissolution of the district including the contents required by IC 36-1-8-17.7(5); and

(ii) an ordinance dissolving the district.

(2) Withdraw from the joint solid waste management district to which the county belongs through the action of the county executive in:

(A) following the procedure set forth in IC 13-21-4;

(B) adopting a plan as described in subsection (g); and

(C) adopting an ordinance exercising the right of the county under this section:

(i) not to be designated as a county solid waste management district; or

(ii) not to be a member of another joint solid waste management district.

(g) The plan adopted by a county executive under subsection (f)(2) must provide for:

(1) the satisfaction of the share of the legal obligations of the joint solid waste management district for which the county is responsible under IC 13-21-4-4; and

(2) the disposition of the assets of the joint solid waste management district that are apportioned to the county under IC 13-21-4-4.

SECTION 2. IC 36-1-3-8, AS AMENDED BY P.L.13-2013, SECTION 148, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. (a) Subject to subsection (b), a unit does not have the following:

(1) The power to condition or limit its civil liability, except as expressly granted by statute.

(2) The power to prescribe the law governing civil actions between private persons.

(3) The power to impose duties on another political subdivision, except as expressly granted by statute.

(4) The power to impose a tax, except as expressly granted by statute.

(5) The power to impose a license fee greater than that reasonably related to the administrative cost of exercising a regulatory power.

(6) The power to impose a service charge or user fee greater than that reasonably related to reasonable and just rates and charges for services.

(7) The power to regulate conduct that is regulated by a state agency, except as expressly granted by statute.

(8) The power to prescribe a penalty for conduct constituting a crime or infraction under statute.

(9) The power to prescribe a penalty of imprisonment for an ordinance violation.

(10) The power to prescribe a penalty of a fine as follows:

(A) More than ten thousand dollars (\$10,000) for the violation of an ordinance or a regulation concerning air emissions adopted by a county that has received approval to establish an air permit program under IC 13-17-12-6.

(B) For a violation of any other ordinance:

(i) more than two thousand five hundred dollars (\$2,500) for a first violation of the ordinance; and

(ii) except as provided in subsection (c), more than seven thousand five hundred dollars (\$7,500) for a second or subsequent violation of the ordinance.

(11) The power to invest money, except as expressly granted by statute.

(12) The power to order or conduct an election, except as expressly granted by statute.

(13) The power to dissolve a political subdivision, except:

(A) as expressly granted by statute; or

(B) if IC 36-1-8-17.7 applies to the political subdivision, in accordance with the procedure set forth in IC 36-1-8-17.7.

(b) A township does not have the following, except as expressly granted by statute:

(1) The power to require a license or impose a license fee.

(2) The power to impose a service charge or user fee.

(3) The power to prescribe a penalty.

(c) Subsection (a)(10)(B)(ii) does not apply to the violation of an ordinance that regulates traffic or parking.

SECTION 3. IC 36-1-8-17.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 17.7. (a) **This section applies to a political subdivision:**

(1) that was established by another political subdivision; and

(2) for which there is no process or procedure expressly specified by law regarding the dissolution of the political subdivision.

(b) A political subdivision described in subsection (a) may be dissolved according to the following:

(1) The political subdivision described in subsection (a) may be dissolved as provided in this section only by the political subdivision that established the political subdivision described in subsection (a).

(2) The legislative body of the political subdivision that established the political subdivision described in subsection (a) must adopt a preliminary resolution stating the intent of the legislative body to dissolve the political subdivision described in subsection (a).

(3) The legislative body that established the political subdivision described in subsection (a) must hold a separate public meeting regarding the proposed dissolution of the political subdivision described in subsection (a). Notice of the meeting shall be given in accordance with IC 5-3-1. The legislative body must hold the public meeting:

(A) except as provided in clause (B), at least ninety (90) days after adopting the preliminary resolution under subdivision (2); or

(B) at least one hundred eighty (180) days after adopting the preliminary resolution under subdivision (2), in the case of the proposed dissolution of a political subdivision described in

subsection (a) that has been in existence for at least ten (10) years.

(4) At least ten (10) days before the public meeting under subdivision (3), the legislative body that established the political subdivision described in subsection (a) must make available to the public a plan regarding the proposed dissolution. If the legislative body maintains an Internet web site or an Internet web site is maintained on behalf of the legislative body, a copy of the plan must be posted on the Internet web site at least ten (10) days before the public meeting under subdivision (3).

(5) The plan regarding the proposed dissolution must specify the following:

- (A) The effective date of the dissolution.
- (B) A description of the assets and obligations of the political subdivision described in subsection (a) and a proposal regarding the distribution of those assets and the satisfaction of those obligations.
- (C) A description of the services currently provided by the political subdivision described in subsection (a) and (if applicable) an explanation of how and if those services will be provided after the dissolution of the political subdivision described in subsection (a).

(6) At the public meeting under subdivision (3), the legislative body shall allow the public an opportunity to testify and comment upon the proposed dissolution.

(7) At the public meeting under subdivision (3), the legislative body may adopt an ordinance (in the case of the legislative body of a county or municipality) or a resolution (in the case of the legislative body of any other political subdivision) dissolving the political subdivision described in subsection (a) as provided in the plan described in subdivision (5)."

(Reference is to SB 366 as printed January 26, 2016.)

TALLIAN

Motion prevailed. The bill was ordered engrossed.

Senate Bill 371

Senator Bray called up Senate Bill 371 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 371-1)

Madam President: I move that Senate Bill 371 be amended to read as follows:

Page 13, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 26. IC 6-4.1-9-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) **This subsection applies to inheritance taxes collected by a county treasurer before April 1, 2016.** With respect to the inheritance tax imposed as a result of a resident decedent's death, the county

in which the tax is collected shall receive eight percent (8%) of the inheritance tax paid as a result of the decedent's death. On the first day of January, April, July, and October of each year, the county treasurer shall, except as provided in subsection ~~(b)~~; (c), transfer to the county general fund the amount due the county under this section. This state shall receive the remaining ninety-two percent (92%) of the inheritance taxes, all the interest charges collected by the county treasurer under section 1 or 1.5 of this chapter, and all the penalties collected by the county treasurer under IC 6-4.1-4-6.

(b) This subsection applies to inheritance taxes imposed as a result of the death of a resident decedent that are collected after March 31, 2016, by the department of state revenue. The department of state revenue shall distribute inheritance taxes collected as the result of the death of a resident decedent as follows:

- (1) The department shall retain ninety-two percent (92%) of the taxes collected for deposit in the state general fund.
- (2) The department shall retain any interest or penalties collected by the department for deposit in the state general fund.
- (3) Subject to subsection (c), the department shall distribute eight percent (8%) of the taxes collected to the county treasurer of the county in which the resident decedent lived at the time of the resident decedent's death for deposit in the county general fund.

~~(b)~~ (c) In a county having a consolidated city, the amount due the county under this section shall be transferred to the general fund of the consolidated city."

Page 15, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 32. IC 23-14-31-26, AS AMENDED BY P.L.6-2012, SECTION 161, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 26. (a) Except as provided in subsection (c), the following persons, in the priority listed, have the right to serve as an authorizing agent:

- (1) A person:
 - (A) granted the authority to serve in a funeral planning declaration executed by the decedent under IC 29-2-19; or
 - (B) named in a United States Department of Defense form "Record of Emergency Data" (DD Form 93) or a successor form adopted by the United States Department of Defense, if the decedent died while serving in any branch of the United States Armed Forces (as defined in 10 U.S.C. 1481) and completed the form.
- (2) An individual specifically granted the authority to serve in a power of attorney or a health care power of attorney executed by the decedent under IC 30-5-5-16.
- (3) The individual who was the spouse of the decedent at the time of the decedent's death, except when:
 - (A) a petition to dissolve the marriage or for legal separation of the decedent and spouse is pending with a court at the time of the decedent's death, unless a court

finds that the decedent and spouse were reconciled before the decedent's death; or

(B) a court determines the decedent and spouse were physically and emotionally separated at the time of death and the separation was for an extended time that clearly demonstrates an absence of due affection, trust, and regard for the decedent.

(4) The decedent's surviving adult child or, if more than one (1) adult child is surviving, the majority of the adult children. However, less than half of the surviving adult children have the rights under this subdivision if the adult children have used reasonable efforts to notify the other surviving adult children of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the surviving adult children.

(5) The decedent's surviving parent or parents. If one (1) of the parents is absent, the parent who is present has authority under this subdivision if the parent who is present has used reasonable efforts to notify the absent parent.

(6) The decedent's surviving sibling or, if more than one (1) sibling is surviving, the majority of the surviving siblings. However, less than half of the surviving siblings have the rights under this subdivision if the siblings have used reasonable efforts to notify the other surviving siblings of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the surviving siblings.

(7) The individual in the next degree of kinship under IC 29-1-2-1 to inherit the estate of the decedent or, if more than one (1) individual of the same degree is surviving, the majority of those who are of the same degree. However, less than half of the individuals who are of the same degree of kinship have the rights under this subdivision if they have used reasonable efforts to notify the other individuals who are of the same degree of kinship of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the individuals who are of the same degree of kinship.

(8) If none of the persons described in subdivisions (1) through (7) are available, or willing, to act and arrange for the final disposition of the decedent's remains, a stepchild (as defined in IC 6-4.1-1-3(f)) of the decedent. If more than one (1) stepchild survives the decedent, then a majority of the surviving stepchildren. However, less than half of the surviving stepchildren have the rights under this subdivision if they have used reasonable efforts to notify the other stepchildren of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the stepchildren.

(9) The person appointed to administer the decedent's estate under IC 29-1.

~~(8)~~ **(10)** If none of the persons described in subdivisions (1) through ~~(7)~~ **(9)** are available, any other person willing to

act and arrange for the final disposition of the decedent's remains, including a funeral home that:

(A) has a valid prepaid funeral plan executed under IC 30-2-13 that makes arrangements for the disposition of the decedent's remains; and

(B) attests in writing that a good faith effort has been made to contact any living individuals described in subdivisions (1) through ~~(7)~~ **(9)**.

~~(9)~~ **(11)** In the case of an indigent or other individual whose final disposition is the responsibility of the state or township, the following may serve as the authorizing agent:

(A) If none of the persons identified in subdivisions (1) through ~~(8)~~ **(10)** are available:

- (i) a public administrator, including a responsible township trustee or the trustee's designee; or
- (ii) the coroner.

(B) A state appointed guardian.

However, an indigent decedent may not be cremated if a surviving family member objects to the cremation or if cremation would be contrary to the religious practices of the deceased individual as expressed by the individual or the individual's family.

~~(10)~~ **(12)** In the absence of any person under subdivisions (1) through ~~(9)~~ **(11)**, any person willing to assume the responsibility as the authorizing agent, as specified in this article.

(b) When a body part of a nondeceased individual is to be cremated, a representative of the institution that has arranged with the crematory authority to cremate the body part may serve as the authorizing agent.

(c) If:

(1) the death of the decedent appears to have been the result of:

(A) murder (IC 35-42-1-1);

(B) voluntary manslaughter (IC 35-42-1-3); or

(C) another criminal act, if the death does not result from the operation of a vehicle; and

(2) the coroner, in consultation with the law enforcement agency investigating the death of the decedent, determines that there is a reasonable suspicion that a person described in subsection (a) committed the offense;

the person referred to in subdivision (2) may not serve as the authorizing agent.

(d) The coroner, in consultation with the law enforcement agency investigating the death of the decedent, shall inform the crematory authority of the determination referred to in subsection (c)(2).

(e) If a person vested with a right under subsection (a) does not exercise that right not later than seventy-two (72) hours after the person receives notification of the death of the decedent, the person forfeits the person's right to determine the final disposition of the decedent's remains, and the right to determine final disposition passes to the next person described in subsection (a).

(f) A crematory authority owner has the right to rely, in good faith, on the representations of a person listed in subsection (a) that any other individuals of the same degree of kinship have been notified of the final disposition instructions.

(g) If there is a dispute concerning the disposition of a decedent's remains, a crematory authority is not liable for refusing to accept the remains of the decedent until the crematory authority receives:

(1) a court order; or

(2) a written agreement signed by the disputing parties; that determines the final disposition of the decedent's remains. If a crematory authority agrees to shelter the remains of the decedent while the parties are in dispute, the crematory authority may collect any applicable fees for storing the remains, including legal fees that are incurred.

(h) Any cause of action filed under this section must be filed in the probate court in the county where the decedent resided, unless the decedent was not a resident of Indiana.

(i) A spouse seeking a judicial determination under subsection (a)(3)(A) that the decedent and spouse were reconciled before the decedent's death may petition the court having jurisdiction over the dissolution or separation proceeding to make this determination by filing the petition under the same cause number as the dissolution or separation proceeding. A spouse who files a petition under this subsection is not required to pay a filing fee.

SECTION 33. IC 23-14-55-2, AS AMENDED BY P.L.6-2012, SECTION 163, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) Except as provided in subsection (c), the owner of a cemetery is authorized to inter, entomb, or inurn the body or cremated remains of a deceased human upon the receipt of a written authorization of an individual who professes either of the following:

(1) To be (in the priority listed) one (1) of the following:

(A) An individual granted the authority to serve in a funeral planning declaration executed by the decedent under IC 29-2-19, or the person named in a United States Department of Defense form "Record of Emergency Data" (DD Form 93) or a successor form adopted by the United States Department of Defense, if the decedent died while serving in any branch of the United States Armed Forces (as defined in 10 U.S.C. 1481) and completed the form.

(B) An individual specifically granted the authority in a power of attorney or a health care power of attorney executed by the decedent under IC 30-5-5-16.

(C) The individual who was the spouse of the decedent at the time of the decedent's death, except when:

(i) a petition to dissolve the marriage or for legal separation of the decedent and spouse is pending with a court at the time of the decedent's death, unless a court finds that the decedent and spouse were reconciled before the decedent's death; or

(ii) a court determines the decedent and spouse were physically and emotionally separated at the time of

death and the separation was for an extended time that clearly demonstrates an absence of due affection, trust, and regard for the decedent.

(D) The decedent's surviving adult child or, if more than one (1) adult child is surviving, the majority of the adult children. However, less than half of the surviving adult children have the rights under this clause if the adult children have used reasonable efforts to notify the other surviving adult children of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the surviving adult children.

(E) The decedent's surviving parent or parents. If one (1) of the parents is absent, the parent who is present has authority under this clause if the parent who is present has used reasonable efforts to notify the absent parent.

(F) The decedent's surviving sibling or, if more than one (1) sibling is surviving, the majority of the surviving siblings. However, less than half of the surviving siblings have the rights under this clause if the siblings have used reasonable efforts to notify the other surviving siblings of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the surviving siblings.

(G) The individual in the next degree of kinship under IC 29-1-2-1 to inherit the estate of the decedent or, if more than one (1) individual of the same degree of kinship is surviving, the majority of those who are of the same degree. However, less than half of the individuals who are of the same degree of kinship have the rights under this clause if they have used reasonable efforts to notify the other individuals who are of the same degree of kinship of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the individuals who are of the same degree of kinship.

(H) If none of the persons described in clauses (A) through (G) are available, or willing, to act and arrange for the final disposition of the decedent's remains, a stepchild (as defined in IC 6-4.1-1-3(f)) of the decedent. If more than one (1) stepchild survives the decedent, then a majority of the surviving stepchildren. However, less than half of the surviving stepchildren have the rights under this subdivision if they have used reasonable efforts to notify the other stepchildren of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the stepchildren.

(I) The person appointed to administer the decedent's estate under IC 29-1.

~~(H)~~ **(J) If none of the persons described in clauses (A) through (G) are available, any other person willing to act and arrange for the final disposition of the decedent's remains, including a funeral home that:**

- (i) has a valid prepaid funeral plan executed under IC 30-2-13 that makes arrangements for the disposition of the decedent's remains; and
- (ii) attests in writing that a good faith effort has been made to contact any living individuals described in clauses (A) through ~~(G)~~: **(I)**.

(2) To have acquired by court order the right to control the disposition of the deceased human body or cremated remains.

The owner of a cemetery may accept the authorization of an individual only if all other individuals of the same priority or a higher priority (according to the priority listing in this subsection) are deceased, are barred from authorizing the disposition of the deceased human body or cremated remains under subsection (c), or are physically or mentally incapacitated from exercising the authorization, and the incapacity is certified to by a qualified medical doctor.

(b) An action may not be brought against the owner of a cemetery relating to the remains of a human that have been left in the possession of the cemetery owner without permanent interment, entombment, or inurnment for a period of three (3) years, unless the cemetery owner has entered into a written contract for the care of the remains.

(c) If:

(1) the death of the decedent appears to have been the result of:

- (A) murder (IC 35-42-1-1);
- (B) voluntary manslaughter (IC 35-42-1-3); or
- (C) another criminal act, if the death does not result from the operation of a vehicle; and

(2) the coroner, in consultation with the law enforcement agency investigating the death of the decedent, determines that there is a reasonable suspicion that a person described in subsection (a) committed the offense;

the person referred to in subdivision (2) may not authorize the disposition of the decedent's body or cremated remains.

(d) The coroner, in consultation with the law enforcement agency investigating the death of the decedent, shall inform the cemetery owner of the determination referred to in subsection (c)(2).

(e) If a person vested with a right under subsection (a) does not exercise that right not less than seventy-two (72) hours after the person receives notification of the death of the decedent, the person forfeits the person's right to determine the final disposition of the decedent's remains and the right to determine final disposition passes to the next person described in subsection (a).

(f) A cemetery owner has the right to rely, in good faith, on the representations of a person listed in subsection (a) that any other individuals of the same degree of kinship have been notified of the final disposition instructions.

(g) If there is a dispute concerning the disposition of a decedent's remains, a cemetery owner is not liable for refusing to

accept the remains of the decedent until the cemetery owner receives:

- (1) a court order; or
- (2) a written agreement signed by the disputing parties;

that determines the final disposition of the decedent's remains. If a cemetery agrees to shelter the remains of the decedent while the parties are in dispute, the cemetery may collect any applicable fees for storing the remains, including legal fees that are incurred.

(h) Any cause of action filed under this section must be filed in the probate court in the county where the decedent resided, unless the decedent was not a resident of Indiana.

(i) A spouse seeking a judicial determination under subsection (a)(1)(C)(i) that the decedent and spouse were reconciled before the decedent's death may petition the court having jurisdiction over the dissolution or separation proceeding to make this determination by filing the petition under the same cause number as the dissolution or separation proceeding. A spouse who files a petition under this subsection is not required to pay a filing fee.

SECTION 34. IC 25-15-9-18, AS AMENDED BY P.L.6-2012, SECTION 176, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 18. (a) Except as provided in subsection (b), the following persons, in the order of priority indicated, have the authority to designate the manner, type, and selection of the final disposition of human remains, to make arrangements for funeral services, and to make other ceremonial arrangements after an individual's death:

(1) A person:

(A) granted the authority to serve in a funeral planning declaration executed by the decedent under IC 29-2-19; or

(B) named in a United States Department of Defense form "Record of Emergency Data" (DD Form 93) or a successor form adopted by the United States Department of Defense, if the decedent died while serving in any branch of the United States Armed Forces (as defined in 10 U.S.C. 1481) and completed the form.

(2) An individual specifically granted the authority in a power of attorney or a health care power of attorney executed by the decedent under IC 30-5-5-16.

(3) The individual who was the spouse of the decedent at the time of the decedent's death, except when:

(A) a petition to dissolve the marriage or for legal separation of the decedent and spouse is pending with a court at the time of the decedent's death, unless a court finds that the decedent and spouse were reconciled before the decedent's death; or

(B) a court determines the decedent and spouse were physically and emotionally separated at the time of death and the separation was for an extended time that clearly demonstrates an absence of due affection, trust, and regard for the decedent.

(4) The decedent's surviving adult child or, if more than one (1) adult child is surviving, the majority of the adult

children. However, less than half of the surviving adult children have the rights under this subdivision if the adult children have used reasonable efforts to notify the other surviving adult children of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the surviving adult children.

(5) The decedent's surviving parent or parents. If one (1) of the parents is absent, the parent who is present has the rights under this subdivision if the parent who is present has used reasonable efforts to notify the absent parent.

(6) The decedent's surviving sibling or, if more than one (1) sibling is surviving, the majority of the surviving siblings. However, less than half of the surviving siblings have the rights under this subdivision if the siblings have used reasonable efforts to notify the other surviving siblings of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the surviving siblings.

(7) The individual in the next degree of kinship under IC 29-1-2-1 to inherit the estate of the decedent or, if more than one (1) individual of the same degree survives, the majority of those who are of the same degree of kinship. However, less than half of the individuals who are of the same degree of kinship have the rights under this subdivision if they have used reasonable efforts to notify the other individuals who are of the same degree of kinship of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the individuals who are of the same degree of kinship.

(8) If none of the persons described in subdivisions (1) through (7) are available, or willing, to act and arrange for the final disposition of the decedent's remains, a stepchild (as defined in IC 6-4.1-1-3(f)) of the decedent. If more than one (1) stepchild survives the decedent, then a majority of the surviving stepchildren. However, less than half of the surviving stepchildren have the rights under this subdivision if they have used reasonable efforts to notify the other stepchildren of their intentions and are not aware of any opposition to the final disposition instructions by more than half of the stepchildren.

(9) The person appointed to administer the decedent's estate under IC 29-1.

~~(8)~~ **(10)** If none of the persons identified in subdivisions (1) through ~~(7)~~ **(9)** are available, any other person willing to act and arrange for the final disposition of the decedent's remains, including a funeral home that:

(A) has a valid prepaid funeral plan executed under IC 30-2-13 that makes arrangements for the disposition of the decedent's remains; and

(B) attests in writing that a good faith effort has been made to contact any living individuals described in subdivisions (1) through ~~(7)~~: **(9)**.

~~(9)~~ **(11)** In the case of an indigent or other individual whose final disposition is the responsibility of the state or township, the following:

(A) If none of the persons identified in subdivisions (1) through ~~(8)~~ **(10)** is available:

(i) a public administrator, including a responsible township trustee or the trustee's designee; or

(ii) the coroner.

(B) A state appointed guardian.

(b) If:

(1) the death of the decedent appears to have been the result of:

(A) murder (IC 35-42-1-1);

(B) voluntary manslaughter (IC 35-42-1-3); or

(C) another criminal act, if the death does not result from the operation of a vehicle; and

(2) the coroner, in consultation with the law enforcement agency investigating the death of the decedent, determines that there is a reasonable suspicion that a person described in subsection (a) committed the offense;

the person referred to in subdivision (2) may not authorize or designate the manner, type, or selection of the final disposition of human remains.

(c) The coroner, in consultation with the law enforcement agency investigating the death of the decedent, shall inform the cemetery owner or crematory authority of the determination under subsection (b)(2).

(d) If the decedent had filed a protection order against a person described in subsection (a) and the protection order is currently in effect, the person described in subsection (a) may not authorize or designate the manner, type, or selection of the final disposition of human remains.

(e) A law enforcement agency shall determine if the protection order is in effect. If the law enforcement agency cannot determine the existence of a protection order that is in effect, the law enforcement agency shall consult the protective order registry established under IC 5-2-9-5.5.

(f) If a person vested with a right under subsection (a) does not exercise that right not later than seventy-two (72) hours after the person receives notification of the death of the decedent, the person forfeits the person's right to determine the final disposition of the decedent's remains and the right to determine final disposition passes to the next person described in subsection (a).

(g) A funeral home has the right to rely, in good faith, on the representations of a person listed in subsection (a) that any other individuals of the same degree of kinship have been notified of the final disposition instructions.

(h) If there is a dispute concerning the disposition of a decedent's remains, a funeral home is not liable for refusing to accept the remains of the decedent until the funeral home receives:

(1) a court order; or

(2) a written agreement signed by the disputing parties;

that determines the final disposition of the decedent's remains. If a funeral home agrees to shelter the remains of the decedent while the parties are in dispute, the funeral home may collect any applicable fees for storing the remains, including legal fees that are incurred.

(i) Any cause of action filed under this section must be filed in the probate court in the county where the decedent resided, unless the decedent was not a resident of Indiana.

(j) A spouse seeking a judicial determination under subsection (a)(3)(A) that the decedent and spouse were reconciled before the decedent's death may petition the court having jurisdiction over the dissolution or separation proceeding to make this determination by filing the petition under the same cause number as the dissolution or separation proceeding. A spouse who files a petition under this subsection is not required to pay a filing fee."

Page 20, line 5, delete "(8)" and insert "(7)".

Renumber all SECTIONS consecutively.

(Reference is to SB 371 as printed January 26, 2016.)

BRAY

Motion prevailed. The bill was ordered engrossed.

Senate Bill 372

Senator Bray called up Senate Bill 372 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 378

Senator Yoder called up Senate Bill 378 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 381

Senator Mishler called up Senate Bill 381 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 12

Senator M. Young called up Engrossed Senate Bill 12 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 66: yeas 46, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair

instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Steuerwald.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bills 1002, 1019, 1028, 1038, 1047, 1048, 1085, 1089, 1105, 1109, 1161, 1169, 1199, 1220, 1224, 1235, 1264, 1271, 1272, 1278, 1294, 1322, 1365, and 1372 and the same are herewith transmitted to the Senate for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 17 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolution 7 and the same is herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

SENATE MOTION

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

HCR 17 Senator Breaux
Urging the recognition of January as Cervical
Cancer Awareness Month.

LONG

Motion prevailed.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 17

House Concurrent Resolution 17, sponsored by Senator Breaux:

A CONCURRENT RESOLUTION urging the recognition of January as Cervical Cancer Awareness Month.

Whereas, Nearly 13,000 women are diagnosed with cervical cancer each year in the United States, and more than 4,000 die as a result;

Whereas, In Indiana approximately 250 women are diagnosed each year, and every three days a woman dies of cervical cancer, including 85 Indiana women annually;

Whereas, From 2002 to 2011, African-American women had a 22 percent higher cervical cancer incidence rate and a 50 percent higher mortality rate than Caucasian women;

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Senate Bill 41.

CRIDER

Whereas, Hispanic women have the highest cervical cancer incidence rate in the nation;

Motion prevailed.

Whereas, Cervical cancer is almost 100 percent preventable;

SENATE MOTION

Whereas, Many women are unaware of cervical cancer and the steps that can be taken to prevent this disease;

Madam President: I move that Senator Randolph be added as coauthor of Senate Bill 204.

MERRITT

Whereas, Mortality from cervical cancer is associated with being diagnosed at a later stage, which often stems from poor access to preventive services and a lack of understanding about following up or care after an abnormal finding;

Motion prevailed.

SENATE MOTION

Whereas, HPV (human papillomavirus) is a very common infection and is a major cause of cervical cancer;

Madam President: I move that Senator Randolph be added as coauthor of Senate Bill 217.

HERSHMAN

Whereas, Approximately 79 million Americans currently have HPV, but many do not know they are infected;

Motion prevailed.

SENATE MOTION

Whereas, We honor Ms. Melissa Beeson, a cervical cancer survivor, for her efforts in bringing continued attention to this preventable disease; and

Madam President: I move that Senator Head be added as coauthor of Senate Bill 250.

BUCK

Whereas, Awareness of cervical cancer, its risk factors, and the importance of access to preventive measures, including regular Pap tests and the HPV vaccination, are critical to perpetuating the continual decrease of the incidence of cervical cancer in women: Therefore,

Motion prevailed.

SENATE MOTION

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

Madam President: I move that Senator Crider be removed as coauthor of Senate Bill 12.

CRIDER

SECTION 1. That the Indiana General Assembly urges the recognition of January as Cervical Cancer Awareness Month in the hope that this recognition will encourage prompt access to preventive services and high-quality medical care and treatment in order to overcome existing barriers to care for all women.

Motion prevailed.

SENATE MOTION

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

Madam President: I move that Senator Zakas be removed as coauthor of Senate Bill 12.

ZAKAS

Motion prevailed.

SENATE MOTION

SENATE MOTION
Madam President: I move that Senator Raatz be added as coauthor of Senate Joint Resolution 14.

Madam President: I move that Senator Zakas be added as second author and Senator Crider be added as third author of Senate Bill 12.

M. YOUNG

HOLDMAN

Motion prevailed.

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Senate Bill 10.

RAATZ

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Senate Bill 1.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Senate Bill 163.

PATRICIA MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Senate Bill 147.

BOOTS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Tomes be added as second author of Senate Bill 57.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Raatz be added as second author of Senate Bill 242.

WALKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Ford be added as coauthor of Senate Bill 294.

ALTING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Alting be added as coauthor of Senate Bill 295.

BANKS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be added as coauthor of Senate Bill 295.

BANKS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Charbonneau be added as coauthor of Senate Bill 295.

BANKS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Eckerty be added as second author of Senate Bill 383.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Niemeyer be added as second author of Senate Bill 256.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as second author and Senator Rogers be added as coauthor of Senate Bill 63.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kenley be added as second author of Senate Bill 225.

ECKERTY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Rogers be added as second author of Senate Bill 93.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hershman be added as second author of Senate Bill 378.

YODER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Merritt be added as second author of Senate Bill 45.

GLICK

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Ford be added as coauthor of Senate Bill 336.

BECKER

Motion prevailed.

SENATE MOTION

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

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Alting be added as third author of Senate Bill 10.

RAATZ

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Randolph be added as coauthor of Senate Bill 177.

MESSMER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Head be added as second author, Senator Steele be added as third author, and Senators Randolph and Taylor be added as coauthors of Senate Bill 357.

YODER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Steele, Head, and Randolph be added as coauthors of Senate Bill 192.

CRIDER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Delph be added as coauthor of Senate Bill 31.

ZAKAS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Ford be added as coauthor of Senate Bill 232.

LANANE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Grooms be added as second author and Senator Ford be added as coauthor of Senate Bill 234.

LANANE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Head be added as second author and Senator Pete Miller be added as coauthor of Senate Bill 61.

WALKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Steele be added as coauthor of Senate Bill 294.

ALTING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Head be added as second author of Senate Bill 28.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Head be added as second author of Senate Bill 1.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Glick be added as second author of Senate Bill 291.

LEISING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Bray be added as second author of Senate Bill 204.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Stoops be added as coauthor of Senate Bill 268.

TAYLOR

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Merritt be added as coauthor of Senate Bill 310.

ROGERS

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Monday, February 1, 2016.

HERSHMAN

Motion prevailed.

The Senate adjourned at 2:51 p.m.

JENNIFER L. MERTZ
Secretary of the Senate

SUE ELLSPERMANN
President of the Senate